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HOUSE JOINT RESOLUTION NO. 771

House Amendments in [] — February 6, 2001

Establishing a joint subcommittee to study the organization, structure, regulations and policies of the State Department of Health and the Department of Environmental Quality relating to the management and treatment of wastewater.

Patron Prior to Engrossment—Delegate Parrish

Referred to Committee on Rules

WHEREAS, the State Department of Health has responsibility for the supervision and control of the safe and sanitary collection, conveyance, transportation, treatment and disposal of sewage, sewerage systems and treatment works in protecting the public's health and welfare; and

WHEREAS, the Department of Environmental Quality has the authority to issue, revoke or amend certificates under prescribed conditions for the discharge of sewage, industrial wastes and other wastes into or adjacent to state waters; and to promote and establish requirements for the reclamation and reuse of wastewater that protect state waters and public health as an alternative to directly discharging pollutants into waters of the state; and

WHEREAS, the State Department of Health and the State Board of Health have taken up to 10 years to adopt new regulations affecting wastewater handling and disposal practices; and

WHEREAS, the State Department of Health has failed to initiate a process for proposing regulations that would allow wastewater facilities to offer wastewater services in areas that are not currently served by a public service authority; and

WHEREAS, the Department of Environmental Quality has yet to draft new regulations for the reclamation and reuse of wastewater as authorized by the General Assembly; and

WHEREAS, individuals and corporations in the business of wastewater treatment and management express confusion and frustration at the Commonwealth's seeming inability to keep its regulations current with new technologies and to eliminate overlap and duplication of responsibilities between the Departments of Health and Environmental Quality; and

WHEREAS, the Commonwealth has over 750,000 septic drainfields that will fail with age, posing a serious threat to the environment; and

WHEREAS, the Commonwealth has more than 30,000 homes without indoor plumbing and unknown numbers of straight pipe discharges of raw sewage into state waters; and

WHEREAS, many industries and local governments are searching for cost-effective solutions and new technologies for wastewater treatment solutions as they seek to upgrade treatment processes for the protection of state waters, including the Chesapeake Bay; and

WHEREAS, new technologies are being developed for the treatment and disposal or reuse of wastewater; and

WHEREAS, the approval process for new technologies for wastewater management is technically unsound and unnecessarily restrictive, cumbersome and lengthy; and

WHEREAS, the health, safety and welfare of the citizens of the Commonwealth are being compromised by antiquated septic systems; and

WHEREAS, superior environmentally friendly systems have been suppressed by an overly restrictive and lengthy approval process; and

WHEREAS, members of the State Board of Health lack expertise in engineering or wastewater management, and both the State Department of Health and the Department of Environmental Quality could benefit from wastewater engineering expertise in senior management and the decision making process; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the organization, structure, regulations and policies of the State Department of Health and the Department of Environmental Quality relating to the management and treatment of wastewater. The joint subcommittee shall consist of 10 members, which shall include 6 legislative members and 4 nonlegislative members as follows: 4 members of the House of Delegates to be appointed by the Speaker of the House in accordance with Rule 16 of the Rules of the House of Delegates; 2 members of the Senate to be appointed by the Senate Committee on Privileges and Elections; 3 citizens to be appointed by the Speaker of the House of Delegates; and 1 citizen to be appointed by the Senate Committee on Privileges and Elections. The citizen members shall be persons who are involved in the business of treating or managing wastewater.

In conducting its study, the joint subcommittee shall consider (i) the policies and procedures of the

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59 Departments of Health and Environmental Quality relating to the management and treatment of
60 wastewater, particularly in relation to permitting and regulating various treatment, disposal and reuse
61 technologies; (ii) the overlap in various sets of regulations of the Departments; (iii) the length of time
62 taken in promulgating regulations; (iv) the need for wastewater treatment expertise at senior levels of
63 management and on the State Board of Health and the State Water Control Board; (v) the best way to
64 streamline the regulatory and permitting process, including the consolidation of responsibilities into one
65 agency; and (vi) such other issues as it deems necessary.

66 The direct costs of this study shall not exceed \$9,500.

67 The Division of Legislative Services shall provide staff support for the study. Technical assistance
68 shall be provided by the State Department of Health and the Department of Environmental Quality. All
69 agencies of the Commonwealth shall provide assistance as requested by the joint subcommittee.

70 The joint subcommittee shall complete its work in time to submit its written findings and
71 recommendations [by November 30, 2001,] to the Governor and the 2002 Session of the General
72 Assembly as provided in the procedures of the Division of Legislative Automated Systems for the
73 processing of legislative documents.

74 Implementation of this resolution is subject to subsequent approval and certification by the Joint
75 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
76 study.