

January 1, 2015

MEMORANDUM

TO: District Health Directors
Environmental Health Managers
Office of Environmental Health Services Staff
VPI Contract Soil Scientists
Onsite Soil Evaluators
Professional Engineers

GMP #2015-01

THROUGH: Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner

THROUGH: Allen Knapp, Director
Office of Environmental Health Services

FROM: Dwayne Roadcap, Director
Division of Onsite Sewage and Water Services, Environmental Engineering
and Marina Programs

SUBJECT: GUIDANCE MEMORANDUM AND POLICY 2015-01: Onsite Sewage Application
Expectations and Requirements

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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.

B. Purpose, Scope, and Applicability.

The purposes of this document are to:

1. Inform applicants of the expectations for certification letters, subdivision approvals and construction permits in the onsite sewage and private well programs;
2. Provide guidance to agency staff for processing the above applications; and
3. Establish expectations and deadlines for processing applications.

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.

C. Definitions. The following words and terms have the following meanings unless the context clearly indicates otherwise:

“Backlog” is deemed to exist when the processing time for more than 10% of a local or district health department’s complete bare applications for construction permits exceeds a predetermined number of working days (e.g., a 15-day backlog exists when the processing time for more than 10% of permit applications exceeds 15 working days). When calculating backlogs, only applications for construction permits shall be counted.

“Bare Application” means an application for a construction permit or a certification letter submitted without supporting documentation from a private sector designer.

“Complete Application” means an application for a construction permit or certification letter that includes all necessary information needed to process the application as specified by code, regulation or this policy.

“Deemed Approved” or “Deemed Approval” means that VDH has not taken action to approve or disapprove an application for a permit, an individual lot certification letter, multiple lot certification letters, or subdivision approval for residential development within the time limits prescribed in §§ 32.1-163.5 and 32.1-164 G of the *Code of Virginia*. In such cases, an application submitted in proper form pursuant to this chapter is deemed approved. “Deemed approved” means that the application is approved only with respect to the Board of Health’s regulations.

Sites previously denied by VDH and proprietary, pre-engineered systems deemed by VDH to comply with the Board’s regulations are not subject to the provisions of deemed approval.

“Multiple Lot Certification Letters” means two or more applications for certification letters filed by the same owner for existing or proposed lots to serve detached, individual dwellings.

“Onsite Soil Evaluator” (OSE) means a person who is licensed under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as an onsite soil evaluator. A licensed onsite soil evaluator is authorized to evaluate soils and soil properties in relationship to the effects of these properties on the use and management of these soils as the locations for onsite sewage systems.

“OSE/PE” means a licensed onsite soil evaluator, a professional engineer, or a professional engineer working in consultation with a licensed onsite soil evaluator.

“Professional Courtesy Review” means a site-specific field review requested by an OSE/PE prior to the submission of an application for a construction permit or certification letter or a general field consultation (not site-specific) regarding a proposed subdivision.

“Processing Time” means the number of working days from the date a complete application is received by a local health department to the date a permit or certification letter is issued or denied. Working days characterized by severe weather conditions shall not be included in any calculation of processing time.

“Single Lot Construction Permit/Certification Letter” means one application filed by an owner for a sewage disposal system construction permit or certification letter to serve an individual dwelling on one lot or parcel of land.

“Subdivision Review” means the review of a proposed subdivision plat by a local health department for a local government pursuant to a local ordinance and §§ 15.2-2242 and 15.2-2260 of the *Code of Virginia* and 12 VAC 5-610-360 of the *Sewage Handling and Disposal Regulations* for the purposes of determining and documenting whether an approved sewage disposal site is present on each proposed lot.

D. Roles and Responsibilities.

1. The Virginia Department of Health (VDH) shall:

- a. Review applications as necessary to assure compliance with applicable regulations and the department's policies prior to approval or disapproval of an application.
- b. Conduct paperwork (Level 1) and field (Level 2) reviews prior to approving or denying applications as necessary to protect public health and the environment.
- c. Conduct construction inspections of private sector designed systems as necessary to protect public health and the environment.
- d. Provide a site-specific field courtesy review when requested by an OSE/PE as time and resources may allow. Such requests shall not be included in any calculation of backlogs nor shall they be subject to the time limits contained in this policy or to deemed approval. The professional courtesy review is voluntary and will be provided at the sole discretion of the local health department. Staff will not render case decisions for requests for courtesy reviews.
- e. Initiate procedures to revoke or modify permit approval, certification letter or subdivision approval when there is reason to believe the approval does not substantially comply with applicable regulations. VDH may revise a permit, certification letter, or subdivision approval upon the owner filing a new application or as outlined in Part III Section C of this document.

2. The OSE/PE shall:

- a. Certify that work performed meets all applicable regulations when that work is used to seek a permit, letter, or other approval from VDH.
- b. Assure site evaluations and designs comply with all applicable regulations and this policy when applicable. See GMP #153 (or successor policy), Va. Code § 32.1-163.6, and other requirements within this policy.
- c. Inspect sewage systems installed based upon work submitted in support of a permit application subsequently approved by VDH.
- d. Complete an inspection and provide an inspection report and a completion statement to VDH for any sewage disposal system installed pursuant to a construction permit based on a design certified by the OSE/PE. VDH may, but is not required to, inspect systems designed by a private sector OSE/PE.

3. Professional Relationships

VDH staff and private sector designers must be mindful of the sometimes subjective nature of onsite sewage system evaluations and designs. On any site there may be a number of possible solutions to install an onsite sewage system, all of which must comply with the regulatory requirements.

It is paramount that VDH staff and private sector designers respect one another's professional judgment in such variable circumstances. A private sector designer forms an independent professional opinion based on an objective evaluation of all the relevant information available and his/her professional judgment. At the same time, VDH staff is equally qualified to form independent professional opinions based on an evaluation of the relevant information available.

When making case decisions, VDH employees must distinguish their professional opinion from an administrative responsibility to process permit applications based on facts. It is the private sector designer's responsibility to assure that his/her evaluation and design are completed in accordance with all applicable laws and regulations. Deference should be given to the private sector designer's professional judgment unless factual evidence is available to show that an evaluation and/or design does not comply with applicable laws and regulations.

When problems occur, VDH is obligated to take appropriate enforcement actions to assure public health and environmental protection. Local and district environmental health staff and directors are responsible for problem solving situations encountered regarding site approvals, system design, and construction.

VDH is a partner in trying to identify solutions. Private sector designers are expected to take primary responsibility for solving problems on sites where a permit is requested based on the private sector designer's supporting documentation. In all cases, the first steps to resolving problems should attempt to identify non-adversarial solutions that are mutually agreeable to the owner, the designer, and the agency.

E. General Requirements.

1. All requests for VDH approvals or reviews must be made on the appropriate application form (or in writing for courtesy reviews). The owner of record must give VDH permission to enter the property to process the application or request. Generally, applications for construction permits and certification letters begin with filing an application; requests for review of proposed subdivisions are initiated by a local government; and requests for courtesy reviews are initiated by a private sector OSE/PE.
2. All evaluation reports and designs submitted to VDH must be in the form specified by regulation, the Code of Virginia, and applicable agency policy. The designer must certify that the application substantially complies with the applicable regulations.
3. With respect to individuals involved in the design of any onsite sewage disposal system, VDH will require the designer to affix a professional engineer (PE) seal or provide a signed certification statement stating that the designer is exempt from the engineering requirements. The exemption statement shall identify the specific exemption under which the plans and specifications were prepared and certify that the designer is authorized to prepare such plans pursuant to the exemption. If the design is submitted without the required seal or statement, the application will be considered incomplete and will not be accepted. If the required seal or statement is provided, the local health department will evaluate the work for compliance with

VDH regulations and policies and render an appropriate decision. Upon request, VDH will provide the Department of Professional and Occupational Regulation (DPOR) with reports containing information on individuals who invoke the exemption from the engineering requirements and information on the number and type of systems designed pursuant to said exemption.

4. The owner of the property or his agent is responsible for filing an application with the local health department. A complete application is required to apply for and receive a construction permit, certification letter, or denial.

Part II: Applications

A. Applications: General

1. Incomplete applications delay timely and accurate decision making. Applicants are encouraged to assure all submittals are complete at the time of submission by following the guidelines below.
2. Applications submitted to VDH are either bare applications (i.e., without evaluation or designs from a private sector OSE/PE) or applications with complete supporting documentation as required for the type of application currently submitted (e.g., construction permit, certification letter, et al.) from a private sector OSE/PE.
3. This section outlines the minimum administrative and documentation requirements for processing an application. VDH staff OSEs are required to comply with the Work Product Expectations (WPEs) listed in Part II Section J below. Private sector OSEs are strongly encouraged to comply with the WPEs. VDH may make reasonable requests for additional documentation for any application when the agency deems such information necessary for making a case decision; failure to provide such documentation may result in denial of the application.

B. Construction Permit Applications

1. General: All applications with supporting work from a private sector OSE/PE for construction permits shall contain the following:
 - a. The correct and complete application;
 - b. The appropriate fees;
 - c. A site and soil evaluation report;
 - d. A proposed well site location and well specifications (when a private well is proposed);
 - e. Construction drawings and specifications for the system; and
 - f. A statement *on the cover page* certifying that the site and soil conditions and design substantially comply with applicable regulations.
 - g. When the application is for a repair permit, a completed Malfunction Assessment (Form 14).

For bare applications, a VDH OSE shall provide the items c through g as part of the application processing procedure.

2. System Designs.

- a. The OSE/PE must provide sufficient detail to allow an installer and well driller to accurately construct the onsite sewage system and private well (if applicable). Plans and specifications must be sufficient to allow the successful installation of the treatment works.
- b. Construction drawings shall comply with 12VAC5-610-460. As a minimum, drawings must show property lines, all existing and proposed structures, existing and proposed sewage systems and water supplies, slope, any topographic features which may impact the design of the system and well (if applicable), and existing and proposed easements and utilities within a distance from the edge of the proposed soil absorption system and reserve area (when applicable) equal to the horizontal setback required for that particular feature (e.g., 70 feet for shellfish growing waters, 100-feet for Class III-C wells). The designer should provide any other information necessary to determine compliance with the applicable horizontal setbacks contained in Table 5.4 of the SHDR, 12VAC5-610-950, and 12VAC5-613-200.
- c. When applicable, the drawing of the proposed sewage system shall show sewer lines, septic tank, treatment units, pump station, conveyance system, reserve area, and other relevant features which may affect the proper operation and functioning of the system or be affected by the system. When a private drinking water supply is to be located on the same lot, all sources of pollution necessary to determine compliance with Table 3.1 of the *Well Regulations*, 12VAC5-630-380, shall be shown.
- d. Design calculations used to establish the design parameters must be included where applicable:
 - i. Calculations indicating that the proposed design complies with minimum separation distance to seasonal ground water, rock, or other limiting factor shall be provided to determine compliance with Tables 4.3 and 4.4 of the SHDR, 12VAC5-610-597, and the performance requirements of the *AOSS Regulations*, if applicable.
 - ii. Minimum depth of trenches and separation of trenches shall be provided to determine compliance with 12VAC5-610-950.
 - iii. Pump tank volumes and emergency storage requirements shall be provided to determine compliance with 12VAC5-610-880.

- iv. When a pump is used in an onsite system design, the calculations shall show the static head, friction head and total dynamic head at the design flow of the pump to determine compliance with 12VAC5-610-880.
- v. Trench bottom area and number of trenches shall be provided as necessary to determine compliance with Table 5.4 of the SHDR, 12VAC5-610-950, or Table 1 of the *AOSS Regulations*, 12VAC5-613-80, when applicable.
- vi. Calculations for low pressure distribution, drip irrigation, etc. shall be provided as necessary to determine compliance with 12VAC5-610-940, 12VAC5-610-955, and the performance requirements of the *AOSS Regulations*, 12VAC5-613-80 thru 110, when applicable.
- vii. Calculations for Wisconsin mound, other fill systems, etc. shall be provided as necessary to determine compliance with 12VAC5-610-960 and the performance requirements of the *AOSS Regulations*, 12VAC5-613-80 thru 110, when applicable.

Additional information may be necessary depending on the regulations applicable to the specific site. See 12VAC5-610, 12 VAC5-613 and Va. Code §32.1-163.6 for more information.

C. Certification Letter Applications

1. All applications submitted pursuant to Va. Code §32.1-163.5 with supporting work from a private sector OSE/PE for certification letters must include the following information:
 - a. The correct and complete application;
 - b. The appropriate fees;
 - c. A site and soil evaluation report;
 - d. A site sketch in compliance with 12VAC5-610-460;
 - e. A proposed well site location and well class (when a private well is proposed);
 - f. Information on proposed treatment level, proposed trench bottom area and proposed sewage volume and flow; and
 - g. A statement on the cover page certifying that the site and soil conditions substantially comply with applicable regulations.

When processing a bare application for a certification letter, the VDH OSE shall include items c through g.

2. Each site certified by an OSE/PE for a certification letter must be located by surveying the perimeter of the soil absorption area and showing that area on a survey plat. This plat should be incorporated as part of the site and soil evaluation report
3. All applications for multiple certification letters must include the information for a single-lot certification letter and be processed in accordance with local ordinances for subdivision

reviews. Additionally, a preliminary subdivision plat that provides the information specified in paragraph 1 is expected.

D. Subdivision Review Applications

1. All applications for reviewing proposed subdivision must come from an authorized agent of the local government having jurisdiction. An owner or applicant cannot initiate a request for a subdivision review independent of the local subdivision process.
 - a. The subdivision process is a local function that is governed by local ordinances.
 - b. Va. Code §15.2-2242 of the *Code* provides that localities may adopt ordinances requiring the applicable health official to render a preliminary opinion regarding the suitability of the subdivision for the installation of subsurface sewage disposal systems.
 - c. Va. Code § 15.2-2260 provides that a local subdivision agent must forward preliminary plats to appropriate state agencies if approval of a feature or features of the plat by a state agency is necessary. This section further provides that any state agency making a review of a plat must complete its review within 45 days from receipt. If the agency does not approve the plat, then it must state the specific reasons for disapproval in writing.
 - d. The SHDR provides guidance when review of subdivision plats is required by local ordinances. All requests for subdivision review must include the following:
 - i. A letter from the authorized agent of the local government requesting review of the proposed subdivision and a statement certifying that the subdivision package has been determined to be complete;
 - ii. Site and soil evaluation reports by a OSE/PE for each proposed lot;
 - iii. Proposed well site locations and well class when private wells are proposed;
 - iv. A preliminary subdivision plat. The plat must include all the information required by local ordinances and the following: locations of proposed onsite sewage systems and reserve areas (if applicable), all proposed and existing streets, utilities, storm drainage, water supplies, easements, and lot lines for each proposed lot, and original topographic contour lines by detail survey. The plat should be prepared according to suggested scales contained in Appendix L of the *SHDR*, 12VAC5-610-1170:7.
 - v. A statement on the cover page certifying that the site and soil conditions and designs substantially comply with applicable regulations.

- vi. A signed statement from the owner of record giving VDH permission to enter the property for the purposes of reviewing the site and soil conditions both prior to the review and approval and afterward (if necessary) for quality control purposes and to protect public health and the environment.

E. Documentation Required for Site Evaluation Reports.

1. All reports must be properly marked as substantially complying (approved) or not complying (rejected) with applicable regulations.
2. Each soil profile hole augered or dug during a soil investigation must be described completely and accurately and located on a site sketch. All holes used to establish the suitability of a site must show that the site substantially complies with applicable regulations.
3. The SHDR require a minimum of five soil profile descriptions for each separate area being established as suitable for a soil absorption system (e.g. primary and/or reserve area). If, in the opinion of the site evaluator, a site exhibits sufficient uniformity of topography and profile, the number may be reduced to three. Profile holes must be placed so as to be representative of the soil absorption area.
4. The depth of each major horizon of all soil profiles must be documented using U. S. Department of Agriculture soil textural classes (including the percent and size of coarse fragments) and soil colors. Soil colors (matrix and mottle patterns) are to be determined and reported using the *Munsell Soil Color Charts*. All colors must be reported using the Munsell notations for hue, value and chroma (e.g. 5YR 5/6). Color names may be added. Abbreviations of terms (e.g. soil color, texture, etc.) are not acceptable.
5. All holes or pits in the area of the proposed soil absorption system must be described as to depth to seasonal water table or seasonal saturation.
6. Depth to rock or restrictive layers must be described when applicable.
7. The estimated percolation rate must be reported. When permeability tests are conducted (including percolation tests, hydraulic conductivity tests, and other measures of soil permeability), a copy of all test results must be included. Permeability tests conducted by a licensed designer do not require VDH supervision.
8. Estimated shrink-swell potential, if moderate or greater, must be noted.
9. Soil concretions shall be noted, where applicable.
10. Other relevant soil features that, in the opinion of the evaluator, are necessary to document that the site is sufficient to accommodate an onsite sewage treatment and dispersal system and to support the proposed design.
11. The site evaluation shall indicate the landscape position and the degree of slope in the area of the proposed system installation.

12. A site sketch in accordance with 12VAC5-610-460 shall be provided with each site and soil evaluation report. See Part II, Section J (9), page 18, of this policy for Work Product Expectations related to site sketches.

F. Survey Plats.

This section of the policy is intended to supersede GMP 152 and is applicable to permits and certification letters whether or not such work is supported by private sector professionals.

1. All applications for sewage disposal system certification letters and sewage disposal system construction permits must be accompanied by a survey plat identifying the proposed sewage disposal system and/or reserve area, proposed dwelling, and any other features impacting placement of the sewage disposal system, unless waived pursuant to this policy.
2. All applications for alternative discharging systems must be accompanied by a survey plat prior to the issuance of the permit unless waived pursuant to this policy.
3. The survey requirement for alternative discharging systems or onsite sewage system construction permits and sewage disposal system certification letters may be waived if the following criteria are met:
 - a. The owner shall submit a complete application and fee if applicable.
 - b. The owner shall request a waiver from the survey requirement by completing Form 11.
 - c. The two main goals are to ensure the sewage system is located on the correct property and in the correct location on the property. The Environmental Health Specialist Senior (EHSS) shall evaluate the risk that the goals will not be met. Before granting a waiver, the local health department shall determine there is a low risk of improper placement of the sewage system. The EHSS will determine the risk by reviewing the application package for completeness, evaluating the owner's answers on Form 11, and by conducting a complete site and soil evaluation for bare applications or a Level 2 Review for applications with supporting work from a private sector OSE/PE, which includes verification of identified property boundary markers.
4. Prior to issuance of an Operation Permit where a survey plat waiver has been granted, the owner shall sign a statement (See Form 12) confirming that the sewage disposal system has been installed on his property and in the permitted location.

G. Denials of Applications (not a principal place of residence):

The owner(s) or agent thereof shall indicate on the application form whether or not the requested approval is a construction permit or certification letter for a system that is intended to serve his or her principal place of residence. The following procedures apply for denials for construction permits and

certification letters when the applicant has not indicated that the system intends to serve his or her principal place of residence; the following procedure also applies to all denials of subdivision reviews.

1. VDH will deny applications that do not comply with applicable regulations and cite the applicable regulatory requirements. Denial letters must clearly state in plain English the rights and administrative remedies available to the owner.
2. The applicant must elect which potential remedy to pursue. The applicant may not pursue multiple administrative remedies simultaneously. With denials for systems not intended to serve a principal place of residence, the mutually exclusive administrative remedies are as follows:
 - a. The applicant may submit one new application within 90 days from the date that the original application was denied without paying an additional fee;
 - b. The applicant may appeal the denial by requesting an informal fact-finding conference (IFFC) before VDH pursuant to §2.2-4019 of the *Code*. To obtain an IFFC before VDH, the applicant must submit a written request to the District Health Director within 30 days of receipt of the denial; or
 - c. For denials of submittals under §32.1-163.6 of the *Code*, the applicant or the professional engineer responsible for the onsite sewage system design, with the applicant's written consent, may request an IFFC before the engineering design review panel. To request an IFFC before the engineering design review panel, a written request must be submitted to the District Health Director within 30 days of the professional engineer's receipt of the denial.
3. If the applicant elects to submit a new application within 90 days and does not appeal the original denial, no fee will be charged for that second submittal. However, VDH will assess the full fee for any subsequent application. The time limits for processing the application (when applicable) begin anew on the day of each resubmission. The following table illustrates the fees to be assessed when processing applications:

Table 1: Fees for Re-submissions – Not a Principle Place of Residence (new applications)

Application	Fee Attached
First Application	Full Fee
Second Application if submitted within 90 days of denial of first application (and the applicant does not appeal the original denial)	No Fee
Any subsequent application	Full Fee

4. An applicant for a construction permit or a certification letter may request a refund of the application fee if the applicant voluntarily withdraws his application before VDH issues or denies the requested permit, letter or subdivision review. The application fee will be refunded if the application is withdrawn before VDH makes a site visit for the purpose of evaluating the application.

H. Denials of applications (principal place of residence)

The owner(s) or agent thereof shall indicate on the application form whether or not the requested approval is a construction permit or certification letter for a system that is intended to serve as his or her principal place of residence. The following procedures apply to denials of onsite sewage construction permits when the applicant has indicated that the system is intended to serve as the applicant's principal place of residence.

1. VDH will deny applications that do not comply with the applicable regulations and cite the applicable regulatory requirements. Denial letters must clearly state in plain English the rights and administrative remedies available to the owner.
2. The applicant must elect which potential remedy to pursue. The applicant may not pursue multiple administrative remedies for the same denial. With denials for systems intended to serve a principal place of residence, the mutually exclusive administrative remedies are as follows:
 - a. In accordance with 12VAC5-620-90, the owner or agent thereof may apply for and obtain a refund of the application fee for any denial of a permit or letter on land on which the owner seeks to construct his or her principal place of residence. He or she may do so by executing an affidavit (Form 13) and submitting it to the local health department within 12 months of the date of denial. Local health departments shall attach a copy of Form 13 to any denial of a construction permit or certification letter for principal place of residence. The applicant may not obtain a refund if he or she is pursuing an administrative appeal of the denial or if he or she has submitted another application for which the fee was waived. Such application fees shall not be refunded unless any administrative appeals based on the denial have either been resolved or waived by the applicant; such waiver can be explicit via the execution of affidavit Form 13 or implicit by virtue of a failure to exercise appeal rights within the timeframe specified in the denial letter;
 - b. The applicant may submit one new application within 90 days from the date that the original application was denied without paying an additional fee;
 - c. The applicant may appeal the denial by requesting an IFFC before VDH pursuant to Va. Code Section 2.2-4019. To obtain an IFFC before VDH, the applicant must submit a written request to the District Health Director within 30 days of his or her receipt of the denial; or
 - d. For denials of submittals under §32.1-163.6 of the *Code*, the applicant or the professional engineer responsible for the onsite sewage system design, with the applicant's written consent, may request an IFFC before the engineering design review panel. To request an IFFC before the engineering design review panel, a written request must be submitted to the District Health Director within 30 days of the professional engineer's receipt of the denial.

3. If the applicant elects to submit a new application within 90 days and does not appeal the original denial or request a refund, then no fee will be charged for that second submittal. VDH will assess the full fee for any subsequent application. The time limits for processing the application (when applicable) begin anew on the day of each resubmission.

Table 2: Fees for Re-submissions – Principle Place of Residence (new applications)

Application	Fee Attached
First Application	Full Fee
Second Application if submitted within 90 days of denial of first application (and the applicant does not appeal the original denial or request a refund)	No Fee
Any subsequent application	Full Fee

4. An applicant for a construction permit or a certification letter may request a refund of the application fee if the applicant voluntarily withdraws his or her application before VDH issues or denies the requested permit or letter. The application fee will be refunded if the application is withdrawn before VDH makes a site visit for the purpose of evaluating the application.

I. Prioritizing Applications

This section is intended to replace GMP 51 and provide guidance for processing applications to meet applicant needs and make the best use of agency resources. It is not possible to develop a set of criteria that will account for all possible circumstances, but VDH staff should follow these guidelines as closely as possible.

1. Applications for onsite sewage permits and approvals are categorized as follows, in order of priority:
 - a. Priority Level 1: Applications for construction permits to repair failing systems.
 - b. Priority Level 2: Applications for construction permits where the applicant has concurrently applied for a building permit.
 - c. Priority Level 3: Applications for certification letters.
 - d. Priority Level 4: Applications for voluntary up-grades.
 - e. Priority Level 5: Applications for multiple-lot certification letters or subdivision approvals.
2. Applications for construction permits to repair a failing system should always receive immediate attention, due to the public health hazard.
3. Each district may set the proportions of time among the different priority levels to best meet local needs, unless processing time for priority levels 1 and 2 exceeds 15 days. In that case, processing of lower level priority applications should be delayed as necessary to allow processing of priority 1 and priority 2 applications within 15 days.
4. VDH’s policy is to encourage the use of private sector OSEs and PEs for site evaluation and design. Districts should consider that processing applications with complete supporting

documentation from the private sector requires less staff time when prioritizing applications *within* each priority level (e.g. all other aspects of the applications being equal, if a bare application for new construction is submitted on the same date as an application for new construction with supporting documentation from a private OSE/PE, then the application with supporting documentation should receive priority for review). Further, districts should encourage applicants to obtain the services of a private sector OSE/PE.

J. Work Product Expectations:

The following are Work Product Expectations (WPEs) established for all designers of onsite sewage systems, including those employed by VDH. These WPEs are intended to serve as guidelines for documentation *in addition to the minimum requirements outlined previously in this document*. The WPEs are the standard expected of VDH employees. Private sector OSEs and PEs are strongly encouraged to comply with these standards since doing so should reduce misinterpretations and lead to more efficient processing of applications.

A failure to adhere to these WPEs shall not result in the denial of an application. However, as is the case with any application, VDH has discretion to conduct a Level 2 review if the designer fails to adhere to a particular WPE. If the Level 2 review reveals that applicable regulations have not been complied with, then VDH shall deny the application.

1. The pages of all submittals should be consecutively numbered beginning with the first page using the format “Page x_of y”. The cover page should, at a minimum, contain a list of the documents contained in the supporting design package, a property identification, the property owner’s name and address, the OSE/PE’s contact information, date of plans, and revision dates. To assure that contractors have the correct set of plans, the health department’s approval letter must correspond to the date on the cover page or the date of last revision on the cover page, if revisions are made.
2. OSE/PEs, at his or her discretion, may make minor revisions to a permit, certification letter or subdivision approval issued in reliance on his or her evaluations or designs. Private sector OSE/PEs should notify VDH when the OSE/PE has revised his or her evaluations and designs. All OSE/PEs should notify the property owner when such evaluations and designs have been revised. All revisions must comply with applicable regulations. See Part III, Section C of this document for additional details.
3. All applications with footprints, sites, and areas planned for treatment works and/or private wells should have the proposed areas identified with accuracy and precision of three feet or less. The OSE/PE or surveyor must provide sufficient information to allow a person with the knowledge, skills, and abilities of an Environmental Health Specialist (EHS), an onsite wastewater system installer, or water well systems provider to locate the area in the field using the paperwork and field markers, when applicable. Field markers may include permanent field stakes or distances and bearings to identifiable landmarks. Trees and wooden stakes are not considered permanent field markers.
4. An OSE/PE may opt to show the location of a site for a construction permit (not a certification letter or proposed subdivision) by drawing the perimeter of the absorption area to scale on a

survey plat or a copy of a survey plat. VDH does not prescribe the professional's methods or equipment to accomplish the performance expectations of this policy; however, VDH strongly recommends that all sites, including those for construction permits, be surveyed by a licensed surveyor and platted accordingly.

5. Preliminary subdivision plats for subdivision applications should show the immediate area in and around each proposed system, including the soil absorption system, using a contour interval shown in Table 3; the contour area shown outside the soil absorption system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. A minimum distance of 20 feet is recommended.

Table 3: Contour Interval for Subdivision Plats

Slope (%)	Contour Interval
0-5	2
6-25	5
26-50	10

6. All submittals should document compliance with Chesapeake Bay Preservation Act requirements and other applicable state laws and local ordinances;
7. All drawings should be drawn to scale. Critical dimensions must be shown on the drawing. This includes measurements to critical system components (e.g. distribution box, well site or area, etc.) which should be located using triangulation from appropriate field markers. When a well area is designated, the boundaries shall be clearly defined and limited on all sides.
8. The WPEs related to site evaluations are stated below.
 - a. All site evaluation reports should be signed and dated.
 - b. The maximum acceptable separation distance between observation holes during a soil investigation is 100 feet. The use of common holes between adjacent proposed sewage disposal system sites to describe both sites should be avoided.
 - c. Soil features should be described using the standards contained in the USDA NRCS Field Book for Describing and Sampling Soils.
 - d. When backhoe pits or other excavations are used during a site and soil evaluation, the complete range of soil characteristics exposed should be described (depth to mottles, rock percentage and depth to rock or other restrictive layers and variability in rock depth). OSHA Regulations apply when working in pits.
 - e. A site and soil evaluator should describe the following soil characteristics as he or she deems necessary:

- i. Soil consistence;
- ii. Soil structure (grade, size and type);
- iii. Soil color patterns (kind, quantity , size, contrast, color, shape location, moisture state, hardness and boundary);
- iv. Soil parent material and physiographic province; and
- v. Estimated clay mineralogy and the existence of observable minerals (feldspar, mica, quartz, etc.)
- vi. Root penetration.

9. The WPEs related to site sketches are as follows:

- a. Site sketches should represent the topography in the vicinity of the proposed onsite sewage system as well as the topography in the vicinity of any private water supply (existing or proposed) so as to establish the topographic relationship between such water supplies and sources of contamination including, but not limited to, the proposed soil absorption system.
- b. Sketches should be neat, legible, and drawn to scale when possible. The sketch should provide accurate documentation (distances) for profile holes and other features and suitable reference points. The site sketch should show existing and proposed property lines for the subject property and any other property lines within ten feet of the perimeter of the proposed soil absorption area and/or proposed structure.
- c. Within 200 feet of the edge of the proposed soil absorption area, the following must be shown:
 - i. Existing and proposed wells, springs, and cisterns. If a private water supply is proposed, the location and construction of the proposed water supply (or supplies) must comply with the *Well Regulations*.
 - ii. Existing and proposed onsite sewage systems;
 - iii. Shellfish waters, lakes, streams, other bodies of water, and surface impoundments used for drinking water; and,
 - iv. Sinkholes, drainage ways, flood plains, drainage ditches, and tile drainage.
- d. Site sketches should document percent slope and direction (an acceptable topographic map may be substituted);
- e. Site sketches should document all existing and proposed structures, buildings, etc. within 100 feet of the perimeter of the proposed soil absorption area and private water supply (if applicable);
- f. Site sketches should document easements, rights of way, driveways, roads, and buried and above-ground utilities within 20 feet of the perimeter of the proposed soil absorption area.

Part III: VDH Review

A. Application Review.

1. All applications and fees must be logged in. Local and district health departments are responsible for entering data into VDH's data system, the Virginia Environmental Information System (VENIS). As a best practice, all applications should be reviewed for completeness at the time they are received. That way, if the application is incomplete for any reason, VDH can contact the applicant and/or designer to provide the missing information so that VDH can fully evaluate the application within the timeframes specified by the *Code of Virginia* and this policy.
2. An incomplete application should not be logged in, nor should fees be accepted for an application that is known to be incomplete at the time it is filed. Whenever possible, administrative support staff should be responsible for these tasks. If an incomplete application is accepted, it shall be denied.
3. VDH's program for reviewing applications for permits, certification letters, and requests for subdivision approval will employ two basic levels of review: the in-office (paperwork) Level 1 review and the field, Level 2 review.
 - a. A Level 1 review determines whether an application at face value is complete. The Level 1 review confirms the site and/or the design certified by the OSE/PE substantially complies with applicable regulations.
 - b. A Level 1 review consists of administrative and technical reviews and *does not include field review*. Local and district health departments should complete a Level 1 review of every application as soon as practicable.
4. For Level 1 reviews, staff should review VDH records to verify the site was not previously denied a permit and the proposed treatment works or well does not conflict with the minimum setback distances for features on adjacent properties. This review of VDH records constitutes a quality assurance review and is not a substitute for a sanitary survey, which is necessary to positively establish setbacks with certainty. The ultimate responsibility for establishing setback distances remains with the OSE/PE certifying the submitted work.
5. The Level 2 review (field check or quality assurance check) is a detailed onsite evaluation of the site conditions and the design certified by a private sector OSE/PE. The Level 2 review is discretionary and should be performed on at least 10% of applications submitted with supporting work from each private sector OSE/PE. In addition, staff is strongly encouraged to conduct a Level 2 review when a submittal lacks a WPE specified in this policy.
 - a. If a Level 2 review is not performed and the application complies with the minimum requirements of the applicable regulations and this policy based upon the Level 1 review, then a construction permit or certification letter must be issued within the required or expected time frames. Applications that do not

comply with the minimum requirements of the applicable regulations must be denied. The denial must be linked to the appropriate OSE/PE using VENIS.

- b. A Level 2 review assesses the performance of private sector evaluators and designers by sampling a subset of the work submitted by the OSE/PE.
 - c. Local and district health departments should complete Level 2 Reviews of a minimum of 10% of the sites and/or designs certified by each private sector OSE/PE. Local and district health departments may conduct additional Level 2 reviews as necessary.
 - d. Level 2 reviews must be conducted within the processing times expected for the application. Staff should conduct Level 2 reviews prior to approving or denying an application, unless pursuant to a request from the owner or agent, the designer, or the contractor responsible for installing the system.
 - e. A Level 2 review may include conducting soils borings, examining backhoe pits or other excavations, a sanitary survey, permeability testing, or other actions necessary to assure that a site or design complies with applicable regulations.
 - f. The local or district health department will perform Level 2 reviews using the best methods available, including evaluating open backhoe pits or a hand auger. An owner will not be required to hire a backhoe for a Level 2 review if one is unavailable at the time of VDH's Level 2 review.
 - g. Except in extraordinary circumstances, the local or district health department shall notify the owner and the OSE/PE when intending to conduct a Level 2 review.
 - h. If a Level 2 review reveals that a site and/or a design do not substantially comply with applicable regulations, the application will be denied. The denial letter must be linked to the appropriate OSE/PE using VENIS.
6. The local health department shall provide a copy of each approval or denial based on an OSE or OSE/PE certification to the licensed individual that certified the site. Additionally, a copy of any Level 1 and Level 2 forms used in the review of the submittal shall be provided to the owner and the OSE/PE. This policy is not intended to create a burdensome procedure or extensive copying process. Sending a copy of the approval or denial letter including the permit identification number (when the approval is for a construction permit), and a copy of the Level 1 and Level 2 forms (when applicable), normally shall be sufficient to comply with this policy. If for whatever reason, the Department's permit is different from that certified by the OSE/PE, then the Department shall also include a copy of the permit, and an explanation of the revision(s), in addition to the approval letter so that all differences are readily identified.

B. Revalidating Expired OSE/PE Permits; Relying on Previous Certifications.

1. In general, VDH will rely upon the certified evaluation or design of an OSE/PE when considering renewal or revalidation of an expired permit as long as the OSE/PE provides reasonable assurance no substantive intervening changes have occurred.
2. When VDH has issued a construction permit in reliance upon the work of an OSE/PE and that permit has expired the following shall apply:
 - a. Pursuant to Va. Code § 32.1-164.1:1: *“if a building permit has been obtained or building construction has commenced, the permit may be extended for an additional 18 months.”* Unless the local or district health department is aware of specific facts supporting a conclusion that the permit does not substantially comply with applicable regulations or no construction has commenced, then staff will extend the permit by adding eighteen months to the original term of the permit upon request. No additional extensions may be permitted.
 - b. Before a permit is extended, the local or district health department will require a signed statement from the property owner or OSE/PE affirming that there has been no “substantial, intervening change in the soil or site conditions where the onsite sewage system is to be located and building construction commenced prior to expiration of the permit.”
 - c. No new OSE certification is required when an applicant seeks to renew an expired permit with no changes in the design or location of the system or in the location of the structure.
3. In some circumstances new certifications are required. Examples of such situations include, but are not limited to, new approvals (letter, permit, or subdivision lot), modification of an existing approval, and changes to an existing or expired construction permit design.

C. Design Changes

The OSE/PE, with the consent of the owner, may make certain design changes to a valid construction permit without prior approval of the health department. No new application or fee shall be required. Such changes must comply with the following:

1. For onsite sewage systems the design change shall not affect any of the following design parameters:
 - a. The proposed daily flow (GPD);
 - b. The proposed waste strength (e.g. residential, commercial);
 - c. The proposed level of treatment (including nitrogen reduction and disinfection);
 - d. The proposed dispersal area foot print (location or size); or

- e. The proposed dispersal method; (minor adjustments to the dispersal area are allowed).^[1]
2. All changes for onsite sewage systems must fully comply with all applicable codes, regulations and policies.
3. The designer shall provide the health department with complete documentation including a list of all changes and revised specifications, calculations and drawings as part of a complete revised design package. Such documentation should be submitted prior to installation of the system.
4. The designer and owner are responsible for ensuring that all design changes are communicated to the onsite sewage system installer and/or water well system installer.

For private wells, all design changes will require a new application and a new fee. Therefore, it is vital that the OSE/PE discuss the proposed well location with the owner and their well driller (if possible) prior to submitting an application. The use of well areas is encouraged in areas deemed appropriate by the OSE/PE. The use of well areas can avoid unnecessary follow-up site evaluations. Where dry holes or low yielding wells are common, or other conditions indicate their use (such as with close loop geothermal well systems), a well area may be more appropriate than a well site. When a well area is designated and a dry hole is encountered, a well driller may drill multiple wells without reapplying for a new permit for each new site, provided the dry holes are properly abandoned in accordance with the *Well Regulations*.

VDH will review any changes before issuing an operation permit or well approval. Any changes that do not fully comply with this section and applicable regulations may result in the construction permit being deemed null and void. In such case, the owner will be required to submit a new application and a new application fee. If improperly installed, the owner may be required to abandon the sewage system and/or private well.

The designer and owner are responsible for assuring that any design changes fully comply with all applicable laws and regulations. The cost to correct an error created by a design change initiated by the owner or designer without prior approval by VDH will not be considered a hardship when processing a variance request.

D. Professional Courtesy Reviews.

1. VDH will provide consultative field reviews with an OSE/PE when requested if possible. The courtesy review must be requested prior to the filing of any application with VDH, or prior to filing any documents with a local government for a proposed subdivision. The courtesy review is discretionary and not subject to time limits.
2. Courtesy reviews are not intended to relieve an OSE/PE of the responsibility for determining whether a site complies with applicable regulations.

^[1]Minor adjustments will be allowed to installation depth and dispersal area configuration that are i) supported by site and soil evaluations on file (i.e., no additional site or soil evaluation required), ii) contained within the perimeter of the originally designated absorption area, and iii) do not require additional field (Level II) review.

3. The OSE/PE requesting a courtesy review must file a request in writing and the property owner must provide permission for VDH to enter the property.
4. The OSE/PE must provide a brief, written description of the specific questionable or marginal site or soil feature where the courtesy review is being requested.
5. Requests should be logged into VENIS. All activities, evaluations, and results of the courtesy review shall be documented.
6. VDH determinations regarding site and soil characteristics from courtesy reviews are not case decisions and no written response is required. They cannot be appealed nor are they binding on any party.
7. VDH may limit professional courtesy reviews. If a local or district health department elects not to provide a requested courtesy review, it must inform the OSE/PE in writing.

E. Processing time limits for applications subject to deemed approval.

1. VDH shall review and process applications subject to deemed approval within the time frames specified in Table 4. If the application is denied, then VDH shall set forth in writing the reasons for denial.

Table 4: Processing Times for Applications subject to Deemed Approval

Type of Application	Time Limit
Individual Permit Application	15 working days
Individual Certification Letter	20 working days
Multiple Lot Certification Letter	60 days
Subdivision Review	60 days

F. Processing time limits for applications NOT subject to deemed approval.

1. Applications submitted pursuant to Va. Code Section 32.1-163.6 are not subject to deemed approval; however, the *Code* requires VDH to process them within 21 or 60 days, depending on the application.
 - a. Within 21 calendar days from the date of application for treatment works sized at 1,000 gallons per day or smaller, and within 60 calendar days from the date of application for treatment works sized at more than 1,000 gallons per day, the Department shall (i) issue the requested approval, or (ii) set forth in writing the specific reasons for denial.
2. Any application for a proprietary, pre-engineered system that has been deemed by VDH to comply with the Board's regulations should be processed in the time frames identified in Table 4. VDH may accept evaluations and designs for such proprietary, pre-engineered systems in

accordance with this policy; however, the processing time limits and deemed approval shall not apply to any such application.

3. For requests for courtesy reviews, VDH should inform the OSE/PE within seven days whether the courtesy review can be scheduled. The courtesy review should be made within 180 days of the request if possible.

Part IV: Final Inspections

A. General Requirements and Expectations:

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 may, but is not required to, inspect systems designed by a private sector OSE/PE. Installers should always 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 attempt to 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 should perform final inspections of at least 10% of private sector OSE/PE-designed systems. Local and district health departments are discouraged from conducting final inspections as a routine method for accomplishing Level 2 Reviews.
4. Whenever an OSE/PE is responsible for the final inspection of an onsite system, that 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.
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 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.

Index of Forms. Forms are available upon request from the Division or they may be obtained by visiting the VDH website: *vdh.virginia.gov*. Forms are subject to change without notice; therefore, all OSEs and PEs are encouraged to periodically review the VDH website to ensure they are using the most current forms.

Form 1: Application for a Sewage Disposal System and/or Private Well Construction Permit

Form 2: Cover Page

Form 3: OSE/PE inspection form

Form 4: Example request for subdivision review

Form 5: Request for professional courtesy review

Form 6: Site and soil evaluation report

Form 7: Example construction drawing page

Form 8: Example system specifications worksheet

Form 9: Example private well specification worksheet

Form 10: Example private well abandonment specification worksheet

Form 11: Request for Survey Waiver

Form 12: Verification of Sewage System Location

Form 13: Refund Affidavit

Form 14: Malfunction Assessment