***Amendments to the Alternative Discharging Sewage Treatment Regulations for Individual Single Family Home Dwellings (Discharging Regulations) 12VAC5-640***

***Effective December 16, 2015***

The Virginia Department of Health convened a technical advisory committee and held four meetings between June 10, 2011 and July 27, 2011 to seek stakeholder input for the proposed regulations. The resulting amended regulations include:

* Modifications to the ‘no onsite sewage disposal option available’ criteria to include an evaluation for the use of treated effluent.
* Updated administrative procedures.
* The addition of an expiration date for the construction permit and allowing for transfer of ownership of a construction or operation permit.
* Modified the application process to clarify the interaction between VDH and DEQ and simplify the process.
* A requirement for an operation and maintenance manual for each system.
* An allowance for the use of wetlands as a receiving water.
* Redefined treatment system categories to align them with current Agency policies and other regulations.
* Elimination of the prohibition of discharges for sites with intermittent use.
* Expanded and updated design requirements for system component, especially for disinfection.
* Reduced routine testing requirements.
* Electronic reporting of formal testing and inspections.
* Eliminated submittal of ‘formal’ maintenance contracts with operators
* An allowance for licensed Alternative Onsite Sewage System Operators and Class I-III Wastewater Works Operators in addition to the already allowed Class IV Wastewater Works Operator to operate and maintain these systems.

The complete text of the amended regulation can be found at [12VAC5-640](http://law.lis.virginia.gov/admincode/title12/agency5/chapter640/)

The following summarizes the main changes to the *Discharge Regulations.*

* § 30.D - Expands the onsite options that must be evaluated and found unsatisfactory before a discharge is considered. This includes use of treated effluent under the AOSS regulations
* § 220 - Increases the length of time that a construction permit is valid and allows for a one time renewal for 18 months under limited circumstances
* Modifies the application process in an effort to simplify it. Once the combined application is submitted to DEQ and General Permit is issued, a VDH Construction Permit Application for a discharging system is now required with fee and plans.
  + Combined Application process - § 230;
    - Site sketch, survey plat, plat waiver, easements, etc. are the same as with onsite and obtained during this process. VDH & DEQ does not want General Permits issued unless the applicant can install the system.
    - VDH will forward Combined Application with supporting documentation (i.e cover letter, copy of onsite denial, easements, etc.) to DEQ.
  + Construction Permit Application process - § 240 & § 250
    - Process such as timelines, plat waivers, refunds, etc. is the same as onsite.
* § 220.E - Allows for the transfer of a Construction and Operation Permit. The new owner shall pay application fee and provide a change of ownership form

* § 260 - Expands exceptions for waivers for failing onsite sewage disposal systems
  + Owner must file written request for waivers.
* Requires an Operation & Maintenance Manual, Completion Statements, and As Built Drawing to be submitted to VDH prior to issuance of the Operation Permit - § 264 & § 266
  + Completion statements signed by contractor and engineer. (form provided)
  + This can be submitted after the construction inspection.
  + If plat waiver applied for, the owner shall submit Verification of Sewage System Location (Form 12) in GMP 2015-01
* § 400 - Classifications of discharge points
  + Removes maximum slope of 30% for intermittent stream and dry ditches. Requires designer to protect from erosion as needed.
  + Allows naturally occurring swales and drainways to be extended with an engineered channel on a case-by-case basis but must tie into the existing natural swale or drainage.
  + Requires wetland delineation by the U.S. Army Corps of Engineers when the proposed discharge is to a wetland

* § 420 - Changes to setback distances to reflect consistency with Sewage Handling and Disposal Regulations (SHDR)
  + Wastewater treatment system (tankage and components) standoffs are reduced to 50’ to be consistent with the SHDR
  + Setback distances from discharge points and discharge channels are now consistent with the SHDR (Table 3.1).
  + Limestone outcrops in dry ditches changed to indicate within the channel for a distance of 50 feet instead of 25 feet of the channel bottom for the entire length.
  + Separation of discharge points and reduction of distance of dry ditch and intermittent stream channel.
    - Allows the separation from discharge points to be reduced from 500 to 250 feet for all weather streams by providing a Reliability Class II Facility.
    - Allows reduction of dry ditch or intermittent stream from 500 feet to 250 feet provided a Reliability Class I Facility that produce TL-3 effluent and a fecal coliform of 100col/100 ml or less.
* § 432 - Adds treatment unit and system component classifications
  + Generally or Nongenerally approved for all components
* § 434 - Reliability
  + Class I – meet one of the following:
    - A passive backup biological treatment system (i.g., intermittent sand, peat, or media filter of constructed wetlands);
    - A Generator for the treatment system with automatic transfer switch;
    - A 24-Hour holding tank for raw wastewater with telemetry system to immediately notify the operator of system failure; or
    - Any alternative means that limits the discharge of non-compliant effluent to a maximum of 24 hours
  + Class II – meet one of following:
    - For biological treatment processes:
      * A fixed film biological treatment process such as an intermittent sand filter, recirculating media filter, or a peat filter;
      * A suspended growth biological system followed by post-filtration;
      * Telemetry to relay alarm conditions to the operator; or
      * Any alternative means that limits the discharge of a noncompliant effluent to a maximum of 36 hours.
    - For disinfection – ensure effluent is continually disinfected by providing electronic or mechanical means of monitoring so corrected within 36 hours.
  + Class III – Required for all weather with separation of discharge points of 500 feet or greater.
    - Non-compliant discharges limited to 48 hours.
* § 440 - Special factors affecting system design
  + Repeals the prohibition on the use of discharging systems for dwellings subject to intermittent use and allows it under certain circumstances
  + Requires systems to be designed to accommodate peak flow rates and to protect against adverse weather conditions
  + Restricts access between humans, animals, and effluent for wetland discharges and provides more design flexibility
* § 460 - Adds design requirements for system components to parallel requirements contained in the Sewage Collection and Treatment Regulations (9VAC25-790 et seq.)
  + Disinfection, Post-aeration, Post filtration (may be used to ensure compliance with reliability standards), Constructed wetlands used as passive backup
* § 470 - Construction Requirements
  + Requires control panel to be within 15 feet of treatment unit with manual override switch.
* § 480 - Added compliance with plans prior to issuance of OP. Designer shall inspect and submit written comments concerning compliance -
* § 490 - Monitoring requirements
  + Formal testing
    - Generally approved:
      * First Testing 45-90 days after startup
        + If compliant revert to annual testing
        + If non-compliant repeat 45-90 days

If compliant revert to annual testing

If non-compliant revert to monthly until satisfactory for 6 consecutive months

* + - Nongenerally approved
      * First Testing 45-90 days after startup
        + If compliant 3 additional tests quarterly at least 60 days apart

If 4th test compliant revert to annual testing

If non-compliant revert to monthly until satisfactory for 6 consecutive months

* + - * + If non-compliant revert to monthly until satisfactory for 6 consecutive months
    - Informal Testing
      * Monthly for 6 consecutive months beginning the 2nd full month after issuance of the OP
      * After successful startup, semi-annually
    - VDH Annual Inspections - If system in compliance for a three-year cycle, VDH may reduce inspection frequency to three-year cycle
* § 500 O&M requirements
  + Eliminates the requirement to submit a written operation and maintenance contract, and substitutes a certification statement from the owner on the application that the system will be operated, maintained and monitored, and reports will be filed in accordance with the regulation
  + Owner required having testing performed and engage an operator
  + Submittal of testing is evidence of ongoing contract
  + Defines other owner responsibilities
  + Defines operator responsibilities
  + Expands the number of allowed individuals who can perform maintenance to include Alternative Onsite Sewage System Operators in addition to the existing Class IV or higher wastewater works operator license
* Creates electronic reporting of testing - § 510