



COMMONWEALTH of VIRGINIA

Department of Health

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To: Health Directors
Environmental Health Managers
OEHS Staff

From: E. Anne Peterson, M.D., M.P.H. 
Acting Health Commissioner

Subject: GMP #100 Interim Policy for AOSEs, PEs, and Other Consultants

Attached is GMP #100, which provides guidance for the statewide implementation of SB 963 and HB 2337. This policy is effective July 1, 1999. Emergency regulations will be adopted within 280 days and final regulations within another year.

Every district and local office that issues onsite wastewater permits is affected by this policy. Even districts that do not have a backlog or have any AOSEs (Authorized Onsite Soil Evaluators) are affected by this policy. It establishes the standard for all site evaluation work submitted to the Department and clarifies how the Department will process subdivision applications. Consequently, it is important that all environmental staff read and become familiar with this document.

Questions that may arise should be directed to the Division of Onsite Sewage and Water Services.

GMP #100
Interim Policy for
Authorized Onsite Soil Evaluators,
Professional Engineers, and Other Consultants

Part I
Introduction, Overview,
Scope, Authority, Definitions

Prologue

The 1999 General Assembly mandated sweeping changes in the onsite sewage program by requiring VDH to accept private evaluations and designs for residential development. As a result, processing permit applications will change on a fundamental level. House Bill 2337 and Senate Bill 963 recognized the skills of Authorized Onsite Soil Evaluators (AOSE) and Professional Engineers in consultation with an AOSE and recognized the potential benefits of these skills for citizens and the Virginia Department of Health (the Department). Simultaneously, the new laws reaffirmed the Department's role to protect public health and the environment. Intrinsic with these changes were mandates to make more timely permit decisions.

In light of the legislative changes mandated by the 1999 General Assembly, the Department has re-evaluated its role in providing public health and environmental protection. No longer is the Department the sole provider of the site evaluations upon which permits are based. Instead, the Department's role is moving toward assuring the knowledge, skills, and abilities of the AOSE and engineering communities and the quality of the work they provide to the public-at-large.

It is therefore the policy of the Virginia Department of Health to accept evaluations and designs from AOSE/PEs and issue permits and other approvals for residential development prior to conducting a field check. VDH believes this is consistent with the letter and intent of Sections 32.1-163.5 and 32.1-164 H of the Code of Virginia.

Introduction (Basis for change)

This policy has as its roots Senate Bill 415 (Virginia Acts of Assembly, 1994, Chapter 747) which introduced the Authorized Onsite Soil Evaluator (AOSE). An AOSE is an individual who has demonstrated skills and abilities in the field of evaluating soils for onsite sewage treatment and disposal systems. The legislation incorporated in 32.1-164 G of the *Code of Virginia* (the *Code*) required that the Department implement a program for training, testing, approving, and disapproving AOSEs. Furthermore, the legislation required the Department to contract with an AOSE for soil evaluations if the processing time ("backlog") for applications for construction permits exceeds 15 working days (see §32.1-163.4).

The Department implemented SB 415 through a series of policies. GMPs #51 (prioritizing applications, effective 6/16/94), GMP #52 (certification letters, effective

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6/16/94), GMP #54 (calculating backlogs 6/24/94), and GMP #71 (contracting with AOSEs, effective 6/19/95) were written to implement provisions of SB 415. This policy is supplemental to these policies. Where a conflict may exist, this policy shall be take precedence.

In 1999, the General Assembly passed House Bill 2337 and Senate Bill 963, which further amended the *Code* with respect to the role of AOSEs. SB 963 also gave responsibility for soil evaluations to Professional Engineers (in consultation with an AOSE). Further, they placed time limits on the Department to issue or deny applications for certification letters, construction permits, and subdivision reviews. Finally, the Assembly created the concept of "deemed approval" in the event the Department fails to act in accordance with the time limits. HB 2337 extended the date that a Certified Professional Soil Scientist (CPSS) can be deemed qualified as an AOSE and requires the Department to act on certification letters submitted by an AOSE within 20 days.

HB 2337 (§32.1-164 H, *Code of Virginia*) also requires that the Board of Health (the Board) adopt regulations within 280 days of the effective date of the legislation ("Emergency Regulations"). SB 963 does not mandate the adoption of emergency regulations. The Department anticipates that this interim policy will be used until the emergency regulations are promulgated. Since the provisions of HB 2337 and SB 963 do not fully overlap, the Department anticipates that the emergency regulations may not contain all the provisions needed to implement an integrated program. Therefore, it may be necessary to continue to use portions of this interim policy until final regulations are promulgated pursuant to HB 2337 and SB 963.

In 1998, the Department contracted with the Institute for Environmental Negotiation to convene a series of stakeholder meetings to develop recommendations for regulations governing AOSEs (pursuant to SB 415, 1994). The intent of these meetings was to complete implementation of SB 415. Many of the recommendations of the IEN have been used in this policy.

Scope of Policy

This policy applies to all site and soil evaluation reports submitted to the Department after June 30, 1999. This includes residential and non-residential proposals whether submitted by an AOSE/PE (see definitions, page 5) or other individual. However, only applications for residential development submitted in proper form with certification by an AOSE/PE shall be subject to processing time limits and deemed approval. Non-residential applications submitted with an AOSE/PE report will receive scheduling priority over similar applications submitted without an AOSE/PE report.

This policy also completes implementation of the provisions of SB 415 (1994), and provides interim implementation of SB 963 (1999), and HB 2337 (1999) as these relate to the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et.seq., the *Regulations*). Local ordinances regarding onsite wastewater systems are not affected by this policy unless a locality indicates in writing that it desires the local health department to apply the provisions of this policy to its local ordinances. When such a request is

made, the Department will require all reports submitted in the locality to be certified as complying with both the *Regulations* and all local requirements.

Overview

When an application is submitted by an AOSE/PE and is certified as complying with the Board's regulations and policies, the Department is empowered by the *Code of Virginia* to place great weight on the merits of the AOSE/PE's documentation. No field review of this work is required prior to issuing a permit, letter, or subdivision approval, and time constraints apply to the processing of such applications. Failure to meet the time constraint results in an application being deemed approved.

The reports of evaluators that do not possess AOSE/PE credentials always require field checks prior to approval. In the interest of providing more timely service, and in keeping with the *Code of Virginia* (32.1-163.4 B), the Department intends to phase out the acceptance of non-AOSE/PE site evaluations.

The final AOSE regulations are currently envisioned to allow onsite soil evaluators to demonstrate their knowledge, skills, and abilities by participating in approved training courses and taking the Board's written and field tests. Those passing will be credentialed as an AOSE (see §32.1-164 G *Code of Virginia*). Until a program for credentialing all qualified individuals is adopted, but not later than July 1, 2004, work submitted by non-AOSE certified individuals will be accepted; however, no special standing or time constraints apply to processing these applications. These applications will require the same information, fees, and use of forms as work submitted by an AOSE/PE.

By relying on competent service providers (AOSE/PEs), the Department can reduce the time necessary to process applications for residential development. In light of this new role, the Department's policy is to rely on AOSE/PE reports by making permitting decisions prior to conducting any field review. Quality control checks, both administrative reviews and field checks, will be conducted as necessary to assure the quality of the site evaluation and design work.

Responsibility and Authority

To encourage responsibility in exercising the authority given the private sector under the new law, the Department's policy is to issue or deny applications for residential development based on work submitted by an AOSE/PE. Responsibility for the quality and accuracy of the site evaluation shall rest with the AOSE/PE. The Department's role will be to review the materials submitted with an application for compliance with the *Regulations* and the Department's policies prior to approval or disapproval of an application. The Department will also conduct sufficient field review work after an approval has been issued to protect public health and the environment.

The enabling legislation contemplates a design role for AOSE/PE's without defining roles or responsibilities for conducting construction inspections. As a result,

VDH will continue to conduct construction inspections of all system installations. The Department has substantial experience permitting and inspecting systems. This experience leads us to observe that essentially all systems installed vary in some manner from the permit. Over the years a good, working relationship has developed between health department field personnel and installers. An informal process has developed whereby problems identified at the time of inspection usually can be resolved in a timely fashion.

The Department's flexibility in making permit adjustments exists because of our knowledge of both the general and site-specific conditions and hence the range of design possibilities associated with a specific permit. Without this first-hand knowledge, gained during the site evaluation, it is not possible to make substantive permit adjustments. As a result, when a construction problem is discovered that requires modification of an AOSE/PE permit, installers are encouraged to notify the responsible AOSE/PE prior to contacting the local health department. Accordingly, the AOSE/PE that submitted the work may make minor permit adjustments that are discovered to be necessary during the installation. Minor changes specifically do not include changes in design flow or substantive changes in square footage of absorption area. Any permit change must fully comply with the *Regulations* and must be approved by the Department as early in the process as possible, but in all cases, before the issuance of the operation permit.

VDH also recognizes that a great deal of the problem solving flexibility in the current system is based on trust in the contractor, which has developed over time. The contractor-designer relationship we currently enjoy will not exist (at least initially) between AOSE/PE's and installers. Therefore, AOSE/PE's and contractors are strongly encouraged to work closely during the construction phase and to conduct installation inspections. Documentation of such inspections should be provided to the local health department.

The Department anticipates that adoption of this policy will lead to a certification program for installers or septic system contractors. In the long-view, the Department believes qualified contractors can contribute significantly to the smooth implementation and problem resolution aspects associated with this program.

The Practice of Engineering

Chapter 4, §54.1-400 of the Code of Virginia states "The practice of engineering" means any service wherein the principles and methods of engineering are applied to, but are not necessarily limited to, the following areas: consultation, investigation, evaluation, planning and design of public or private utilities, structures, machines, equipment, processes, transportation systems and work systems, including responsible administration of construction contracts. The term "practice of engineering" shall not include the service or maintenance of existing electrical or mechanical systems.

An AOSE may submit site and soil documentation as described in this document for any traditional system regardless of whether the system design requires an engineer. An AOSE however, may only submit system designs and specifications for systems that

do not require the practice of engineering to design. When a system is sufficiently complex to require the practice of engineering to design, formal plans and specifications, sealed by a Professional Engineer (PE) shall be required.

Traditional systems (see definition) may require the practice of engineering. An AOSE under the *Code* may design certain traditional systems. In order to implement the *Code*, an AOSE may submit designs for gravity drainfield systems and pump or siphon systems for residential development. This includes gravity drainfield systems and enhanced flow systems pumping to a distribution box or manifold. Pump systems with more than one lift station or which contain any downhill runs, low-pressure distribution and Wisconsin-mound system designs must be submitted by a licensed professional engineer.

When engineering plans and specifications are required, the site evaluation work shall be either conducted and certified by an AOSE or certified by a PE working in consultation with an AOSE. When the site and soil evaluation submitted in support of the application is submitted by a PE, the engineer shall submit a statement indicating that they consulted with a specific AOSE, giving both the name and certification number of the AOSE, on the proposal under review.

Definitions

AOSE/PE. Means an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

Authorized Onsite Soil Evaluator (AOSE). Means a person possessing the qualifications specified by the Board who has successfully completed the course and testing to be 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 traditional onsite sewage disposal systems. Until July 1, 2001, a person holding a current certificate as a Virginia Certified Professional Soil Scientist from the Board of Professional Soil Scientists, upon application and demonstration of the knowledge, skills and abilities necessary to conduct onsite soil evaluations, shall be deemed to be qualified as an AOSE.

Certification Letter. Means a letter issued by the commissioner, in lieu of a construction permit, which identifies a specific site and recognizes the appropriateness of the site for an onsite wastewater disposal system.

Deemed Approved or Deemed Approval. Means that the Department has failed to take 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 164.H. Upon such failure, an application submitted in proper form pursuant to those subsections is deemed approved and the appropriate letter or letters, permit, or approval shall be immediately issued by the Department. Deemed approval applies only to applications for single-lot construction permits, subdivision review, and single or multiple-lot certification letters

submitted with evaluations and designs certified by an AOSE/PE in accordance with the provisions of the *Code*, the *Regulations*, and the Department's policies and procedures. Further, sites that have been previously denied by the Department are not subject to the provisions of deemed approval. An application "deemed approved" means that it is approved only with respect to the Board of Health's *Regulations* and does not include local ordinances.¹

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.

Professional Engineer in consultation with an AOSE. Means that a Professional Engineer has communicated with an AOSE regarding the site and soil conditions present where the system is proposed, in a manner sufficient to assure compliance with the *Regulations* and the Department policies implementing the *Regulations*.

Residential Development. Means development using single family homes, which utilize individual onsite sewage systems for each structure. Mass drainfields and other cluster systems which serve more than one dwelling, are not considered residential development.

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 or ordinances and pursuant to §§15.2-2242, 2259, and 2260 of the *Code* and § 360 of the *Regulations* for the purposes of determining and documenting whether or not an approved sewage disposal site(s) is present on each proposed lot.

Traditional Systems. Means onsite wastewater treatment and disposal systems for which design criteria are contained in the *Regulations*, except as noted below. At present traditional systems include gravity, pumped, and low-pressure distribution (lpd) septic effluent drainfields, and Wisconsin-type mound systems. Traditional systems as defined in this policy do not include conditional permits, repair permits, septage stabilization systems, or systems permitted under a soil drainage management plan.

¹ A local government may authorize its local health department to include requirements of local ordinances in this definition. See Part I, Scope of Policy.

Part II Applications

A. Applications and Types of Supporting Documentation

Incomplete applications delay the timely and accurate decision making process. Therefore, applicants will be vigorously encouraged to assure all applications are complete at the time of submission. Applications will be received in one of three forms:

- without any site evaluation work,
- with complete supporting documentation from an AOSE/PE, and
- on an interim basis, with complete supporting documentation from non-AOSE/PE consultants.

1. Applications without supporting site and soil work (or “bare application”). An application for an individual certification letter or construction permit may be submitted without site and soil documentation or a system design. In those instances where the owner seeks to rely on VDH to conduct the site, soil and design work associated with the permit, no supporting documentation is required. In other words, property owners and agents are *not required* to hire an AOSE, a professional engineer, or soil scientist in order to file an application.

In these instances, a complete application consists of a properly completed application submitted to the Department with the appropriate fee. When the application is for a single lot construction permit the Department has 15 days to process the application and issue or deny the permit. When the time to process an application for a construction permit exceeds 15 days, §32.1-163.4 of the *Code of Virginia* requires an AOSE be hired. Prior to contracting with an AOSE, District offices should review the guidance found in GMP #71 and the Final Recommendations of the AOSE Advisory Group to the Virginia Department of Health, dated February 10, 1999.

2. Applications with AOSE/PE site and soil work. All applications that are submitted with evaluation and design documentation by an AOSE/PE shall contain the minimum required information necessary to complete the application and shall be accompanied by the required fees. Such applications will be processed within specified time limits and approvals will be issued without field review when the application is found to be complete. Applications that are found to be incomplete or defective in any manner shall be denied. If an application has been denied, an applicant or their agent will have 15 business days to submit a *new* application to perfect the error(s) contained in their first application. During this period, the Department will waive all state fees associated with the new application. This waiver may be granted not more than once per site.

3. Applications with non-AOSE site and soil work. Applications may be submitted with site and soil documentation performed by an individual that is not an AOSE/PE. The Department recognizes that site evaluations from these individuals will

range widely in quality. The Department also recognizes that individuals capable of quality work will also be capable of submitting site and soil documentation that conforms to the reporting requirements contained in this policy. Therefore, all work submitted to the Department shall contain the information specified in subsection II.B through F of this policy, as determined to be appropriate by the Department.

Until a program exists whereby individuals without CPSS credentials can qualify as an AOSE, the Department will continue to accept their work but not give special standing to their reports (such as time limits to process or issuing permits without field reviews). Consideration will be given to the proposed site location when conducting field reviews. Reports not in conformance with this policy will be considered as incomplete and denied.

B. Documentation Requirements for All Consultant Reports

There are four types of applications for residential development that may be submitted with AOSE/PE documentation. These are: a single lot construction permit, a single lot certification letter, multiple lot certification letter application and subdivision reviews. The table below summarizes the Department's minimum requirements. Additional information may be submitted when an AOSE/PE believes it may be in the client's interest to provide additional information. The minimum requirements are discussed in detail below.

Applications for a single construction permit

A complete application for a construction permit, with site documentation shall consist of the following information:

1. A completed application for a Sewage Disposal System Construction Permit (CHS 200), signed, dated, and with all pertinent information supplied,
2. The appropriate fee for the application as per the *Code of Virginia* (\$75.00 for septic, \$40.00 for well),
3. A site evaluation report in the form specified in Part II.C of this policy,
4. A proposed well site (when a private water supply is proposed),
5. Construction drawings and specifications for the recommended system in the form specified in Part II.D of this policy, and
6. A statement certifying that the site and soil conditions and design conforms with the *Regulations*.

Application for a single certification letter

A complete application for certification letter differs from an equivalent application for a construction permit in that a complete design is not required. It is however necessary to assure a system meeting the requirements specified on the application can be supported by the proposed site. Therefore, the requirements for a single certification letter are:

1. A completed application for a Sewage Disposal System Construction Permit (CHS 200), signed, dated, and with all pertinent information supplied,
2. The appropriate fee for the application as per the *Code of Virginia* (\$75.00 for septic, \$40.00 for well),
3. A site evaluation report in the form specified in Part II.C of this policy,
4. A proposed well site (when a private water supply is proposed),
5. An abbreviated system design in the form specified in Part II.D of this policy, or as appropriate for the type of system proposed,
6. A statement certifying that the site and soil conditions and design conforms with the *Regulations*.

Application for multiple certification letters

Applications for multiple certification letters shall be the method for reviewing proposed subdivisions in localities that do not have a subdivision ordinance. Each application submitted must contain the following:

1. Completed applications for Sewage Disposal System Construction Permits (CHS 200), signed, dated, and with all pertinent information supplied,
2. The appropriate fee for each letter sought as per the *Code of Virginia* (\$75.00 for each septic, \$40.00 for each well),
3. Site evaluation reports in the form specified in Part II.C of this policy,
4. Proposed well sites (when a private water supply is proposed),
5. Abbreviated system designs in the form specified in Part II.D of this policy, or as appropriate for the type of system proposed,
6. A statement for each proposed site certifying that the site and soil conditions and design conforms with the *Regulations*, and
7. If the multiple certification letters are intended to establish the suitability of soils for a proposed subdivision, the information required for a subdivision review in regard to the preliminary subdivision plat is to be submitted by the applicant (see 2.c below).

Application for subdivision approval

The subdivision process is a local function that is governed by local ordinances. Section 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. Section 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. That section further provides that any state agency making a review of a plat forwarded to it must complete its review within 45 days and if the agency does not approve the plat it must state the specific reasons for disapproval in writing. 12 VAC5-610-360 provides guidance when review of subdivision plats is required by local ordinances.

Section 32.1-163.5 of the Code provides that VDH shall accept private site evaluations and designs, for subdivision review for residential development, designed and certified by a licensed professional engineer in consultation with an AOSE or by an AOSE. There is no fee for subdivision review. The following shall apply to all requests for subdivision review and approval (AOSE/PE or non-AOSE):

1. Effective immediately all requests for subdivision reviews must be submitted to the local health department with a request from the local government entity specifically asking for review of the proposed lots for onsite wastewater system approvals pursuant to the local ordinance governing such proposals (cite reference to local ordinance). Requests for approval of proposed subdivisions may not be accepted from individual owners or applicants. In localities where there is no subdivision ordinance, subdivisions are to be handled using applications for multiple certification letters (see procedure above).
2. All requests submitted by local governments for review and approval pursuant to local ordinances must contain the following minimum information:
 - a. Letter requesting subdivision review.
 - b. Individual site and soil evaluation reports in the form specified in Part II.C of this policy for each proposed lot in the subdivision. These individual reports must be identified as to the subdivision and the proposed lot number.
 - c. Preliminary subdivision plat that provides the information specified in 12 VAC 5-610-360.B. This includes all information required by the local ordinance, and includes the following if not required by local ordinance: proposed streets, utilities, storm drainage, water supplies, easements, lot lines, neighboring property lines (within 200'), existing and proposed water supplies for each proposed lot and within 200' of the outermost property line, and original topographic contour lines by detail survey. The plat shall be prepared according to suggested scales and contour intervals contained in Appendix L of the *Regulations*.
 - d. Documentation of system design. The materials submitted for subdivision review, if being submitted by an AOSE/PE, must contain documentation that the AOSE/PE that the soils are capable of supporting the proposed system at the proposed design flow(s).

Note: the changes in subdivision review contained in §32.1-163.5 will change the operation of §360.C. regarding signing of the plat or indicating approval of a subdivision. Section 360.C will need to be modified to reflect the language that's now in §32.1-163.5 of the *Code of Virginia* which was brought about by Senate Bill 963. In other words, if the Department fails to take action on a proposal submitted in proper form with an AOSE/PE certification within sixty days from the date of written submission of a request for approval of a subdivision, then it is deemed approved and an appropriate letter indicating this shall be issued to the local government requesting subdivision review. Local and district health

departments are strongly encouraged to discuss these changes with local planning and zoning officials.

| | Type of Applications | | | |
|---------------------------------|--------------------------------|---------------------------------|------------------------------------|-------------|
| | Single Lot Construction Permit | Single Lot Certification Letter | Multiple Lot Certification Letters | Subdivision |
| Application | X | X | X | |
| Fee | X | X | X | |
| Site Evaluation | X | X | X | X |
| Proposed Well Site | X | X | X | X |
| Construction Drawings | X | | | |
| Construction Specifications | X | | | |
| Design Calculations | X | | | |
| Abbreviated Design calculations | | X | X | X |
| Certification of Compliance | X | X | X | X |
| Local Government Request | | | | X |
| Preliminary Subdivision Plat | | | X (as necessary) | X |
| Max. Time to Process | 15 | 20 | 60 | 60 |
| Rec. Time to Process | 5 | 10 | 45 | 45 |

C. Soil Documentation Requirements

All site evaluation work submitted to the Department shall be in the form specified below and shall be certified as fully complying with the *Sewage Handling and Disposal Regulations*. The certification statement contained in Appendix 7 of this document shall be used to make such certification. No work will be accepted under any circumstance that is not so certified. Applications submitted with soil evaluation reports and/or designs certified by any person other than an AOSE/PE shall not be subject to the time limits for processing specified in §§ 32.1-164.H and 163.5, nor shall they be subject to “deemed approval.” The Department is required to conduct a field check of all such evaluations or designs.

1. Soil profile holes. This section of this policy is intended to clarify the intent of §480 of the *Regulations*.

A minimum of three soil-profile descriptions, representative of the proposed sewage disposal system are required. The area shall be described in sufficient detail to be representative of both the original system area and any required repair area. The maximum acceptable separation distance between observation holes is 100 feet. When soil variability or marginally satisfactory conditions exist, sufficient additional soil-profile descriptions shall be made to assure the site complies with the *Sewage Handling and Disposal Regulations*. When a required reserve area is not adjacent to

a proposed sewage disposal system area, the minimum soil-profile documentation shall apply to both the primary area and the reserve area. The use of common holes between adjacent proposed sewage disposal system sites to describe both sites is not an acceptable practice.

2. Soil profile descriptions. Soil profile descriptions shall be made to a depth sufficient to determine if a restrictive zone, such as a water table, rock, fragipan, impermeable horizons or other limiting factors exist within the stand-off distance beneath an absorption trench.

a. **Scope of descriptions.** Each soil profile hole drilled or dug during a soil investigation must be accurately described and located on the site sketch. All holes used for drainfield documentation shall be completely described to meet the requirements of the *Regulations*. All holes or pits in the proposed drainfield area must be described with horizon depths, soil textures and depth to soil restriction or redoxomorphic features.

b. **Content of descriptions.** The major horizons of all soil profiles are to be documented using U. S. Department of Agriculture soil textural classes and Standard Munsell Linguistic color equivalents. The following soil characteristics must be documented (See § 490 of the *Regulations*):

i. Soil Color (matrix and mottle patterns)

ii. Soil Texture (including the percent and size of coarse fragments)

iii. Soil Horizons and Horizon Depths

iv. Shrink-Swell potential (if moderate or greater)

v. When backhoe pits are used, the complete range of soil characteristics exposed is to be described (depth to mottles, rock percentage and depth to rock or other restrictive layers & variability in rock depth). OSHA Regulations apply when working in pits deeper than five (5) feet.

vi. Depth to rock or restrictive layers (when applicable).

vii. Soil permeability. If tests are conducted (including percolation tests, hydraulic conductivity tests, and other measures of soil permeability), a copy of all test results must be included with the application. Permeability tests conducted by an AOSE/PE do not require VDH supervision.

c. **Additional information.** The following soil characteristics should be documented when they provide additional information regarding soil suitability;

i. Soil consistence

- ii. Soil structure (type, class and grade)
- iii. Soil mottling patterns (abundance, contrast and size)
- iv. Soil parent material and geologic province
- v. Clay mineralogy and the existence of various soil minerals (feldspar, mica, quartz, etc.)

3. Site Sketch. A site sketch shall be provided which accurately represents the location of all soil observation holes and/or pits at each site. Sketches shall be neatly lined and when possible, scale drawings should be used. When scale drawings are not practical, the sketch shall provide accurate documentation (distances) between holes and suitable reference points. As a minimum, the following *on and off* site features within 200 feet of any portion of a proposed drainfield and reserve area should be shown:

- a. Existing and proposed wells, springs and cisterns. If a private water supply is required as part of the proposed residential development under an application, the proposed water supply or supplies must be located in compliance with the *Private Well Regulations* 12 VAC 5-630-10, et. sec.
- b. Drainfields and proposed drainfields
- c. Percent slope and slope direction, or an acceptable topography map
- d. Structures (buildings, etc.)
- e. Easements, rights of way, roads, property lines, lakes, streams, buried utilities and tile drainage
- f. Shellfish waters, surface impoundments used for drinking water and drainage ditches
- g. Sinkholes, drainage ways, and flood plains
- h. Compliance with Chesapeake Bay Local Assistance Department requirements and local regulations should be documented when applicable.
- i. Any other information which may have bearing on the issuance of any approval by the Department.

4. Other

Other information pertaining to local ordinances (i.e. Chesapeake Bay requirements) should be included. However, for the purposes of an AOSE/PE certifying that an evaluation and/or design complies with the *Regulations* and for "deemed approval" only those requirements contained in the Board of Health's regulations will be

considered to apply unless a local government has requested their health department to implement a local ordinance through this policy (See Part I, Scope of Policy).

5. Report Format

- a. The forms found in the appendices of this document provide the recommended format for submitting information. Appendix 1, "Application for a Sewage Disposal and/or Water Supply Permit however, is required for all AOSE/PE applications where "deemed approval" may apply. Acceptable substitutes for the remaining form shall contain the same minimum data set that is found on the Department's form and is in a format that is legible and consistent with the Department's data entry needs. Where the Department has not recommended a form, an AOSE/PE may submit the required information in a format of their choosing. The Division of Onsite Sewage and Water Services shall be the final judge of what constitutes an acceptable form.
- b. Abbreviations of soil color, texture, etc. are not acceptable.
- c. Recommendations regarding estimated percolation rates and drainfield size requirements shall be included. Measured percolation rates may be used if available.
- d. A blank 8.5 by 11 page is recommended for use when preparing the site sketch described in section II C.3.
- e. All work submitted in support of a construction permit or certification letter shall be signed and dated. To accomplish this, each page of a submission must be numbered using the format "Page ___ of ___" in the top right hand corner of each page. The last page of the submission shall be the certification statement and shall be signed. This will assure the health department has in its possession, at the time of the review, a complete package of the information submitted.

6. Site Identification.

The ability to locate approved sites for onsite wastewater systems many years in the future is critical to the success of this program. Wastewater system sites proposed for use must be defined in a manner that allows them to be identified with an accuracy and precision of 10 feet or less. GPS (global positioning system) is not considered an acceptable method of location as of the effective date of this policy. When selective availability (dithering) is removed from GPS signals and when the Department can verify site locations, this method may be reconsidered as an economical and practical method of accurately locating onsite wastewater systems. All sites shall be located in one of the following ways:

- a. Construction permits shall be located by a scale drawing showing the perimeter of the system on a survey plat or a survey as described in item b below.

- b. Certification letters and subdivision approvals shall locate the approved site by surveying the perimeter of the soil absorption area on a survey plat.

D. System Design Requirements

- a. All applications for construction permits accompanied by an AOSE/PE certification shall contain construction drawings, plans, and specifications sufficient to assure the system is installed in accordance with the *Regulations* and the proposed permit. When a system is sufficiently complex to require the practice of engineering, a professional engineer shall seal the plans and specifications. The design information necessary to issue a sewage disposal system construction permit includes:
 - i. All the information required on form CHS 202 A and B (Construction Permit).
 - ii. System construction drawings- Appendix 4 is a recommended form for informal permit construction drawings. Drawings shall show lot lines of the building lot and building site, slope, and any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 200 feet of the proposed dwelling, sewage disposal system and reserve area and any easements or utilities. The scale drawing of the sewage disposal system shall show sewer lines, pretreatment unit (if applicable), pump station (if applicable), conveyance system, and subsurface soil absorption system, reserve area, and other relevant features which may affect the proper operation and functioning of the system or be affected by the same. When a nonpublic drinking water supply is to be located on the same lot all sources of pollution within 200 feet shall be shown.
 - iii. Plans and specifications. Plans and specifications sufficient to allow the successful installation of a system shall be included when the application is for a construction permit. A recommended form is Appendix 5 for use with a gravity septic tank-drainfield system with or without a pump or an LPD.
 - iv. Design calculations. Design calculations used to establish the design parameters of the recommended system shall be submitted. Design calculations must include:
 - 1. Calculations indicating that the minimum separation distance to seasonal ground water or rock is provided;
 - 2. Minimum depth of trenches and separation of trenches when slopes are greater than 10%;
 - 3. Design flow calculations used for septic tank and drainfield sizing based on bedrooms or per person;

4. When a pump is used, the calculations will show the static head, friction head and total dynamic head at the operating condition of the pump. The pump curve shall also be provided;
5. Pump tank volumes and emergency storage requirements;
6. Trench bottom area and number of trenches;
7. Low pressure distribution calculations;
8. Wisconsin mound calculations;

Three copies of the construction drawing and specifications shall be submitted at the time of application.

The information listed above is the *minimum* information necessary to issue a construction permit. Additional information may be necessary depending on the specific site. Applications that do not contain this minimum data set shall be returned as incomplete or denied.

E. Certification Letter and Subdivision Design requirements

Certification letters do not normally require a complete design with specifications. Prior to applying for a certification letter an AOSE/PE, or other consultant, shall conduct and provide documentation sufficient to verify that sufficient area is available for the proposed system, including setback distances, and that the soils are capable of supporting the proposed design flow. Appendix 6 is the approved format for submitting abbreviated design information for drainfield, enhanced flow, and LPD systems.

F. Certification Statement

All site evaluation work submitted in support of a construction permit, certification letter, or subdivision review shall be in the form specified above and shall be certified as fully complying or not complying with the *Regulations*. The certification statement contained in Appendix 7 of this document shall be used to make such certification. No work will be accepted that is not certified using this form.

Part III VDH Review

A. All Applications

1. Log-in and Review. All applications are to be received and logged-in manually or electronically as established by the Department.

Applications accompanied by an AOSE/PE report shall receive a level 1 review (as described below) and approved or denied in accordance with this policy.

Applications filed with supporting documentation from a non-AOSE/PE shall be handled in the same manner they are handled now. The Department must conduct field check and deemed approval is not applicable. These applications shall be prioritized in accordance with GMP #51. If the application is for a construction permit, the Department may be required to hire an AOSE/PE if the time to process the application exceeds 15 business days.

New applications, which correct an application submitted by an AOSE/PE that has been denied within the past 15 business days, shall not be assessed a fee. This waiver shall only be applied once for any site. The corrected application shall be logged in as a new application and the time limits for processing the application started on the day the new application is received.

B. AOSE/ PE Applications – General. The Department’s program for reviewing all applications submitted by an AOSE/PE will utilize two basic levels of review.

Level 1 Administrative/technical review. This level of review is intended to determine if an application is complete and the proposed design substantially complies with the *Regulations* based upon the site and soil evaluation report submitted in support of the application. A level 1 review consists of administrative and technical reviews and *does not include field review*. Any application received by a local health department accompanied by AOSE/PE documentation must receive a level 1 review before granting or denying approval.

The Environmental Health Specialist (EHS) is responsible for establishing that all necessary forms are present and completed and that the application is for a “traditional” system. Additionally, using VDH records, The EHS will verify that the site has not been previously denied (note: this refers to the site not the lot) and verify that VDH does not have records of a well located within the minimum set back distances. The Department’s review of our records constitutes a quality assurance *review*. A sanitary survey (i.e., a field evaluation) is required to establish setbacks with certainty. Therefore, the ultimate responsibility for establishing setback distances remains with the AOSE/PE certifying the work.

In addition, a level 1 review is intended to confirm that the site proposed by the AOSE /PE meets the minimum criteria for a system and the design, if applicable, complies with the criteria contained in the *Regulations*. A permit, certification letter, or subdivision approval will be issued after Level 1 review. Level 1 review is considered the minimum level of review necessary to ensure that public health and the environment are protected.

Level 2 Field review. A field review is an evaluation of the site conditions where a permit, letter, or subdivision approval has been issued to establish conformance of the site conditions with the AOSE/PE report and the *Sewage Handling and Disposal Regulations*. A level 2 review may include conducting soils borings, a sanitary survey, permeability testing, or other actions necessary to assure that a site complies with the *Regulations*. Level 2 reviews will be conducted after the issuance of a permit, letter, or subdivision approval as part of the Department's procedures for ensuring that public health and the environment are protected and for ensuring the performance of private sector evaluators and designers.

The purpose of a level 2 review is to protect public health and ground water quality by sampling a subset of the work submitted by AOSE/PE consultants. Local and district health departments may conduct Level 2 reviews of as many AOSE/PE certified permits or letters as desired based on resources. However, each local or district health department must conduct Level 2 reviews of at least 10% of all sites certified by an individual AOSE/PE. A Level 2 review may be performed during the construction of a system, at the time of final inspection of the completed system, or at any earlier time. All Level 2 reviews must be completed prior to issuance of an operation permit.

The local or district health department will perform the level 2 review using the best methods available at the time, including evaluating open trenches and using a hand auger. An owner will not be compelled to hire a backhoe for Level 2 reviews if one is not available at the time of review. Local and district health departments are encouraged to work closely with contractors to coordinate the timing of these reviews to coincide with the installation inspection when a backhoe is necessary to complete a level 2 evaluation.

The local health department receiving an application with AOSE/PE supporting documentation will review at least ten percent of all evaluations for certification letters and subdivisions submitted by any AOSE/PE in a calendar year. These reviews are to be conducted no more than twelve months after the certification letter or subdivision approval has been issued. A report of the inspection shall be prepared and placed in the file. If the sites do not substantially comply with the *Regulations* enforcement action may be appropriate (See Part IV)

C. Procedures for Reviewing AOSE/PE Applications

1. VDH Actions (Permits, Letters, Subdivision reviews) time limits. Upon completion of a Level 1 review, the Department will issue, depending upon the type of application made, either a certification letter (or letters), a construction permit, or a subdivision approval within the time frames noted below.

| Type of Application | Recommended Time to Process (bus. days) | Maximum Time to Process (bus. days) |
|------------------------------------|---|-------------------------------------|
| Single lot Construction Permit | 5 | 15 |
| Single lot Certification Letter | 10 | 20 |
| Multiple lot Certification Letters | 45 | 60 |
| Subdivision Evaluation | 45 | 60 |

Applications for a Construction Permit

Procedures for individual construction permits submitted with evaluations and designs for traditional system by AOSE /PE.

1. Receive application, log in, accept and process fee.
2. All AOSE/PE submittals shall be stamped with the date they are received.
3. Complete Level 1 review within 5 working days. At a minimum all the items contained in the Level 1 Review Checklist must be reviewed and documented. It is recommended that the checklist be used (See Appendix 15).
4. If the submittal complies with the *Regulations* and this policy, generate and sign the appropriate permit letter (See Appendix 8).
5. If, based on Level 1 review, the submittal does not comply with the *Regulations* and this policy, the application must be denied. Generate and sign the appropriate denial letter (See Appendix 12). A copy of the Level 1 review checklist or other documentation of review must be included with the denial letter. A copy of the denial letter must be sent to the Division within 10 days.
6. Failure to generate a denial or approval letter within 15 working days of the date received results in an application deemed approved, if the application is complete. In this case, generate the appropriate letter (See Appendix 17). A copy of the deemed approved letter must be sent to the Division.

Individual Lot Certification Letters

Procedures for individual certification letters submitted with evaluations and designs for traditional system by AOSE /PE.

1. Receive application, log in, accept and process fee.
2. All AOSE/PE submittals shall be stamped with the date they are received.

3. Complete Level 1 review within 10 working days. At a minimum all the items contained in the Level 1 Review Checklist must be reviewed and documented. It is recommended that the checklist be used (see Appendix 15).
4. If the submittal complies with the *Regulations* and this policy, generate and sign the appropriate certification letter (See Appendix 9).
5. If, based on Level 1 review, the submittal does not comply with the *Regulations* and this policy, the application must be denied. Generate and sign the appropriate denial letter (See Appendix 12). A copy of the Level 1 review checklist or other documentation of review must be included with the denial letter. A copy of the denial letter must be sent to the Division within 10 days.
6. Failure to review the application and/or generate a denial or approval letter within 20 working days of the date received results in an application deemed approved if the application is complete. In this case, generate the appropriate letter (See Appendix 18). A copy of the deemed approved letter must be sent to the Division.

Multiple Lot Certification Letters

Procedures for multiple lot certification letters submitted with evaluations and designs for traditional system by AOSE/PE.

1. Receive application, log in, accept and process fees.
2. All AOSE/PE submittals shall be stamped with the date they are received.
3. Complete Level 1 review within 45 working days. At a minimum all the items contained in the Level 1 Review Checklist must be reviewed and documented. It is recommended that the checklist be used (See Appendix 15).
4. If the submittal complies with the *Regulations* and this policy, generate and sign the appropriate certification letters (See Appendix 9).
5. If, based on Level 1 review, the submittal does not comply with the *Regulations* and this policy, the applications must be denied. Generate and sign the appropriate denial letter(s) (See Appendix 12). A copy of the Level 1 review checklist or other documentation of review must be included with the denial letter(s). A copy of the denial letter(s) must be sent to the Division.
6. Failure to review the applications and/or generate denial or approval letters within 60 working days of the date received results in the applications deemed approved. In this case, generate the appropriate letter. A copy of the deemed approved letter must be sent to the Division.

Subdivision Reviews

Procedures for Review of Proposed Subdivision Plats for Local Governments pursuant to §32.1-163.5 when submitted with evaluations and designs for traditional system by AOSE/PE. Where local ordinances require an employee of the Virginia Department of Health to sign a subdivision plat or otherwise indicate in writing that sites for onsite wastewater systems have been approved (or disapproved) the following procedure shall be used. Local health departments will review proposed subdivisions

only at the request of local governments pursuant to local ordinances duly adopted pursuant to § 15.2-2242.

1. All submittals must be date stamped the date they are received.
2. The local health department must send an acknowledgment letter to the local government indicating the date received and the projected approval date (45 days from date received).
3. The local health department must complete the Level 1 Review of all proposed lots in the preliminary subdivision plat within 45 days of receipt. At a minimum all the items contained in the Level 1 Review Checklist for Subdivisions (See Appendix 16). must be reviewed and documented. It is recommended that the checklist be used.
4. If the evaluations and design documentation for the lots contained in the preliminary subdivision plat submittal comply with the *Regulations* and this policy generate and sign the appropriate letters to the local government entity (See Appendix 11). The local health department designee may or may not be required to sign the actual plat according to local requirements. If a signature on a plat is required, there shall be a statement added to the plat that mirrors the assertions contained in the subdivision approval letter regarding the approval based on AOSE/PE evaluations pursuant to § 32.1-163.5.
5. If, based on Level 1 subdivision review, the submittal does not comply with the *Regulations* and this policy, the request for subdivision approval must be denied. Generate and sign the appropriate denial letter(s) (See Appendix 14). A copy of the Level 1 Subdivision Review review checklist or other documentation of review must be included with the denial letter(s). A copy of the denial letter(s) must be sent to the Division. The denial letter is addressed to the local government and must be sent by certified mail. The letter must state that the application was denied and it must state the reasons why.
6. Failure to review the request and/or generate denial or approval letters within 60 working days of the date received results in the subdivision approval deemed approved. In this case, generate the appropriate letter. A copy of the deemed approved letter must be sent to the Division.

Part IV **Enforcement: Dealing With Problems**

As noted earlier in this document, very few onsite wastewater systems are installed exactly as originally envisioned. The possibilities for a problem to creep into the equation are many-fold. Whenever a problem is encountered, the first goal should be finding a solution and then implementing the solution. In the longer term, preventing repetitive problems is *the* significant issue. Problem prevention relies on many factors including training, education, communication, and enforcement.

Not every problem lends itself to resolution through enforcement. The issue is more difficult when one considers that inconsistent or inappropriate use of enforcement is usually counterproductive. District Directors and Managers are strongly encouraged to carefully consider all of their alternatives before taking enforcement actions. Some individuals tend to focus on minor infractions and fail to differentiate between what is or isn't significant. *The policy of the Department is to take appropriate enforcement actions to assure public health and environmental protection.*

When considering what an appropriate enforcement action may be, first establish the nature of the problem. Questions to ask are: Would a more thorough site evaluation have identified the problem? Was this an unavoidable problem that has occurred before? Is this an error in judgement or gross negligence? If it's an error in judgement, has it been repeated? Gross negligence should result in loss of an AOSE's certification. Errors in judgement must be addressed: but not with a sledgehammer. Chronic errors deserve a stronger response than the occasional error. The goal of enforcement is to solicit a specific behavior. Evaluate both the problem and the desired outcome carefully before acting.

First, establish if the problem is one that will respond to an enforcement action. If so, the action taken should reflect the seriousness of the offense. The Department is not in a position to accept poor or inadequate site evaluations. Our mission to protect public health and the environment does not allow us to accept shoddy work. In the course of correcting or removing any AOSE's found to be submitting inadequate work, we cannot allow ourselves to go to the opposite extreme and nit-pick every detail or possible error. Finding this balance will be our challenge.

This section recognizes that problems will occur, it attempts to anticipate some of the potential problems, and it proposes some procedures and rules for handling enforcement situations. It is not possible, nor is it desirable to try, to anticipate every potential problem that may arise. This section is divided thematically into three subsections. The first deals with general information, concepts, and guidelines. The second subsection outlines procedures to be used by local health departments when problems occur with permits and other approvals they have issued. The third subsection deals with the performance of AOSE/PEs.

A. General Guidelines and Information

Local and district EH staff and directors are primarily responsible for problem solving as it relates to situations encountered in the field regarding site approvals, system design, and construction. They are encouraged to utilize the procedure(s) in this policy that most closely resemble the situations they encounter. District and local health departments are encouraged to seek the advice of the Division of Onsite Sewage and Water Services if they are unsure of a particular procedure. The Division will be responsible for monitoring the performance of AOSEs.

VDH *will not* accept responsibility or liability for negligent acts by private evaluators or designers, nor does it intend to sacrifice public health and environmental protection in order to reduce potential impacts (financial or otherwise) upon owners resulting from negligent private evaluations and designs. VDH *will be* a partner in trying to identify solutions to problems. However, the Department expects the private sector to take the lead in problem solving when situations arise in which the primary responsibility for approval lies with an AOSE/PE. Where private litigation is appropriate for resolving equity issues, VDH will recommend that owners seek legal counsel to protect their rights and investments.

Indemnification Fund. The specific language in the *Code* states that the onsite sewage Indemnification Fund applies only when there is negligence on the part of the Department. Therefore, it is unlikely that the Fund will be a resource for indemnifying owners for acts of negligence resulting from private evaluations and designs by AOSE/PEs. Nevertheless, any owner wishing to file a claim under the Indemnification Fund should be given the Division's address and should be informed that they may apply for indemnification under the Fund if they so desire. In no instance should any employee of the Department advise an owner in any manner whatsoever as to whether or not he or she should file a claim. The decision to file a claim under the Indemnification Fund, or for that matter any legal claim, is a private matter and a citizen should be encouraged to seek private legal counsel for such advice.

Previous Denials. An AOSE/PE may not override a previous denial by a local or district health department. An AOSE/PE may certify a site that has been previously denied if the AOSE/PE certifies that they are aware of the prior denial and that the design proposed is one that was not allowed under the *Regulations* at the time of the original denial.

Appeals of Denials. No owner or local government may appeal the denial of any construction permit, letter, subdivision approval, when the denial is based on an incomplete application until such time as the application is made complete. Challenges to permit denials shall follow the processes provided in the *Regulations*.

B. Procedures for Local and District Health Departments

Four potential problem scenarios appear to be most likely to occur. These are:

1. The site and/or design does not meet the minimum requirements of the *Regulations*, and the problem is discovered during a Level 2 review (QA/QC check);
2. The site and/or design does not meet the minimum requirements of the *Regulations* and the problem is discovered at time of system inspection;
3. An AOSE/PE requests to change the conditions of approval after the approval has been granted. For instance, the AOS/PE wants to change one or more design elements of a permit, or revise the site criteria on which a certification letter of subdivision approval is based.
4. A local or district health department revokes or voids an approval instrument that was based on an AOSE/PE certification.

The following procedures should be used in the event that the local health department encounters a scenario as indicated.

Situation 1- applies to permits, letters, and subdivision approvals. In this instance a permit, certification letter, or subdivision approval has been issued and is still valid, but a system has not been constructed. There may or may not be a house under construction.

Notice to owner, revocation vs. null and void, right to hearing. The owner or local government must be notified in writing that the approval instrument is either void (if conditions have changed from those shown on the application or permit) or revoked (if facts have become known that were previously unknown, but if known would have precluded the issuance of a permit (letter or subdivision approval)). The notice must be sent by certified mail or hand-delivered within 10 working days of discovery of the factual basis for the decision to void or revoke. The notice must contain an explanation of the reasons for voiding or revoking and a citation to the appropriate section or sections of the *Regulations*. The owner (or local government) must be advised that they may request an informal hearing to challenge the decision by sending written notice to the district health director within 30 days of receipt of the notice to void or revoke. If the case involves a subdivision, the notice must be addressed to the appropriate local government official and a copy must also be sent by certified mail (or hand delivered) to the owner of record of the subdivision (and/or individual lot owners if they exist and are affected). The environmental health manager or supervisor is responsible for ensuring that proper notice is delivered.

Informal fact-finding conference if facts are insufficient, notice of informal conference. If the environmental health manager or supervisor, in consultation with the district or local health director, does not believe that sufficient facts are available upon which to base a decision to void or revoke an approval instrument, the director should convene an informal fact-finding conference (9-6.14:11, *Code of Virginia*) to gather the necessary facts. In that case, a notice must be sent by certified mail or hand-delivered to the owner (or in the case of a subdivision to the appropriate local government official with a copy to the owner or owners) stating that they believe that it may be necessary to void or revoke the approval. The

notice must also contain the time, place, date, and purpose of the informal conference. In the case of a construction permit, the notice must also ask the owner not to install the system until the issue has been resolved. The notice of informal conference must be mailed or delivered within 10 working days of discovery of the factual basis for the need to convene the fact-finding conference.

Election of remedies, new application, fees waived, plan to remedy if original permit by AOSE/PE, time limits not applicable if variance is requested. The owner or local government may elect to challenge the decision to revoke or void an approval by requesting a hearing or they may file a new application. The affected party may not elect to appeal and file a new application at the same time. If the approval was revoked (facts discovered that would have precluded issuance of a permit) the owner or local government may resubmit an application for a new permit within 30 days without paying a new application fee or fees (no time limit applies to subdivision reviews since there is no fee to a local government for this service). If the approval instrument permit was voided due to conditions that changed after the issuance of the approval, a new application may be submitted at any time and a new application fee is required (no fee for subdivision review). In either case, if the original approval was issued in reliance on evaluation and design by an AOSE/PE, then the new application must be submitted with a plan for remedying the problems that resulted in voiding or revoking the approval. The new application is to be handled using the same procedures outlined for all applications submitted with AOSE/PE certifications. If a variance is to be requested because there is no site that complies with the *Regulations*, a request for variance must be included with the application and the time limits for processing the application specified in 32.1-163.5 shall not apply and, in the alternative, the time limits for processing a variance request (12 VAC 5-610-190) shall apply.

Situation 2- Applies to construction permits only, time is of the essence, problem solving relies on involvement of responsible party. In this situation a system has been installed and a problem with design or the site is discovered at the time of inspection (this scenario does not include problems with construction since a construction-only problem would not affect the validity of a permit). The problem is of sufficient magnitude that the permit no longer substantially complies with the *Regulations*. There may be a house constructed or under construction. Time is of the essence in these situations since owners are often under contractual obligations for mortgages, etc. This situation will only involve construction permits since a permit is required before a system may be installed. In cases where an AOSE/PE certified the site(s) or where the owner is responsible for the revocation or voiding of the permit the problem-solving process will necessarily rely on the responsible party being cooperative and taking the lead in seeking a solution.

Inspections and documentation. The local health department should exercise due diligence to ensure that systems are inspected as quickly as possible and that sufficient information is documented to allow others who will be involved to ascertain the essential details of the site and soil conditions as well as the

installation. After completing the inspection and documenting the facts, the installer will be allowed to cover the system to prevent damage to the system. The owner is not authorized to use the system (i.e., no operation permit will be issued) until the matter is resolved.

Notice to owner, revocation vs. null and void, time frames for action, responsible party. The owner must be notified in writing, sent by certified mail or hand-delivered, that the construction permit is void (if conditions have changed from those shown on the application or on the permit) or revoked (if facts have become known that were previously unknown, but if known would have precluded the issuance of a permit). The notice must be sent by certified mail or hand-delivered within 3 working days of discovery of the factual basis for the decision to void or revoke the permit. The notice must contain an explanation of the reasons for voiding or revoking the permit and a citation to the appropriate section or sections of the *Regulations*. The owner must be advised that they may request an informal hearing to challenge the decision by sending written notice to the district health director within 30 days of receipt of the notice of the decision to void or revoke the permit.

Informal fact-finding conference if facts are insufficient, notice of informal conference. If the environmental health manager or supervisor, in consultation with the district or local health director, does not believe that sufficient facts are available upon which to base a decision to void or revoke a permit, the director should convene an informal fact-finding conference (i.e. hearing under the APA) to gather the necessary facts. In that case, a notice must be sent by certified mail or hand-delivered to the owner stating that it may be necessary to void or revoke the permit. The notice must also give notice of the time, place, date, and purpose of the informal conference. The notice must also ask the owner not use the system until the issue has been resolved. The notice of informal conference must be mailed or delivered within 3 working days of discovery of the need for the informal conference.

Election of remedies, new application, fees waived, plan to remedy if original permit by AOSE/PE, time limits not applicable if variance is requested. An owner may elect to challenge a decision to void or revoke a permit by requesting a hearing or he/she may submit a new application. An owner may not elect to appeal and file a new application at the same time. If the permit was revoked (facts discovered that would have precluded issuance of a permit) the owner may resubmit an application for a new permit within 30 days without paying a new application fee or fees. If the permit was voided due to conditions that changed since issuance of the permit, the owner may resubmit an application at any time and a new application fee is required. In either case, if the original permit was issued in reliance on evaluation and design by an AOSE/PE, then the new application must be submitted with a plan for remedying the problems that resulted in voiding or revoking the permit. The new application is to be handled using the same procedures outlined for all applications submitted with AOSE/PE certifications. If a variance is required because there is no design or site that

complies with the *Regulations*, a request for variance must be included with the application. The time limits for processing the application specified in 32.1-163.5 shall not apply and, in the alternative, the time limits for processing a variance request (12 VAC 5-610-190) shall apply.

Situation 3- Applies to situations where an AOSE/PE or other person desires to change a design or evaluation. In this case an owner, an AOSE/PE, or other person desires to make a change in the design or evaluation for a site that has already been approved by the Department. This could include permits, certification letters or subdivision approvals. A house may or may not be under construction. Examples might include a request to change the drainfield location based on a homeowner's desire to relocate the house, or a request to alter the installation depth of a drainfield based on a reassessment of the site and soil conditions.

New application and fee required. In the case of a permit or a letter, the owner/applicant must file a new application with a new soil evaluation (or a copy of the old one if there are no changes), pay a new fee, etc. Subdivisions must be submitted by the local government with a request for review of the proposed changes. The new application should contain a written explanation of the reasons for the proposed changes. If the applicant desires to submit the new application under the rules for AOSE/PE certification, then the application requirements are the same as listed elsewhere in this policy for a new application. If the applicant wants the health department to do all the work, then it is a "bare application."

The local health department should follow the procedures for AOSE/PE certified applications as provided in this policy, or the procedures for a "bare application." When issuing the new approval instrument, the local health department should note on the old document that it is void and note that the new approval document replaces (or "voids") the previous one.

Situation 4- Applies to situations where a local health department has voided or revoked an approval instrument that was originally issued in reliance on an evaluation and design by an AOSE/PE. In these situations the AOSE/PE is entitled to notice of the Department's actions and has a right to challenge those actions only to the extent that the AOSE/PE is actually affected by the decision.

Notice to AOSE/PE. Whenever a local or district health department voids or revokes a permit, letter, or subdivision approval and such approval was based on a certification submitted by an AOSE/PE the AOSE/PE must be notified in the same manner that the owner or local government is notified (see above).

Copy of file sent to the Division. Within 10 days of issuing its decision to revoke or void a permit the district or local health department must notify the Division by sending a complete copy of the file, and include the name and certification # (if applicable) of the responsible AOSE/PE.

AOSE/PE may challenge decision only to the extent he/she is affected by it. The affected AOSE may not request a hearing to challenge the decision to void or revoke an approval, only the owner (or local government in the case of subdivisions) has that right. The AOSE/PE may challenge a decision only if he or she is directly affected by the decision, and then only to the extent that he or she is affected by it (see section C below).

C. Procedures and Guidelines Regarding Performance of AOSE/PEs.

VDH's enforcement policy for AOSE/PEs will address several principles. First, enforcement should aim primarily at eliciting proper behaviors from the regulated community to protect the public from inadequate, incompetent, negligent, or fraudulent work. Second, any action taken against an AOSE/PE should be appropriate to the actual or potential problems created and may include warnings, requirements for remedial action (including completion of training), suspension or revocation of credentials, other administrative actions, criminal or civil actions, and any other lawful remedies. Third, because AOSE/PEs are not restricted to practicing within a limited geographic or political area within the Commonwealth, enforcement will occur at the state level, rather than at the district or local level. Fourth, the policy will follow the requirements of the Administrative Process Act (Va. Code, § 9-6.14:1) and other requirements with respect to case decisions. Finally, since VDH has no direct authority to regulate Professional Engineers, any complaints or actions arising from evaluations and/or certifications by a PE will be referred to the responsible agency (Department of Professional and Occupational Regulation) for investigation and action.

VDH believes that a board should be established to deal with regulatory issues related to AOSEs. The Board of Health, however, lacks regulatory authority at this time to establish such a board. This board may be similar in composition to the existing appeal review board and should be empowered to conduct hearings on complaints or appeals involving AOSEs or their work. In addition to making recommendations to the commissioner for changes in regulations and VDH policy, the board should also review applications for authorization or reauthorization of AOSEs, receive, and investigate and maintain records of complaints against AOSE's or unauthorized persons acting as AOSEs. Until a board or other body may be established, the Division of Onsite Sewage and Water Services will be primarily responsible for handling AOSE regulatory functions.

1. **Action Levels.** The following action levels and procedures are suggested.
 - A. **Immediate Suspension or Revocation.** Certain actions, or failures, on the part of an AOSE should result in immediate suspension or revocation of authorization. These include any single instance of gross negligence or willful misconduct and loss of, or failure to maintain, the CPSS credential. The Division will give notice to the AOSE in proper form (certified mail or hand delivered) of the revocation or suspension, including the factual

basis for the decision. The notice will also provide that the AOSE may challenge the revocation or suspension by requesting an informal hearing within 30 days. Such informal hearings will be conducted by a VDH employee appointed by the commissioner. A request for a formal hearing must be received in the office of the commissioner within 30 days from the date notice is given to the AOSE. A case decision resulting from an informal or a formal hearing can only affect the AOSE's authorization to conduct and certify evaluations and designs it cannot affect the status of a permit, letter, or subdivision approval issued, revoked, or declared void by the Department. An AOSE does not have a right to challenge the Department's decision to deny a permit, letter, or subdivision approval, only the owner has such a right.

- B. Suspension or revocation after informal hearing.** Local and district health departments are required to notify the Division whenever they deny an application or revoke or void an approval based on an AOSE/PE certified evaluation and design. If the Division believes that, based on the documentation sent by local and district health departments, that the performance of an individual AOSE is unsatisfactory, it may convene an informal hearing to investigate. After such an informal hearing the Department may issue a case decision affecting the AOSE/PE (actions involving a PE must be referred to DPOR). The case decision may be to revoke or suspend the AOSE's authorization or could be a warning letter. An AOSE can appeal a case decision of the Department by filing a written request with the State Health Commissioner for formal hearing within 30 days of receiving notice of the decision. Case decisions affect only the AOSE and not the approval instrument.
- C.** For less serious problems, the action to be taken is not clear-cut. The Division may determine that any one or more of the following may be warranted: a written warning or the requirement that training be completed (at the expense of the AOSE). Repeated instances of this type of "violation" should result in revocation of the authorization as provided above. Some behaviors have even less potential impact but still need to be addressed. These might include submission of incomplete work, errors in calculating drainfield size, etc. These are addressed by denying the application as provided in this policy. If the local or district health department desires, it may send a warning letter to the AOSE concerning the deficiency. Copies of these letters must be sent to the Division and the owner/applicant.
- D.** This policy is not intended to limit the Board of Health's authority to enforce any regulation or provision of the Code of Virginia.

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The Department and Board may use any lawful method or methods to enforce the Regulations or the provisions of the Code, whether or not such methods are discussed in this policy.

Part V
Contracting With AOSE in a Backlog Situation

When backlogs exceed the maximum allowed by law, a district shall follow the guidance provided in GMP #71 and the Institute for Environmental Negotiation's (IEN) final recommendations dated 2/10/99 when contracting with an AOSE to respond to a backlog. The IEN document offers several pertinent suggestions for areas where backlogs may be chronic and a long-term solution is necessary.

No district may contract with an AOSE/PE who is currently employed by VDH. Further, no VDH employee may act as a private sector AOSE/PE while employed by the Department.

Appendices

1. Certification Statement
2. Soil Summary Form CHS 201A equivalent
3. Soil Description Form CHS 201B equivalent
4. Construction Drawing Form CHS 202B equivalent
5. Permit Specifications Form CHS 202A equivalent
6. System Design Calculations
7. Application
8. Approval Letter (Permit)
9. Approval Letter (Certification)
10. Approval Letter (Multiple lot certification)
11. Subdivision Approval Statement
12. Denial Letter (level 1 review)
13. Denial Letter (level 2 review)
14. Denial Letter (subdivision)
15. Level 1 Checklist
16. Level 1 Subdivision Review Checklist
17. Deemed Approved Letter for a Permit
18. Deemed Approval Letter for an Individual Certification Letter

Appendix 1

Commonwealth of Virginia
Application for a Sewage Disposal and/or Water Supply Permit

Health Department ID# _____ (VDH Use)

Owner _____ Address _____ Phone _____

Agent _____ Address _____ Phone _____

Directions to Property: _____

Subdivision _____ Section _____ Block _____ Lot _____

Other Property Identification _____ Map Reference _____

Dimension/size of Lot/Property _____

| | | |
|------------------------|--------------------------|-----------------------|
| Residential Use | _____ Yes | _____ No |
| Termite Treatment | _____ Yes | _____ No |
| | _____ Single Family | _____ Multi-family |
| | Number of bedrooms _____ | Number of Units _____ |
| Basement | _____ Yes | _____ No |
| Fixtures in Basement | _____ Yes | _____ No |

Proposed Sewage Disposal Method:

Onsite Sewage Disposal System: ___ Septic Tank Drainfield ___ LPD ___ Mound ___ Other

Water Supply: _____ Public _____ New _____ Existing
_____ Private _____ New _____ Existing

Describe: _____

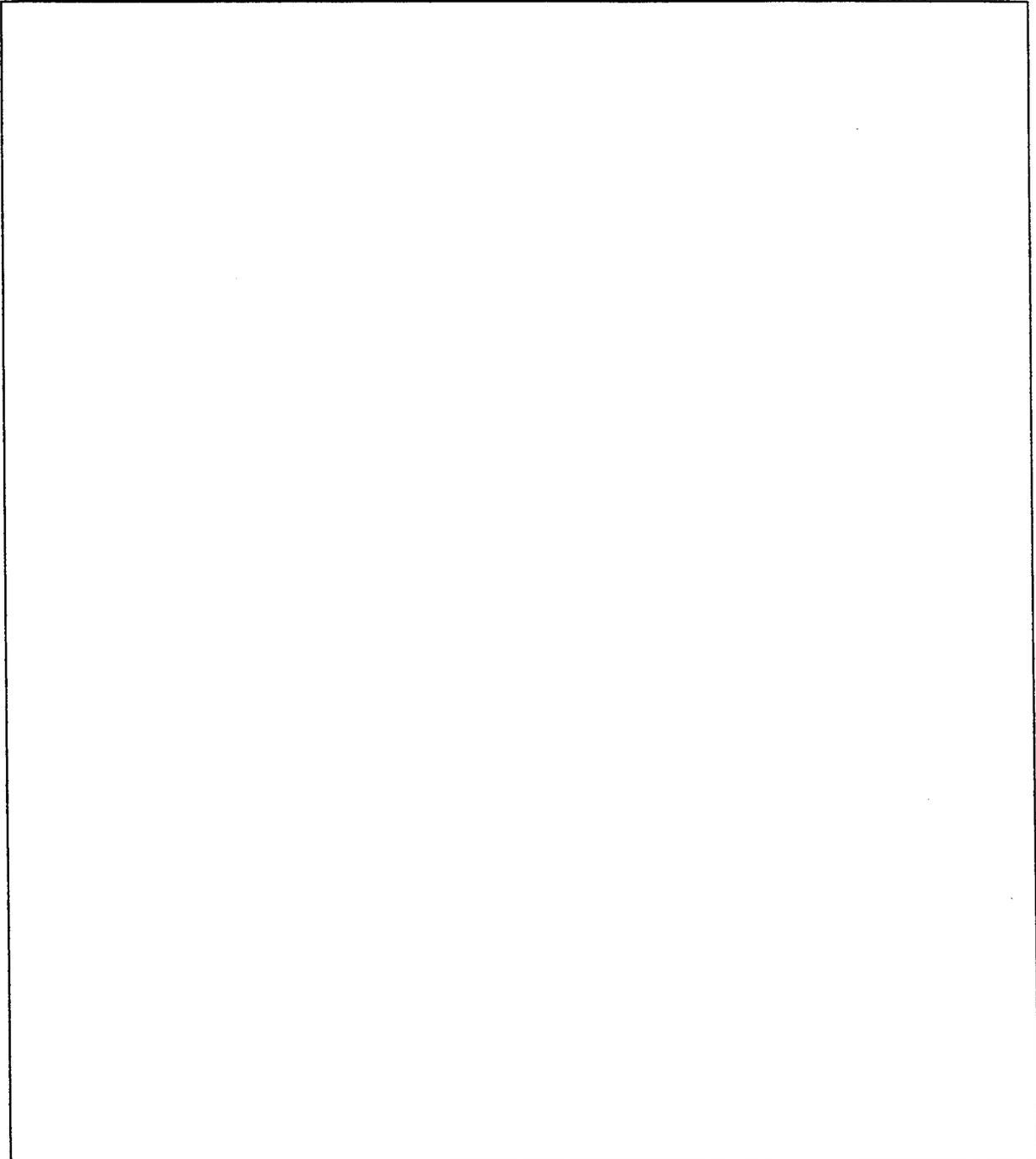
The property lines, building location and sewage disposal system site are clearly marked and the property is sufficiently visible to see the topography. I give permission to the Department to enter onto the property described for the purpose of processing this application and to perform quality assurance checks as necessary until the sewage disposal system has been constructed and approved.

Signature of Owner/Agent _____ Date

Appendix 2
Soil Summary Report

| GENERAL INFORMATION | |
|--|--------------------------------------|
| Date _____ | Submitted to _____ Health Department |
| Applicant _____ | Telephone No. _____ |
| Address _____ | |
| Owner _____ | Address _____ |
| Location _____ | |
| Tax Map _____ | Subdivision _____ |
| Block/Section _____ | Lot _____ |
| SOIL INFORMATION SUMMARY | |
| 1. Position in landscape satisfactory Yes <input type="checkbox"/> No <input type="checkbox"/> Describe _____ | |
| 2. Slope _____% | |
| 3. Depth to rock or impervious strata: Max. _____ Min. _____ None _____ | |
| 4. Depth to seasonal water table (gray mottling or gray color) No <input type="checkbox"/> Yes <input type="checkbox"/> _____ inches | |
| 5. Free water present No <input type="checkbox"/> Yes <input type="checkbox"/> _____ range in inches | |
| 6. Soil percolation rate estimated Yes <input type="checkbox"/> Texture group I II III IV No <input type="checkbox"/> Estimated rate _____ min/inch | |
| 7. Permeability test performed Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| If yes, note type of test performed and attach _____ | |
| <input type="checkbox"/> Site Approved: Drainfield to be placed at _____ depth at site designated on permit. <input type="checkbox"/> Site Disapproved: Reasons for rejection: 1. <input type="checkbox"/> Position in landscape subject to flooding or periodic saturation. 2. <input type="checkbox"/> Insufficient depth of suitable soil over hard rock. 3. <input type="checkbox"/> Insufficient depth of suitable soil to seasonal water table. 4. <input type="checkbox"/> Rates of absorption too slow. 5. <input type="checkbox"/> Insufficient area of acceptable soil for required drainfield, and/or Reverse Area. 6. <input type="checkbox"/> Proposed system too close to well. 7. <input type="checkbox"/> Other Specify _____ | |
| (attach additional pages if necessary) | |

**Appendix 4
Construction Drawings**



Schematic drawing of sewage disposal system and topographic features.

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 200 feet of sewage disposal system and reserve area. The scale drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot show all sources of pollution within 200 feet.

**Appendix 5
 Sewage Disposal System Construction Specifications**

| General Information | |
|--|--------------|
| New <input type="checkbox"/> Repair <input type="checkbox"/> Expanded <input type="checkbox"/> Owner _____ Telephone _____ Address _____ For a Type _____ Sewage disposal system which is to be constructed on/at _____ Subdivision _____ Section _____ Block _____ Lot _____ Actual or estimated water use _____ | |
| DESIGN | NOTES |
| Water supply, existing: (describe) _____ To be installed: class _____ cased _____ grouted _____ | |
| Building sewer: _____ I.D. PVC 40, or equivalent. Slope 1.25" per 10' (minimum). <input type="checkbox"/> Other _____ | |
| Septic tank: Capacity _____ gals. (minimum). <input type="checkbox"/> Other _____ | |
| Inlet-outlet structure: PVC 40, 4" tees or equivalent. <input type="checkbox"/> Other _____ | |
| Pump and pump station: No <input type="checkbox"/> Yes <input type="checkbox"/> describe and show design. If yes: _____ | |
| Gravity mains: 3" or larger I.D., minimum 6" fall per 100', 1500 lb. Crush strength or equivalent. <input type="checkbox"/> Other _____ | |
| Distribution box: Precast concrete with _____ ports. <input type="checkbox"/> Other _____ | |
| Header lines: Material: 4" I.D. 1500 lb. Crush strength plastic or equivalent from distribution box to 2' into absorption trench. Slope 2" minimum. <input type="checkbox"/> Other _____ | |
| Percolation lines: Gravity 4" plastic 1000 lb. Per foot bearing load or equivalent, slope 2" 4" (min. max.) per 100'. <input type="checkbox"/> Other _____ | |
| Absorption trenches: Square ft. required _____; depth from ground surface to bottom of trench _____; trench width _____ Depth of aggregate _____; Trench length _____; Number of trenches _____ | |

Appendix 6
Abbreviated Design Form

For use with gravity and pump drainfields, enhanced flow systems and low pressure distribution systems when applying for a certification letter or subdivision approval.

Design Basis

- A. Estimated Percolation Rate _____
- B. Trench bottom square feet required per bedroom (from Table 4.6 based on Gravity LPD) _____
- C. Number of bedrooms _____

Area calculations

- D. Length of trench _____ Length of available area _____
- E. Width of trench _____
- F. Number of trenches _____
- G. Center-to-center spacing _____
- H. Width required _____ Width of available area _____
 $G(F-1) + E$
- I. Total square footage required (line B times line C) _____
- J. Square footage in design ($D * E * F$) _____
- K. Is a reserve area required? yes No

Appendix 7

Certification Statement

County: _____ Date: _____

Property Identification: _____

Submitted by: _____

This is to certify according to §32.1-163.5 of the *Code of Virginia* that work submitted for the referred property is in accordance to and complies with *the Sewage Handling and Disposal Regulations* of the Virginia Department of Health. I recommend a _____¹be _____².

AOSE _____ Date: _____

Soil Consultant _____ Date: _____

¹ This blank must be filled in with one of the following terms: 'permit', 'certification letter', or 'subdivision approval'.

² This blank must be filled in either the term 'approved' or 'denied'.

If the submission contains a certification by a professional engineer in consultation with an AOSE, the following statement shall be signed and sealed:

I hereby certify that the evaluations and designs contained herein (refer to subdivision, lot, etc.) were conducted in accordance with the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., the "*Regulations*") and the policies of the Virginia Department of Health for implementation of those *Regulations*. Furthermore, I certify that the evaluations and designs comply with the minimum requirements of the *Regulations*.

I recommend a _____¹be _____².

Licensed PE: _____ Date: _____

Seal

¹ This blank must be filled in with one of the following terms: 'permit', 'certification letter', or 'subdivision approval'.

² This blank must be filled in either the term 'approved' or 'denied'.

Appendix 8
[Letterhead]
[Date of Issue]

Applicant Name
Address
City, State Zip

Subject: Sewage Disposal System Construction Permit

Dear :

This letter, in conjunction with the approved plans (__ pages) dated [date], which are attached, constitutes your permit to install a sewage disposal system [and well]. The application for a permit was submitted pursuant to §32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The permitted site was certified as being in compliance with the Board of Health's regulations (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances) by: (AOSE/PE name, certification or license #, phone #). This letter is issued in reliance upon that certification.

The Board of Health hereby recognizes that the soil and site conditions acknowledged by this correspondence, and documented by additional records on file at the local health department, are suitable for the installation of onsite sewage disposal systems. The attached plat (or plats) shows the approved areas for the sewage disposal systems. This letter is void if there is any substantial physical change in the soil or site conditions where a sewage disposal system is to be located.

If modifications or revisions are necessary between now and when you construct your dwelling, please contact the Authorized Onsite Soil Evaluator (AOSE) or Professional Engineer (PE) who performed the evaluation and design on which this permit is based. The name, address, and phone number of the AOSE/PE appears on the certification form attached to this permit. Should revisions be necessary during construction, your contractor should consult with the AOSE/PE that submitted the site evaluation or site evaluation and design. The AOSE or PE is authorized to make minor adjustments in the location or design of the system at the time of construction provided adequate documentation is provided to the _____ Health Department.

This authorization is null and void if conditions are changed from those shown on the application or conditions are changed from those shown on the attached construction drawings, plans and specifications. No part of

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Appendix 8 (continued)

any installation shall be covered or used until inspected, corrections made if necessary, and approved by the _____ Health Department or unless expressly authorized by the _____ Health Department. Any part of any installation which has been covered prior to approval shall be uncovered if necessary, upon the direction of the Department.

This authorization to construct a sewage disposal system expires:

_____.

Sincerely,

EHS, _____ Health Department

Appendix 9

Approval letter (Certification Letter)
[letterhead]

date

applicant's name
address

Re: application ID #, property ID,
subdivision

Dear Mr.(s) applicant,

This letter is issued in lieu of a sewage disposal system construction permit in accordance with § 32.1-163, et seq., and § 32.1-164 H. of the *Code of Virginia*. The application for a certification letter was submitted pursuant to § 32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The site for an individual onsite sewage system was certified as being in compliance with the Board of Health's regulations (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances) by: (AOSE/PE name, certification or license #, phone #). This letter is issued in reliance upon that certification.

The Board of Health hereby recognizes that the soil and site conditions acknowledged by this correspondence, and documented by additional records on file (including those by a private Authorized On Site Evaluator, AOSE, [name, phone, certification #]) at the local health department, are suitable for the installation of an onsite sewage disposal system. The attached plat shows the approved area for the sewage disposal system. This letter is valid until a permit for construction issued and the system is installed, inspected and approved. This letter is void if there is any substantial physical change in the soil or site conditions where the sewage disposal system is to be located.

A permit to construct the sewage disposal system must be issued before construction of the system. If the property owner (current or future) applies for a construction permit within 18 months of the date of this letter, the application fee paid for this letter shall be applied to any state fees for a permit to construct a system. After 18 months, the applicant is responsible for paying all state fees for a permit application.

This letter, and accompanying plat of survey showing the specific location of the sewage disposal system area and well area (if applicable), may be recorded in the land records by the clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the system is to be

Appendix 9 (continued)

located. The site shown on the plat is specific and must not be disturbed or encroached upon by any construction. To do so voids this letter. Upon the sale or transfer of the land that is the subject of this letter, the letter shall be transferred with the title to the property.

Future owners are advised to review the plat for the location of the onsite sewage disposal area to make sure their building plans do not interfere with the area. If they have any questions regarding the location of the area, they should contact the AOSE or PE identified above *prior to* contacting the local health department for assistance.

The area certified by this letter, is suitable to accommodate a ____ bedroom house using a system design of ____ gallons per day. The property will be served by a public/private water supply as shown on the attached plat. This letter is an assurance that a sewage disposal system construction permit will be issued (provided there have been no substantial physical changes in the soil or site conditions where the system would be located); however, it is not a guarantee that a permit for a specific type of system will be issued. The design of the sewage system will be determined at the time of application for a building permit and sewage system construction permit. The design will be based on the site and soil conditions certified by this letter, structure size and location, water well location (final determination to be made at time of permit issuance), the regulations in effect at the time, and any off-site impacts that may have occurred since the date of the issuance of this letter. In some cases, engineered plans may be required prior to issuance of the construction permit. In accordance with § 32.1-164.1:1 of the Code of Virginia, owners are advised to apply for a sewage disposal construction permit only when ready to begin construction.

This certification letter (does/does not) certify that the above mentioned lots meet the requirements of local ordinances regarding sewage disposal systems.

Sincerely,

EHS-Name
Title

Attachment
Pc:

Appendix 10

Multiple-Lot Certification Letter based on AOSE/PE Certification
[letterhead]

date

applicant's name
address

Re: application ID #'s, property ID's, lot
#'s, subdivision (if applicable)

Dear Mr.(s) applicant,

This multiple-lot certification letter is issued in lieu of sewage disposal system construction permits in accordance with § 32.1-163, et seq., and §§ 32.1-163.5 and 32.1-164 H. of the *Code of Virginia*. These applications for certification letters were submitted pursuant to § 32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. These sites for individual onsite sewage systems were certified as being in compliance with the Board of Health's regulations (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances) by: (AOSE/PE name, certification or license #, phone #). This letter is issued in reliance upon that certification.

The Board of Health hereby recognizes that the soil and site conditions acknowledged by this correspondence, and documented by additional records on file at the local health department, are suitable for the installation of onsite sewage disposal systems. The attached plat (or plats) shows the approved areas for the sewage disposal systems. This letter is valid for a particular lot identified above until a permit for construction is issued and the system is installed, inspected and approved upon that lot. This letter is void if there is any substantial physical change in the soil or site conditions where a sewage disposal system is to be located.

A permit to construct a sewage disposal system must be issued before construction of a system. If a property owner (current or future) applies for a construction permit within 18 months of the date of this letter, the application fee paid for this letter shall be applied to any state fees for a permit to construct a system. After 18 months, the applicant is responsible for paying all state fees for a permit application.

This letter, and accompanying plat (or plats) of survey showing the specific locations of the sewage disposal system areas and well areas (if applicable), may be recorded in the land records by the clerk of the circuit court in the jurisdiction where all or part of the sites or proposed sites of the systems are to be located. The sites shown on the plat (or plats) are specific and must not be disturbed or encroached upon by any

Appendix 10 (continued)

construction. To do so voids this letter. Upon the sale or transfer of the land that is the subject of this letter, the letter shall be transferred with the title to the property.

A future owner of any lot identified in this letter is advised to review the plat (or plats) for the location of the onsite sewage disposal area to make sure their building plans do not interfere with the area. If they have any questions regarding the location of the area, they should contact the AOSE or PE identified above *prior to* contacting the local health department for assistance.

The areas certified by this letter are suitable to accommodate onsite sewage systems at rated capacities (# of bedrooms/system design in gallons per day) as indicated in the individual certification submitted with each application (see attached). The property will be served by a public/private water supply as shown on the attached plat. This letter is an assurance that sewage disposal system construction permits will be issued (provided there have been no substantial physical changes in the soil or site conditions where a system would be located); however, it is not a guarantee that a permit for a specific type of system will be issued. The design of any sewage system will be determined at the time of application for a building permit and sewage system construction permit. The design will be based on the site and soil conditions certified by this letter, structure size and location, water well location (final determination to be made at time of permit issuance), the regulations in effect at the time, and any off-site impacts that may have occurred since the date of the issuance of this letter. In some cases, engineered plans may be required prior to issuance of a construction permit. In accordance with § 32.1-164.1:1 of the Code of Virginia, owners are advised to apply for a sewage disposal construction permit only when ready to begin construction.

This certification letter (does/does not) certify that the above mentioned lots meet the requirements of local ordinances regarding sewage disposal systems.

Sincerely,

EHS-Name

Title

Attachments (plats and certifications)

Pc:

Appendix 11

Approval Letter (Subdivision)
[letterhead]

Date: _____

Mr./Ms. _____ (local government official for subdivisions)
ADDRESS

Dear Mr./Ms. (local govt. official):

RE: Review of Proposed Subdivision Plat for Individual Onsite Sewage Systems,
Subdivision Name, Section, Lot #'s, County/City

On (date) the County/City of _____ requested the Virginia Department of Health (via the _____ County/City Health Department) review the proposed subdivision plat identified above. This letter is to inform you that the above referenced subdivision plat is approved for individual onsite sewage systems in accordance with the provisions of the *Code of Virginia*, and the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., the "*Regulations*"), (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances).

This request for subdivision review was submitted pursuant to the provisions of § 32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. This subdivision was certified as being in compliance with the Board of Health's regulations by: (AOSE/PE name, certification or license #, phone #). This subdivision approval is issued in reliance upon that certification.

Pursuant to § 360 of the *Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision identified above *unless* that lot is specifically identified on the above referenced plat as having an approved site for an onsite sewage disposal system, and *unless* all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

This subdivision approval is issued in reliance upon the certification that approved lots are suitable for "traditional systems," however actual system designs may be different at the time construction permits are issued.

This subdivision approval does/does not pertain to the requirements of local ordinances.

Sincerely,

EHS, _____ Health Department

Appendix 11, Page 2

Note: If the approved sewage system sites are not shown on the record plat, they must be shown on a separate plat on file in the local health department. The plat showing the sewage system sites must be reconciled with the record plat. In this case the following sentence should be added to the approval letter:

The approved onsite sewage system sites are not shown on the above referenced plat. Those sites are shown on a separate plat on file in the _____ Health Department.

Subdivision Approval Statement

If local subdivision ordinances require VDH personnel to sign a record plat, in addition to sending the letter above, the following statement must be printed on the plat:

This subdivision is approved for individual onsite sewage systems in accordance with the provisions of the *Code of Virginia*, and the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., the "*Regulations*"), (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances).

This subdivision was submitted to the Health Department for review pursuant to § 32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by: (AOSE/PE name, certification or license #, phone #). This subdivision approval is issued in reliance upon that certification.

Pursuant to § 360 of the *Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision *unless* that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

This subdivision approval is issued in reliance upon the certification that approved lots are suitable for "traditional systems", however actual system designs may be different at the time construction permits are issued.

Note: If the approved sewage system sites are not shown on the record plat, they must be shown on a separate plat on file in the local health department. The plat showing the sewage system sites must be reconciled with the record plat. In this case the following sentence should be added to the approval statement on the plat:

The approved onsite sewage system sites are not shown on this plat. Those sites are shown on a separate plat on file in the _____ Health Department.

Appendix 12
letterhead
[date]

applicant's name
address

CERTIFIED MAIL

Dear Mr.(s) applicant,

re: application ID #, property ID, subdivision

The _____ County Health Department received site evaluation and design work on [date] related to the referred application pursuant to § 32.1 – 163.5 and 164 H. of the Code of Virginia. Upon an initial, administrative review of the application, the following information is missing or inadequate:

- Application** (includes site sketch with sanitary survey showing boring locations, topographic features, landmarks, etc.)
- Fee**
- Soil report** (CHS 201A, B or equivalent)
- System design – Permit only** (CHS 202 B or equivalent, includes formal plans & specs)
- System specifications – Permit only** (CHS 202 A or equivalent, includes formal plans & specs)
- Description of system proposed – Certification letter and subdivision** (includes installation depth, area required for system, area available for system)
- Survey plat** of drain field area and reserve
- Certification** of compliance
- Other:** _____

As a result, your application for a [construction permit or certification letter, or subdivision review] is denied. If you file a new application within 15 business days, the Department will waive the application fee. If this information is not received by [date], a new application and fee will be necessary.

If you wish to appeal this denial, a written request must be addressed to [district Health Director, address, phone] within 30 days of receipt of this letter. This request must detail and outline all the facts and such data or information which forms the basis for your appeal.

If you have any questions regarding this matter, please call.

Sincerely,

[name]
Environmental Health Specialist Senior

c. A.O.S.E.
P.E.

Appendix 13
Denial Letter (Level 2 review)

[date]

applicant name
address

CERTIFIED MAIL

Dear applicant (owner/agent),

Re: property identification, Health Department ID #, tax parcel number, etc.

The application you filed with the _____ County Health Department as referenced above for a sewage disposal system construction permit is hereby denied for the following reasons indicated:

- Site has been previously denied by the health department.
- Position in landscape subject to flooding or periodic saturation.
- Insufficient depth of suitable soil over hard rock.
- Insufficient depth of suitable soil to seasonal water table.
- Rates of absorption too slow.
- Insufficient area of acceptable soil for required drainfield, and/or reverse area.
- Proposed system too close to well.
- Other (specify).

You may request an informal hearing to challenge this decision by sending written notice to [district health director, address] within 30 days of receipt of this notice.

If you have any questions, please call me at [phone number].

Sincerely,

EHS

_____ County Health Department

c. Division of Onsite Sewage and Water Services
AOSE/PE
Local building official

Appendix 14

Denial Letter (Subdivision)
[date]

CERTIFIED MAIL

County Planning/Zoning Official
address

Re: Proposed subdivision name, tax parcel number, location, etc.

On [date], the _____ County Health Department received a request from you to review the proposed lots in the referred subdivision for onsite wastewater system approvals. This is pursuant to local ordinance [cite ordinance section]. We are hereby denying the review request for the following reasons:

- Individual site and soil evaluation reports not in the required format or do not identify the subdivision or proposed lot/section numbers.
- Preliminary plat does not provide the information as specified in the *Sewage Handling and Disposal Regulations*, 12 VAC 5-610-360 B. (e.g. streets, utilities, storm drainage, water supplies, easements, lot lines, neighboring property lines within 200 feet, existing and proposed water supplies for each lot and within 200 feet of the outermost property line, original topographic contour lines by detail survey, improper scale or contour intervals.)
- Incomplete documentation of system designs. If submitted by an AOSE/PE, it must contain documentation that the soils are capable of supporting the proposed system at the proposed design flow(s).
- Other:

If you have any questions, please give me a call at [phone number].

Sincerely,

EHS

_____ County Health Department

c. Division of Onsite Sewage and Water Services
AOSE/PE
Local building official

Appendix 15
Level 1 Checklist for AOSE Permit Application

For All Applications:

- Permit Application
- Fee
- Site Evaluation
 - Three soil borings documented
 - Soil summary sheet conforms to the *Regulations*
 - Site properly located
 - Sanitary survey shown within 200'
- Proposed Well Site
- Certification of Compliance

For Construction Permits:

- Construction Drawings
- Construction Specifications
- Design Calculations

For Individual Certification Letters:

- Abbreviated system design including:
 - Installation depth
 - Area required for system
 - Area available for system

For Subdivisions and Multiple Certification Letters:

- Abbreviated system design including:
 - Installation depth
 - Area required for system
 - Area available for system
- Preliminary Subdivision Plat (as necessary) See Appendix L of the *Regulations*
- Local Government Letter of Request (if no fee or application)

Appendix 16

Level I Subdivision Review Checklist

Items to be reviewed:

- | | | |
|---|--------------------------|--------------------------|
| 1. Subdivision plat to scale of 1" = 30' or larger | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Original topography shown at 2 ft. intervals or less | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Plat shows proposed lot boundaries | | |
| overall site boundary | <input type="checkbox"/> | <input type="checkbox"/> |
| neighboring property lines within 200 ft. of | | |
| outermost property line | <input type="checkbox"/> | <input type="checkbox"/> |
| existing and proposed roads | <input type="checkbox"/> | <input type="checkbox"/> |
| drainage easements and structures | <input type="checkbox"/> | <input type="checkbox"/> |
| utility easements | <input type="checkbox"/> | <input type="checkbox"/> |
| significant landscape features | <input type="checkbox"/> | <input type="checkbox"/> |
| existing and proposed water supplies for each | <input type="checkbox"/> | <input type="checkbox"/> |
| lot and within 200 ft. of outermost property line | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: _____

- | | | |
|---|--------------------------|--------------------------|
| 4. Individual Soil Reports (CHS 201A/B) complete (see Part II C. on submittal requirements of soil reports) and identified as to individual lot, section number and subdivision. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Drainfield sites, reserve areas, water supply locations clearly shown to scale on plat. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Proper Certification Statement (P.E. must seal and sign; AOSE must sign and include AOSE authorization number.) | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Local government letter of request received | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Other comments: | | |

Appendix 17 (continued)

This authorization to construct a sewage disposal system expires: _____.

Sincerely,

EHS, _____ Health Department

Cc: Division of Onsite Sewage and Water Services

Appendix 18

**Multiple-Lot Certification Letter based on AOSE/PE Certification
[letterhead]**

date

applicant's name
address

Re: application ID #'s, property ID's, lot #'s,
subdivision (if applicable)

Dear Mr.(s) applicant,

This multiple-lot certification letter is issued in lieu of sewage disposal system construction permits in accordance with § 32.1-163, et seq., and §§ 32.1-163.5 and 32.1-164 H. of the *Code of Virginia*. These applications for certification letters were submitted pursuant to § 32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. These sites for individual onsite sewage systems were certified as being in compliance with the Board of Health's regulations (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances) by: (AOSE/PE name, certification or license #, phone #). This letter is issued in reliance upon that certification.

The Board of Health hereby recognizes that the soil and site conditions acknowledged by this correspondence, and documented by additional records on file at the local health department, are suitable for the installation of onsite sewage disposal systems. The attached plat (or plats) shows the approved areas for the sewage disposal systems. This letter is valid for a particular lot identified above until a permit for construction is issued and the system is installed, inspected and approved upon that lot. This letter is void if there is any substantial physical change in the soil or site conditions where a sewage disposal system is to be located.

A permit to construct a sewage disposal system must be issued before construction of a system. If a property owner (current or future) applies for a construction permit within 18 months of the date of this letter, the application fee paid for this letter shall be applied to any state fees for a permit to construct a system. After 18 months, the applicant is responsible for paying all state fees for a permit application.

This letter, and accompanying plat (or plats) of survey showing the specific locations of the sewage disposal system areas and well areas (if applicable), may be recorded in the land records by the clerk of the circuit court in the jurisdiction where all or part of the sites or proposed sites of the systems are to be located. The sites shown on the plat (or plats) are specific and must not be disturbed or encroached upon by any construction. To do so voids this letter. Upon the sale or transfer of the land that is the subject of this letter, the letter shall be transferred with the title to the property.

Appendix 18 (Continued)

A future owner of any lot identified in this letter is advised to review the plat (or plats) for the location of the onsite sewage disposal area to make sure their building plans do not interfere with the area. If they have any questions regarding the location of the area, they should contact the AOSE or PE identified above *prior to* contacting the local health department for assistance.

The areas certified by this letter are suitable to accommodate onsite sewage systems at rated capacities (# of bedrooms/system design in gallons per day) as indicated in the individual certification submitted with each application (see attached). The property will be served by a public/private water supply as shown on the attached plat. This letter is an assurance that sewage disposal system construction permits will be issued (provided there have been no substantial physical changes in the soil or site conditions where a system would be located); however, it is not a guarantee that a permit for a specific type of system will be issued. The design of any sewage system will be determined at the time of application for a building permit and sewage system construction permit. The design will be based on the site and soil conditions certified by this letter, structure size and location, water well location (final determination to be made at time of permit issuance), the regulations in effect at the time, and any off-site impacts that may have occurred since the date of the issuance of this letter. In some cases, engineered plans may be required prior to issuance of a construction permit. In accordance with § 32.1-164.1:1 of the Code of Virginia, owners are advised to apply for a sewage disposal construction permit only when ready to begin construction.

This certification letter (does/does not) certify that the above mentioned lots meet the requirements of applicable local ordinances

Sincerely,

EHS-Name
Title

Attachments (plats and certifications)

Pc: