# Mountain Castles Soil & Water Conservation District

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**(540) 400-0707**

**Mountain Castles Soil & Water Conservation District Program Design and Guidelines for Nonpoint Source Cost-Share Assistance Program for** **Residential On-site Sewage (Septic) Systems PY2021 for Tinker Creek and Glade Creek**

| Name of Grantee | Mountain Castles SWCD | Effective Date | 7/1/2020 |
| --- | --- | --- | --- |
| Contact Name | Tim Miller or Grace Harwin | Date of DEQ Approval | 8/24/2020 |
| Contact Information | (540) 400-0707 or (540) 797-017 (cell)  [tim.miller@mountaincastles.org](mailto:tim.miller@mountaincastles.org) or [grace.harwin@mountaincastles.org](mailto:grace.harwin@mountaincastles.org) | | |
| Project Locations or Implementation Plan Watersheds: | Tinker Creek and Glade Creek | | |

**Overview** – The *Program Design and Guidelines for NPS Cost-share Assistance Program for Residential Onsite Sewage Systems* (“Residential Septic Guidelines”), administered by **Mountain Castles SWCD** through a grant from the Department of Environmental Quality (DEQ) are intended to provide the processes and procedures by which **Mountain Castles SWCD** will administer a Residential Septic Program for the above listed watersheds utilizing funds provided by the Virginia Department of Environmental Quality (DEQ).These Residential Septic Guidelines were approved by DEQ and are effective July 1, 2020through June 30, 2021. The Residential Septic Guidelines, administered by **Mountain Castles SWCD** outlines the application and review process, selection criteria, and administrative procedures for providing cost-share assistance to residential property owners. The program provides cost share for septic tank pump-outs, connection of failed or failing systems or other non-complying discharges (i.e. straight pipes, gray water) to public sewer, repair/replacement of failing onsite sewage systems, and the installation of both conventional and alternative onsite sewage systems for residential homes.

1. **Targeting Participation** – Mountain Castles SWCD will use VDH referrals, targeted mailings, public meetings, newspaper articles, and social media to recruit participants and to promote the program to homeowners in the Tinker Creek and Glade Creek watersheds. In addition, Mountain Castles SWCD will develop septic health outreach materials to be distributed throughout the District.
   1. **Geographical Area of Program:** The program will be available to homeowners of property located in the Roanoke River drainage of **Botetourt County**, VA, specifically the **Tinker Creek and Glade Creek** watersheds.
   2. **Solicitation of Participants:** Cost-share applications will be sought through the following means:
      1. Health Department Referrals – The Virginia Department of Health, through the local Health Department, issues Notices of Alleged Violations (NOAV) to property owners whose sewage systems are in violation of health and environmental regulations. Property owners under NOAV may contact Mountain Castles SWCD for an application.
      2. Referrals from Local Governments, Other Agencies – Homeowners often contact the locality when they have a malfunctioning sewage system. Localities and other local, state, and federal agencies serving the area will be notified of the Program and will be able to refer clients to the Program.
      3. Referrals from private septic contractors – Homeowners already working with a private septic contractor to identify and resolve issues with a malfunctioning septic system may learn of cost-share programs available to them.
      4. Educational Activities – News releases, fliers at public locations, mailings to watershed property owners, workshops, public meetings, and social media
   3. **Time Frame**: Applications for cost share will be accepted with the following time restrictions:
      1. Received by 10/2/2020 in order to get cost-share approved and practice complete by 12/4/2020.
      2. On a continual, rolling basis until all cost-share funds are exhausted or until the DEQ NPS grant ends on 12/31/2020.
2. **Income Guidelines and Cost-share Rates/Caps –** Allprogram participants are eligible to receive a minimum of 50% cost-share for all practices. An increased assistance rate up to 80% will be available based on the verified income of the property owner(s) for certain practices and the [fiscal stress](http://www.dhcd.virginia.gov/index.php/commission-on-local-government/fiscal-stress-in-virginia-local-government.html) ranking of the implementation area. The cost share rate of 50% to 80% is applied to the total eligible cost and has a maximum payment amount (cap) based on the upper end of the practice reimbursable amount (see Table 1). The percentage of cost-share awarded per applicant will be based on the current **median household income** for the subject county, as published by the [Virginia Housing Development Authority](http://www.vhda.com/BusinessPartners/PropertyOwnersManagers/Income-Rent-Limits/Pages/HUDMedianIncome.aspx) (VHDA), US Housing and Urban Development (HUD) or [US Census Data](https://www.census.gov/data/tables/2016/demo/income-poverty/p60-256.html). **Mountain Castles SWCD has developed the following process by which income will be verified:** will verify income for those participants requesting more than 50% cost-share. Income will be verified through the following process:

A. Median household income: **$67,200** (from VHDA). Median income calculation will be based on “head of household”

B. Household Size: a “household” consists of all people over the age of 15 who occupy a housing unit regardless of relationship.

C. Income Verification: Mountain Castles SWCD will verify income for those participants requesting more than 50% cost-share. Income will be verified through the following process:

i. Identification of Applicants:

ii. W-9 for applicant(s)

iii. A copy of their most recent tax filing (1099, etc.) or statement that they did not earn enough income to file taxes (statement should include the minimum funding amount needed to require to file taxes). If income has changed significantly since last year’s tax filing or if 1099 is unavailable, then pay stubs from the last two months can be used instead.

D. Cost-share Rate Structure: **Mountain Castles SWCD** has received approval from DEQ to utilize the No Fiscal Stress Cost-share Rate Structure based upon the average fiscal stress of the project area. A [fiscal stress index](http://www.dhcd.virginia.gov/index.php/commission-on-local-government/fiscal-stress-in-virginia-local-government.html) was developed by the Virginia Department of Housing and Community Development and provides an indication of a locality’s “ability to generate additional local revenues from its current tax base relative to the rest of the commonwealth.” Applicant cost-share assistance rate of 50% to 80% is applied to the total eligible will be based on the guidance below:

**No Fiscal Stress Cost-Rate Structure:**

Percent of Median Income Percent of Cost-Share

< 40% 80%

40 - 60% 75%

61 - 80% 65%

81 – 100% 60%

101-120% 55%

>120% or No Income Verification 50%

E. Cost-share Caps: The cost-share rate of 50% to 80% is applied to the total eligible cost and has a maximum payment amount (cap) based on the average total practice cost.

**Table 1: Residential Septic Practices/systems eligible for Cost-share and Associated Caps in No Fiscal Stress Areas (Localities Ranked Below Average and Low Fiscal Stress)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Median Income** | | **<40%** | **40-60%** | **61-80%** | **81-100%** | **101-120%** | **>120% or no income verification** |
| **Practice** | | **Average Total Practice Cost** | 80% | 75% | 65% | 60% | 55% | 50% |
| Septic Tank Pump-out (RB-1) | | $350 | $280 | $263 | $228 | $210 | $193 | $175 |
| Connection to Sewer (RB-2) | | $11,000 | $8,800 | $8,250 | $7,150 | $6,600 | $6,050 | $5,500 |
| Connection to Sewer with Pump (RB-2P) | | $18,000 | $14,000 | $13,500 | $11,700 | $10,800 | $9,900 | $9,000 |
| Septic Tank System Repair (RB-3) | | $5,000 | $4,000 | $3,750 | $3,250 | $3,000 | $2,750 | $2,500 |
| Inspection and Non-Permitted Repair (RB-3M) (5-year lifespan) | | $2,000 | $1,600 | $1,500 | $1,300 | $1,200 | $1,100 | $1,000 |
| Inspection and Non-Permitted Repair (RB-3M) (10-year lifespan) | | $4,000 | $3,200 | $3,000 | $2,600 | $2,400 | $2,200 | $2,000 |
| Septic Tank System  Installation/Replacement (RB-4) | | $8,000 | $6,400 | $6,000 | $5,200 | $4,800 | $4,400 | $4,000 |
| Septic Tank System with Pump (RB-4P) | | $12,000 | $9,600 | $9,000 | $7,800 | $7,200 | $6,600 | $6,000 |
| Alternative Onsite Sewage Systems (RB-5) | | $24,000 | $19,200 | $18,000 | $15,600 | $14,400 | $13,200 | $12,000 |

1. **Scope of Work -** The NPS Cost-Share Assistance Program for Onsite Sewage Systems will consider any repair or replacement approved by the Virginia Department of Health, and not prohibited by any local ordinance to be suited for cost-share assistance under this Program for dwellings that are occupied or may be temporarily unoccupied between leases.
   1. Clarifications of what the Program Covers:
      1. The Tinker and Glade Creek Cost-Share Assistance Program for Residential Onsite Sewage Systems will consider any repair or replacement approved by the Virginia Department of Health (VDH) and not prohibited by any local ordinance to be suited for cost-share assistance under the Program for residential dwellings that are occupied or may be temporarily unoccupied between leases.
      2. Alternative onsite sewage systems (AOSS): AOSS are often needed for homes that have a nonconforming discharge (straight pipe) or failing conventional septic system where there is not enough area for setback requirements or suitable soils for replacing with a conventional septic system. There is a suite of different types of systems that are approved by VDH and thus are eligible for cost-share funding. These include, but are not limited to: septic tank – soil absorption, aerobic treatment units, low pressure distribution systems, drip distribution systems, sand filters, elevated sand mounds, constructed wetlands, peat filters, vault privies, incinerator toilets, disinfection systems, raw or treated wastewater pump stations, composting toilets, and AOSS aerobic treatment units.
      3. Gray Water Discharges: Gray water is defined as wastewater from sinks, showers, or laundry. VDH considers this a non-conforming discharge and will require it to be addressed by a septic system. This residential septic grant program allows for gray water to be addressed while addressing other straight pipe or failing/failed septic system issues. Costs can include connecting a gray water discharge from a dwelling that is discharging on the ground or in a wet/dry ditch to the existing or replacement conventional or alternative onsite sewage system or while connecting to public sewer.
   2. Grantee Obligations for Maintenance: When an applicant agrees to carry out the onsite sewage system repair or replacement, the applicant is responsible for maintaining the BMP for the specified life span requirement (as listed in the associated DEQ BMP specification) unless the ownership/leasehold changes and a [Transfer of Responsibility Agreement](http://www.deq.virginia.gov/Portals/0/DEQ/Water/NonpointSource/ImplementationProjects/NPSBMPGuidelines/VADEQ-template_Transfer-Responsibility.docx) is executed between the seller (present participant) and buyer (New participant) and approved by Mountain Castles SWCD.
   3. Alternate Funding or Partner Programs: Mountain Castles SWCD is aware of other sources of funding that could assist with funding residential septic programs. DEQ 319(h) and other funding sources cannot exceed 100% of the total practice cost. Additional information regarding these alternative funding programs include:
      1. Southeast Rural Community Assistance Project (SERCAP) <http://www.sercap.org/>
   4. Indoor Plumbing: **Mountain Castles SWCD** recognizes that in addressing homes with failing or failed septic systems occasionally issues regarding inadequate indoor plumbing may be encountered. Older homes often have antiquated plumbing that creates challenges in dealing with non-complying discharges (i.e., straight pipes, gray water). Costs of upgrading or modernizing indoor plumbing **are not eligible** for cost-share. Because of these factors **Mountain Castles SWCD** has identified the following complimentary programs that may address indoor plumbing issues.
      1. Southeast Rural Community Assistance Project (SERCAP) <http://www.sercap.org/>
      2. Virginia Department of Housing and Community Development http://www.dhcd.virginia.gov/index.php/community-partnerships-dhcd/water-and-sewer-assistance/indoor-plumbing-rehabilitation-ipr.html
   5. Addressing Multiple Systems: Mountain Castles SWCDoriginally developed the Residential Septic Guidelines to address the typical septic system set-up for a single-family residence, which includes a single septic tank, distribution box and drainfield. Mountain Castles SWCD recognizes that historically not all septic systems were designed and installed the same. After consultation with VDH, DEQ has developed guidelines for BMP or cost-share eligibility for unique system set-ups that Grantees may encounter. This list is not exhaustive. Mountain Castles SWCD will consult DEQ on a case-by-case basis for eligibility for any non-typical situations not addressed below:

i. One house with two septic systems and a single drainfield: Cost-share will be allowed for pumping out of both tanks, but this will be based on a variance. This would be credited as one (1) RB-1 septic pump-out, but the applicant would be able receive cost-share for the cost of the two pump-outs combined. For example: if each pump-out costs $300, and the homeowner would be eligible for 75% cost-share, then a variance request would be granted for ($300x2x75%) $450. Credit for two pump-outs should not be given.

i. If a system requires additional work beyond a pump-out (e.g., RB-3, 3M, 4, 4P, etc.), then the cost of the extra pump-out would be included in the total cost of the system, and a variance would only be required if the total cost of the action (repair/replacement) exceeds the average practice cost.

ii. One house with one septic system (or two) and two separate drainfields: Cost-share will be allowed to address the repairs/replacements required by VDH. If this includes repairing or replacing both drainfields, this would be eligible for cost-share. This would be credited as one (1) septic system (e.g., one RB-3, one RB-4), but the applicant would be able receive cost-share for the cost of all eligible actions. A variance would only be needed if the cost of the repair or replacement exceeds the average practice cost.

iii. Two houses on the same property with completely separate septic systems (not DEQ NPS BMP Guidelines FY20- Page 35 connected): These systems would have two separate operation permits from VDH and would be considered two (2) separate practices. Each would be eligible for its own separate cost-share for eligible work (e.g., each gets a pump-out, each gets a repair). It is suggested that these practices are handled as separate BMPs for recording purposes.

iv. Two houses on the same property, each with separate septic tanks but one shared drainfield: The two tanks are collecting solids before the effluent moves to the drainfield. For VDH purposes, this would have one operation permit and one owner/responsible party. However, this should be counted as two (2) systems if just a pump-out is required (no variance needed). If this system requires additional work beyond a pump-out (e.g., RB-3, 3M, 4, 4P), then only the responsible owner/party would be eligible; cost of the extra pump-out would be included in the total cost of the system, and a variance would only be required if the total cost of the action (repair/replacement) exceeds the average practice cost. In the latter case for tracking purposes, this could be counted as one RB-1 and one other (e.g., RB-3, 3M, 4), so that two systems are actually credited against the IP.

v. Two houses on separate properties, each with separate septic tanks but with one shared drainfield: For VDH purposes, if the system has one drainfield, one operation permit would be issued, and there would be one owner/responsible party. This would be handled the same as if the houses were on the same property (see “iv.” above).

vi. House is connected to public sewer, but the system includes a septic tank (or other components for pre-treatment): Occasionally, historic connections to public sewer may have kept a septic tank functioning to remove solids before the effluent flowed into the central sewer. Other systems may have had a grinder pump to process some of the solid wastes before joining the effluent flowing out of the system. Generally, these situations are not common because the system is already connected to public sewer. This system is already considered to be connected to public sewer so the property would not be eligible for cost-share for a pump-out or any repairs or replacements.

* 1. Cost-share eligibility for Applicants that are Estates or Trusts: Mountain Castles SWCD can provide Properties owned or administered by an estate or trust 50% cost-share with no income verification. Cost-share beyond 50% requires income verification.
  2. Key Restrictions: DEQ NPS funds as administered by **Mountain Castles SWCD** are not allowable for septic practices in the following situations:
     1. Permitted Discharging Systems: Any onsite sewage septic systems that discharge to state waters and requires a discharge permit (e.g., NPDES) are ineligible for cost-share**.**
     2. Gray Water: In the absence of a failing or failed septic system when gray water is the only issue to address, there are restrictions on when repairs/replacements to address only gray water will not be allowed. If the proposed overall project is intended to only address bacteria contamination, then gray water discharges may only be addressed when addressing failing or failed septic systems. If the purpose of the overarching project is to address nutrients, then a repair or replacement that addresses only gray water would be allowed.
     3. Non-residential properties: This program currently applies only to non-complying discharges or failing or failed residential septic systems. Properties that cannot be defined as residential septic properties (e.g., business, schools, churches) are not currently eligible to receive funding. Mountain Castles SWCD will collect and document any requests received from non-traditional, non-residential properties. This information will be provided to DEQ.

1. **Cost-Share Application and Review** – **Mountain Castles SWCD** will utilize the following methods and process to solicit and/or allow for the sign-up for and approval of cost-share funds.
   1. **Application Guidelines:** 
      1. Continuous Sign-Up – Applications will be accepted on a continual basis.
      2. Income Eligibility – For an increased cost-share rate above 50%, applicants shall demonstrate income qualification by providing their most recent state or federal tax return and/or pay stubs for the last 30 days. Applicants should also provide a completed W-9 form.
      3. Place and Time of Application – Applications will be available at **Mountain Castles SWCD** office at **36 Executive Circle, Roanoke, VA 24012** between the hours of **8:00-4:30 Monday-Friday. Please call (540) 400-0707 for an appointment.** Application forms are available at<http://www.mountaincastles.org/residential-septic-program/>. Applications are also taken **at the applicant’s place of residence.**
      4. Cost-share Eligibility – expenses incurred or work completed prior to submission of an application are not eligible for cost-share unless they meet a qualifying event under “Emergency Situations.”
   2. **Review Guidelines:** 
      1. Staff Review – Mountain Castles SWCD staff will review each application for completeness. Staff will verify income eligibility. Staff will verify that the onsite sewage system is in need of deficiency correction through a repair permit or installation permit issued by the Department of Health or consultation with the local Health Department. A site visit should be made by Mountain Castles SWCD staff, if deemed necessary.
      2. Selection Committee – **Mountain Castles SWCD** will designate a committee to review and approve the completed applications. The Committee will recommend the applicants to receive cost-share assistance to the **Mountain Castles SWCD Board of Directors** for approval. The Committee must consider the following in determining cost-share funding priorities when the number of applicants and requested cost-share exceed available funding:
         1. Quantity of residential septic BMPs identified in the TMDL implementation plan
         2. Cost of correcting onsite deficiency
         3. Correction of onsite waste disposal deficiency, impact on water quality
         4. Method of correcting onsite deficiency – probability of successfully functioning system, including ease of maintenance
      3. The committee may also choose to consider the following as optional criteria for determining cost-share funding priorities:

i. Repair permit issued by Department of Health

ii. Proximity of deficiency to impaired stream

Local geological features onsite (e.g. karst, rock outcroppings)

* + 1. Contractor Selection – Bids (minimum 2) must be obtained from contractors when the total cost of residential septic practice is expected to exceed $5,000. Bids must be detailed enough to allow for comparison. Public posting of bid selection is required.

1. **Administrative Procedures – Mountain Castles SWCD** will consider the following when administering its Residential Septic Program. 
   1. **Onsite Sewage System Repair/Replacement Specifications:** The participant (homeowner or their agent) shall obtain a Department of Health (VDH) permit for the repair of an existing onsite sewage system or the installation of an onsite sewage system or an alternative sewage system. Also, the owner or agent is responsible for obtaining any other permit as required for construction of the sewage system. The property owner shall obtain and comply with any engineered designs as required in the VDH permit.
   2. **Permits, Inspections, and Sign-Off**: The Department of Health will issue the onsite sewage system repair/replacement permit (see [VDH Permitting Process with DEQ NPS Program](https://www.deq.virginia.gov/Portals/0/DEQ/Water/NonpointSource/ImplementationProjects/NPSBMPGuidelines/VDHPermitProcess-FailingSeptic.pdf)). A final inspection of the repair or replacement shall be conducted by the local Health Department. The *DEQ Nonpoint Source Cost-Share Programs Contract* form (Parts I, II and III) must be signed and dated by the property owner(s) and a Grantee representative. A copy of the repair or replacement permit shall be retained in the participant file.
      1. VDH Permit Requirements: VDH does not require a permit for work on septic systems or their components provided the correction needed meets the definition of “maintenance.” VDH does require a permit for the new construction of septic systems and for repair or replacement of systems when a system meets the definition of a “failure of a sewage disposal system.” VDH also requires a permit for replacement of tanks, drainfield piping, and subsurface drainfields, as these actions are explicitly excluded from the definition of “maintenance.”
      2. VDH Permit Fees: As of July 1, 2019, VDH charges two fees: a $425 fee for a repair permit without supporting work from a private sector onsite soil evaluator or professional engineer; and a $225 fee for a repair permit with supporting work from the private sector. Applicants with incomes below 200% of the Federal Poverty Level are eligible for a fee waiver from VDH. Permit fees are allowed to be included in the total cost for calculating cost-share purposes. Variances of the exceedance of the practice cap are allowed for the inclusion of permit fees as long as it is documented that the participant has applied for any eligible permit fee waivers from VDH.
      3. Informing Applicants of VDH Fee Waivers: Grantees should ensure that all septic BMP program applicants are informed of the circumstances where VDH will waive its normal septic system permit fees. These circumstances are (1) when there is inadequate private sector capacity in a local area to perform the technical services needed, and (2) when the septic system homeowner income is < 200% the Federal Poverty Level (FPL). For applicants who wish to seek a fee waiver, grantees should provide advice on how applicants can seek a waiver from VDH. The assistance could include a handout with VDH/local health department points of contact, a summary of documentation requirements for waiver applications, and/or an offer to directly assist homeowners in applying for a waiver.
   3. **Variance Requests**: The Mountain Castles SWCD staff can potentially provide more than the cap amount allocable by the practice for all participants eligible to receive more than 50% cost-share (with income verification for BMPs RB-2 through RB-5). A participant will be eligible to receive a variance if the cost of the practice exceeds the average practice cost (cap) listed in the table above. The purpose of a variance is to assure that a participant received the percent of cost-share for which they were approved. To submit a variance request, the applicant must be eligible for more than 50% cost-share and provide income verification. All requests should be submitted to the Mountain Castles SWCD. The Mountain Castles SWCD will review all requests and forward all appropriate requests to the DEQ central office ([NPSgrants@deq.virginia.gov](mailto:NPSgrants@deq.virginia.gov)) for approval. The Mountain Castles SWCD minimally requires the following information to review a variance request:
      * + To submit a variance request, the following information must be provided: Location of BMP
        + Detail description of the type of work be completed and an explanation that details why additional funds are needed. An itemized cost estimate may be provided
        + The applicant’s income verification
   4. **Tree Removal and Land Clearing**: Under certain circumstances, RB-2, RB-4/4P and RB-5 may not be possible without tree removal and/or land clearing due to restrictions at the site. Mountain Castles SWCDcan approve the cost-sharing of these activities with the approval of the BMPs listed above as long as the following is provided/followed:
      1. To qualify, the site must be reviewed and evaluated by an appropriately licensed professional who determines that the only viable site on the property for the proposed septic work would require the removal of trees or clearing of land.
      2. The proposed activity must adhere to all local, state, and federal laws or ordinances applicable at the time of design and installation. This includes adhering to the Chesapeake Bay Preservation Act, which may limit or prohibit land clearing in a Resource Protection Area (RPA).
      3. Adequate Justification provided to Grantee for review and approval
         1. A written statement explaining why the wooded area was chosen for BMP installation. This minimally includes a discussion of the alternate locations that were evaluated but eliminated from consideration (and why) and an assessment of the smallest number of trees that would need to be removed to accommodate a functional septic system. This statement should be developed and signed by the on-site soil evaluator, VDH representative, or licensed professional.
         2. Site map showing locations of existing septic system, proposed septic system, trees to be removed, square footage of land to be cleared, and any alternative locations.
         3. Cost estimate, which includes separate costs for tree removal.
   5. **Assignment of Residential Cost-Share Funds: Mountain Castles SWCD** staff can make the cost-share payment for certain residential septic practices (RB-2/2P, RB-3/3M, RB-4/4P, and RB-5) to a third-party contractor/installer upon request by the participant to assign the payment to a third party contractor/installer. An “[Assignment of Residential Septic Practice Cost-Share Authorization](http://www.deq.virginia.gov/Portals/0/DEQ/Water/NonpointSource/ImplementationProjects/NPSBMPGuidelines/VADEQ-template_Septic-AssgnmentofFunds.docx)” form must be completed and provided to **Mountain Castles SWCD**. In order for this payment to be made, the third-party entity must provide a completed Form W-9, Request for Taxpayer Tax Identification and Certification to **Mountain Castles SWCD**. If over $600, **Mountain Castles SWCD** must send a 1099-M to the recipient of grant funds, in this case the contractor.
   6. **Tax Advice:** Neither **Mountain Castles SWCD** nor the Virginia Department of Environmental Quality (DEQ) provides tax advice; the program participant may wish to consult with an independent tax advisor regarding potential tax consequences.
   7. **Inspections**: All practices for which an inspection will be performed and paid for must provide some documentation of that inspection. Certain levels of inspections are requires for certain practices. **Mountain Castles SWCD** requires the use of the VDH Condition Assessment Form for **RB-3** and **RB-3M** practices. The VDH Condition Assessment Form is encouraged for use with **RB-1**, **RB-4/4P**, and **RB-5**. A simplified septic tank [Inspection](http://www.deq.virginia.gov/Portals/0/DEQ/Water/NonpointSource/ImplementationProjects/NPSBMPGuidelines/VADEQ-template_Septic-InspectionForm.docx) Form may be substituted for the **RB-1** practice only**.**
   8. **Process to Address Change in Need:** Occasionally a participant is approved for a practice, and it is determined that the septic system needs more extensive work than authorized under the originally approved septic practice. As a result, there will be a need for a change in practice code. **Mountain Castles SWCD** has developed processes to address and approve changes in practice codes:
      1. The participant will provide Mountain Castles SWCD with documentation supporting the need for a practice code change. This documentation should be completed by the septic professional and must be documented using the VDH Condition Assessment Form or other report containing similar information from the septic professional.
      2. Mountain Castles SWCD shall review the documentation supporting need for practice code change and determine the new practice code and shall document it accordingly in the participant file.
      3. Mountain Castles SWCD shall notify the participant that they are authorized to proceed with the installation/construction of components associated with the new practice code and inform them of the approved cost-share funds.
      4. Mountain Castles shall follow their established procedures for approval of cost-share and BMPs, except that the decision will instead be to either amend the practice code or the change in the approved cost share amount.
   9. **Process to Address Change in Need After BMP is Complete and in Lifespan:** A participant is only eligible for funding for a septic practice if they are not currently under the contract lifespan of another septic BMP for the same septic system. Through pre-approval by DEQ, **Mountain Castles SWCD** may authorize cost-share for the new practice if all of the following conditions apply or occur:
      1. Mountain Castles SWCD has an existing DEQ grant and funds available in the location of the existing BMP.
      2. Mountain Castles SWCD has developed a process or procedure, approved by DEQ, by which these types of situations are addressed, which minimally include the following:
         1. The following situations have been identified where the Grantee will allow this to occur:
            1. an inspection during an RB-1 practice discovers a problem that needs to be addressed by another practice
            2. a practice fails within lifespan and needs to be addressed by an additional practice; see parts v. and vi.
      3. The participant provides documentation of proper maintenance of the original practice. Funds for the new practice will not be provided if there is evidence of failure due to improper maintenance.
      4. The participant would only be eligible for a pro-rated amount of cost-share for the new practice after crediting what was fully paid by DEQ NPS funds for the old practice.

• Example: A participant is eligible for 50% of $24k for RB-5 but received $3k for RB-3, so participant would be eligible for $9k instead of $12k.

• Example: A pump-out was completed, and in year 2 of the 5-year lifespan the practice had a failure, and a replacement is needed (RB-4). The $150 paid for the pump-out would be subtracted from the amount of cost-share funds for which the applicant would be eligible.

Note: The Grantee may need to work with DEQ and DCR if the BMP tracking System will not allow the Grantee to deduct the amount of cost-share funds from the new practice cost-share amount.

iv. Efforts would be made to assure that “double counting” of the practice doesn’t occur. This may include cancelling the existing (“old”) practice and initiating signup for the new practice.

v. The participant agrees to maintain the practice for the full lifespan of the new practice.

vi. Prior approval by DEQ is received before final contract is issued, Grantee approves work, or work begins.

**J. Process to approve Emergency Situations**: **Mountain Castles SWCD** has developed a process by which **Mountain Castles SWCD** will approve cost-share funds in Emergency Situations. For purposes of these procedures, an emergency situation is defined as septic system conditions external to the home which fully prevent use of the onsite septic system. This includes sewage backing up into the residence and/or sewage backing up and or ponding on the surface of the ground. In the event that an emergency situation necessitates an emergency pump out or emergency repair, **Mountain Castles SWCD** must be contacted within the first 24 hours after discovery of the situation for the applicant to be eligible for reimbursement for any expenses incurred to bring the system back into functional status. The applicant must fully document the existing condition that necessitates emergency procedures. These procedures are not intended to be used for major repairs, only for those repairs to return functionality. The process for approving emergency situations includes:

i. The applicant must complete and submit an application and documentation of the emergency situation to Mountain Castles SWCD prior to proceeding with the repair/replacement.

ii. Documentation shall include both a written, signed statement by the applicant which describes the situation and photograph(s) of the presenting condition, as well as a VDH Condition Assessment form completed by the septic contractor that completed the work.

iii. Mountain Castles SWCD shall review the application and supporting documentation, refer the applicant to VDH, and determine the appropriate practice. Mountain Castles SWCD shall advise the applicant that they will need to inform Mountain Castles SWCD of VDH’s determination regarding appropriate action needed to address the emergency.

iv. Mountain Castles SWCD shall obtain a copy of the VDH permit if needed/if applicable and verify the needed practice.

v. Mountain Castles SWCD shall notify the applicant that they are authorized to proceed with the repair/replacement and inform them of the approved associated cost-share funds.

vi. The applicant must sign a form provided by Mountain Castles SWCD on official letterhead acknowledging: the aforementioned documentation has been completed and reviewed by the District, that funding is available although pending later Board approval, and that they may proceed at his time without sacrificing their eligibility. However, funding is not guaranteed until the Board takes action; thus, applicants proceed at their own risk.

vii. Mountain Castles SWCD shall present to the selection committee the applicant’s situation and associated documentation and request review and approval of the practice.

**K. Process to Assure Operation and Maintenance and Address Practice Failures -** All residential septic practices contain a requirement to maintain practices per the DEQ BMP specification for the designated lifespan. **Mountain Castles SWCD** will utilize the NPS BMP Contract in order to assure that participants agree to certain terms and conditions related to maintaining their practice. A practice failure occurs when, upon inspection, it is determined that the practice is no longer functioning as intended by or per the practice specification. **Mountain Castles SWCD** will follow the following process in terms of addressing operation and maintenance and practice failure.

i. Participants found, at any time, to have 1) practices not meeting specifications, 2) practices destroyed during the designated lifespan, or 3) practices no longer under the control of the original applicant or an approved new landowner transfer agreement, will be contacted by Mountain Castles SWCD and informed of the nature of the identified practice failure, actions necessary to correct, and the repayment requirements if not corrected. This may initially be a verbal notification. Verbal notification will be followed with a written notification (by certified mail) within two weeks. This correspondence should indicate the observed practice failure and allow the individual the opportunity to respond within a specified period of time. A copy of the spot-check inspection form will be provided if available or appropriate.

ii. Participants may be given a grace period (maximum three months) from the date of written notification for addressing the practice failure. At the end of the grace period, the practice will be re-inspected. Mountain Castles SWCD will notify participants with practices still identified as practice failures in writing that repayment of DEQ NPS cost-share funds is required. Repayment of all or part of the cost-share funds will be based upon a straight-line pro-rata basis, if appropriate. This will be calculated on a monthly basis.

* + 1. Participants will have 60 days from the date of Mountain Castles SWCD’s notification of repayment to refund the cost-share funds. If restitution has not been made at the end of this period, Mountain Castles SWCD will notify DEQ and propose appropriate next steps to reclaim the funds.
    2. When Mountain Castles SWCD has determined that a practice has failed or been destroyed and all practice repayment procedures were followed, and the participant claims that due to some unforeseen hardship, he/she cannot repay the cost-share funds, Mountain Castles SWCD will contact DEQ to discuss how to proceed.

**L. Process for Assuring Appropriate Licensure:** Appropriate licensure for each practice is determined under state code by VDH. The [Department of Professional and Occupational Regulation](http://www.dpor.virginia.gov/) (DPOR) issues all licensure for [Onsite Sewage System Professionals](http://www.dpor.virginia.gov/Boards/WWWOOSSP/) under state regulations [**18 VAC 160-40**](http://law.lis.virginia.gov/admincode/title18/agency160/chapter40/)**:** Onsite Sewage System Professionals Licensing Regulations. Included is a review of the licenses that are needed.

i. A local contractor’s list is available from Mountain Castles SWCD. Mountain Castles SWCD has partnered with the Botetourt County Health Department to complete this list. None of the organizations endorses or recommends any person, company, or entity listed. It is the homeowner’s responsibility to verify that the contractor has the appropriate licensure to do the work. As the contractor, or visit <http://www.dpor.virginia.gov/LicenseLookup>.

1. Required licensure and documentation for practices

a) To pump (RB-1):

* Onsite Sewage System Operator License (individual must possess license or must work for a licensed OSS Operator who is liable for the work performed) + sewage handling permit from VDH

b) To connect to public sewer (RB-2):

* Plumber’s license + permit or approved application to connect to public sewer from the utility

c) To repair (RB-3/3M and RB-4/4P):

* Conventional Onsite Sewage System Installer license + SDS Contractor’s license (company that the individual owns or works for)
* Non-permitted repairs do not require the SDS Contractor’s license

d) To install (RB-4/4P and RB-5):

* Conventional Onsite Sewage System Installer license (individual) + SDS Contractor’s license (company that the individual owns or works for)
* Alternative Onsite Sewage System Installer (alternative licensing classification) + SDS Contractor’s license (company that the individual owns or works for)

e) Final inspection: Onsite Soil Evaluator license

1. **Glossary of Terms:**

a. 12VAC5-610-350[33]. **Failure of a Sewage Disposal System, Virginia Department of Health (VDH), Chapter 610 Sewage Handling and disposal Regulations**

i. For the purpose of requiring correction of a malfunctioning sewage disposal system the presence of raw or partially treated sewage on the ground's surface or in adjacent ditches or waterways or exposure to insects, animals, or humans is prima facie evidence of such system failure and is deemed a violation of these regulations. Pollution of the groundwater or backup of sewage into plumbing fixtures may also indicate system failure.

b. 32.1VAC6-1-163 (§32.1-163)[34]. **Definitions from Virginia Department of Health Article 1 Sewage Disposal**

i. “Alternative Discharging Sewage System” means any device or system which results in a point source discharge of treated sewage for which the Board may issue a permit authorizing construction and operation when such system is regulated by the State Water Control Board pursuant to a general Virginia Pollutant Discharge Elimination System permit issued for an DEQ NPS BMP Guidelines FY20- Page 42 individual single family dwelling with flows less than or equal to 1,000 gallons per day.

ii. "Alternative onsite sewage system" or "alternative onsite system" means a treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

iii. "Conventional onsite sewage system" means a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

iv. "Maintenance" or "maintain" means, unless otherwise provided in local ordinance, (i) performing adjustments to equipment and controls or (ii) in-kind replacement of normal wear and tear parts that do not require a construction permit for adjustment or replacement of the component such as light bulbs, fuses, filters, pumps, motors, sewer lines, conveyance lines, distribution boxes, header lines, or other like components. "Maintenance" includes pumping the tanks or cleaning the building sewer on a periodic basis. Notwithstanding any local ordinance, "maintenance" does not include replacement of tanks, drainfield piping, subsurface drainfields, or work requiring a construction permit and installer. Unless otherwise prohibited by local ordinance, a conventional onsite sewage system installer or an alternative onsite sewage system installer may perform maintenance work limited to in-kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes, and header lines.

v. “Sewage” refers to water-carried or non-water-carried human excrement, kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface stormwater, or liquid waste as may be present from a residence.

c. 12VAC5-613[35]: **Regulations for Alternative Onsite Sewage Systems (VDH)**

i. "Small AOSS" means an AOSS that serves no more than three attached or detached single-family residences with a combined average flow of less than or equal to 1,000 GPD or a structure with an average daily sewage flow of less than or equal to 1,000 GPD.

ii. "Large AOSS" means an AOSS that serves more than three attached or detached single-family residences with a combined average daily sewage flow greater than 1,000 GPD or a structure with an average daily sewage flow in excess of 1,000 GPD.

d. 18VAC160-40-10[30] **Definitions from Department of Professional and Occupational Regulation (DPOR) Chapter 40 Onsite Sewage System Professional Licensing Regulations**

i. "Alternative onsite sewage system installer" means an individual licensed by the board to construct, install, and repair conventional and alternative onsite sewage systems.

ii. "Alternative onsite sewage system operator" means an individual licensed by the board to operate and maintain conventional and alternative onsite sewage systems.

iii. “Alternative onsite soil evaluator" means an individual licensed by the board to evaluate soils and soil properties in relationship to the effect of these properties on the use and management of these soils as the locations for conventional and alternative onsite sewage systems, to certify in accordance with applicable state regulations and local ordinances that sites are suitable for conventional and alternative onsite sewage systems, and to design conventional and alternative onsite sewage systems suitable for the soils.

iv. "Conventional onsite sewage system installer" means an individual licensed to construct, install, and repair conventional onsite sewage systems.

v. "Conventional onsite sewage system operator" means an individual licensed by the board to operate and maintain a conventional onsite sewage system.

vi. "Conventional onsite soil evaluator" means an individual licensed by the board 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 conventional and alternative onsite sewage systems, to certify in accordance with applicable state regulations and local ordinances that sites are suitable for conventional and alternative onsite sewage systems, and to design conventional onsite sewage systems suitable for the soils.

vii. "Maintenance" or "maintain [same definition as 32.1VAC6-1-163 (§32.1-163) listed above]

viii. "Operate" means any act of an individual that may impact the finished water quality at a waterworks, the plant effluent at a wastewater works, or the effluent at an onsite sewage system.

ix. "Operator" means any individual employed or appointed by any owner and who is designated by DEQ NPS BMP Guidelines FY20- Page 43 such owner to be the person in responsible charge, such as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks, wastewater works operations, or to operate onsite sewage systems. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks or wastewater works.

e. 18VAC50-22-30. Definitions of Specialty Services

i. "Sewage disposal systems contracting" (Abbr: SDS) means the service that provides for the installation, repair, improvement, or removal of septic tanks, septic systems, and other onsite sewage disposal systems annexed to real property.

ii. Requirements for Qualified Individuals Businesses applying for SDS specialty Designation must employ a qualified individual who has a valid Onsite Sewage Systems Professionals Installers license from the Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Board.”