

MEMORANDUM

To: District Environmental Health Managers
District Health Directors
Office of Environmental Health Services

From: Daniel Price, Program Manager
Division of Onsite Sewage and Water Services

Through: Robert W. Hicks, Director
Office of Environmental Health Services

Date: December 17, 2009

Subject: GMP #75.A Onsite -Permanent Pump and Haul - General Permit

GMP #75.A primarily replaces the section numbers in the agreement and general permit from the previous onsite sewage regulations with current Virginia Administrative Code numbers as reflected in the current 2000 Sewage Handling and Disposal Regulations.

GMP #75.A is effective immediately and GMP #75 is hereby rescinded. Each environmental health manager is responsible for distribution of this policy memorandum to appropriate environmental health supervisors and specialists.

BACKGROUND

Since the adoption of the Sewage Handling and Disposal Regulations (Regulations) in 1982, each individual application for permanent pump and haul was processed through the central office with the State Health Commissioner and the local governing entity entering into an agreement (contract) for each individual site. Section 12 VAC 5-610-599.3.2. of the Regulations currently reads, in part:

2. "Upon completion of the contract between the department and the government entity the commissioner shall issue a single pump and haul permit to the government entity. A separate construction permit shall be issued to the government entity for each sewage storage facility."

PURPOSE

The purpose of this policy is to allow local governing entities to enter into one Agreement and General Permit which acts as "a single pump and haul permit" from the Commissioner. This will allow the local health department to issue "a separate construction permit... to the government entity for each sewage storage facility."

This policy will allow for sewage storage facility permit processing to be decentralized, i.e., processed at the district level, without having to go through unnecessary, non-substantive reviews at the central office and Commissioner's level. This change will also streamline the processing time for district health department staff and local governments.

The changes brought about by this policy are in processing only, i.e., all permanent pump and haul facilities must continue to be operated under the auspices and supervision of the local governing entity. The determination of which sites are acceptable to the local government for permanent pump and haul continues to be made by the local government, within the parameters of section 12 VAC 5-610-598 et. seq. and all other applicable regulations, statutes and ordinances. Public health and environmental health objectives will remain the same as well.

Permanent pump and haul applications will be processed in the following manner:

OVERVIEW OF PROCEDURES FOR PERMANENT PUMP AND HAUL

A. The local governing entity applies to the Commissioner for a General Permit (see part 1- GENERAL PERMIT APPROVAL PROCESS, AND APPENDICES IA AND IB- SAMPLE AGREEMENT AND GENERAL PERMIT).

B. The local governing entity applies to local health department for individual storage facility permits (see part 2, STORAGE FACILITY APPROVAL PROCESS).

C. The Commissioner revokes permit(s) or local health department sends Notice of Violation under certain conditions (see part 3, ENFORCEMENT PROCEDURES AND PERMIT REVOCATION PROCESS).

1. GENERAL PERMIT APPROVAL PROCESS

A. Upon receipt of an application for permanent pump and haul, the local health department evaluates the proposal using Section 599.3 of the Regulations and GMP #75.A.

B. The local health department will discuss the general permit process with representatives of the local government and the applicant.

C. The local government will decide whether it wishes to conduct permanent pump and haul.

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D. The local government will adopt an ordinance, resolution, or otherwise grant approval. This ordinance, resolution, or approval may be as open or restrictive in scope as the local government deems necessary.

E. Local health department assists the local government in preparing the Permanent Pump and Haul Agreement and General Permit (see Appendices IA and IB). Each existing permanent pump and haul facility in the jurisdiction as well as any others for which the local government has stated its approval should be listed in the agreement.

F. An appropriate representative of the local government will sign the agreement before submitting it to the local health department.

G. The local health department will forward the agreement and any recommendations to the Office of Environmental Health Services for review and approval by the Commissioner.

H. The approved Permanent Pump and Haul Agreement and General Permit is issued to the local government through the local health department.

2. STORAGE FACILITY APPROVAL PROCESS

A. After approval of the Permanent Pump and Haul Agreement and General Permit, the local government may decide to add an individual pump and haul storage facility under the authority of its General Permit.

B. Does the previously approved ordinance, resolution, or approval authorize the additional facility? If the answer is no, authorization must be given by the local government prior to proceeding. Property owners or facility owners must obtain local government approval. Local government may require that the owner post a suitable bond prior to endorsement of the application. If the answer is yes, or if local government grants approval, then:

C. The local government applies to the local health department for a Storage Facility Construction Permit. The local government may require that the owner pay any local application fees which are normally charged for other types of sewage construction permits. No state application fee will be charged.

D. The local health department issues a standard Sewage Disposal System Construction Permit to the local government in accordance with applicable state and local requirements. This construction permit is valid for 18 months and is not transferable. Certification letters will not be issued for permanent pump and haul.

E. The local health department inspects and approves the storage facility. Records of pump-out including date, time, volume, disposal site, and report of any spillage, may be required to be submitted to the local health department as a condition of the approval. Most local governments contract with the property owner and a licensed sewage handler for pumping and maintenance of the facility, rather than conducting the work themselves. This policy has no effect on that practice. Our

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concern is to ensure that no health hazard is created, and that the facility is operated in conformance with the regulations.

F. Pump and haul begins.

G. The local health department keeps records on all pump and haul facilities. It is not necessary to update the General Permit Agreement each time a new facility is added. The General Permit will be issued only once. Each local health department should keep an up-to-date listing of all active storage facilities.

Onsite inspections should be conducted periodically (at least annually) by local health department staff to ensure that each facility is in compliance with the regulations.

3. ENFORCEMENT PROCEDURES AND PERMIT REVOCATION PROCESS

A. Permanent pump and haul begins.

B. Local health department keeps records and conducts inspections. If a violation of the regulations occurs, local health department staff will work with local government to obtain correction.

C. If the local government fails to appropriate funds, changes its ordinance, or otherwise withdraws sponsorship of an operation, it notifies the local health department and the Commissioner in writing.

D. The local health department issues a standard Notice of Violation informing the owner of the facility that the sewage system is no longer approved under the regulations, and that a violation of the regulations may be occurring. A copy of the Notice of Violation should be sent to the local government.

E. The facility may be removed, or the structure vacated until an acceptable means of sewage disposal is identified, installed and approved. Violations which threaten public health will be given high priority.

F. If revocation of a permanent pump and haul permit issued to a local government entity is necessary, such situations will be handled on a case by case basis in accordance with the Department's policies and applicable laws and regulations. District health directors should contact the Division of Onsite Sewage and Water Services in these cases.

APPENDIX IA (COUNTY AGREEMENT)

**PERMANENT PUMP AND HAUL
AGREEMENT AND GENERAL PERMIT**

This PERMIT is issued by the State Health Commissioner (“Commissioner”) to the Board of Supervisors of the County of _____ (“County”) Pursuant to Part IV, Article 4, §12VAC5-610-598 et seq. of the State Board of Health Sewage Handling and Disposal Regulations (July 2000, the “*Regulations*”).

The Commissioner and County believe that pumping and hauling pursuant to Part IV, Article 4, §12VAC5-610-598 et seq. of the *Regulations* is the only practical method for disposal of sewage in certain cases. Accordingly, the County has adopted, or agrees to adopt, either by ordinance, resolutions, or other means, a framework for authorizing and appropriating funds, or otherwise ensuring for the provision of pump and haul services, either directly or through a private contractor, to the facilities from which sewage is pumped and hauled.

Pursuant to Part IV, Article 4, §12VAC5-610-598 et seq., of the *Regulations*, the Commissioner and the County agree as follows:

1. The County will notify the Commissioner, in writing, within one week to the expiration of, revocation of, or failure to renew the appropriation for the pump and haul services to a served structure.
2. The County will notify the Commissioner, in writing, of any material change in circumstances affecting the pump and haul operation that is the subject of this Agreement, including but not limited to the availability of sewer hookup to the structure(s) served and any significant change in the use of a served facility.
3. The Commissioner, or the Commissioner’s designee, will notify the County in writing of any information he/she may receive that indicates or seems to indicate a violation of the permit.

This authorizes the County pursuant to Part IV, Article 4, §12VAC5-610-598 et seq. of the *Regulations* to pump and haul sewage on a permanent basis from the facilities or structures listed below:

- 1.

The County is furthermore authorized, pursuant to Part IV, Article 4, §12VAC5-610-598 et seq., its ordinances, resolutions, or other approval and this Permit, to add or remove individual facilities from this list (by withdrawing its supervision of the pump and haul). This permit shall be subject to the following conditions:

1. County may require bonding or other assurances from the third party owner of any served structures or facility.
2. In order to add a structure or facility, the County shall apply to the local health department for a storage facility construction permit. The standard State fee for a sewage system application shall not apply; however, the County may require that the third party submit any local fees which may apply.

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3. No sewage storage facility shall be placed into operation until the local health department has inspected and approved the system.
4. If the County ceases providing pump and haul services to any individual facility, the County shall notify the Commissioner immediately. In such instances, the Commissioner, or the Commissioner's designee, shall notify the owner of the facility that pump and haul is no longer an approved method of sewage disposal and that a violation of the Regulations may be occurring. The Commissioner, or the Commissioner's designee, may initiate any lawful enforcement action necessary to enforce the Regulations.
5. If the General Permit is revoked, the County must cease pump and haul operations at all facilities immediately.

STATE HEALTH COMMISSIONER

By: _____

Date: _____

BOARD OF SUPERVISORS OF THE COUNTY OF
, VIRGINIA

By: _____

Date: _____

APPENDIX 1B (CITY AGREEMENT)

**PERMANENT PUMP AND HAUL
AGREEMENT AND GENERAL PERMIT**

This PERMIT is issued by the State Health Commissioner (“Commissioner”) to the City Council of the City of (“City”) Pursuant to Part IV, Article 4, §12VAC5-610-598 et seq. of the State Board of Health Sewage Handling and Disposal Regulations (July 2000, the “Regulations”).

The Commissioner and City believe that pumping and hauling pursuant to Part IV, Article 4, §12VAC5-610-598 et seq. of the *Regulations* is the only practical method for disposal of sewage in certain cases. Accordingly, the City has adopted, or agrees to adopt, either by ordinance, resolutions, or other means, a framework for authorizing and appropriating funds, or otherwise ensuring for the provision of pump and haul services, either directly or through a private contractor, to the facilities from which sewage is pumped and hauled.

Pursuant to Part IV, Article 4, §12VAC5-610-598 et seq., of the *Regulations*, the Commissioner and the City agree as follows:

1. The City will notify the Commissioner, in writing, within one week to the expiration of, revocation of, or failure to renew the appropriation for the pump and haul services to a served structure.
2. The City will notify the Commissioner, in writing, of any material change in circumstances affecting the pump and haul operation that is the subject of this Agreement, including but not limited to the availability of sewer hookup to the structure(s) served and any significant change in the use of a served facility.
3. The Commissioner, or the Commissioner’s designee, will notify the City in writing of any information he/she may receive that indicates or seems to indicate a violation of the permit.

This authorizes the City pursuant to Part IV, Article 4, §12VAC5-610-598 et seq. of the *Regulations* to pump and haul sewage on a permanent basis from the facilities or structures listed below:

- 1.

The City is furthermore authorized, pursuant to Part IV, Article 4, §12VAC5-610-598 et seq., its ordinances, resolutions, or other approval and this Permit, to add or remove individual facilities from this list (by withdrawing its supervision of the pump and haul). This permit shall be subject to the following conditions:

1. City may require bonding or other assurances from the third party owner of any served structures or facility.
2. In order to add a structure or facility, the City shall apply to the local health department for a storage facility construction permit. The standard State fee for a sewage system application shall not apply; however, the City may require that the third party submit any local fees which may apply.

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3. No sewage storage facility shall be placed into operation until the local health department has inspected and approved the system.
4. If the City ceases providing pump and haul services to any individual facility, the City shall notify the Commissioner immediately. In such instances, the Commissioner, or the Commissioner's designee, shall notify the owner of the facility that pump and haul is no longer an approved method of sewage disposal and that a violation of the Regulations may be occurring. The Commissioner, or the Commissioner's designee, may initiate any lawful enforcement action necessary to enforce the Regulations.
5. If the General Permit is revoked, the City must cease pump and haul operations at all facilities immediately.

STATE HEALTH COMMISSIONER

By: _____

Date: _____

CITY COUNCIL OF THE CITY OF
, VIRGINIA

By: _____

Date: _____