

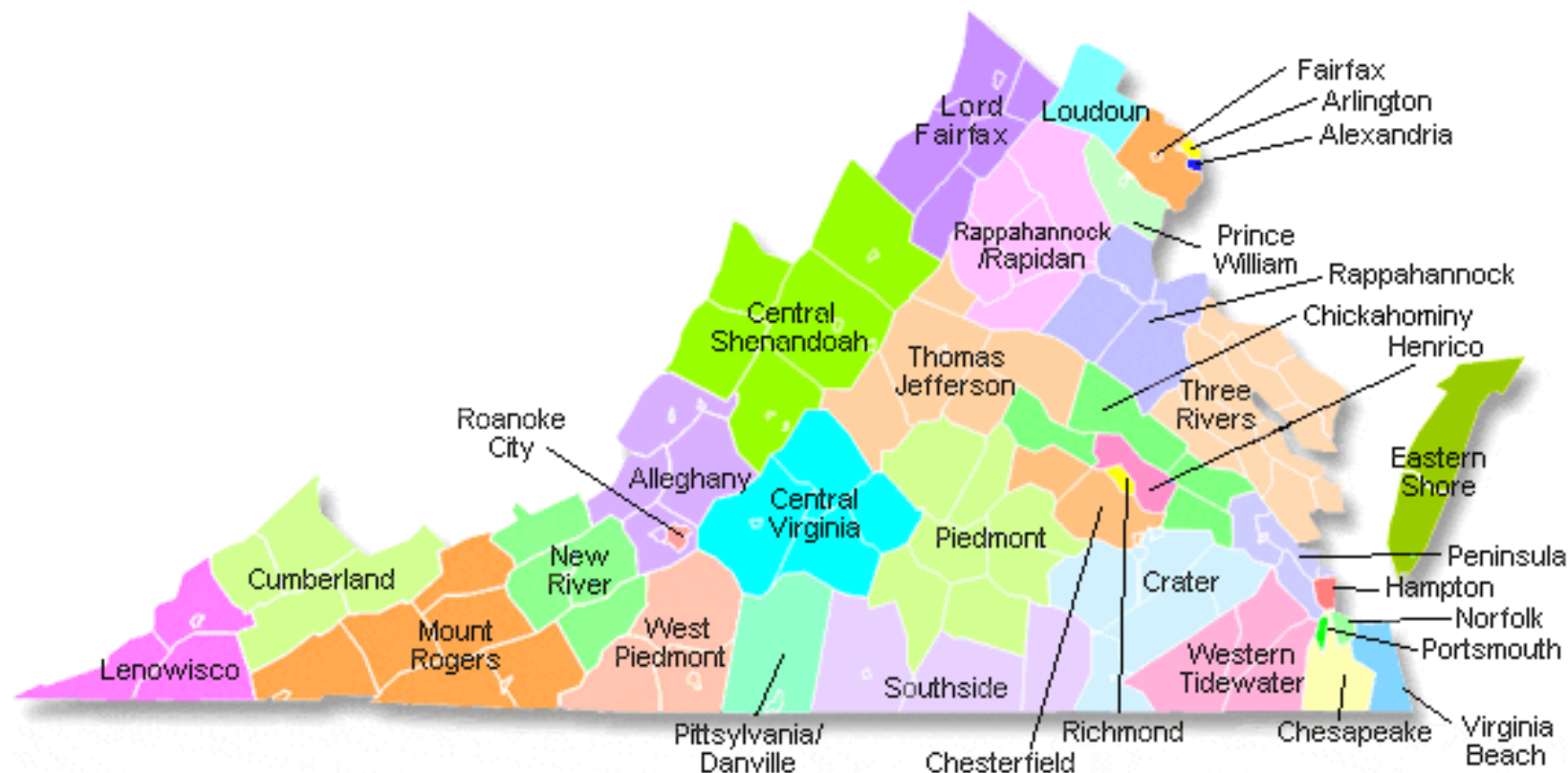
Virginia Department of Health: Transition of Evaluation and Design Services

Lance Gregory

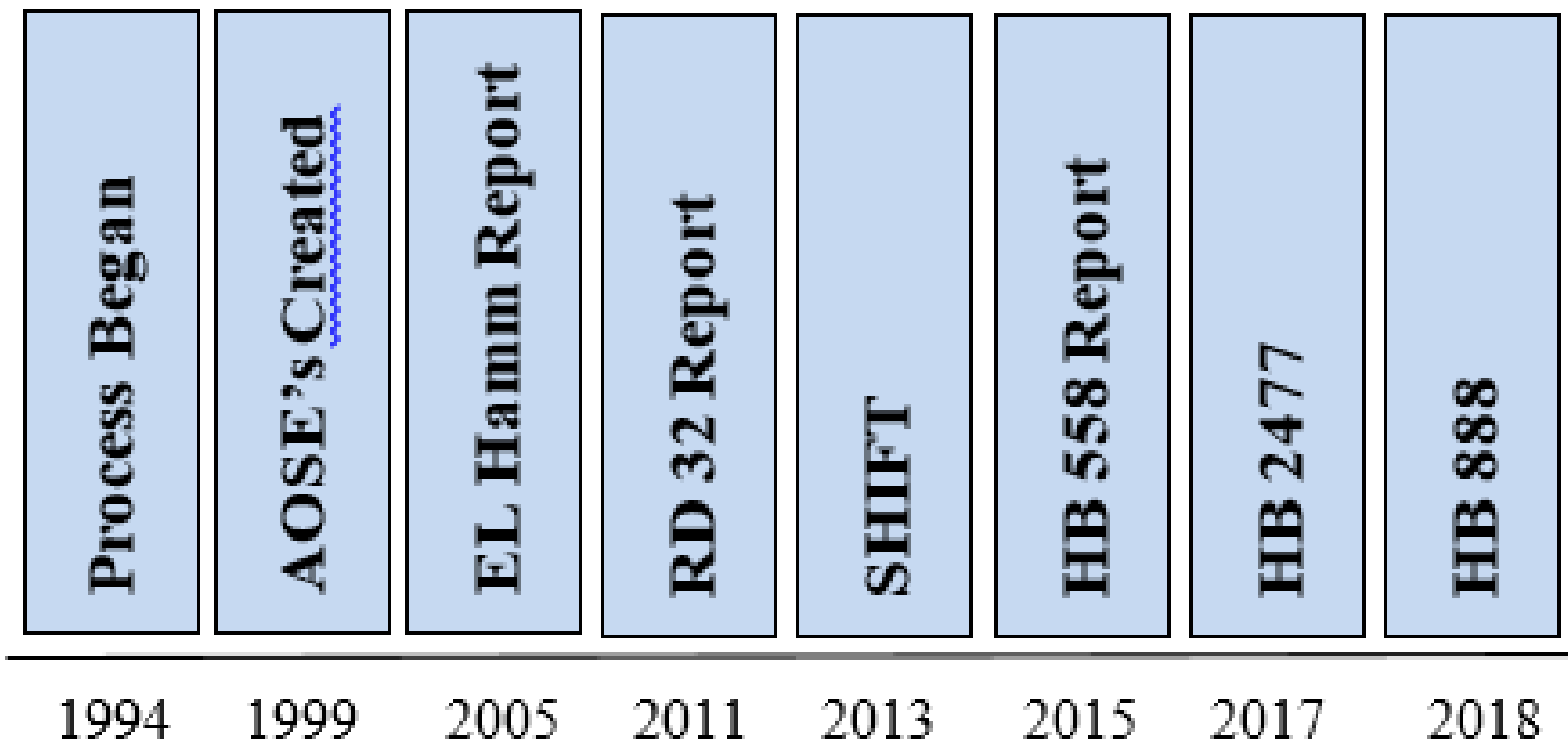
Director

Division of Onsite Sewage and Water Services,
Environmental Engineering, and Marina Programs
Virginia Department of Health

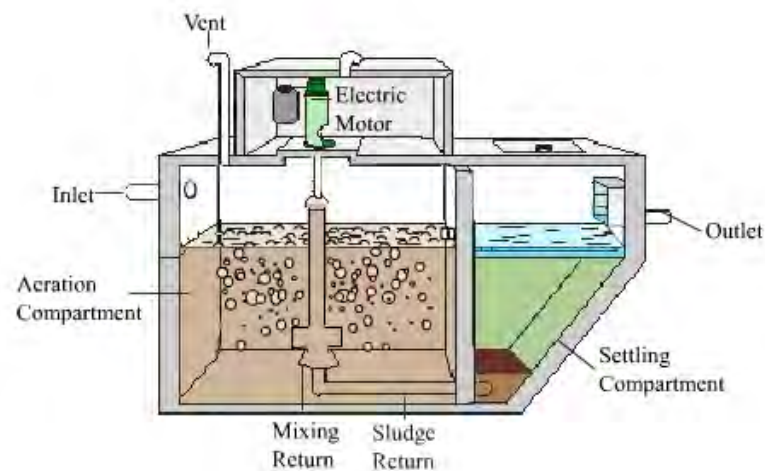
VDH Onsite Program Administration



Background of Transition of Services



Why did the process start?



Creating a Licensure Program

The screenshot shows the Virginia Department of Professional and Occupational Regulation (DPOR) website. The header includes the Virginia.gov logo, the DPOR logo, and navigation links for Agencies and Governor. A search bar is located in the top right corner. The main content area is titled "LICENSE LOOKUP" and features a sidebar with various links such as "License Lookup", "Make a Renewal Payment", "Online Services", "Boards", "Professions & Occupations", "Forms & Applications", "Fair Housing Office", "Community Associations", "File a Complaint", "Records & Documents", "News & Information", "About DPOR", and "Contact". The main content area has a "Search Text" input field and a "Search" button. Below the search field, there is a note stating "The license information in this application was last updated at Sun, Aug 26 02:58:19 EDT".



Third Party Reviews



VDH RE-ENGINEERING INITIATIVE ONSITE SEWAGE SYSTEM PROGRAM

May 2006

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Institute for Environmental Negotiation

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Welcome!

IEN is a nationally recognized service organization of the University of Virginia that assists organizations and communities in making bold, sustainable environmental decisions. IEN's areas of expertise include: sustainable environmental equity, and building capacity. [learn about our services](#) [explore our current projects](#) [meet our team](#) [apply for an internship](#) [read about IEN in the news](#)

Strategic Vision

- 20 specific recommendations.
- Gradual transition.
 - Legislative changes.
 - Policy changes.
- Level staffing.
- Changing focus for EH.

Report to the General Assembly in Response to House Bill 558: A Plan for the Orderly Reduction and Elimination of Evaluation and Design Services by the Virginia Department of Health for Onsite Sewage Systems and Private Wells



November 28, 2016
Division of Onsite Sewage and Water Services,
Environmental Engineering and Marina Programs
Virginia Department of Health

VDH VIRGINIA DEPARTMENT OF HEALTH
To promote and protect the health of all Virginians

Legislative Initiatives

VIRGINIA ACTS OF ASSEMBLY -- 2018 RECONVENED SESSION

CHAPTER 831

An Act to direct the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department.

Approved April 18, 2018

[H 888]

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Health (Department) shall take steps to eliminate evaluation and design services provided by the Department for onsite sewage systems and private wells. In taking such steps, the Department shall:

1. Beginning July 1, 2018, accept private evaluations and designs for private wells, in compliance with the State Board of Health Regulations for construction of private wells, designed and certified by a certified master water well system provider pursuant to § 54.1-1129.1 of the Code of Virginia;

2. Beginning July 1, 2018, cease providing onsite sewage system evaluations and design services that are not associated with a building permit or the repair of a failing sewage system. Hardship exceptions shall not apply to these services;

3. Beginning July 1, 2018, cease providing new construction evaluation and design services for an application that is not for a principal place of residence. Hardship exceptions shall not apply to these services;

4. By July 1, 2019, establish guidelines to maintain the Department as a provider of last resort for a property owner who demonstrates a specific hardship in obtaining private sector evaluation and design services associated with a building permit or the repair of a failing sewage system that is for a principal place of residence. In developing such guidelines, the Department shall solicit and consider input from stakeholders. The Department's guidelines shall include considerations for hardships based on (i) the availability of properly licensed service providers working within a locality or region, (ii) the disciplinary history of private sector providers, and (iii) the cost of private sector services. The Department shall post its proposed guidelines on a website maintained by the Department by November 1, 2018;

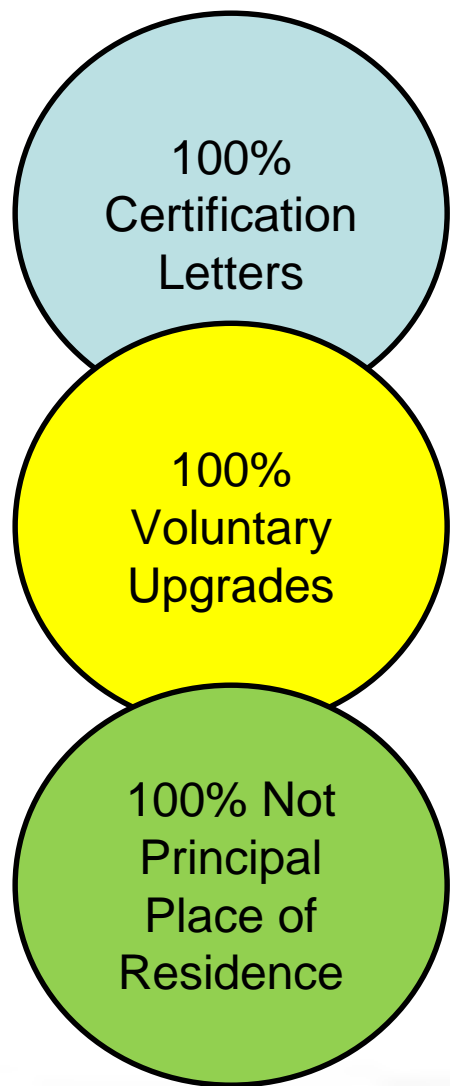
5. Beginning July 1, 2019, require an applicant for an onsite sewage system or private well construction permit who desires the Department to provide evaluation and design services associated with a building permit or the repair of a failing sewage system that is for a principal place of residence to petition the Department to provide such evaluation and design services; and

6. Beginning July 1, 2019, (i) require means testing of applicants who petition the Department for evaluation and design services for onsite sewage systems and private wells and who are unable to demonstrate a hardship and (ii) provide evaluation and design services only to such applicants whose household income does not exceed 400 percent of the federal poverty guidelines established by the U.S. Department of Health and Human Services. The Department shall reduce such income threshold to 300 percent beginning July 1, 2020, 200 percent beginning July 1, 2021, and 100 percent beginning July 1, 2022. Beginning July 1, 2023, the Department shall provide design and evaluation services only to an applicant who demonstrates a hardship in accordance with guidelines developed by the Department.

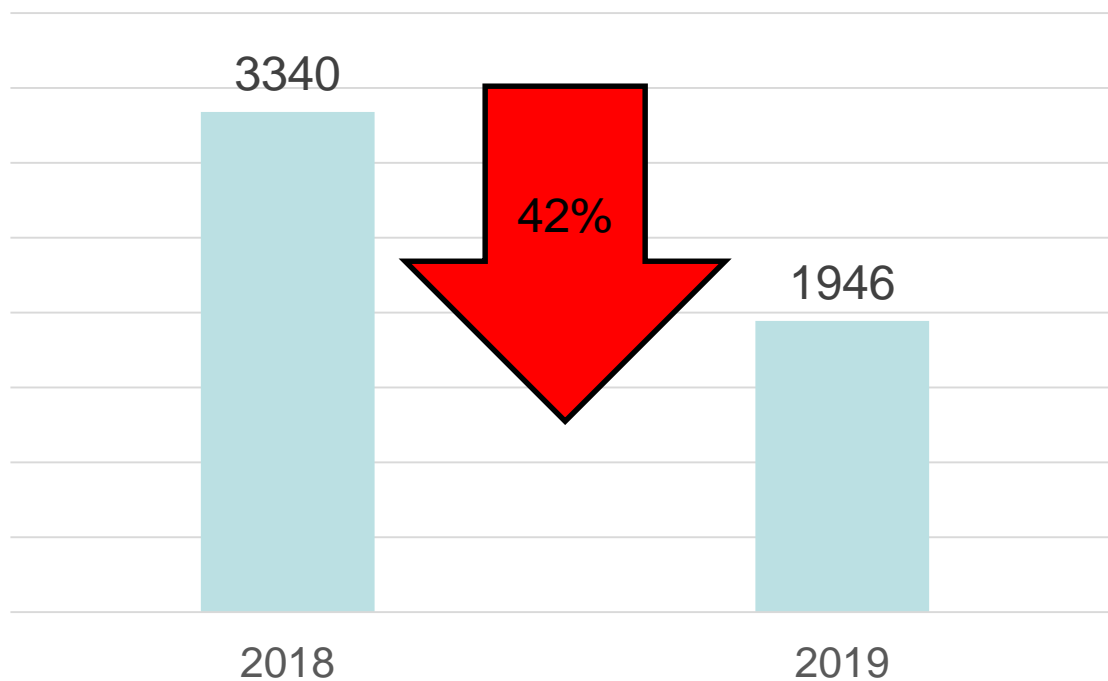
§ 2. The Department shall coordinate with the Department of Professional and Occupational Regulation to establish any necessary agreements or procedures to ensure that potential violations of laws or regulations regarding onsite sewage system and private well evaluation and design are referred to the appropriate agency or board for review.



Transition Starting 7/1/18



FY Repair Totals





Overview of Transition of Services

- August 11, 2019.
- Gradual transition 5 year period
- VDH remains provider of last resort for repairs and construction for principal place of residence
 - Income eligibility or hardship.
- VDH maintains regulatory oversight.
 - Permitting.
 - Review of private sector work.
 - Inspect installation.
 - Complaint investigation.
 - Etc.



Exclusions from VDH Services Petitions

- Voluntary upgrades.
- Certification letters.
- Subdivision evaluations.
- New onsite sewage systems not for a principal place of residence.
- Non-residential onsite sewage systems.
- Onsite sewage systems that will use over 1,000 gallons per day.
- Alternative onsite sewage systems.
- Alternative discharging sewage systems.
- Onsite sewage system designs that require a PE.

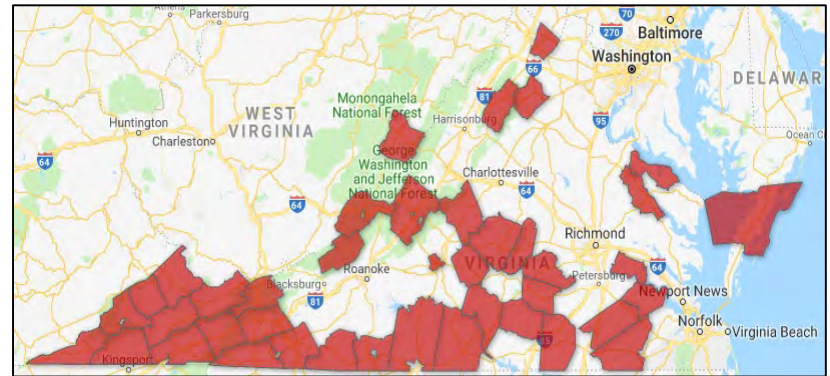


Two Paths to Petition VDH Services

Means Testing



Hardship





Means Testing Transition

Timeframe	Means Testing
7/1/19 to 6/30/20	400% FPG
7/1/20 to 6/30/21	300% FPG
7/1/21 to 6/30/22	200% FPG
7/1/22 to 6/30/23	100% FPG
7/1/23	Means Testing Ends

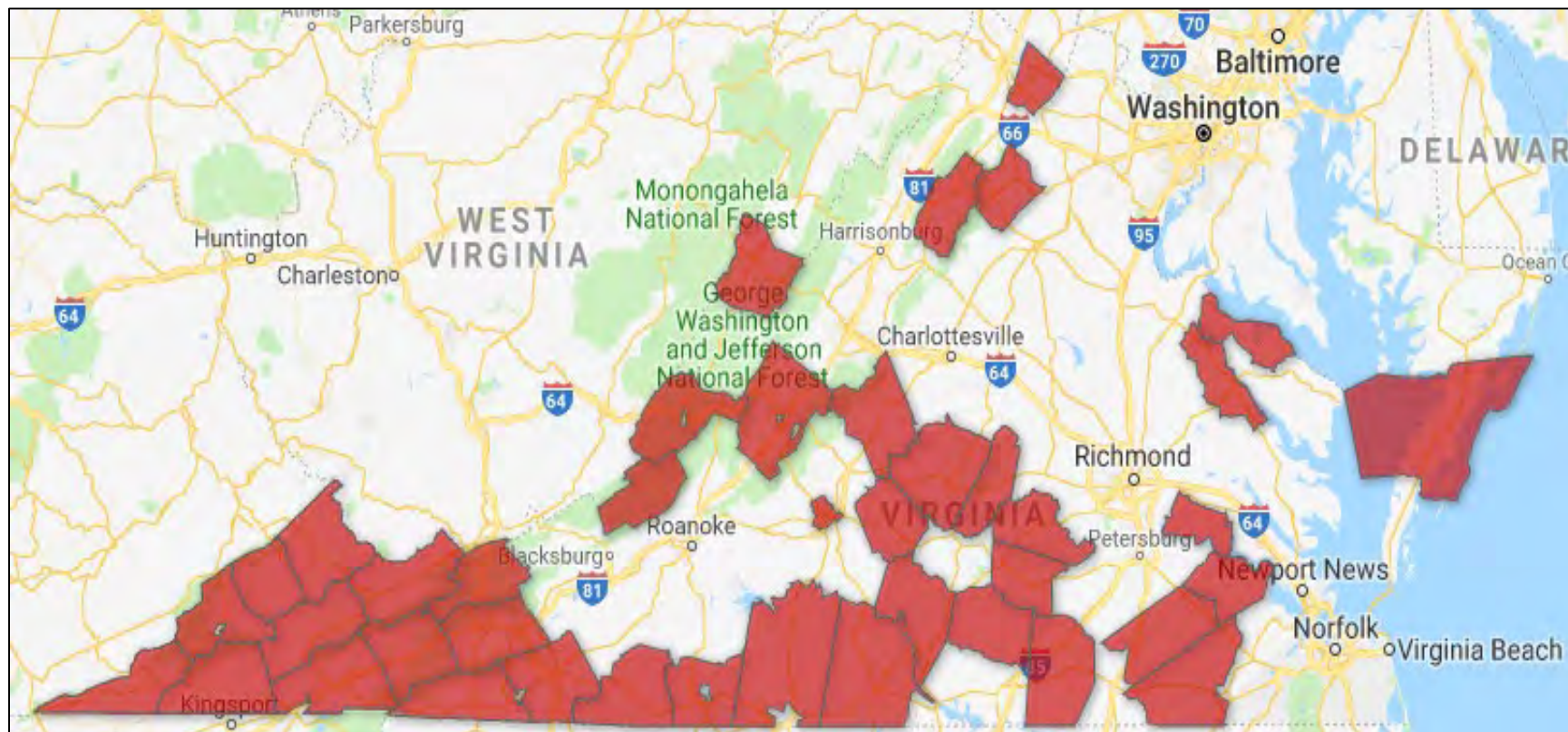
Means Testing Starting 8/11/19

Persons in Family/Household	400% of Federal Poverty Guidelines
1	\$49,960
2	\$67,640
3	\$85,320
4	\$103,000
5	\$120,680
6	\$138,360
7	\$156,040
8	\$173,720



Hardship Guidelines – Insufficient Number of Private Sector Service Providers

Onsite Evaluations and Designs





Hardship Guidelines -Wells

- All Replacement Wells and Well Abandonments.
- Safe, adequate, and proper evaluations.



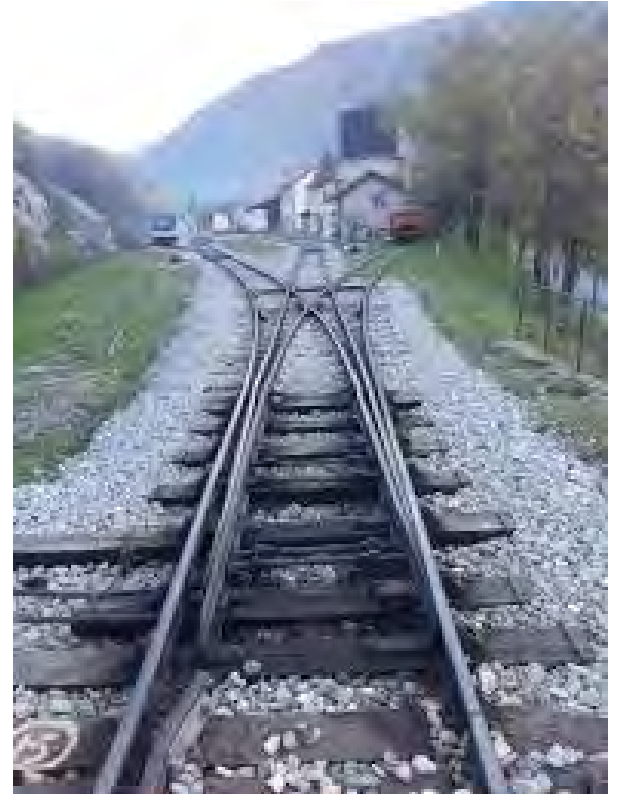
Hardship Guidelines – Further Considerations

- May petition the District Health Director for further consideration.
- The District Health Director may delegate to the District Environmental Health Manager.
- Reviewed on a case-by-case basis.

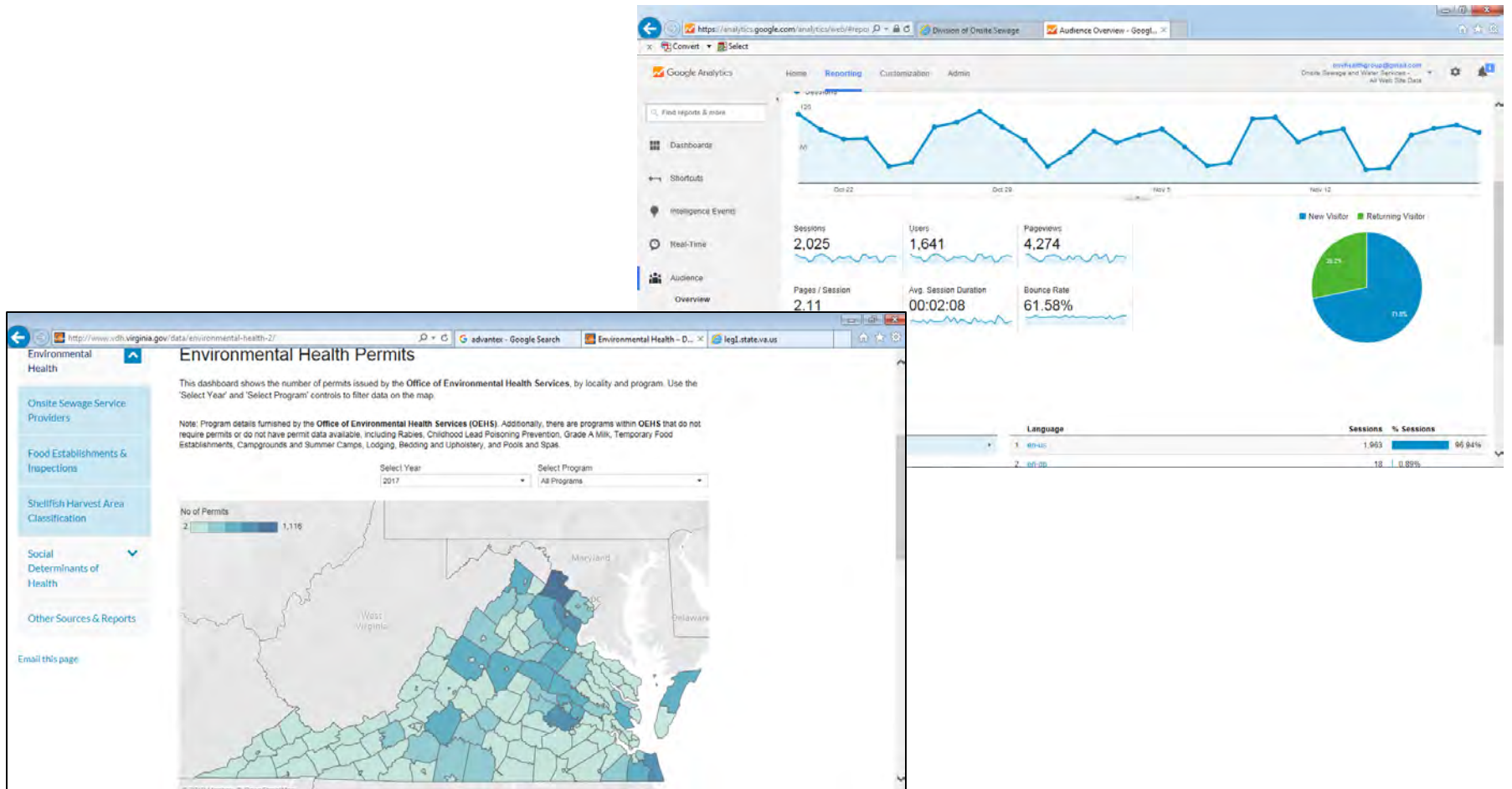
Hardship Guidelines – Annual Review

- Recommendations from stakeholders.
- Analysis of requests for income eligibility criteria.
- Analysis of the estimated number of additional evaluations and designs that could be provided by the private sector.
- Analysis of “further considerations”.
- Analysis of the percent AOSS and COSS designs.
- Surveys regarding the cost of private sector services.

New Focus for VDH



Data Analysis

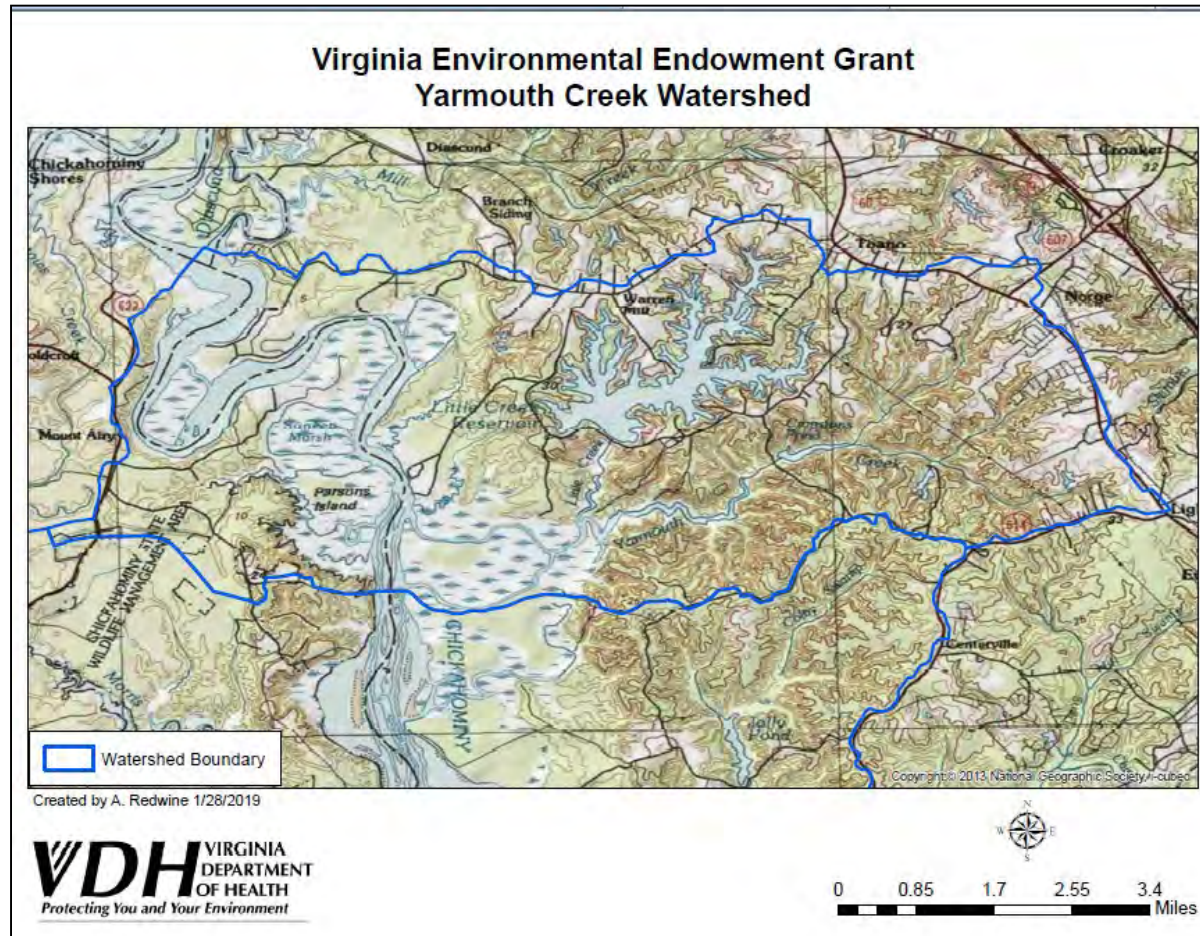




Public Education



Repair Funding





Lessons Learned

- Future private sector providers?
- Separate licensing and permitting.
- Maintain oversight.
- Think about the small stuff.

