

Virginia Department of Health (VDH)
Sewage Handling and Disposal Advisory Committee (SHADAC)
Regulatory Reform Subcommittee
January 13, 2016 – Meeting Summary

Primary Meeting Location:

11th Floor, Room 1214
Madison Building
109 Governor Street
Richmond, Virginia 23219

Remote Location:

Polycom Mobile Application

List of Attendees:

Subcommittee Members at Primary Location

Alan Brewer Jeff Walker Valerie Rourke Curtis Moore

Subcommittee Members at Remote Location

Colin Bishop

VDH Staff and Members of the Public at Primary Location

Lance Gregory Marcia Degen Angela Redwine Mike Burch
Jim Slusser Bob Marshall

1. Welcome

Mr. Brewer welcomed the subcommittee.

2. Freedom of Information Act (FOIA)

Mr. Gregory provided a brief overview of FOIA as it relates to the subcommittee. Mr. Gregory asked that members of the members to send all information for distribution to the subcommittee to him to distribute, to ensure that all business related to the subcommittee is readily accessible.

Mr. Walker asked that the agency look into conflict of interest forms for the subcommittee and full committee.

3. Purpose

Mr. Brewer commented that the purpose of the subcommittee is to assess and propose to the full SHADAC, options for regulatory reform. Mr. Brewer stated that he viewed the purpose as providing a menu of options for the SHADAC to consider for regulatory reform.

Mr. Walker commented that the regulations are limiting the industry, and forcing the industry to disperse effluent deeper than it should. He suggested that the industry shouldn't be so focused on wastewater going away, more than the industry should be focused on the receiving environment in hopes to clean up some of the messes that we are making. Mr. Walker also offered an opinion that when he looks at shellfish closures, almost all of the closures seem to be associated with new onsite sewage system construction. He asked why conventional onsite sewage systems are being approved in sensitive environments on the Chesapeake Bay.

4. Identify/Characterize Current Regulatory Framework/Conditions

Subcommittee members provided their view of the current regulatory framework for the onsite sewage program in Virginia. Mr. Walker commented that the regulations predate licensure, and that the subcommittee should come back to that issue. He also noted a need to reduce the amount of Guidance Memorandum and Policies, and a need to evaluate local ordinances. Mr. Brewer commented that local agreements will specifically state what items local health departments administer on behalf of a locality.

5. Brainstorm – Option for Regulatory Reform

The subcommittee discussion possible options for regulatory reforms. Ideas included:

- Consolidation of regulations.
- Inventory of local ordinances.
- Using a risk based regulatory framework.
- Improving public interaction; make interaction positive.
- Think about environmental assimilation.
- Viewing wastewater as a resource, not something that needs to be disposed (e.g. beneficial use for nitrogen).
- User friendly regulations.
- Allowing modifications/repairs under the original permit.
- An allocation of pollution credits.
- Start with revising the Sewage Handling and Disposal Regulations.
- A framework that allows technology to address risk.
- Making the regulations reasonable for the end user.
- Look at both individual and community viewpoints.
- Allowing separation distance reductions when installing treatment as an incentive to using treatment.
- Strong education and enforcement components.
- Evaluate which areas are flawed, and focus on those areas.

- Improve understanding of the dynamics between the state and localities.
- Use model codes, when available.
- Look at regulatory structures and philosophies from other states.

Mr. Gregory agreed to provide a detailed written overview of the onsite sewage program structure to the subcommittee for review by March 1, 2016. Mr. Gregory stated that he would also look into the request for an inventory of local ordinances.

Mr. Brewer stated that he would share the local agreement for Loudoun County with the group, and Mr. Gregory agreed to provide another local agreement representative of other localities throughout the state.

6. Determine Next Steps and Meeting Dates

Mr. Brewer commented that he believed the next step for the subcommittee is to, at a high level, give a brief description of issues with the existing regulatory structure.

Mr. Moore asked that the civil penalty regulations also be included in further conversations.

Mr. Gregory agreed to send out several possible meetings dates to subcommittee members.

Adjourn

First Meeting of the Regulatory Reform Subcommittee

January 13, 2016, 10:00 a.m. - 12:00 p.m.
109 Governor Street, Richmond, 12th Floor, Room 1214

Objectives for the First Meeting:

- Affirm the responsibilities and purpose of the Subcommittee.
- Characterize current regulatory framework and conditions.
- Begin the process of identifying options for regulatory reform.

AGENDA

- 10:00 a.m. **1. Welcome and Introduction of Subcommittee Members** (Alan Brewer)
- 10:05 a.m. **2. FOIA Compliance / Administrative Responsibilities** (Lance Gregory)
- 10:15 a.m. **3. Subcommittee Purpose** (Alan Brewer)
- SHADAC Motion – To assess and propose to the SHADAC, options for regulatory reform.
- 10:20 a.m. **4. Identify/Characterize Current Regulatory Framework/Conditions** (Subcommittee)
- 11: 00 a.m. **5. Brainstorm – Options for Regulatory Reform** (Subcommittee)
- 11:50 a.m. **6. Determine Next Steps and Meeting Dates** (Subcommittee)
- 12:00 p.m. **7. Adjourn** (*sharp*)