

**Virginia Department of Health
Sewage Handling and Disposal Advisory Committee (SHADAC)
Meeting Summary**

Date: December 5, 2018
Time: 10 am to 2 pm
Location: James Madison Building
Upper Basement Conference Room
109 Governor Street
Richmond, Virginia 23219

SHADAC Members

Mike Lynn, Chairman – Home Builders Association of Virginia
Morgan Kash – Virginia Association of Professional Soil Scientist (sitting in for Bill Sledjeski)
Curtis Moore – Virginia Onsite Wastewater Recycling Association
Alan Brewer – Virginia Association of Counties
Curt Linderman – Virginia Department of Environmental Quality (sitting in for Valerie Rourke)
Larry Madison – Virginia Environmental Health Association (sitting in for Adam Feris)
Chris Beatley – Manufacturer (sitting in for Colin Bishop)
Lance Gregory – Virginia Department of Health

VDH Staff and Members of the Public

Anthony Creech Paul Saunders Scott Vogel

Administrative

1. Welcome

Chairman Lynn welcomed the committee members, VDH staff, and the public to the meeting.

2. Approve agenda.

Mr. Moore moved to approve the agenda.

Mr. Brewer seconded the motion.

All members were in favor of the motion.

3. Review summary from May 11, 2018 meeting.

Mr. Gregory commented that he caught several typographical errors in the draft.

Mr. Moore moved to approved the summary with correction of the typographical errors.

Mr. Brewer seconded the motion.

All members were in favor of the motion.

4. Review summary from September 25, 2018 meeting.

The committee accepted the summary, as there was no quorum for the meeting.

4. SHADAC Representatives – Request to Organizations

Mr. Gregory commented that VDH would be sending out letters to organization on the SHADAC to update their representatives.

Public Comment Period

There were no public comments.

Standing Agenda Items

1. Issues related to internal VDH policies and processes.

The committee discussed recent action by Stafford County Board of Supervisor (BOS) regarding community onsite sewage systems. Stafford County voted to require that the onsite sewage system serving a property be located on the same property, thereby eliminating the use of community systems.

Chairman Lynn stated that the Stafford County BOS raised concerns over VDH's oversight of alternative onsite sewage system (AOSS) operation and maintenance (O&M), and asked what it would cost to operate a program similar to Loudoun County's AOSS O&M program. Loudoun County funds local positions that provide enforcement via local civil penalties.

Mr. Gregory commented that he wanted to bring the matter forward to hear ideas for promoting community systems and addressing issues to make them more feasible.

Mr. Brewer commented that for communities with less than 50 homes cost is the limiting factor. He added that treating situation as new construction when replacing individual failing system creates a barrier. He recommended treating those communities as a repair.

Mr. Moore commented that with non-residential facilities the limiting factor is nitrogen reduction unless you have a large area for dilution.

Mr. Brewer commented that there needs to be a serious look at the science of the calculation for nitrogen reduction, very basis model, not convinced it meets reality.

Mr. Moore mentioned that some localities are suggesting mandatory pumpouts in their Phase III Watershed Implementation Plan (WIP III) strategies. He commented on the need to embrace pressure dosing and give more credit for shallow installations.

Chairman Lynn mentioned that some people try to avoid pressure dosing because an onsite soil evaluator can't design them and owners want to avoid hiring a professional engineer.

Larry – need qualified installers to install the pressure systems properly. Start up inspections aren't being done. With drip you really need 3-4 inspections. You need power to the house when you do the inspections

Mr. Kash commented that some people inspecting the systems aren't familiar with the designs.

Mr. Moore mentioned that other states require manufacturer training in order to install and operate a system. He added that Virginia needs an improved septic tank standard; North Carolina has inspection program.

Mr. Madison commented that a policy for pipe penetrations in tanks would be beneficial.

Mr. Moore mentioned that wastewater treatment plant operators, if they are the operator of record for the system, are held accountable for the system. He commented that having a similar situation for onsite systems would address many issues because operators wouldn't be willing to take the system on until all the issues are fixed.

Mr. Linderman state that DEQ defines "owner" as the owner or operator.

Break

Old Business

1. House Bill 887 Implementation
 - a. GMP 2018-02 update

Mr. Gregory provided a quick update on implementation of GMP 2018-02; revised definition of maintenance. Since July 1, 2018, the number of repairs has decreased by 40% to 45% because House Bill 887 now allows simple correction to be completed as maintenance without a permit. Several districts have commented that this has allowed them to redirect resources to other task.

2. House Bill 888 Implementation
 - a. GMP 2018-03 update

Mr. Gregory commented that the Office of Environmental Health Services has received very little feedback since the initial implementation of the transition of services in House Bill 888. Starting July 1, 2018, certification letters, voluntary upgrades, subdivision evaluations, and new onsite sewage system not intended to serve a principal place of residence require evaluations and designs from private sectors providers.

3. Hardship Guidelines and Petition for Services

Mr. Gregory walked through a presentation of the draft hardship guidelines (attached) and sought feedback from the committee. Committee members provided the following feedback and suggested edits:

- For the means testing section, need to clarify that the section is based on the date of application, and based on completed applications.
- For the means testing section may want to revise the application to ask whether the owner is submitting a petition for services and remove the question asking whether the owner is submitting an evaluation and design from an onsite soil evaluator or professional engineer.
- Regarding the equation for the number of private sector service provider, only count applications where a permit was issued.
- Regarding the equation for the number of private sector service providers, consider the minimum number of evaluations and design from five to three.
- Where mentioned, need to clarify that “fiscal year” refers to the state fiscal year; July 1st to June 30th.
- Regarding the equation for the number of private sector service provider, future years should take out the number of applicants that applied for means testing.
- If a district has already transitioned services to the private sector, are they still required to provide services if an owner meets means testing or hardship guidelines.
- Suggested revisions to the section dealing with disciplinary actions by the Department of Professional and Occupational Regulations, including removal of the second sentence.
- The section on availability of private sector services providers places the burden on the owner. Should the owner be required to get a statement from the service provider verifying that they are not available.
- The availability of private sector service providers should be based on the backlog of work for the private sector versus VDH backlogs. Additionally, VDH should prioritize all private sector evaluations and designs.
- Need to define “availability” in the availability of private sector service providers section.
- Local health departments should call private sector service providers monthly/annually to determine their backlog allowing the private sector to tell VDH whether they are available within specified timeframes.
- Owners should be required to contact all private sector providers working within the locality.
- Need a flow chart for the process.

Mr. Gregory noted that VDH has limited statewide data on whether Safe, Adequate, and Proper (SAPs) evaluations are being submitted with supporting work from the private sector. He asked whether the committee felt it would be appropriate for VDH to list SAPs as a hardship for the first year while VDH collects better data, maintaining exemptions for non-residential systems and AOSS. He noted the other option would be to have SAPs follow with the availability of service providers for other onsite services. The committee was generally agreeable with allowing SAPs to be listed as a hardship for one year while VDH collects better data.

Mr. Gregory also discuss other options for the equation proposed in the draft hardship guidelines. He noted that one option would be to increase the growth factor during each annual review. This option was generally well received by the committee.

Adjourn

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Agenda**

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Location: James Madison Building
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Administrative (25 minutes)

1. Welcome (5 minutes)
2. Approve agenda. (5 minutes)
3. Review summary from May 11, 2018 meeting. (5 minutes)
4. Review summary from September 25, 2018 meeting. (5 minutes)
4. SHADAC Representatives – Request to Organizations (5 minutes)

Public Comment Period (15 minutes)

Standing Agenda Items (20 minutes)

1. Issues related to internal VDH policies and processes. (20 minutes)

Break (10 minutes)

Old Business (50 minutes)

1. House Bill 887 Implementation (10 minutes)
 - a. GMP 2018-02 update
2. House Bill 888 Implementation (10 minutes)
 - a. GMP 2018-03 update
3. Hardship Guidelines and Petition for Services (30 minutes)

Break (10 minutes)

Old Business Continued (60 to 75 minutes)

4. Hardship Guidelines and Petition for Services (60 to 75 minutes)

Break (10 minutes)

New Business (20 minutes)

1. Letters to Alternative Onsite Sewage System Owners (20 minutes)

House Bill 888: Draft Hardship Guidelines

Lance Gregory

Director

Division of Onsite Sewage and Water Services,
Environmental Engineering, and Marina Program

Background

- By July 1, 2019, establish guidelines to maintain the Department as a provider of last resort for:
 - Evaluation and design services associated with a building permit or the repair of a failing sewage system that is for a principal place of residence.
 - Guidelines shall include considerations for hardships based on (i) the availability of properly licensed service providers working within a locality or region, (ii) the disciplinary history of private sector providers, and (iii) the cost of private sector services.

FY 2018: Private Sector Participation

- 252 OSEs/PEs submitting at least 1 app in FY 2018.
- Submitted 8,205 total designs in FY 2018; 32.56 per OSE/PE.
- 7,185 Bare application in FY 2018.
- 28.5 additional bare apps per OSE/PE to cover; 88% increase in workload.
- 105 OSE/PEs do 90% of the work; average 70.33 designs each.
- 62 OSE/PE account for 75% of the work (99.2 per); and top 29 do 50% of the work (141 per).
- 146 OSEs/PEs do less than 20 designs per year.

Means Testing and Hardship Guidelines

- Develop hardship guidelines.
- First draft: November 1, 2018.
- RedCap Survey
- Second draft: proposed January 4, 2018.
- Public comment period.
- Final due July 1, 2019.
- Tentative – regional meetings to discuss.

Exclusions

- The following services are excluded from means testing and hardship guidelines.
 - Voluntary upgrades
 - Certification letters
 - Subdivision evaluations
 - New onsite sewage systems not for a principal place of residence
 - Non-residential onsite sewage systems
 - Onsite sewage systems that will use over 1,000 gallons per day
 - Alternative onsite sewage systems
 - Alternative discharging sewage systems
 - Onsite sewage system designs that require a professional engineer

Means Testing Starting 7/1/19

Family Size	400% FPG 7/1/19 to 6/30/20	300% FPG 7/1/20 to 6/30/21	200% FPG 7/1/21 to 6/30/22	100% FPG 7/1/22 to 6/30/23
1	\$48,560	\$36,420	\$24,280	\$12,140
2	\$65,840	\$49,380	\$32,920	\$16,460
3	\$83,120	\$62,340	\$41,560	\$20,780
4	\$100,400	\$75,300	\$50,200	\$25,100
5	\$117,680	\$88,260	\$58,840	\$29,420
6	\$134,960	\$101,220	\$67,480	\$33,740
7	\$152,240	\$114,180	\$76,120	\$38,060
8	\$169,520	\$127,140	\$84,760	\$42,380

Ongoing Income Eligibility

- Owners eligible to receive a fee waiver pursuant to 12VAC5-620-80.A.
- Owners with income below 200 percent of the federal poverty guidelines for a pit privy or for a repair of a failing onsite sewage system.
- Determination of eligibility for a hardship based on income follows the same procedure as the determination of income eligibility for fee waivers (see GMP 2016-02).

Wells

- Replacement wells.
- Well abandonments.



Number of Private Sector Service Providers

$$(P \times A)1.25 - W = X$$

P = Number of private sector providers that submitted at least five evaluations and designs within the locality over the previous fiscal year.

A = Average number of evaluations and designs per private sector provider submitted within the region over the previous fiscal year. (A map showing the specific regions is provided below; Map 1.)

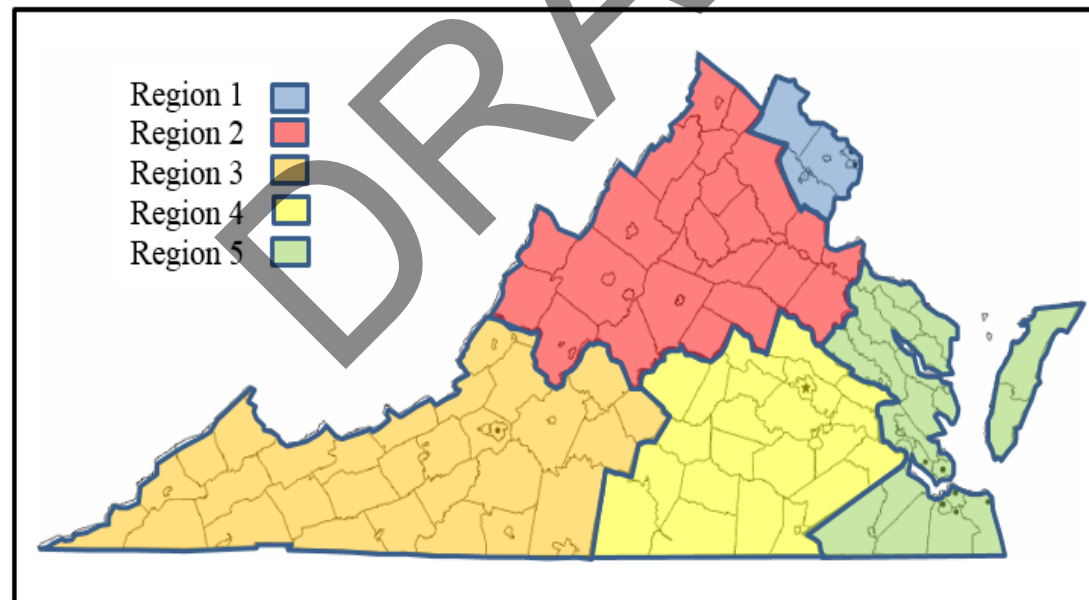
1.25 = Private sector growth factor.

W = Total number of private sector evaluations and designs submitted within the locality over the previous fiscal year.

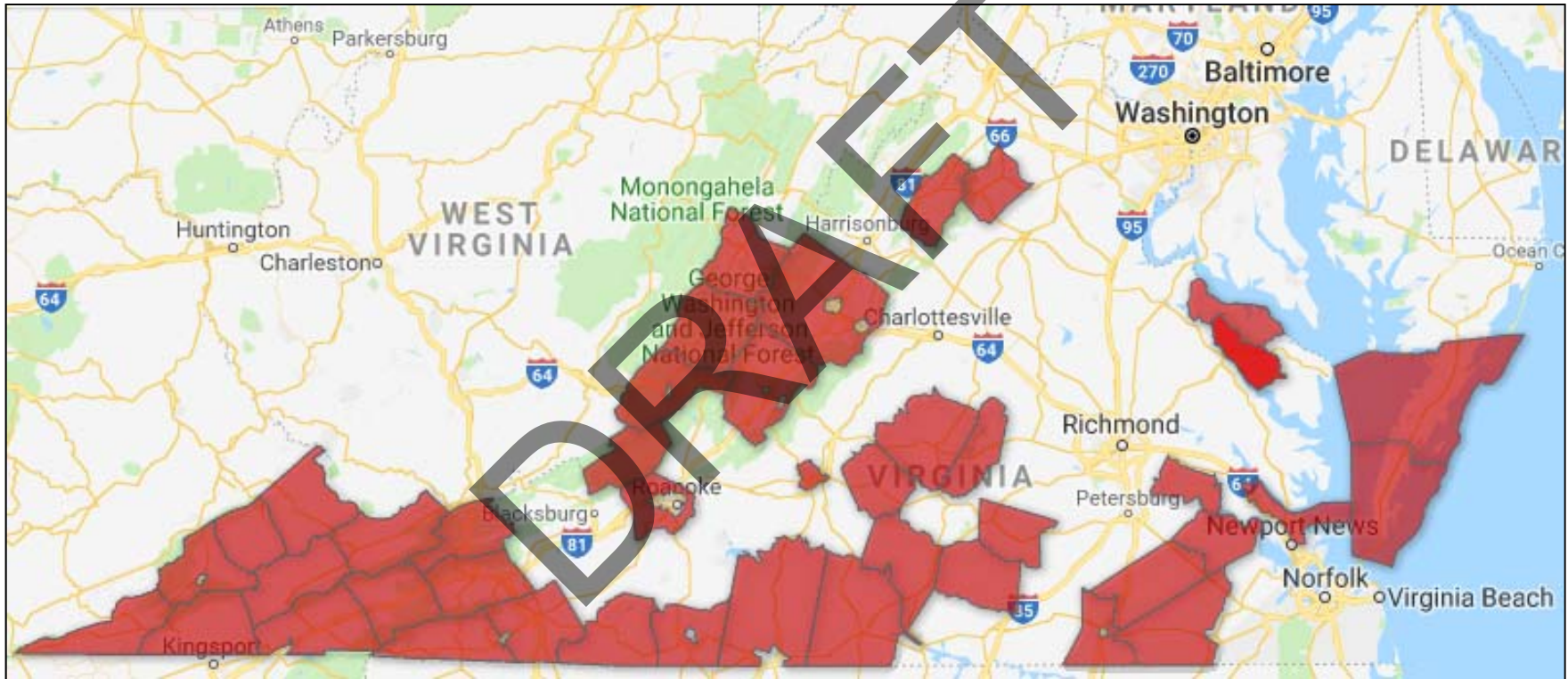
X = Estimated number of additional evaluations and designs that could be provided by the private sector.

Number of Private Sector Service Providers

- Locality with fewer than two private sector providers determined to have an insufficient number of private sector providers.
- Localities receiving 10 or fewer total applications.



Hardship Map: As Drafted



Availability of Private Sector Service Providers

- 15 business days for:
 - New onsite sewage systems serving.
 - New private wells.
 - SAPs
- 5 business days fore repairs.
- Owners must contact at least two private sector providers and provide the names.

Further Considerations

- May petition the District Health Director for further consideration.
- The District Health Director may delegate to the District Environmental Health Manager.
- Reviewed on a case-by-case basis.

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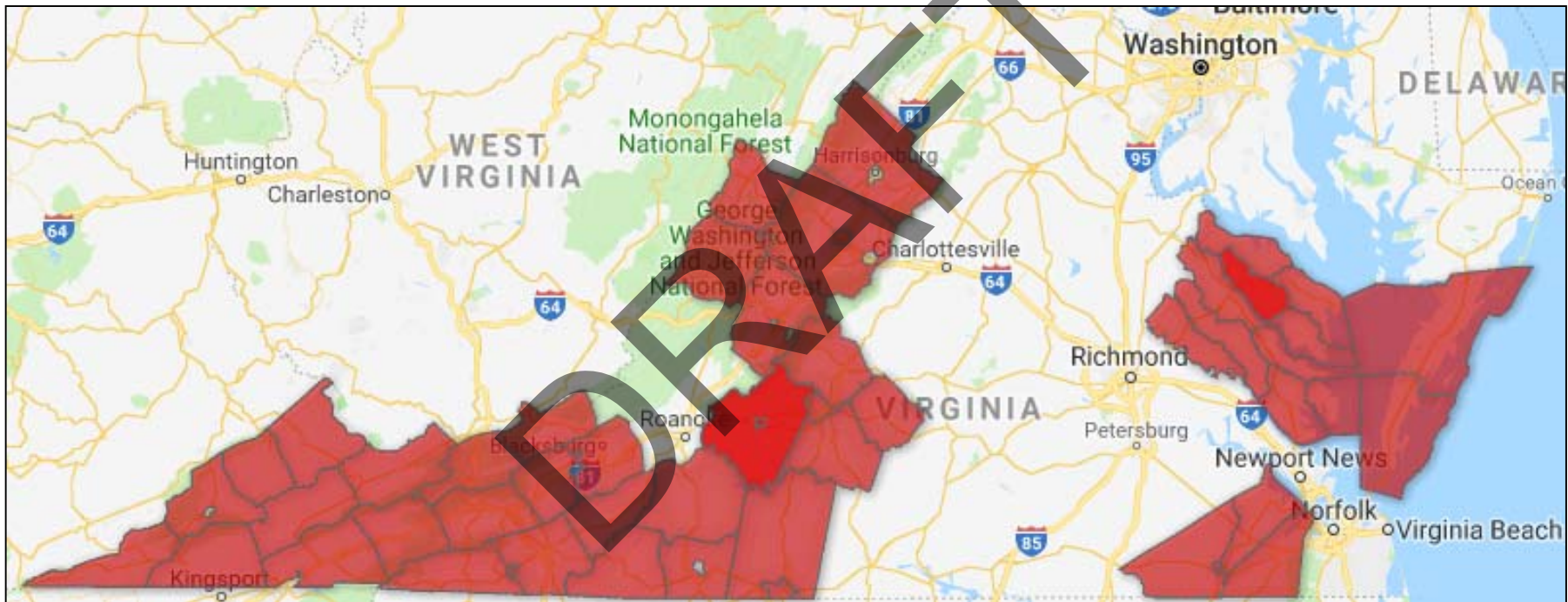
Annual Review

- Recommendations from SHADAC and stakeholders.
- Analysis of requests for income eligibility criteria.
- Analysis of the estimated number of additional evaluations and designs that could be provided by the private sector.
- Analysis of “further considerations”.
- Analysis of the percent AOSS and COSS designs.
- Surveys regarding the cost of private sector services.

New Fees Starting 7/1/19

- Current fees stay the same (new construction, etc.).
- Repairs - \$425 bare app; \$225 with OSE/PE.
 - For less than 1,000 gpd.
 - Fee waived for anyone below 200% of FPG.
 - \$1,400 for designs more than 1,000 gpd.
- Voluntary Upgrades - \$225 with OSE/PE (no bare apps).
 - For less than 1,000 gpd.
 - Fee waived for anyone below 200% FPG.
 - \$1,400 for designs more than 1,000 gpd.
- SAP - \$150 bare app; \$100 with private work.
 - See §32.1-165 for list of private sector providers.

Hardship Map: Calculated By District



Increasing Growth Factor to 1.5

- Adds 587 new application, 4303 total (59.89% of bare) .
- Add: Alleghany, Augusta, Charles City, Greensville, Lunenburg, Northampton, Nottoway, Page, Rappahannock, Surry, Sussex

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Increasing Growth Factor to 1.75

- 652 additional; 4368 total (60.79% of bare).
- Adds: Alleghany, Augusta, Charles City, **Grayson**, Greensville, Lunenburg, Northampton, Nottoway, Page, Rappahannock, **Richmond**, Surry, Sussex.

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Increasing Growth Factor to 2.0

- 771 additional; 4487 total (62.45% of bare)
- Adds: Alleghany, Augusta, Charles City, Grayson, Greensville, Lunenburg, Northampton, Nottoway, Page, Rappahannock, Richmond, **Rockbridge**, **Scott**, Surry, Sussex.

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Hardship Map: 1+ Design



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Questions?

Thank you all for signing up for the VDH service provider website. If you haven't done so, I would encourage you to do so.