

September 19, 1994

GMP #59

Commissioner's memo #94-031

TO: District Health Directors
Environmental Health Managers

FROM: Donald R. Stern, M.D., M.P.H.
Acting Health Commissioner

SUBJECT: Rescission of the Policy on Grandfather Clause
Sewage Handling and Disposal Regulations

The April 24, 1989, policy regarding § 1.7 of the Sewage Handling and Disposal Regulations (the "Grandfather Clause") is hereby rescinded. This rescission reflects decisions of the Sewage Handling and Disposal Appeal Review Board and the circuit court, as well as research of the records of the 1982 public hearings on the regulations. A new policy is being developed that is more in line with the legal decisions and the Department's original position during the public hearing process for the 1982 regulations.

In the interim, all properties where a permit was issued prior to November 1, 1982, shall be evaluated initially under the current regulations and a permit issued if it meets the regulations. If the site does not meet the current regulations, the site will be evaluated using the 1971 regulations. If the site can be approved under the 1971 regulations, a permit shall be issued that complies with the sizing and design requirements of the 1971 regulations.

This procedure applies to all permits issued prior to November 1, 1982, whether they have been re-validated or have expired.

If you have any questions about this interim policy, please contact either Allen Knapp or Gary Hagy at (804) 786-1750.

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

Division of Onsite Sewage and Water Services Staff

4/19/1995
Rescinded