



## **LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

### **ARTICLE 15, HEALTH REGULATIONS**

### **ONSITE SEWAGE TREATMENT & DISPOSAL SYSTEMS (OSTDS)**

APRIL 11, 2018, 9:00 AM – 11:00 AM  
2300 NORTH JOG ROAD, ROOM VC-1W-47

#### **MEETING SUMMARY**

##### **A. CALL TO ORDER**

COMMENCED AT 9:10 AM

###### **1. Select Chair and Vice Chair from LDRAB Members**

Mr. Drawdy nominated Mr. Abraham Wein as the Chair seconded by Mr. Derek Zeman.  
Mr. Wein nominated Mr. Zeman as Vice Chair, seconded by Mr. Drawdy.

###### **2. Subcommittee Members and Staff Introductions:**

**LDRAB Subcommittee Members:** Charles Duane Drawdy, Abraham Wein, Derek Zeman  
**Department of Health:** Kenny Wilson

**County Staff:** Monica Cantor, Bob Banks, Zona Case

###### **3. Additions, Substitutions and Deletions to Agenda – none.**

###### **4. Motion to Adopt the Agenda – Motion to adopt the agenda by Mr. Wein. Motion passed**

##### **B. Review ULDC Proposed Amendments**

- 1 Ms. Cantor began the meeting by reminding members that this amendment to Article 15, related to Onsite Sewage Treatment and Disposal System, had gone before the LDRAB at the meeting in February and was deferred for review by a subcommittee.

Mr. Kenny Wilson of the Health Department explained that at issue was the strikeout of text which required that supporting data for an OSTDS be prepared by a land surveyor and the soil testing performed by an engineer. He explained that the text in question was inserted when the ULDC was updated in the past, but the States Code does not contain this requirement. He read the relevant text from the States Code and added that these regulations incur an extra \$500 fee for the homeowner. Mr. Wilson also showed the color chart used by septic tank contractors to test soil profiles at the beginning and end of the soil absorption area to a minimum depth of six feet or until resistance is met.

##### **C. Input and Comments**

Mr. Zeman expressed that while he understood the need to spare the extra cost to the homeowner, he was concerned about shifting this responsibility from engineer to contractor and objected to doing away with the requirement. He referred to Section 5.A.1, in the Exhibit which listed the data that has to be shown on the site plan, and pointed to specific areas of concern in the list and explained the reasons for concern.

Mr. Wilson pointed out that in older residences, every effort is made to get as close to today's regulations but there are difficulties with existing systems which are grandfathered in. He confirmed that the following is done on every repair or new system: inspection, bore test, clear fill added, filter system, etc., and setbacks are met.

Mr. Drawdy and Mr. Wein had no objection to removing the regulations, as proposed in the Exhibit. Mr. Zeman was of the opinion that some text could be removed, but there was a need to add some as well. He further said that if submittal of a site plan with dimensions, benchmarks, easements, etc., all of which are surveyor items is required, then substantiation by a surveyor should be part of the requirement. He also held the view that an official signed survey with a raised seal, should be required. Ms. Cantor pointed out that the current trend is toward electronic documentation, so electronically signed documents would have to be accepted.

The discussion highlighted the difference between the needs for new and existing systems and when a contractor or engineer can perform the task. Consensus was reached to solicit advice from LDRAB member Civil Engineer, Terrence Bailey. Ms. Cantor said she would

facilitate this by contacting Mr. Bailey and Mr. Wilson indicated a willingness to tweak the text accordingly.

Mr. Banks inquired whether the County had the authority to place regulations in view of the fact that the State is responsible for all septic systems, and if the State does not require a surveyor or engineer, then the County should not.

**D. Summary of Today's Discussion**

Mr. Wilson will prepare a new draft addressing the two scenarios in which the requirements for new constructions, additions or repairs are addressed to get comments from the subcommittee LDRAB members in preparation for the final draft.

**E.. Amendment Timeline**

Ms. Cantor indicated that the Amendments would be presented at the May 23, 2018 LDRAB Meeting.

**F. Adjourn**

Meeting adjourned at 2:40 p.m.

DRAFT