

## **ONSITE SEWAGE SYSTEMS FACILITATION MEETING**

### **MINUTES**

A meeting of the stakeholders who have an interest in Onsite Sewage Systems met on May 4, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Dr., Richmond, Virginia, with the following parties present:

**Rick Blackwell, PE, Virginia Society for Professional Engineers (arrived at 10:45)**  
**Justin Garofalo, Board Administrator, Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Board**  
**Stanley Harris, PE, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board Member**  
**Robert Hicks, Office of Environmental Health Services, Virginia Department of Health**  
**Allen Knapp, Office of Environmental Health Services, Virginia Department of Health**  
**Robert Mayer, PE, American Manufacturing Company, Inc.**  
**Kathleen Nosbisch, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects**  
**E. Brooke Philpy, Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Board, Board Member**  
**Joel Pinnix, PE, American Council of Engineering Companies/Virginia**

Staff present for all or part of the meeting were:

**Carol Mitchell, Dispute Resolution Manager**  
**Erin Simon, ADR Coordinator**  
**Amy Goobic, Administrative Assistant**

The meeting commenced at 9:10 a.m. Ms. Mitchell introduced Jay DeBoer, Director, Department of Professional and Occupational Regulation. Mr. DeBoer welcomed those attending and thanked them for participating in the facilitation process.

#### **Call to Order**

The facilitation meeting was prompted by a letter received by the Department of Professional and Occupational Regulation and the Virginia Department of Health from The Honorable Mamie Locke, Member of the Virginia Senate and The Honorable Chris Jones, Member of the Virginia House of Delegates. The letter requested the two departments work with representatives from the Virginia Society for Professional Engineers, the American Council of Engineering Companies and the American Manufacturing Company, Inc. to resolve issues addressed in HB 2072 and SB 1008 introduced during the 2009 session of the Virginia General Assembly.

Ms. Mitchell explained her role as the facilitator of the meeting and gave a brief summary of her background in dispute resolution. Ms. Mitchell then had all parties present introduce themselves and provide information regarding their interest in the Onsite Sewage System topic.

Ms. Mitchell presented the objective of the day to the stakeholders:

- To evaluate the feasibility and desirability of exempting the use of certain pump products in the design of conventional and alternative onsite sewage systems receiving residential wastewater from the engineering licensure requirement of §54.1-400 et.seq. of the *Code of Virginia*.

**Objective of the Day**

There were no comments made to the stakeholders.

**Public Comment Period**

Ms. Mitchell presented the guidelines for the meeting:

- Attend every meeting
- One person speaks at a time
- Be open and listen carefully
- Turn off cell phones
- Attack the issues, not the person

**Discussion of Onsite Sewage Systems**

In addition, Ms. Mitchell asked the stakeholders if they would be reaching decisions by majority rule or consensus. Mr. Pinnix stated that he was not there to vote on behalf of the American Council of Engineering Companies – Virginia, but he would make recommendations to the organization if necessary.

Mr. Mayer began the meeting with a presentation on the Perc-Rite septic system (manufactured by the American Manufacturing Company, Inc.) with a detailed description of the product design and installation requirements.

Mr. Blackwell arrived at 10:45. Ms Mitchell provided an overview of what occurred at the meeting prior to his arrival. She also questioned whether he had decision making authority for the Virginia Society of Professional Engineers. He stated that he would not vote, but he would make recommendations to the organization if necessary.

Committee members then began the discussion of issues pertaining to the design, installation and use of certain pressurized septic systems and the regulations governing these systems. Significant issues brought up during discussion included use of the term "pre-engineered," pressurized vs. non-

pressurized systems, exemptions to the engineer regulations for certain pump products used in conventional and alternative designs, health and safety issues of septic systems and the language of the regulations and statutes. Additionally, a letter from Karen Ferguson, President of Geoflow, Inc., was introduced by Mr. Pinnix. Geoflow, Inc. manufacturers drip dispersal systems. Geoflow stated that they do not seek an exemption to the Virginia Code requiring designs prepared by licensed engineers.

After lengthy discussion on the topic, it was agreed that the committee would need time to review additional information. In addition, Ms. Mitchell recommended that Mr. Mayer, Mr. Blackwell and Mr. Pinnix draft language that they would like to see included in subsection A.11 of §54.1-402 of the *Code of Virginia* for presentation at the next meeting.

The next meeting was scheduled for May 21, 2009, at 8:15 a.m.

Set Meeting  
Date

There being no further business, the meeting was adjourned at 3:30 p.m.

Adjourn



Jay W. DeBoer, Secretary