

**Virginia Department of Health (VDH)
Sewage Handling and Disposal Regulations
Site and Soils – Revisions Subgroup**

Date: April 13, 2022

Time: 10:00 am

Location: WebEx

Attendees:

Lance Gregory – VDH

Steve Thomas – VDH

Anne Powell – VDH

Brent McCord – Rappahannock Health District

Curtis Moore – Virginia Onsite Wastewater Recycling Association (VOWRA)

Josh Hepner – Loudoun County Health District (LCHD)

Josh Anderson – LCHD

Ryan Finchum – LCHD

Laurie Spotswood – Alleghany/Roanoke Health District

Rich Michniak – Chesterfield Health District

Todd Lam – Lord Fairfax Health District

Danna Revis – VOWRA

Tanya Pettus – Department of Professional and Occupational Regulation (DPOR)

Philip Brown – Virginia Tech

Katy Treash – Mt. Rogers Health District (MRHD)

Travis Holt – MRHD

Matt Tolley – Onsite Soil Evaluator

Jeff Walker – Onsite Soil Evaluator, Onsite Sewage System Installer, Certified Professional Soil Scientist

1. Introductions

All in attendance introduced themselves to the group.

2. Review Workgroup’s “Purpose and Policy”

Lance Gregory explained the purpose of the subgroup and the meeting as providing recommendations for revising the Sewage Handling and Disposal Regulations (SHDR). Mr. Gregory stated that VDH is working to revise the SHDR and trying to get consensus within the subgroups.

3. Background on specific aspects of SHDR and Code Authority

Lance Gregory introduced the background for the Site & Soils Subgroup as §32.1-164 of the Code of Virginia. This Code section lays out the standards for design of onsite sewage systems

and disposal of sewage on or in soils. Within the SHDR, site and soils are found within the Definitions, Part III and Part IV.

Jeff Walker asked how the work done in a 2005 AOSE Workgroup would be applied to this group with the SHDR revisions. Lance Gregory stated that this workgroup would essentially be starting from scratch. Jeff Walker continued by asking how a draft of regulations would be written that the public could trust OSE work and VDH review. Mr. Walker would like to see a reduction in burdensome regulations by assigning responsibility to the designer and possible Code revisions.

4. Feedback from Subgroup Members

Josh Hepner explained that he would like to see the term “permeability limiting feature” defined in the Regulations. Steve Thomas commented that he has been working with a group of stakeholders and VDH staff on a Permeability Limiting Feature “job aid” that is evolving into “policy.”

Danna Revis exclaimed she would like to see the term redoximorphic features used in the SHDR, both accumulations / concentrations and depletions. She would also like to see the term mottles used correctly to describe lithochromic features of soil.

Jeff Walker asked if VDH could provide the private sector with files and information about systems that have failed or applications that were denied. He said knowing what went wrong would help improve work from the private sector. Mr. Walker would like to know if VDH has data for failure rates or onsite sewage system equipment that has gone wrong. Mr. Walker wants to know if, instead of doing another regulation revision like in 1999, VDH could create a less restrictive regulation that puts the responsibility on the designer. He thinks it does not make sense for a VDH employee to review private sector design. Lance Gregory responded by stating that the cause of onsite sewage system failure is not always readily available information. Mr. Walker continued by describing recent work on a site for subdivision review. He said that a telephone utility was running through a proposed drainfield and only 24 inches to rock, with a conventional onsite sewage system. Mr. Walker claims that policing onsite sewage evaluators needs to be detailed in these revisions because DPOR is not doing it and the local health districts are letting things slide. Mr. Walker explained that systems are not failing because of bad regulations, instead systems are failing because of bad design work.

Matt Tolley agreed with Danna Revis’ comment about redoximorphic features and mottles. He would like to see more thorough explanations of these terms in the SHDR.

Curtis Moore explained that it is almost impossible to include everything in one set of regulations. He suggested it might be better to reference a guidance manual in the SHDR.

Rich Michniak suggested polling the group to gather ideas on how get irrelevant terms and information out of the Regulations, for example the use of Texture Groups versus absorption rates. Much of the industry has moved to Saturated Hydraulic Conductivity testing in centimeters per day instead of percolation tests in minutes per inch (as included in the current SHDR).

Jeff Walker explained that the standards in the SHDR have to be clear and enforceable. Regulations are not meant to be a design manual. The standard work product is clear. Mr. Walker does not think it will help the public by creating another design manual. We need to define the horizontal and physical limits of the site, and a performance standard at some standoff from the trench bottom. Mr. Walker thinks the group needs some discussion on what is actually necessary in the SHDR.

Lance Gregory suggested sharing the job aid type material that VDH has available during the next meeting of this subgroup.

Danna Revis explained that Section 950.D says the rates should be based on the slowest permeability in the sidewall of the trench and does not take into account what is below the installation depth. Ms. Revis thinks we need a prescriptive regulation for basic, minimum criteria. It is helpful to have that consensus on things that remain constant. Another suggestion is to change the wording around who initiates saturated hydraulic conductivity tests.

Katy Treash recommends reorganizing the SHDR to streamline and make it easier to read. As is, there are several duplicated statements in the SHDR.

Rich Michniak would like to make sure science and data used for separation distance, as opposed to arbitrary numbers.

Joshua Anderson asked if bringing the work product expectations from GMP 2017-01 into the SHDR would be appropriate.

Jeff Walker explained that he does not want to create a manual on how to design a drainfield. He believes VDH should look away from prescriptive regulations.

Katy Treash asked if details about shallow-placed systems belong in the SHDR anymore or if that information should be included in the Regulations for Alternative Onsite Sewage Systems.

5. Next Steps for Subgroup / Preparation for Next Meeting

Lance Gregory concluded the meeting with the mention of the next meeting date on May 11, 2022 at 10:00am.

AGENDA

1. Introductions
2. Review Workgroup's "Purpose and Policy"
3. Background on specific aspects of SHDR and Code Authority
4. Proposal(s) from VDH Facilitator
5. Feedback from Subgroup Members
6. Additional Proposals from Subgroup Members
7. Next Steps for Subgroup / Preparation for Next Meeting