

**REPORT OF THE**  
**WASTEWATER TREATMENT AND DISPOSAL SYSTEMS**  
**SUBCOMMITTEE**  
**TO**  
**THE GOVERNOR**  
**AND**  
**THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 12**

**COMMONWEALTH OF VIRGINIA**  
**RICHMOND**  
**1981**



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SENATOR EVA F. SCOTT  
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DELEGATE JOAN S. JONES  
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**Report of the  
Wastewater Treatment and Disposal Systems Subcommittee  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
December, 1980**

To: Honorable John N. Dalton, Governor of Virginia  
and  
The General Assembly of Virginia

## I. Introduction

The 1978 General Assembly first established the Joint Subcommittee to Study Wastewater Treatment and Disposal Systems. This was done in an attempt to determine what could be done to dispose of sewage in areas where traditional treatment methods cannot be used. The resolution which created the study directed the Subcommittee to examine these wastewater problems and develop a program to alleviate them. Those who supported this study expected such a program to include the promotion of specific wastewater treatment methods which could be used on property where conventional treatment was unavailable or unworkable.

Traditional wastewater treatment methods include the public sewer system and the septic tank system. In small communities and rural areas, however, it is impractical to build public sewers to discard wastewater. Likewise, but for other reasons, septic tanks cannot be used on all land: much property lacks the characteristics necessary to protect the public (e.g., proper drainage and groundwater depth) from health hazards which septic tanks can present.

The Subcommittee began its study in 1978. It was directed to continue it by resolutions passed during the 1979 and 1980 sessions of the General Assembly.

### Membership

The Chairman of the Subcommittee is Delegate Glenn B. McClanan. Senator Frank W. Nolen is its Vice Chairman. Other members include Senators Howard P. Anderson and Eva F. Scott, and Delegates George P. Beard, Jr., J. Paul Councill, Jr., J. Samuel Glasscock, Joan S. Jones, and Mary Sue Terry.

## II. Activities of Subcommittee in 1978 and 1979

Since the initial Subcommittee meeting, the study has been concerned with two different, but related, objectives. The first was the identification of devices and procedures which might be used to dispose of sewage and wastewater in areas where septic tanks cannot be used and centralized sewage is not available. The second objective was the assurance that new sewage regulations being developed by the Department of Health were as flexible as possible with respect to the types of sewage disposal systems allowed by them.

A number of devices and practices which could be used as alternatives to traditional sewage systems were explained to the Subcommittee during its deliberations. Among these alternatives were mound systems, aerobic systems, and waterless or low-water toilet systems. The Subcommittee concluded that some technology which has been developed in recent years might be helpful to those who cannot use traditional sewage disposal systems. It further noted that such technology is being advanced constantly. Rather than seek any new legislation to ease the regulatory burdens on these devices, the Subcommittee chose to seek such relief in the revised sewage disposal regulations.

It was primarily for this reason—to monitor the revision of sewage disposal regulations—that the Subcommittee was continued in 1979 and 1980. Its major interests in this monitoring effort were twofold: first, it was anxious to see that provisions for the approval of alternative systems were incorporated into the regulations; and second, it wished to have regulations governing the use of septic tanks as flexible as possible without jeopardizing the public health.

## III. Activities During 1980.



During 1980, the Subcommittee held meetings in Richmond and Virginia Beach. The meeting in Virginia Beach, a city in which traditional means of sewage disposal often cannot be used, was conducted as a public hearing. As in earlier years, the Subcommittee's focus was on helping homeowners (and when possible small businesses) with their sewage disposal problems. It sought to lend its influence in such a manner that final revisions to the draft sewage regulations will result in a set of rules which are responsive, in a responsible way, to the needs of Virginians.

The Subcommittee also sought to determine ways in which the State could better serve those who apply for septic tank or other sewage disposal permits. It examined the procedures used in permit applications, and the types of advice given by the State to unsuccessful applicants.

The Subcommittee reviewed plans developed by the Department of Health to implement Chapter 503 of the 1980 Acts of Assembly. This legislation requires the Board of Health to recognize varying circumstances in prescribing criteria for the issuance of septic tank permits. The statute also authorizes the Board to issue septic tank permits with conditions, and to make provisions in the regulations for the varying geographic and related conditions which are found throughout the Commonwealth. Any conditions attached to a permit must be recorded in the deed book of the circuit court in the locality. Subsequent owners of the property would thus be bound by the conditions of the permit.

Finally, the legislation establishes procedures for the Health Department to follow in the event a septic tank application is not approved. If further administrative remedies are available, these must be explained.

Once all administrative remedies have been exhausted, an applicant may appeal the Department's decision to the circuit court.

During the year, the Subcommittee directed its staff to continue research into alternatives available to property owners who could not use septic tanks. It gathered materials and other data on technological innovations and some promising new applications of existing technology. It also sought and received information from the Department of Health on the way the revised sewage regulations could be expected to treat alternative technologies.

#### IV. Findings of the Subcommittee

Based on its study, the Subcommittee notes these findings:

A. The latest draft (dated November, 1980) of the Health Department's sewage disposal regulations shows much improvement over earlier versions of these rules. This draft attempts to allow enough flexibility to deal with variations in conditions around the Commonwealth, e.g., percolation times, per capita flows of wastewater, and so forth. It also sets standards for the installation and use of some of the systems which can be employed as alternatives to the septic tank.

The Subcommittee approves of these changes and commends the Department for making them. Nevertheless, there is still much room for improvement. It is the Subcommittee's belief that the current draft of these regulations remains too restrictive in regard to the measures it allows for sewage disposal.

The Subcommittee knows of no reason why the regulations cannot be structured so that any type of sewage disposal which is not injurious to the public health is permissible. If a property owner can get a neighbor to agree to dispose of sewage in the neighbor's sewage system, and if this does not overload the system, this should be permitted. If a person will restrict his water use and can certify that he has done so, thus necessitating a smaller than normal drainfield, this should also be permitted. If a person wishes to install an experimental sewage treatment system on otherwise unusable property, and is willing to forsake use of the property if the system fails, this too should be permitted. The Subcommittee has found no reason why regulations should restrict the individual any further than is warranted by the need to protect the public health.

B. The revised draft of the sewage disposal regulations clearly indicates that the Department has looked at a number of the alternatives to the septic tank that are available to homeowners. Again, the Subcommittee commends the Department for its efforts in this regard. The Subcommittee





believes that the Department should diligently continue to monitor advances in alternative technology used to dispose of sewage. Furthermore, a means of disseminating information on technological advances to extension agents, local planning commissions, and other interested parties should be developed.

#### V. Recommendations of the Subcommittee

A. The Subcommittee recommends that the General Assembly approve a resolution requesting the Board of Health to enact sewage regulations which will allow the use of any means of sewage disposal that is not injurious to the public health. It also recommends that these new regulations be made effective no later than August 1, 1981. A copy of such a resolution can be found in Appendix B.

B. The Subcommittee believes the Department of Health should establish a task force or some other formal mechanism to keep abreast of and review advances and improvements in sewage treatment technology. It recommends that the General Assembly approve a separate resolution (a copy of which is in Appendix C) requesting such action by the Department. The Department of Housing and Community Development, the State Water Control Board, the Extension Division at VPI&SU, and all other agencies which have responsibilities in this area should assist the Department in this effort.

Respectfully submitted,

Glenn B. McClanan  
Frank W. Nolen  
Howard P. Anderson  
Eva F. Scott  
George P. Beard, Jr.  
J. Paul Councill, Jr.  
J. Samuel Glasscock  
Joan S. Jones  
Mary Sue Terry



**APPENDIX A**

1980 Resolution Continuing the Subcommittee

**House Joint Resolution No. 57**

Continuing the Wastewater Treatment and Disposal Systems Subcommittee

**Agreed to by the House of Delegates, February 28, 1980**

**Agreed to by the Senate, February 28, 1980**

WHEREAS, the Wastewater Treatment and Disposal Systems Subcommittee was created during the nineteen hundred seventy-eight Session of the General Assembly pursuant to House Joint Resolution No. 142 to study the problems associated with individual residential wastewater treatment and disposal systems with the intent of recommending a program allowing alternative systems when appropriate; and

WHEREAS, in response to the work of the subcommittee and the concerns of many Virginians, the Department of Health began the preparation of new rules and regulations for sewage handling and disposal; and

WHEREAS, this subcommittee was continued during the nineteen hundred seventy-nine Session of the General Assembly pursuant to House Joint Resolution No. 207 to monitor the evolution of the Department of Health's new rules and regulations for sewage handling and disposal; and

WHEREAS, approximately two years after the convening of the subcommittee, the Department of Health is only now in the process of receiving input from the localities, manufacturers and private citizens as to changes in the new regulations which are not scheduled to become effective until nineteen hundred eighty-one; and

WHEREAS, the General Assembly recognizes the problems in securing acceptable wastewater treatment and disposal systems where central sewage treatment facilities are cost prohibitive and septic tank/drainfield systems are limited to sites on which the soil will support the system; and

WHEREAS, certain alternative systems to the traditional septic tank that have been approved in other states have met with considerable difficulty in gaining approval at the State level in Virginia; and

WHEREAS, to the extent consistent with the public health and welfare, it is in the public interest that new rules and regulations permitting alternatives to conventional sewage treatment facilities be adopted as promptly as possible; now, therefore, be it

**RESOLVED** by the House of Delegates, the Senate concurring, That the Wastewater Treatment and Disposal Systems Joint Subcommittee is hereby continued. The joint subcommittee shall continue its study and promotion of the securing of acceptable wastewater treatment and disposal systems where conventional sewage treatment facilities are cost prohibitive or unavailable, to the extent consistent with the public health and welfare. All agencies of the State shall assist the joint subcommittee upon request.

The joint subcommittee shall be composed of nine legislative members, two of whom shall be members of the Committee on Health, Welfare and Institutions of the House of Delegates and appointed by the Chairman thereof; two of whom shall be members of the Committee on Conservation and Natural Resources of the House and appointed by the Chairman thereof; two of whom shall be members of the Committee on Agriculture of the House and appointed by the Chairman thereof; and three of whom shall be members of the Committee on Agriculture, Conservation and Natural Resources of the Senate and appointed by the Chairman thereof. The members of the joint subcommittee that continue as members of the General Assembly shall



continue to serve. Vacancies existing, and others that may occur, shall be filled by the chairman of the committee from which the retiring member was appointed.

All members of the joint subcommittee shall be entitled to such compensation as is set forth in § 14.1-18 for each day or part thereof devoted to their duties as members of the joint subcommittee. In addition to such compensation, all members shall be reimbursed for their actual and necessary expenses incurred in the performance of joint subcommittee duties

The subcommittee shall make any recommendations it deems necessary prior to the nineteen hundred eighty-one Session of the General Assembly.



## APPENDIX B

### HOUSE JOINT RESOLUTION NO.---

Requesting the Board of Health to allow all types of safe sewage disposal in its new regulations; asking that these regulations be made effective by August 1, 1981.

WHEREAS, the Wastewater Treatment and Disposal Systems Subcommittee was created during the 1978 session of the General Assembly pursuant to House Joint Resolution No. 142 to study the problems associated with individual residential wastewater treatment and disposal systems with the intent of recommending a program allowing alternative systems when appropriate; and

WHEREAS, in response to the work of the subcommittee and the concerns of many Virginians, the Department of Health began the preparation of new rules and regulations for sewage handling and disposal; and

WHEREAS, this subcommittee was continued during the 1979 session of the General Assembly pursuant to House Joint Resolution No. 207 to monitor the evolution of the Department of Health's new rules and regulations for sewage handling and disposal; and

WHEREAS, the subcommittee was continued again during the 1980 session of the General Assembly pursuant to House Joint Resolution No. 57 to further monitor the development of these new rules and regulations; and

WHEREAS, the Department of Health is now making final revisions to a draft of these regulations for presentation to the Board of Health; and

WHEREAS, this subcommittee has found that while a public sewage system is the best means of disposing of sewage, and on-site disposal is the preferred method where no public system is available, any means of sewage disposal which is not injurious to the public health should be allowed where a public system is unavailable and on-site disposal is impractical or impossible; and

WHEREAS, it is also in the public interest to have these regulations promulgated and implemented as soon as possible; now, therefore, be it

RESOLVED, by the House of Delegates, the Senate concurring, That the Board of Health is requested to provide, in its sewage handling and disposal regulations, for the approval of all types of sewage disposal which are not injurious to the public health. The regulations should include, but not be limited to, the following provisions.

1. On-site treatment should not be required if impractical or impossible and a safe means of off-site treatment is identified by the property owner.

2. Buildings in which water-saving devices or water-recycling devices have been installed should not be required to meet the same standards as those without such devices; permits for these buildings should prescribe the maximum amount of water which can be used in them.

3. Standards should also take into account the type and quantity of effluent produced in a building, since certain businesses, vacation homes, and similar structures yield effluent potentially less harmful than others; permits for these buildings could also prescribe the amount or type of effluent allowed from them.

4. For the protection of potential buyers of property with conditional permits, all conditional permits should be recorded with the property deed.

The Board of Health is requested to adopt these regulations and make them effective no later than August 1, 1981.





**APPENDIX C**

**HOUSE JOINT RESOLUTION NO.---**

**Requesting the Department of Health to establish a mechanism for monitoring developments with respect to alternative sewage treatment systems.**

**WHEREAS, the Wastewater Treatment and Disposal Systems Subcommittee was established pursuant to House Joint Resolution No. 142, passed during the 1978 session of the General Assembly; and**

**WHEREAS, this subcommittee was continued pursuant to House Joint Resolution Nos. 207 and 57, approved during the 1979 and 1980 sessions of the General Assembly, and**

**WHEREAS, this subcommittee was asked to study alternatives to traditional sewage treatment and disposal technologies; and**

**WHEREAS, one goal of the study was to develop a program for the approval and use of such alternative technologies; and**

**WHEREAS, the subcommittee, together with representatives of the Department of Health, examined a number of alternative technologies; and**

**WHEREAS, draft regulations formulated by the Department of Health allow the use of a number of non-traditional alternative technologies; and**

**WHEREAS, other alternative technologies are being developed; and**

**WHEREAS, it is important that the Department of Health and other state agencies which have responsibilities in this area keep abreast of advances in sewage treatment technology; and**

**WHEREAS, it is also important that the citizens of the Commonwealth be informed of these technological advances; now, therefore, be it**

**RESOLVED by the House of Delegates, the Senate concurring, That the Department of Health is requested to develop a task force or similar mechanism to monitor developments in sewage treatment technology. The Department should include as members of the task force representatives of the Department of Housing and Community Development, the State Water Control Board, the Extension Division of Virginia Polytechnic Institute and State University, and all other agencies having responsibilities with respect to sewage treatment. The Department of Health is further requested to develop a means of disseminating any findings of the task force to extension agents, local planning commissions, and other interested parties.**





