



COMMONWEALTH of VIRGINIA

Department of Health


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RICHMOND, VA 23218

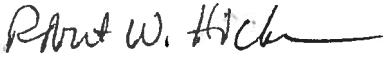
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State Health Commissioner


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April 22, 2016

TO: District Health Directors
District Environmental Health Managers

THROUGH: Marissa J. Levine, MD, MPH, FAAFP 
State Health Commissioner

THROUGH: Robert W. Hicks 
Assistant Commissioner for Community Health Services

FROM: Dwayne Roadcap, Division Director 

SUBJECT: GUIDANCE MEMORANDA AND POLICY 2016-02

GMP-2016-02 provides guidance on implementing the Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems, Alternative Discharge Systems and Private Wells (12VAC5-620).

BACKGROUND:

Revisions to the Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells completed the final stage of adoption on February 10, 2016; effective February 12, 2016. Revisions include the creation of "minor modification" fees as a subset of "new" construction permits, a new procedure for implementing fees for replacement wells, and definitions for "repair" and "voluntary upgrade." The regulatory revisions incorporate changes to the Code of Virginia, various regulations, and established policies that became effective after the effective date of the original regulations. See Appendix A for help with determining the appropriate application type and fee.

Terms and Definitions:

"Minor modification of an existing sewage disposal system" means an alteration that is not a repair, voluntary upgrade, or routine maintenance, does not result in an increase in treatment level or volume of the system, and does not require evaluation of the soil conditions prior to issuance of a permit. Minor modifications include but are not limited to relocation of a system

component or an additional plumbing connection to the system that does not increase the actual or estimated flow of the system.

Examples of what is considered a minor modification:

- *Extending an existing sewer line or adding a new sewer line to route new fixtures to an existing system when the fixtures will not increase flow or strength of sewage.*
- *Issuing a conditional permit for an existing system, where no change to the system is required.*

Examples of what is not considered a minor modification:

- *Replacing a deteriorated component, such as a broken distribution box, for a sewage system that is not failing (this is a voluntary up-grade).*
- *Adding drainfield lines to an existing system to accommodate additional flow (this is an "expansion" requiring a new construction permit).*
- *Replacing a pump (this is "operation and maintenance," and no permit is required).*

"Repair" means the construction or replacement of all or parts of a sewage disposal system or private well to correct a failing, damaged, or improperly functioning system or well when such construction or replacement is required by the board's regulations.

Examples of a repair:

- *Replacing a distribution box that staff believes must be fixed (staff has issued a notice of alleged violation, or "NOAV").*
- *Replacing a sewage system in its entirety because the sewage system is failing.*
- *Any permit or action staff requires through a NOAV.*

"Voluntary upgrade" means an improvement to an existing onsite sewage disposal system or alternative discharging system that (i) is not required for compliance with any law or regulation and (ii) results in no net increase in the permitted volume or strength of sewage dispersed by the system.

Examples of a voluntary upgrade:

- *Voluntarily adding an additional treatment unit when it is not required to correct a failing drainfield or to obtain approval for increased flow or strength of sewage*
- *Voluntarily replacing a distribution box when the component fully complies with regulatory requirements.*

Table 1: Current Fee Schedule

SCHEDULE OF FEES	
Application or Service	Fee
Certification letter, no onsite soil evaluator/professional engineer (OSE/PE) documentation (no charge for well)	\$350
Certification letter with OSE/PE documentation, ≤1,000 gpd	\$320
Certification letter with OSE/PE documentation, >1,000 gpd	\$1,400
Construction permit for treatment works only, no OSE/PE documentation	\$425
Combined well and treatment works construction permit, no OSE/PE documentation	\$725
Combined well and treatment works construction permit with OSE/PE documentation, ≤1,000 gpd	\$525
Construction permit for treatment works only with OSE/PE documentation, ≤1,000 gpd	\$225
Construction permit for treatment works only with OSE/PE documentation, >1,000 gpd	\$1,400
Combined well and treatment works construction permit with OSE/PE documentation, >1,000 gpd	\$1,700
Private well construction or abandonment permit, with or without OSE/PE documentation	\$300
Closed-loop geothermal well system (one fee per well system)	\$300
Alternative discharge system inspection fee	\$75
Minor modification to an existing system	\$100
Appeal before the Review Board	\$135

Payment of Application Fees

See Appendix B for data entry requirements into VENIS. All applications and fees shall be entered into VENIS when received. A receipt showing payment of the fee shall be printed from VENIS and provided to the applicant. The application fee, if required, is due and payable at the time of application or the application is considered incomplete. Table 1 provides a list of items for which fees are charged. Fees are required for the following types of applications:

- Permit for a new onsite sewage system or alternative discharging sewage system.
- Permit to increase the capacity of an onsite or alternative discharging sewage system.
- A certification letter in lieu of a construction permit.
- Permit for a new or replacement water well (also see “Refunds” section below).
- Permit to abandon an existing well (also see “Exemptions” below).
- A minor modification.
- Permit to renew or extend the validity of a construction permit if more than 18 months has elapsed from the expiration of the original permit, subsequent to the first renewal.
- Permit to convert a certification letter to a construction permit if more than 18 months has elapsed from issuance of the certification letter
- The second or subsequent resubmittal of an application when more than 90 days has elapsed since the applicant was notified of the original denial.

Exemptions to the Fees

The Code of Virginia (§32.1-164.C and §32.1-164.E) and regulations exempt applicants from fees in certain circumstances. No fee is required in the following cases:

- The applicant's family income is at or below the 2013 Poverty Income Guidelines for the 48 Contiguous States (Except Alaska and Hawaii) and the District of Columbia as established by the Department of Health and Human Services, 53 FR 4213 (1988) 78 FR 5182 (January 24, 2013) or successor guidelines in effect at the time of application.
- An application to install a pit privy.
- An application to repair an onsite or alternative discharging sewage system.
- An application to voluntarily upgrade an onsite or alternative discharging sewage system.
- An application to permanently abandon a well when the well is located on property that is (or intended as) the owner's principal place of residence.
- An application to renew a permit to construct a sewage system or private well provided:
 - The site soil conditions have not changed upon which the permit was based.
 - The ownership of the property has not changed (i.e., because permits are not transferable, only the person in whose name the permit was issued can renew a permit).
 - A building permit for the structure has been obtained and construction of the structure, the sewage system, or the well has begun.
 - No previous renewal has been granted (i.e., a permit may be renewed only once without an application fee).
 - A construction permit may be renewed following the expiration date, provided the above conditions apply. The expiration date for any renewed construction permit shall be 18 months following the original expiration date, regardless of when the application for renewal is received.
- An application to convert a certification letter to a construction permit, provided the application is made within 18 months following the issuance of the certification letter (see the Sewage Handling and Disposal Regulations, 12VAC5-610-255.D).
- Reapplication following denial of an application for a construction permit or certification letter, provided:
 - The applicant is the same entity that made the original application.
 - The reapplication is submitted within 90 days following notification of the denial.
 - The denial is not currently in the appeal process.
 - No refund of the original application fee has been granted.
 - The application fee will be waived for only one reapplication. If the reapplication is also denied, subsequent applications must include payment of the applicable fee.

Fee Refunds

Upon receipt of a written request from the applicant, fees will be refunded in the following circumstances:

- An application for a construction permit or certification letter is denied, provided that the application was for the applicant's principle place of residence.
 - There is no refund when the denied application is for commercial property.
 - An application for refund shall be considered equivalent to a voluntary withdrawal of the application and the denial cannot be subsequently appealed.
 - If the applicant applied for both a sewage system and a private well, both application fees can be refunded.
- An application is voluntarily withdrawn before the department makes a site visit, or has issued or denied the permit.
- When a permit to replace a private well has been issued and the owner or applicant submits a Water Well Completion Statement indicating the previous well was properly abandoned, a refund of the well permit application fee will be issued.

The following procedures apply to all refunds:

1. All applicants eligible for refunds of the fees shall be notified in writing of such eligibility.
2. The applicant must submit a written request for a refund.
3. The application for the refund must be made no later than 12 months following the date of denial, the date that the application was voluntarily withdrawn, or the date upon which any appeal has concluded.

When a refund is granted, the original record in VENIS must be up-dated by making an adjusting entry.

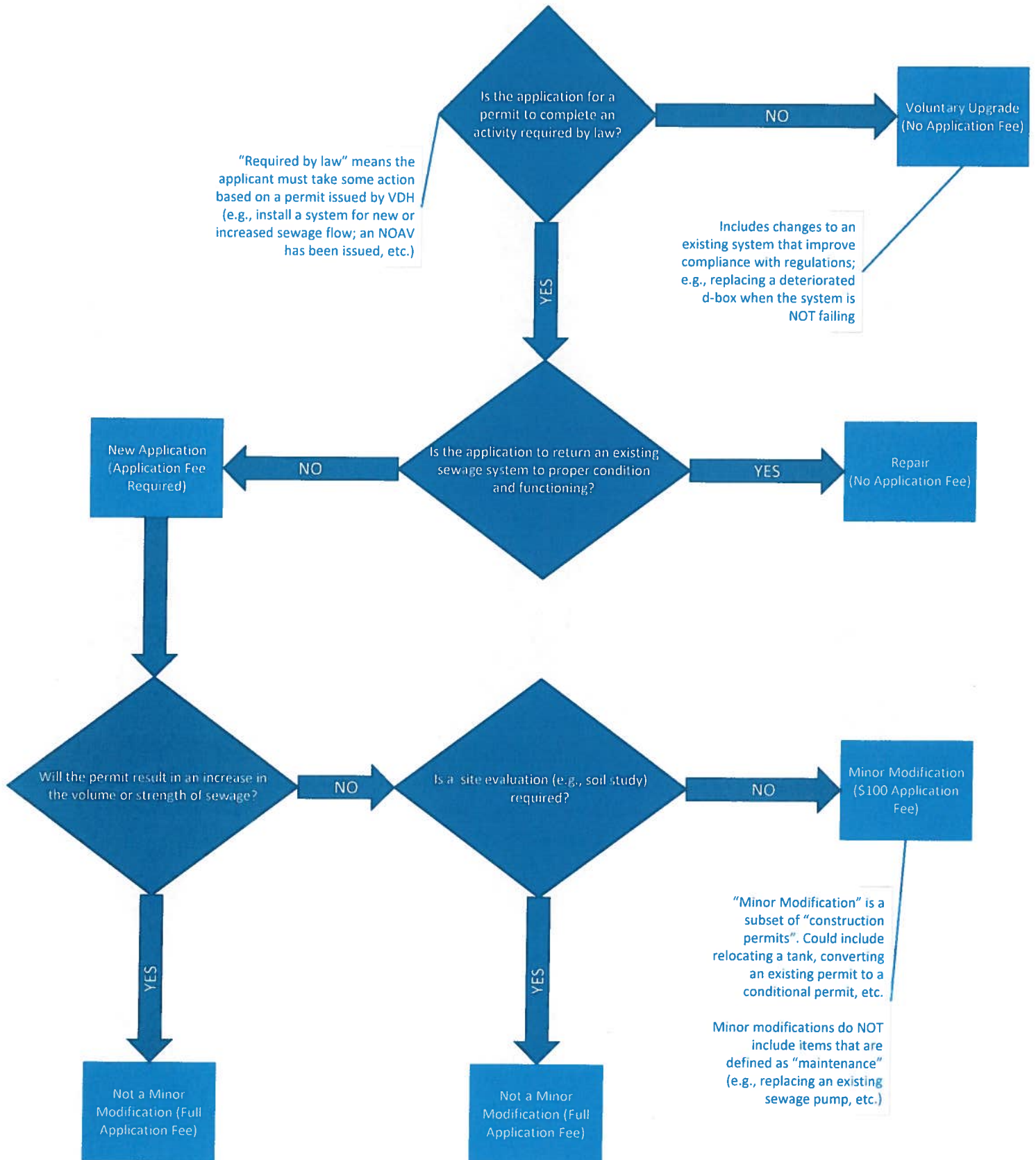
Determining Income Eligibility for Fee Waivers

An applicant may request a waiver of any fee related to an onsite sewage system, alternative discharge sewage system or private well. An eligibility determination for waiver of the fee should be done by a district staff person trained and designated by the district to perform the eligibility determination.

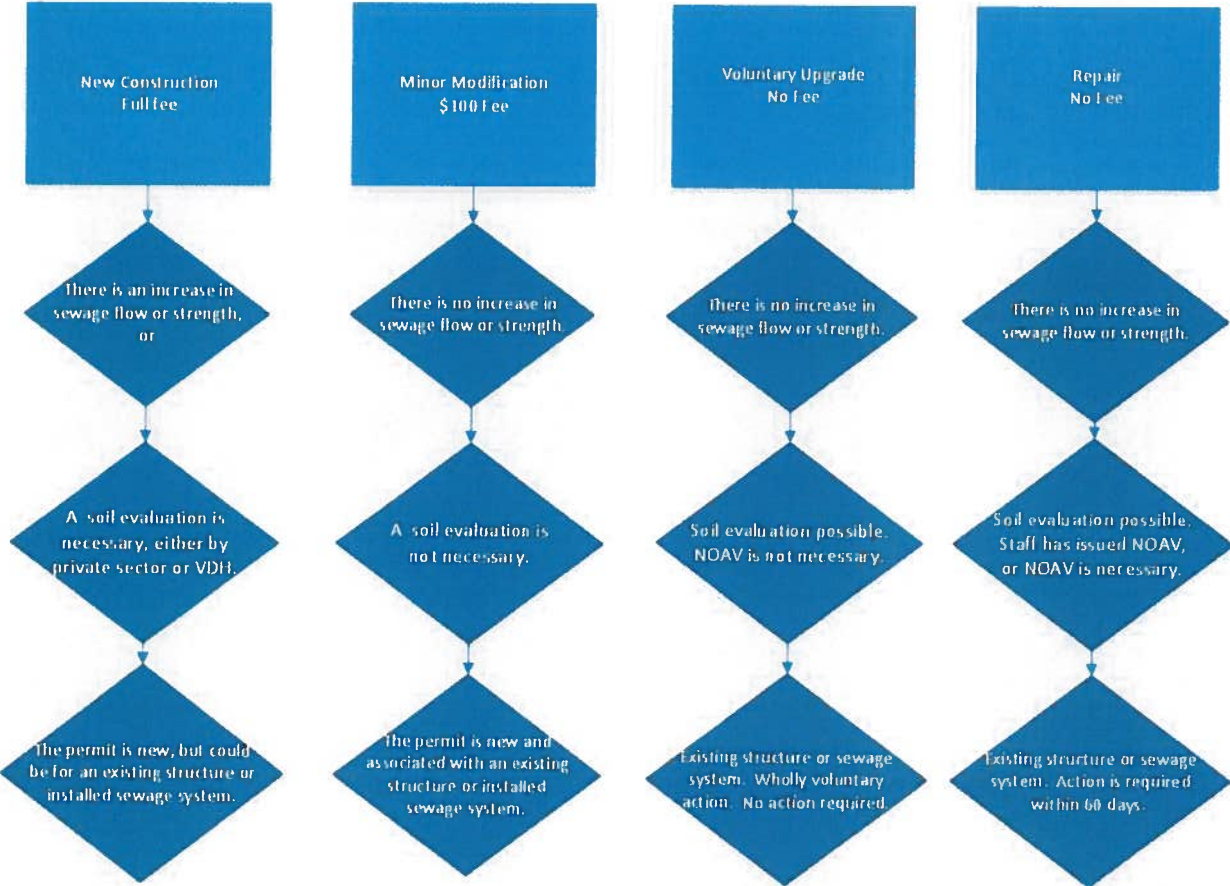
The applicant is responsible for providing acceptable documentation of his or her family income. The standards of documentation provided in the VDH Guidance Document for Virginia Administrative Code Chapter 200 or any successor guidance document shall be used for determining eligibility for waiver of onsite sewage, alternative discharge or private well fees.

The sliding scale for clinic fees does not apply to environmental health fees. Only persons with a family income at or below the federal poverty level are eligible to have environmental health fees waived. There is no other reduction applicable to income level; that is, there is no fee reduction for persons whose family income is 125% of the federal poverty level. Remember that income information is personal information and should only be shared as allowed by law. Do not include documents submitted in support of a request for waiver of fees based on income in the paper or electronic files related to the application and permit.

Decision Flow for Determining Application Type and
 Required Application Fee



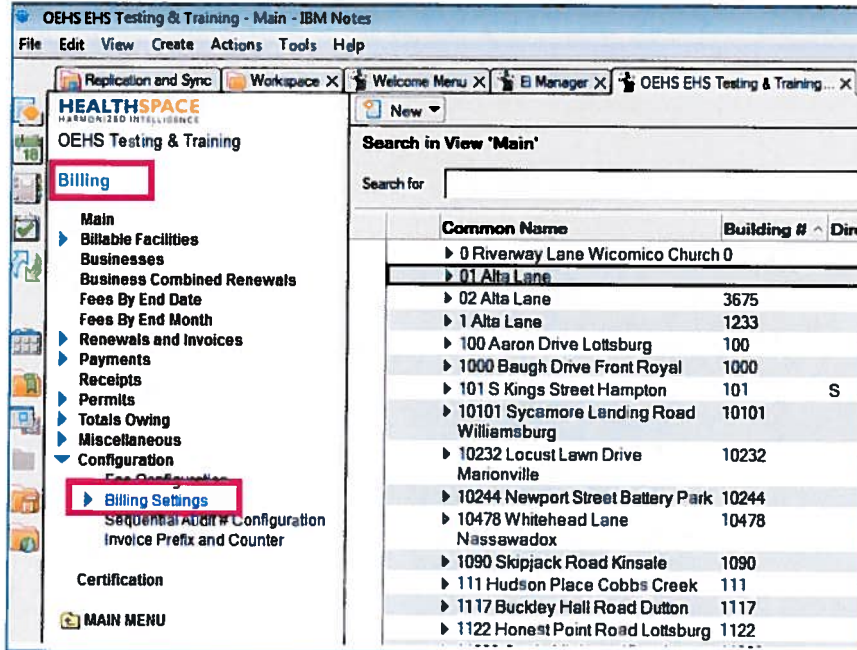
Appendix A2: Decision paths for determining sewage system application type and fee



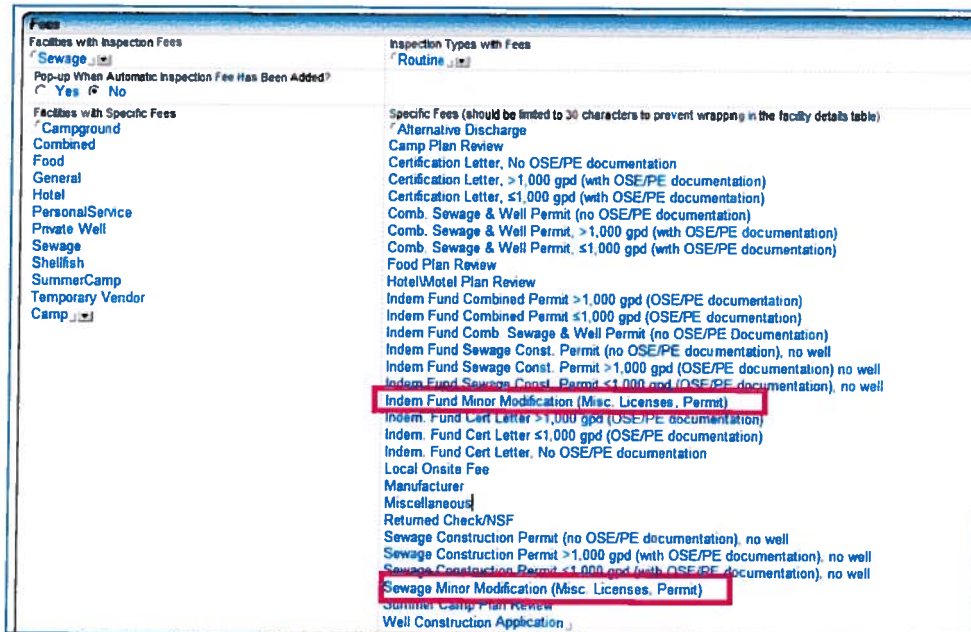
Appendix B: Database Configuration and Documentation

Adding "Minor Modification" to VENIS Billing Configuration

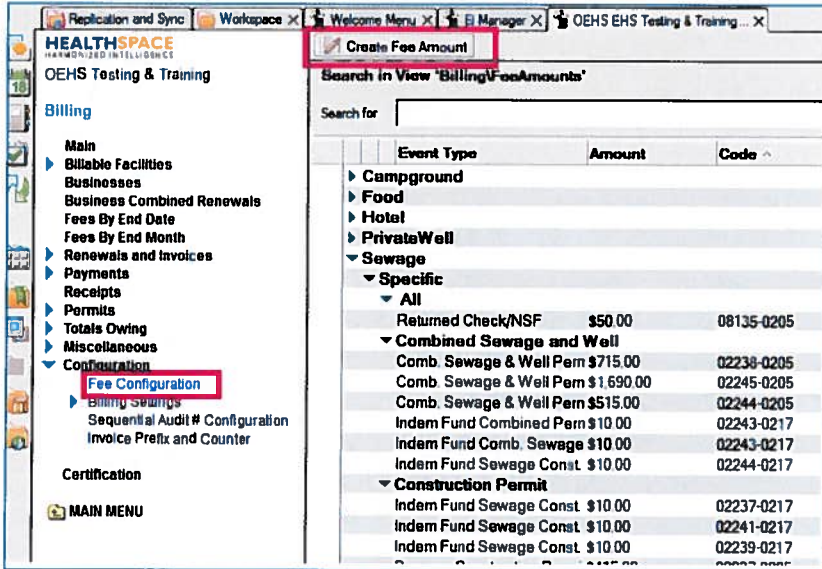
1. Go to Billing > Configuration > Billing Settings



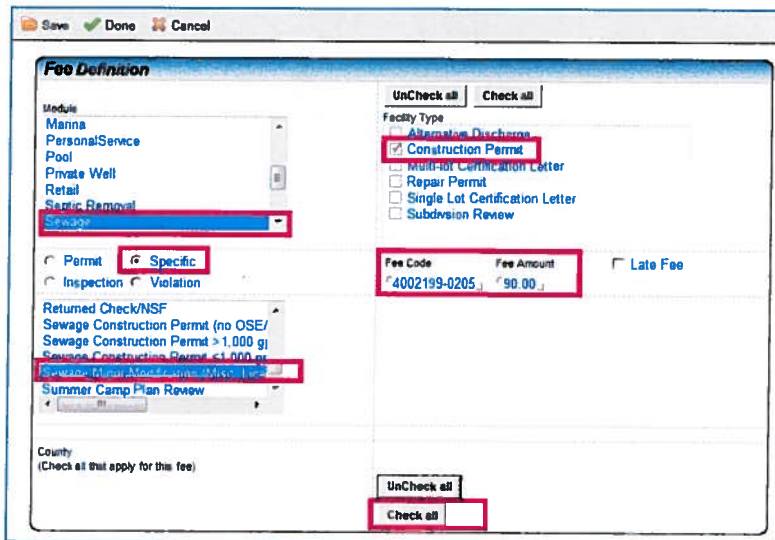
2. In the Specific Fees list, add "Sewage Minor Modification (Misc. Licenses, Permit)" and "Indem Fund Minor Modification (Misc. Licenses, Permit)". Then click Done at the top of the screen.



3. Open the **Fee Configuration** screen and click on **Create Fee Amount**.



4. When the **Fee Definition** screen opens:
 - a. Highlight **Sewage** in the Module box,
 - b. Check the box next to **Construction Permit**,
 - c. Click the radio button next to **Specific**,
 - d. Highlight **"Sewage Minor Modification (Misc. Licenses,Permit)"**,
 - e. Enter revenue code **"4002199-0205"** in the **Fee Code** field,
 - f. Enter **"\$90.00"** in the **Fee Amount** field,
 - g. Click **Check All** to apply the new fee to all counties,
 - h. Click **Done** at the top of the screen.

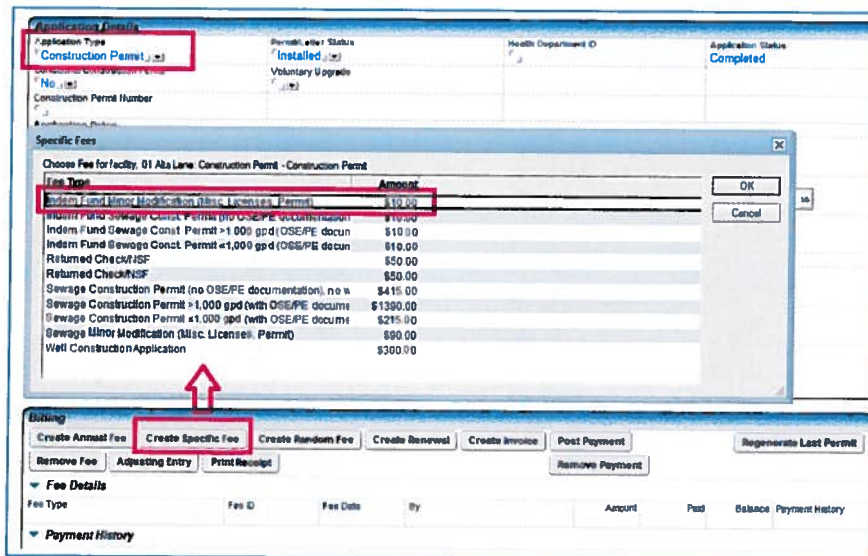


- Repeat the steps in item 4 to add a fee of \$10.00 "Indem Fund Minor Modification (Misc. Licenses, Permit)". Enter the fee code "4002199-0217".

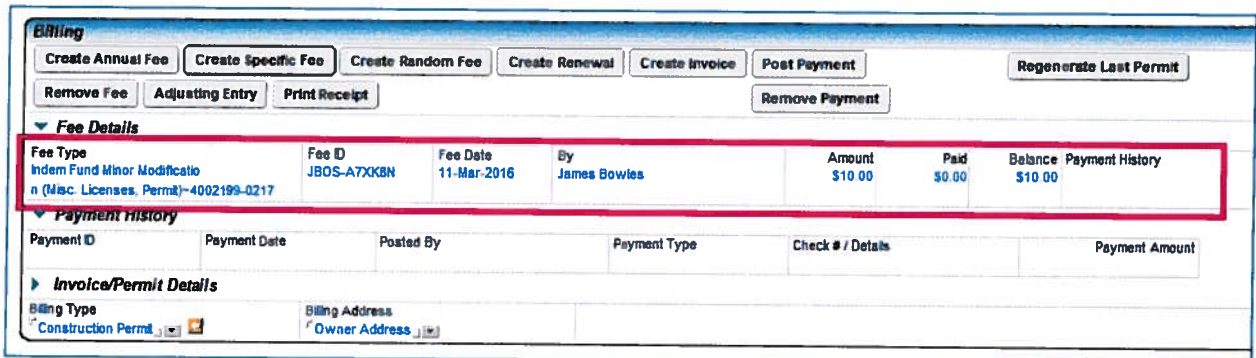
Document a Minor Modification Application & Fee in VENIS

A minor modification is a sub-category of onsite sewage construction permits and the data entry follows the same procedure as for other onsite sewage construction permits, as shown in the screen capture below.

- Enter the application information as for any other application. Use "Construction Permit" for Application Type.
- To create the fee, click **Create Specific Fee** and select **Indem Fund Minor Modification (Misc. Licenses, Permit)**.
- Click "OK".



- You should then see the information below:



- Repeat to create the "Sewage Minor Modification (Misc. Licenses, Permit)" fee.

Appendix C: Fee Refund Application

Commonwealth of Virginia

Sewage System and Private Well Application Refund Affidavit

VDH Use Only
HDIN #: _____

Name Phone

Mailing Address Fax

City State Zip E-mail

Site Address City

Subdivision Section Lot

Tax Map/GPIN Other Property Identification

This application is for a refund of the construction permit application fee for (check all that apply):

- Onsite Sewage Construction Permit Application
- Alternative Discharge System Construction Permit Application
- Private Well Construction Permit Application

This refund is requested because (check one):

- The application was denied and the property is or was intended to be my primary place of residence
- The application was voluntarily withdrawn
- A replacement well was installed and the old well has been properly abandoned (attach well completion report)

The undersigned hereby certifies that he or she wishes to request a refund of the construction permit application for the property identified above in accordance with the Regulations Governing Fees for Onsite Sewage Disposal Systems, Alternative Discharge Systems and Private Wells (12VAC5-620-90). The undersigned further certifies that no subsequent application for was filed for which the application fee was waived by the Health Department. The undersigned affirms that he or she has waived or otherwise resolved any appeals arising from the denial of the application.

Authorized Signature: _____ Date: _____