

Wastewater Infrastructure Policy Working Group (WWIWG)
April 26, 2022, 10:00 a.m. to 12:00 p.m.
Meeting Summary

Meeting Location:

Virginia Department of Health
5th Floor Main Conference Room
109 Governor Street
Richmond, Virginia 23219

Virtual:

Virtual meeting access via WebEx platform

List of Attendees:

Working Group Members

Karen Doran – Representing the Virginia Department of Environmental Quality (DEQ)
Shawn Crumlish – Representing the Virginia Resource Authority (VRA)
Jay Grant – Representing the Virginia Department of Housing and Community Development (DHCD)
Lance Gregory – Representing the Virginia Department of Health (VDH)

Other Participants

Darlene Hughes – United States Department of Agriculture (USDA)
Julie Henderson - VDH
Danna Revis – Virginia Onsite Wastewater Recycling Association (VOWRA)
Kirk Havens – Virginia Institute of Marine Science (VIMS)
Gary Montrose – Virginia Coastal Policy Center (VCPC)
Chris Pomeroy - Aqua Law, Virginia Association of Municipal Wastewater Agencies
David Skiles – Vectre Corporation
Gabriel Irigaray – Roanoke Valley Alleghany Regional Commission (RVARC)
John Bateman – Northern Neck Planning District Commission (NNPDC)
Mike Lynn – Chair, Sewage Handling and Disposal Advisory Committee (SHADAC)
Nicole Sandberg - (VDH)
Pat Calvert - Virginia Conservation Network
Scott Morris - Chief Deputy, DEQ

1. Call to order, welcome and introductions.

Ms. Doran welcomed members and stakeholders to the meeting. Participants introduced themselves to the group.

2. Wastewater infrastructure funding updates.

Ms. Doran noted the Department of Treasury has issued a final rule on the ARPA funds, which required some changes to DEQs implementation plan. DEQ hopes to finalize the plan in early May, and provide outreach in May and early June prior to solicitation of applications.

Ms. Doran provided an updated to the group on DEQ's American Rescue Plan Act (ARPA) funds and Revolving Loan Funds. The Revolving Loan Fund received additional appropriations for FY22 to FY26. In FY 22 there are \$36 million in supplemental funds, with \$1.9 million for emerging contaminants. The funding allows states to use 2% for technical assistance. There are also some additional requirements on new and existing funding.

Ms. Sandberg then walked through the attached presentation to provide an update on ARPA funds VDH received for well and septic repairs. VDH has released a first Request for Applications for local partners, such as planning district commissions, to received up to \$300,000 to implement local well and septic repair programs. Additional rounds of funding will be made available. In addition to funding for local partners, VDH is accepting applications directly from property owners. As of the date of the meeting, VDH had received 82 direct project applications.

3. Wastewater infrastructure needs assessment update.

The U.S EPA is mandated to perform an assessment of capital cost of water quality goals of the Clean Water Act. Data collection for this effort began March 1, 2022. State specific approaches must be submitted by May 31, 2022.

The Commonwealth's Wastewater Needs Assessment is to determine the estimated amount of wastewater infrastructure funding necessary to provide universal access to wastewater treatment that is not eligible for grant funding from the Water Quality Improvement Funds. This assessment is to be conducted every four years.

4. Feedback on implementation of recommendations from 2021 Working Group report to the Governor and General Assembly.

Ms. Doran, Mr. Grant, and Mr. Gregory walked through the attached spreadsheet outlining the activities being undertaken by their respective agencies related to recommendations in the Working Groups 2021 report to the General Assembly. After walking through the spreadsheet, the meeting adjourned.

Virginia Department of Health – Septic and Well Assistance Program (SWAP)

Nicole Sandberg

Wastewater Infrastructure Manager

Division of Onsite Sewage and Water Services,

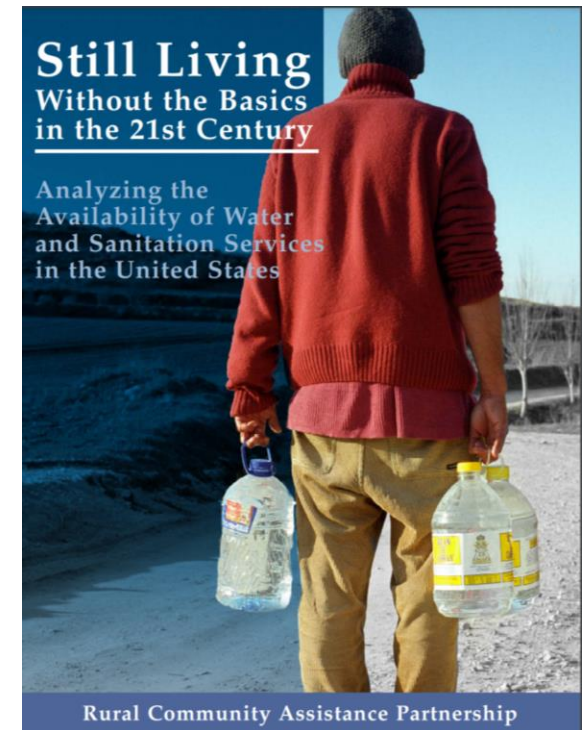
Environmental Engineering, and Marina Programs

Virginia Department of Health

Nicole.Sandberg@vdh.virginia.gov or VDH_SWAP_grants@vdh.Virginia.gov

Overview of Septic and Well Issues in VA

- 1.1 million septic systems.
- 700,000 private wells.
- Average lifespan of a septic system is 30-40 years.
- Nearly 50% of septic systems are 40 years+.
- Disproportionately impacts African Americans.
- Impacts of climate change already being felt.
- No ongoing water quality criteria for private wells.



ARPA Funding For Septic and Well

- FY 2022 - \$5,750,000
- FY 2023 and 2024: \$5,750,000

\$11,000,000 to the Department of Health to provide improvement funds for well and septic systems for homeowners at or below 200 percent of the federal poverty guidelines.

Income and Eligibility

Persons in Household	200% Federal Poverty Guidelines
1	\$27,180
2	\$36,620
3	\$46,050
4	\$55,500
5	\$64,940
6	\$74,380
7	\$83,820
8	\$93,260

The SWAP uses the process outlined in the VDH ["Eligibility and Charging Structure Guidance Document"](#) to verify income and determine eligibility.

Key Objectives

- Improve the health of Virginians and provide additional protection to Virginia's communities through the assurance of adequate wastewater treatment and safe drinking water.
- Minimize overhead to use the greatest amount possible of the available funding to put projects in the ground.
- Prioritize outreach to historically disadvantaged communities and hot spots identified through the Virginia Wastewater Data Viewer.

Projects Covered by ARPA Funds

- Repair failing septic systems (conventional and alternative).
- Replace straight pipes and privies.
- Public sewer connection.
- Replace inadequate private wells.
- Properly abandoned unused wells.
- Public Water connection.
- Single Family Alternative Discharge Sewage Treatment System



VDH's Plan for SWAP

- Two methods of funding.
 - VDH Direct Funding.
 - Local Partner Funding.

<https://www.vdh.virginia.gov/environmental-health/swap/>

SWAP Grant Program



VDH's Septic and Well Assistance Program

You may qualify to have your private well and sewer fixed for free.

If you have a house with a well or septic system that needs to be fixed, and your income is at or below 200% of the federal poverty guidelines, we can cover the cost.

The Virginia Department of Health will use \$11.5 million allocated in the Governor's Budget Bill approved on August 10, 2021 to help low-income homeowners repair or replace well and septic systems. The allocation is part of the Commonwealth's funding from the American Rescue Plan Act (ARPA). The Office of Environmental Health Services will spend the ARPA funds through the Septic and Well Assistance Program (SWAP), which will be used to assist homeowners with incomes at or below 200% of federal poverty guidelines.

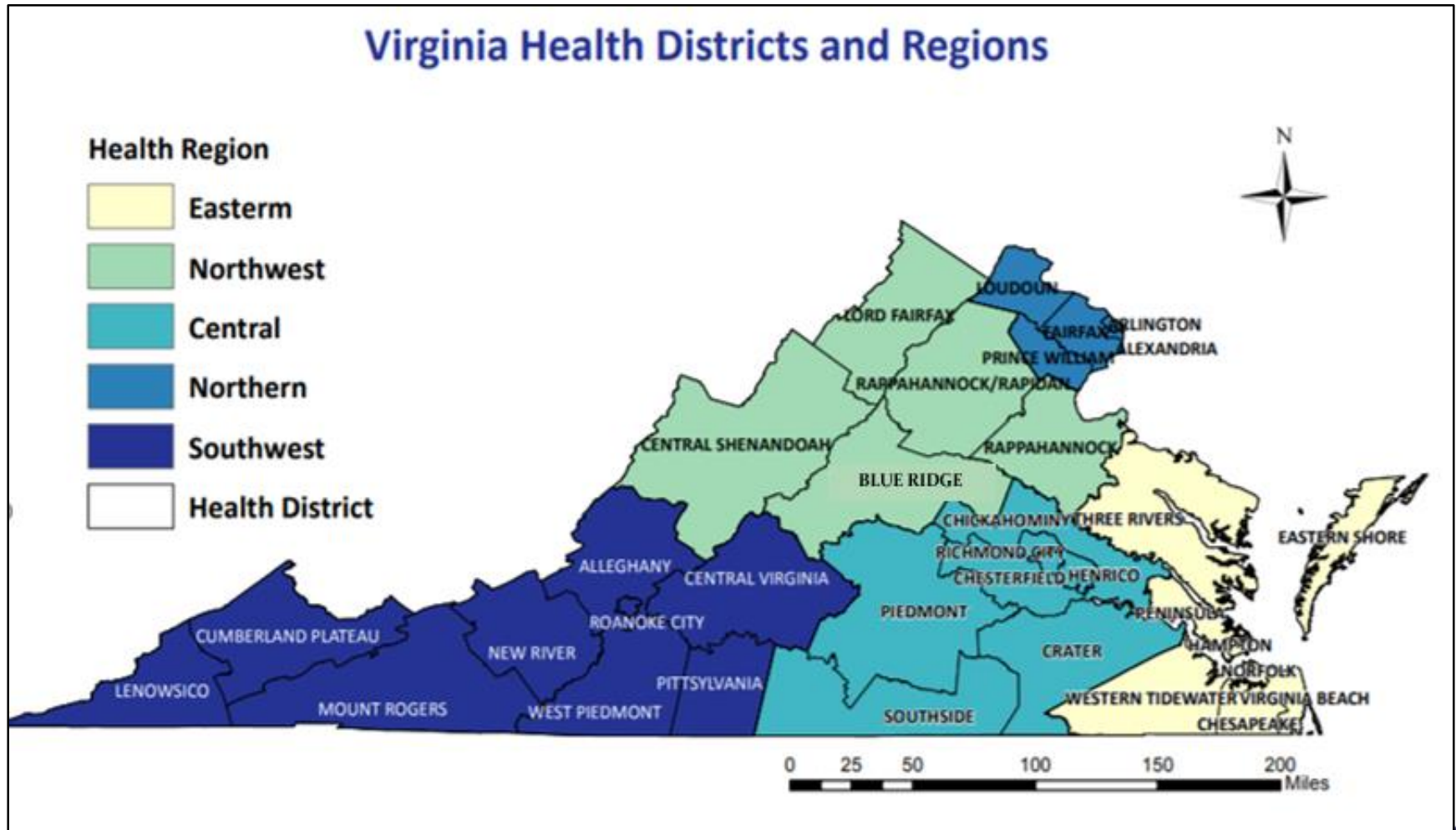
More Information

Contact Us	+
What are the 200% Federal Poverty Guidelines?	+
What exactly can be fixed?	+
Why should you have it fixed?	+
Why are we doing this grant program?	+
Apply - Individual Homeowner	+
Apply - Local Partners **NEW FUNDING OPPORTUNITY**	+
Health Regions	+

Local Partner Projects

- Plan for 50% of ARPA (up to \$5.75 million) funds to be distributed to local partners for implementation.
- Series of Request for Applications (RFA) RFA to allow multiple opportunities or rounds of applications.
- RFA 1– Released 3/21/2022, closes 4/27/2022
- RFA 2 – Projected to release May 2022, close 12/31/2022 (multiple rounds of review)
 - Local Government, PDCs, SWCDs, Tribes, Nonprofits.
- Project funding from \$100,000-\$300,00; total funding based on scale of areas served.
- [Webinar Recording: https://www.youtube.com/watch?v=yphGBF6YbPU](https://www.youtube.com/watch?v=yphGBF6YbPU)
- Limit of 35% of total for non-BMP costs

Funding Based On Health Region



Local Partner Funding by Region

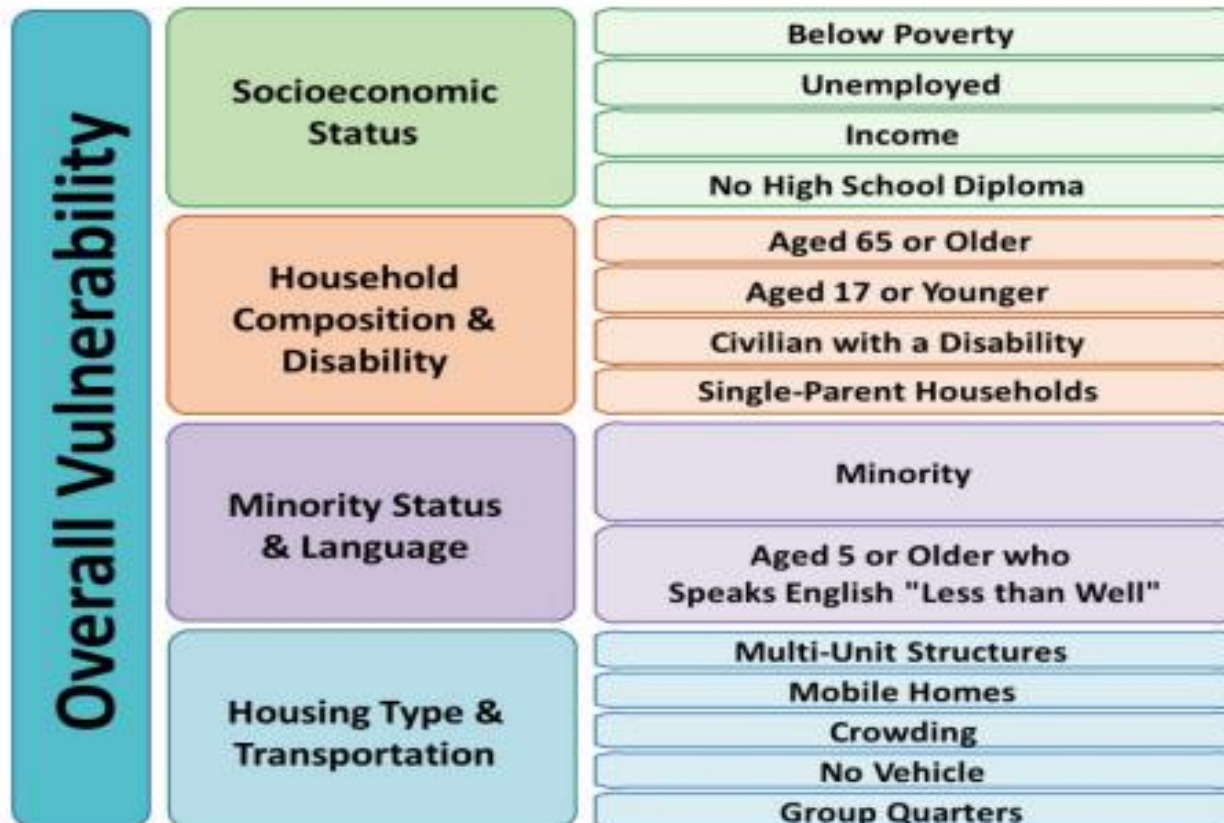
Total Available: \$5.75 million

- Amount available in current RFA:\$2.85 million

Health Regions	Available Funding for Local Partners within the Health Region
Central	\$1,600,000
Eastern	\$1,000,000
Northern	\$800,000
Northwest	\$850,000
Southwest	\$1,500,000

CDC Social Vulnerability Index

CDC's Social Vulnerability Index (SVI)



The most current available CDC Social Vulnerability Index is based on 2018 5-year ACS data

Eligible Applicants

- Local governments (including counties, cities, towns, and municipal corporations),
- Soil and water conservation districts,
- Tribes located within the Commonwealth of Virginia,
- planning district commissions and regional commissions,
- nonprofit organizations.

Applicant must be a legally recognized organization (FIN, DUNs, and other required federal identifiers).

VDH Direct Projects

- ~\$4.2 million ARPA funds distributed directly by VDH.
- VDH will only operate in localities where there is no local partner funded projects.
- Goal to ensure equitable distribution of funds throughout the Commonwealth.
- Working with LHD and reviewing Wastewater Data Viewer to identify projects.
- Currently providing direct funding for emergency situations throughout the state.
- Homeowners apply directly to VDH and VDH engages a pre-qualified appropriately licensed contractor to perform work.

Outline for VDH Direct Funded Projects

- Outreach to/from potential grant applicants.
- Determine income eligibility.
- Permitted regulatory compliant design.
- Bids put out through quick quotes.
- Installer/driller registered in eVA.
- Sub recipient agreement with installer/driller.
- System installed, inspected, approved.
- OP issued.
- Reimbursement to sub recipient.

Status of Direct Projects

- As of 4/25/22 82 applications and 51 additional request to follow-up
- 1 paid, 1 pending payment and 27 other in Quick Quote/Bid process

	# Applications
Central	22
Eastern	27
Northwest	14
Northern	0
<u>Southwest</u>	<u>19</u>
Total	82

Project Type	# of Applications
Septic and Well	8
Septic	49
<u>Well</u>	<u>25</u>
Total	82

Questions

- Lance Gregory, Division Director
 - Email: Lance.gregory@vdh.virginia.gov
 - Phone Number: 804-864-7491
- Nicole Sandberg, Waste Water Infrastructure Manager
 - Email: Nicole.sandberg@vdh.virginia.gov
 - Phone: 804-291-6483
- Alternative Contact:
 - VDH_SWAP_Grant@VDH.Virginia.GOV
- Website:
 - <https://www.vdh.virginia.gov/environmental-health/swap/>

WW WG 2021 Recommendations Summary		Comments
1	Research Data Needs to Fully Assess Wastewater Infrastructure Problems	
	Investments in sufficient and ongoing documentation of wastewater infrastructure needs must be maintained and used to determine and prioritize scope of funding needs to address onsite system failures. Specifically, the Working Group recommends providing continued and sufficient funding to support the ongoing CCRM and VDH collaboration to document onsite/community septic system "hot spots" in the coastal plain and to extend the analysis statewide.	VIMS funding for flooding impacts, statewide hot spot mapping expansion - with public access, SWAP grant funding
	Providing continued and sufficient funding to complete and periodically update the VDH/CCRM interactive mapping tool by collecting information provided by EHS about onsite and community system problem areas in their local health districts	
	Sufficiently fund and continue the VDH ongoing effort to create and maintain a complete inventory of all onsite systems in the VDH EHD and in non-EHD data systems, collect data on septic systems currently not included in EHD, develop data import capabilities in EHD to complete the inventory, and provide a public facing interface for onsite sewage system data	Northern Neck, Middle Peninsula, Eastern Shore inventory management moved to VDH and associated funding
	Creating a public portal for viewing the onsite system data housed in EHD to assist funding agencies in prioritizing and effectively directing limited resources	VDH can host a website for the WWIWG.
	Suggest legislative amendments to the Virginia Freedom of Information Act to provide confidentiality protection to renters filing waste treatment-related complaints against their landlords.	SB 200 was introduced in 2022 session, bill passed Senate, did not pass House - consider future bill through the FOIA council
	Consideration of proactive, regional planning to document longer term wastewater treatment needs and long-term management, particularly for communities not served by municipal wastewater treatment facilities	DEQ CWFAP funded Southwest Virginia Regional Wastewater Study in planning districts 1, 2, 3 - draft report due 9/30/2022 - consider use in other PDCs statewide
2	Prevent the Human Health, Water Quality, and Economic Impacts through Public Education and Proper Maintenance	
	Incorporating an understanding of wastewater treatment in appropriate public K-12 curricula, such as STEM modules, math, science or environmental science courses	HB 362 - (Localities and utilities have programs - HRSD, Fairfax)
	Work with partner state agencies, local governments, and stakeholders to rebrand community and onsite wastewater treatment as critical infrastructure on par with drinking water, roads, and bridges and to use innovative online educational platforms to engage the public	
	Consideration of extending a requirement to either report maintenance of conventional onsite systems statewide or to specifically require periodic system pump outs. Evaluating a statewide septic maintenance requirement should be done with affected stakeholders and local governments	
	Further evaluation of a local or regional authority approach for wastewater management with stakeholders and local governments as it could prove more effective than single homeowner maintained onsite systems	Recommendation to utilize Commonwealth wastewater needs assessment data to implement this recommendation, potentially using incentives
	Engaging local governments and other stakeholders on consideration of a requirement for community systems with 10 or more homes to hire a Responsible Management Entity (RME) to provide for management throughout the life of the system, even if the number of homes served falls below 10, and to prohibit HOAs from owning community systems	VDH currently engaging workgroups to revise septic regs to incorporate this recommendation
	For disadvantaged communities with either multiple onsite or community systems, the Working Group recommends providing incentives for RMEs to offer pro bono services	Once septic regs are revised, consider this recommendation Consider additional recommendation to add funding for WQIF nonpoint source, non-Ag program, which could be used for ongoing septic maintenance, similar to Virginia Housing's \$40M allocation for PDCs

3 Eliminate Barriers to Fully Utilize Existing Resources and Increase Funding

Priorities should be articulated in an Executive Directive and state code establishing the Commonwealth's wastewater strategic policy and, at a minimum, should include the following:

- Proactively direct state funding to resolve the backlog of existing and perpetual community and onsite system needs in disadvantaged communities and households
- Where possible, ensure funding programs support the full suite of needs including the maintenance, repair, and replacement of onsite systems and connections to municipal wastewater treatment.
- Where possible, municipal wastewater system rehabilitation and expansion should be the prioritized solution for long-term sustainability
- Prioritize regional solutions over multiple single household or individual community solutions in areas of concern, including extending sewer lines to provide connections for disadvantaged communities.
- Consider the cumulative, long-term costs of multiple onsite repairs and replacements versus the installation of a community-based solution to wastewater treatment needs.
- Where appropriate, provide full funding prior to project construction to eliminate the barrier caused by grant programs that only reimburse homeowners after private funds are expended.
- Maintain multiple state funding programs (described in Appendix B) but call upon program managers to consistently collaborate, coordinating grant requirements and timelines as much as possible. Collaboration with federal and private partners must also be emphasized.
- Utilize information on the backlog of need to consistently advocate to the U.S. Congress for federal resources, including stimulus funding

During the 2021 General Assembly session the Commonwealth's Wastewater Infrastructure Policy was established to accomplish this recommendation: **§ 62.1-223.1. State policy as to community and onsite wastewater treatment.**

It is the policy of the Commonwealth to prioritize universal access to wastewater treatment that protects public health and the environment and supports local economic growth and stability. To further this policy, the Commonwealth endorses (i) public education about the importance of adequate wastewater treatment; (ii) collaboration among local, state, and federal government entities, including consistent collaboration and coordination of grant requirements and timelines; (iii) the prioritized, focused, and innovative use of state and federal funding to address needs determined pursuant to § 62.1-223.3; (iv) a preference for community-based and regional projects as opposed to cumulative and repetitive site-by-site individual solutions; (v) the use of integrated solutions across sewer and onsite wastewater treatment systems; and (vi) the incorporation of the effects of recurrent flooding into wastewater treatment regulatory and funding programs.

VDH work with private, state and federal funding partners to develop a toolkit for their local health districts' EHS and share this toolkit with local governments and utilities as well as planning district/regional commissions

Working Group should explore development of a single, simplified grant or loan application for the multiple state and federal funding programs

Working Group agrees that providing additional funding to established and proven programs is an effective first step in addressing wastewater infrastructure financial assistance needs in the Commonwealth

Maintain this funding for planning district commissions 1, 2 and 3 and identify additional fiscally distressed regions for similar assistance.

Support DEQ's continued partnership with local planning district/regional commissions but also recommend engaging new partners such as local community banks

DEQ has explored a partnership with community banks, this concept would result in increased cost to the borrower.

Explore with local governments and other stakeholders the potential benefits of establishing sanitary districts, authorized under Virginia Code § 21-113, to provide additional avenues to finance, construct, operate and maintain community-wide remedies for failing septic

4 Consideration of stakeholder responses during the 2021 regional roundtable session