

**Virginia Department of Health  
HB 2477 100% Inspection Workgroup**

**Workgroup to establish guidance in achieving goal of 100% onsite system construction inspections by VDH. The guidance document created will be used as draft to share with all stakeholders at a later date prior to implementation.**

**Wednesday May 17, 2017  
8:30 am – 12:30pm  
Perimeter Center  
9960 Mayland Drive, Hearing Room #1, 2<sup>nd</sup> Floor  
Richmond, Virginia 23233-1463**

**AGENDA**

8:30 AM Welcome and introductions

8:45 AM Background

9:00 AM Group discussion

12:00 PM Summary and planning for next meeting tentatively scheduled for first week of June

12:30 PM Adjourn

Any questions concerning the meeting or agenda items please contact Todd Grubbs ([todd.grubbs@vdh.virginia.gov](mailto:todd.grubbs@vdh.virginia.gov)) at (804) 864-7462 or Jay Conta ([jay.conta@vdh.virginia.gov](mailto:jay.conta@vdh.virginia.gov)) at (804) 864-7399.

**Meeting Summary**

**Meeting Location:**

Perimeter Center  
9960 Mayland Drive, Hearing Room #1, 2<sup>nd</sup> Floor  
Richmond, Virginia 23233-1463

**List of Attendees:**

Workgroup Members:

Andrew Carter David Fridley Michael Callahan Chad Bordewyk

John Ewing Mert Henley Jay Conta Todd Grubbs

**100% Inspection Workgroup  
May 17, 2017 Meeting Summary  
Page 2**

VDH Staff and Public:

Lance Gregory      Trisha Henshaw

1. Welcome and introductions.

Mr. Grubbs and Mr. Conta welcomed the workgroup members.

2. Background.

VDH staff provided background on [HB 2477](#) and discussed the purpose of the workgroups - assisting in the development of a draft document to address the second clause in HB 2477 which requires VDH staff to inspect all onsite systems and wells.

3. Group Discussion.

Following the introduction, the workgroup discussed possible options for VDH inspection of onsite sewage systems designed by private sector onsite soil evaluators (OSE) and professional engineers (PE). Options discussed were: i) VDH conducts a complete inspection of the entire system; ii) VDH conducts an inspection focused on key components of the installation and whether those components match the system design (e.g. system location, installation depth, system size, and treatment level; or iii) VDH conducts onsite sewage system inspections similar to those currently provided for private wells (e.g. VDH can inspect the system at any or all times, for a portion of the system or the entire system).

Workgroup members noted some local health departments are already attempting to inspect all onsite installations, and commented getting sufficient notice is the biggest challenge. The workgroup group expressed a consensus that VDH inspections provide value to consumers without creating unnecessary delays. The Code of Virginia requires private sector OSEs and PEs inspect installations and provide an inspection report to VDH. Based on the requirement, workgroup members noted the VDH inspection should take place at any time during the installation. There was general agreement among workgroup members VDH inspections should focus on four key elements; location, treatment, depth, and sizing. The group also agreed VDH would benefit from developing intermediate procedure to achieve 100% inspection of onsite sewage systems followed at a later date with a more robust inspection protocol after the percentages of private sector designs have increased. The current recommendation should address potentially limited VDH staff resources and increases in workload demands. Comments on possible inspection procedures and protocol provided by the workgroup included:

- Require completion statements are signed by a licensed installer by modifying the completion statement to include license number blank.
- VDH should place emphasis on speeding up the permitting process by allowing electronic submittals for permits and completion statements.
- Separating permitting and inspection staff at VDH could allow for more knowledgeable staff regarding system installations.

**100% Inspection Workgroup**  
**May 17, 2017 Meeting Summary**  
**Page 3**

- Only accept installations from licensed installers.
- VDH staff could perform an inspection where currently there may not be an inspection such as:
  - A clearing inspection to verify the site is dry enough to install.
  - A startup AOSS inspection with the licensed operator.
  - An inspection after final grading.
- VDH could centralize permit review regionally, and have local field staff inspect installations.
- VDH needs to establish a requirement for notification.
- Inspection may be more detailed if installed by journeyman installer.
- Require installer to notify VDH staff 24 hours prior to starting installation.
- Recommend Code change requiring installers notify VDH prior to installation.
- VDH staff should be recording GPS location of system now.
- Responsibility of installer to coordinate required inspections.
- VDH inspection should reflect permit requirements.
- VDH staff should not conduct a soil study during inspection.

OEHS staff agreed to prepare a draft document on how to implement 100% inspections prior to the next meeting scheduled for June 6, 2017. The draft will be based on comments received during the first meeting, and will be provided to workgroup members prior to the next meeting. After the June meeting, VDH staff will present the draft document at the next Sewage Handling and Advisory Committee and also at the next Environmental Health Managers polycom for feedback.

**Adjourn**

May 17, 2017

**MEMORANDUM**

**GMP #2017-?**

**Scope:** All onsite sewage disposal systems, alternative discharge systems and private wells will require an inspection by Virginia Department of Health (VDH) staff prior to approval.

**Part I: Background, Scope, General Requirements**

**A. Authority.**

This policy is authorized by the *Private Well Regulations* (12 VAC 5-630, the *Well Regulations*), the *Sewage Handling and Disposal Regulations* (12 VAC 5-610, the SHDR), the *Regulations for Alternative Onsite Sewage Systems* (12 VAC 5-613, the AOSS Regulations) and the *Alternative Sewage Treatment Discharging Regulations for Single Family Homes* (12 VAC 5-640, the Discharging Regulations). This interim policy is further authorized by §32.1-164 of the *Code of Virginia (Code)*, which provides the Board of Health (Board) with the powers and duties to establish:

1. Processes for filing an application for an onsite sewage disposal system permit with the Virginia Department of Health (VDH).
2. Procedures for issuing letters recognizing onsite sewage sites in lieu of issuing onsite sewage construction permits.
3. Criteria for granting, denying and revoking permits for onsite sewage disposal systems.

Item #2 of HB 2477 requires VDH staff to inspect all onsite sewage systems and private wells designed by private sector service providers.<sup>1</sup>

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<sup>1</sup> [HB 2477]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

**1. § 1. That the Department of Health shall take steps to begin eliminating site evaluation and design services for onsite sewage systems and private wells provided by the Department. In doing so, the Department shall:**

## **B. Purpose, Scope, and Applicability.**

The purpose of this document is to:

1. Establish policy and procedures for VDH staff to use in implementing 100% onsite system and well construction inspections as required by HB 2477.

This policy applies to all applications submitted to the VDH, including applications with supporting work from private sector designers. VDH shall accept, review, and approve or deny applications in accordance with the *Code*, applicable regulations, and VDH policies.

**Policy:** The local health departments will perform 100% construction inspections of all onsite sewage systems/wells both VDH and private sector designed. At a minimum during the inspection staff will obtain and record, in VENIS, GPS coordinates for all onsite sewage disposal systems, alternative discharge systems and private wells as specified in previous GMP's. Inspection will take place prior to issuance of the Operation Permit.

## **Part IV: Final Inspections**

### **A. General Requirements and Expectations:**

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1. *Require, in cases in which site evaluations and design services for onsite sewage systems and private wells are provided by private sector service providers, that such site evaluation and design service providers disclose to the property owner when a conventional onsite sewage system is an option;*
  2. *Revise agency regulations and policies to require Department staff to inspect all onsite sewage systems and private wells designed by private sector service providers;*
  3. *Expand efforts to educate the public concerning the design, operation, and maintenance of onsite sewage systems and private wells;*
  4. *Expand efforts to incorporate onsite sewage systems and private well data into community health assessments;*
  5. *Enhance quality assurance checks and inspection procedures for the review of evaluations, designs, and installations by private sector service providers and update its quality assurance manual to reflect this change in the agency's business model;*
  6. *Consider separating work unit functions regarding permitting and enforcement for onsite sewage systems and private wells to ensure that staff reviewing evaluations and designs for permitting purposes are separate and independent from staff performing enforcement functions;*
  7. *Improve the collection and management of data about onsite sewage systems and private wells, including (i) creating a web-based reporting system for conventional onsite sewage system operation and maintenance, (ii) accepting applications and payments online, (iii) making onsite sewage system and private well records available online, (iv) creating a complete electronic record of all permitted onsite sewage systems and private wells in the Commonwealth, and (v) creating procedures for tracking Notices of Alleged Violations and corrective actions; and*
  8. *Revise agency policies to allow the transfer of valid construction permits for onsite sewage systems and private wells to new property owners.*
2. That the Department of Health shall report on its progress in implementing the provisions of this act and any recommendations for statutory, regulatory, policy or budgetary changes that may be necessary to implement the provisions of this act to the Secretary of Health and Human Resources and the Chairmen of the House Committee on Health, Welfare and Institutions and Senate Committee on Education and Health by November 1, 2017.

1. An OSE/PE is expected to perform a final inspection for any sewage disposal system installed pursuant to a construction permit based on a design certified by the OSE/PE. VDH shall work towards the goal of 100% inspections of all onsite and well systems designed by private sector OSEs/PEs. Installers shall notify the appropriate local or district health department whenever they are ready for a final inspection, regardless of whether that inspection is the responsibility of a private sector OSE/PE or VDH.
2. Each OSE/PE should secure the contractor's completion statement at the time of inspection and file with the applicable local health department as soon as possible.
3. Local and district health departments are encouraged to conduct a Level 2 Review prior to installation of the onsite system or well. A Level 2 Review will count as a construction inspection and will count towards the goal of 100% construction inspections. Participating in preconstruction meetings with the OSE/PE and installer will also count towards achieving 100% inspections.
4. The OSE/PE is responsible for the final inspection of an onsite system designed by them, the responsibility shall extend to any subsequent re-issuance of the permit (e.g. renewal, change of owner, etc.). VDH is responsible for informing the OSE/PE of the re-issuance of a permit by sending a copy of the permit approval letter to the OSE/PE who originally designed the system. The VDH inspection will check for minimum regulatory compliance and will take place at some point between permit issuance and OP issuance, as such is likely will not be a complete system review.
5. Whenever an OSE/PE conducts an inspection of a system and cannot approve it, the OSE/PE should immediately notify the owner in writing and send a copy of the notice to the appropriate local or district health department. The written notice must include an explanation of the reasons for the OSE/PE's refusal to approve. Whenever an OSE/PE requires corrective actions prior to determining a system is properly installed, the inspection report and completion statement must document those corrective actions.
6. OSE/PEs should always submit as-built installation drawings. Field measurements should be taken to the septic tank, the distribution box, and other necessary components. If the sewage system's location and details did not change from the construction permit, then the OSE/PE should note that information on the inspection report.

An OSE/PE is expected to perform a final inspection for any private well installed pursuant to a construction permit based on a design certified by the OSE/PE. VDH is required to inspect all onsite systems and private wells, including those installed pursuant to a construction permit based on a designed certified by a private sector OSE/PE. The well driller shall notify the local health department and private sector OSE/PE (if applicable) prior to starting a new well. Inspections may be made during construction or prior to placing the well in service.

**Questions for workgroup discussions:**

- Who is responsible for notifying VDH?
- How do we handle lack of notification?
- How do we handle noncompliance?
- What do we handle installation meets minimum requirements but does not adhere to permit?
- What are consequences for not completing 100%?
- What level of detail will be required by VDH staff on AOSS inspections?
- What will be VDH accountability?
- How would VDH staff handle an OSE/PE unwilling to approve but minimum standards are met?
- What is VDH staff responsibility to notify all parties of proposed inspection?
- Should the designer inspect?
- What is the minimum VDH should do?
- What is the maximum VDH should do?
- Would joint inspections be mandatory or desirable?

**Dates and timetables:**

Meeting 1: May 17

Meeting 2: First week of June

Present draft to SHADAC: June 19

Present draft to VDH Managers: June 22

Meeting 3: July if needed

Present to OCOM: September 1