

**Virginia Department of Health – DRAFT MINUTES**  
**Rainwater Harvesting and Reuse Regulations Stakeholder Workgroup**

Date: July 13, 2021  
Time: 1:00 pm  
Primary Location: Virtual Meeting – Webex

**List of Attendees:**

Anthony Creech – VDH, Office of Environmental Health Services  
Lance Gregory – VDH OEHS  
Valerie Rourke - DEQ  
Tyrone Jarvis – Go Green Automotive Care  
Robert Edelman - VDH, Office of Drinking Water  
Michael Redifer – Citizen  
Jeff Brown – DCHD  
Drew Harrison – ACEC  
Normand Goulet – Norman Virginia Regional Commission

**Administrative:**

1. Welcome
2. June 8, 2021, Meeting Minutes

**Discussion**

1. Regulatory Discussion
  - a. End tier use categories (Sections 330 and 440)

Mr. Creech described the proposed End Use Tier categories for Non-potable use. Dr. Gee expressed concern that the cost of Tier 1 disinfection might serve as a barrier to use. The group discussed, and concurred that (1) Section 440 should be revised to eliminate proposed disinfection for Tier 1 when water storage tanks are underground (and that a footnote to Table 2.1, or similar clarification, be added to address conditions where there is a risk of contamination); (2) Section 330 be revised to more strongly define each End Use Tier (because the public will always identify more End uses than can be listed in a regulation); and (3) the Regulation address signage for exterior non-potable water use.

Mr. Brown noted that the End Use tiers, which are modeled on the International Code Council 805-2018, appear consistent with the direction being taken in USBC revisions.

Ms. Rourke commented that there will always be uses or systems not identified in any regulation and suggested that a provision for case-by-case consideration by VDH be clearly stated.

b. Disinfection – single family homes

Mr. Creech described the proposed limitation in the regulation that disinfection technology for single-family homes be limited to ultraviolet. The workgroup agreed with this restriction.

c. Ms. Rourke noted that simply referencing a comprehensive standard (for example, ICC 805-2018) in the Regulation – as opposed to specifying requirements within the regulation – could represent a health equity concern, as comprehensive standards are typically expensive to purchase.

d. Mr. Goulet raised the concern that ownership and O&M responsibilities for a rainwater harvesting system could easily become lost as part of the many documents signed during real estate closings and that there should be a mechanism for homeowner education. Mr. Creech noted that the draft regulations incorporate provisions for inclusion in deed records and owner and operator requirements intended to ensure system integrity and safety; and acknowledged that there is at present no mechanism for followup. Mr. Gregory suggested that the solution will probably not be regulatory, and discussed an initiative under discussion in the Wastewater Infrastructure Workgroup to address a similar concern regarding Alternative Onsite Sewage Systems regulated under 12VAC5-613, in which VDH would have a stronger educational role. He suggested something similar could be considered for rainwater harvesting systems. At present there is no funding to support such a solution.

2. Next stages of process: Mr. Creech and Mr. Gregory discussed the goal of presenting draft rainwater harvesting regulations to the Board of Health in its December 10 meeting. In order to meet this goal, Mr. Creech suggested the following:

- a. VDH will revise the draft regulations based on the most recent edits, and the discussion during this meeting.
- b. VDH will schedule a public information session during the month of August 2021 to share the efforts of the workgroup with realtors, builders, environmental groups, and VDH District Environmental Health Managers, and obtain feedback from these groups.
- c. VDH will meet individually with DCHD and DPOR to discuss nuances of the regulation having potential impact on those regulators
- d. The rainwater harvesting workgroup will meet one or more times (August, early September) to finalize the draft regulation.
- e. VDH will coordinate Commonwealth requirements necessary to prepare regulation for Board of Health review.