

**Virginia Department of Health (VDH)
Rainwater Harvesting and Reuse Regulation Stakeholder Workgroup
March 25, 2019, Meeting Minutes (DRAFT)**

Meeting Location:

James Madison Building
5th Floor Main Conference Room
109 Governor Street
Richmond, Virginia 23219

List of Attendees:

Anthony Creech – VDH, Office of Environmental Services
Lance Gregory – VDH, Office of Environmental Services
Tripp Perrin – Lindl Corporation
Robert Cooper – DEQ, Stormwater Management
Tyrone Jarvis – Go Green Automotive Care
Benjamin Sojka – Rainwater Management Solutions
Scott Vogel – VDH, Office of Environmental Health Services
Nelson Daniel - VDH, Office of Drinking Water
Aaron Moses – VDH, Office of Drinking Water
Michael Redifor – Newport News Code Compliance

ADMINISTRATIVE AND INTRODUCTION

Mr. Creech shared copies of the DHRM Civility in the Workplace Policy and informed the group that, per the policy, VDH must ensure that third parties are made aware of this policy and that it applies to third parties.

DISCUSSION

1. 2019 General Assembly Summary

HB1949. Mr. Gregory summarized 2019 HB1949, which would have required VDH to develop regulations for rainwater harvesting and reuse that incorporate water used for human consumption. VDH representatives from Office of Environmental Health Services (OEHS) and the Office of Drinking Water (ODW), met with the bill patron (Michael Webert) and representatives of an airport in Fauquier regarding reuse of rainwater for purposes including human consumption. Following this discussion, the airport representatives elected to pursue a Waterworks permit, and the bill was withdrawn.

HJ641. Mr. Creech summarized HJ641, which requires – as follow-up to 2018 HB192 – VDH to evaluate additional issues related to the use of rainwater, to submit an update on

the status of the rulemaking process to the General Assembly by November 1, 2019, and to submit a report of its progress in meeting the request of the resolution to the General Assembly no later than the first day of the 2020 regular session.

2. Items Required Per HJ 641

(i) The conditions under which rainwater may appropriately be used and for what purposes

After discussion, the stakeholder workgroup agreed to the following conditions and purposes:

- Not For Human Consumption, No Contact (example, use in cooling towers)
- Not For Human Consumption, Potential For Direct Contact (example, toilets, laundry, above ground irrigation)
- Human Consumption (as defined by Code §32.1-167).

As discussed in previous meeting, it is critical to clarify those that are already regulated or programs by which other regulations apply (e.g., waterworks); conditions, individuals, or other factors that do not require regulation (e.g. rain barrels); and those to whom rainwater harvesting and reuse regulations apply.

(ii) Standards for the use of rainwater for human consumption

In developing standards for the use of rainwater for human consumption, the following must be considered:

- Terminology (e.g. pure, human consumption) must be consistent with Waterworks and Private Well regulations.
- The source of rainwater (is there a significant air pollution issue that needs to be accounted for)
- Requirements for roofing or catchment materials (e.g., ARCA, ASPA Standard 63)
- Treatment standards (e.g. 3 log bacteria and 4 log virus consistent with SDWA).
- Any water connected to building plumbing should be of potable quality
- Filtration and disinfection standards.
- Operation and maintenance
- Design and installation standards (implies coordination with DPOR)
- Disposal standard for system components and materials.
- Quality testing standards
- Water quality standards (e.g, Waterworks? Private Well? USDA? EPA and CDC guidance? Unique standards developed for this regulation?)

- Determination of anticipated contaminants (from precipitation, from roof/catchment materials, from materials on/in roof/catchment [leaves, bird waste])

(iii) Standards for rainwater harvesting systems, including systems that collect rainwater for human consumption and systems that collect rainwater for use by commercial enterprises but not human consumption, as those systems are defined in § 32.1-167

In developing standards for rainwater harvesting systems, the following must be considered:

- There is no standard for disinfection in the USBC for non-potable
- It will be necessary to evaluate definition of human consumption. For example, is it appropriate to make distinction or classification between direct contact (e.g., hand washing, dish washing) and consumption (e.g. drinking, food preparation).

(iv) A requirement that buildings that draw water from both rainwater harvesting systems and public water supplies maintain appropriate cross-connection safeguards

In developing a regulation, the following must be considered:

- A mechanism will be needed to notify the public water supplier to perform an inspection, and to ensure at least annual inspection of backflow prevention devices.
- Generally, the solution to drought should be feeding of municipal supply into the rainwater harvesting system

(v) Training and certification requirements for installers of rainwater harvesting systems, including installers of rainwater harvesting systems installed in buildings that draw water from both rainwater harvesting systems and public water supplies

In developing training and certification requirements for installers, the following must be considered:

- Need to coordinate with DPOR – some of this may not be under VDH authority (e.g., VDH may have more voice in design than installation).
- Existing trades (e.g., plumbers, electricians, highway heavy contractors)
- National standards (e.g. ARCSA)
- Would certification, by whatever agency, require an act to revise the code in order to provide authority to provide certification?

STEPS BEFORE THE NEXT MEETING OF THE STAKEHOLDER WORKGROUP

VDH to prepare an outline of proposed regulation (Section headings) to initiate discussion of specifics

VDH and attendees encouraged to reach out to other workgroup members and potential stakeholders to increase involvement in this process.

Next Meeting: April 25, 2019, 10:00 am to 2:00 pm, Madison Building, Room 539, 109 Governor Street, Richmond, VA 23219

DRAFT