

2021 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 1366

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 5, 2020)

(Patron Prior to Substitute—Delegate Hodges)

A *BILL to require the Commissioner of Health and the Director of the Department of Environmental Quality to develop a program to remediate septic systems in recurrently flooded areas of Resource Protection Areas.*

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Commissioner of Health, together with the Director of the Department of Environmental Quality, shall convene a work group composed of representatives of the Department of Health appointed by the Commissioner, representatives of the Department of Environmental Quality appointed by the Director, representatives of local governing bodies and planning district commissions representing localities with land included in a Resource Protection Area, and such other stakeholders as the Commissioner and the Director deem appropriate to develop a program to allow owners of septic systems located in portions of Resource Protection Areas that are subject to recurrent flooding to improve septic system drainfield absorption and protect the public health and safety by (i) adding soil over the septic system tank or to the septic system drainfield or (ii) implementing another solution to problems caused by recurrent flooding. In developing the program, the work group shall (a) review federal, state, and local laws, regulations, and ordinances that are identified by the work group participants prior to the first work group meeting as preventing, prohibiting, or restricting the improvement of septic system drainfield absorption and the protection of the public health and safety (1) by adding soil over a septic system tank or to a septic system drainfield or (2) by implementing another solution to problems caused by recurrent flooding; (b) identify any existing options for allowing an owner of a septic system located in a Resource Protection Area to improve septic system drainfield absorption and protect the public health and safety (1) by adding soil over the septic system tank or to the septic system drainfield or (2) by implementing another solution to problems caused by recurrent flooding; and (c) develop recommendations for a permit program that would allow an owner of a septic system that is appropriately located in a Resource Protection Area that is prone to recurrent flooding to improve septic system drainfield absorption (1) by adding soil over the septic system tank or to the septic system drainfield or (2) by implementing another solution to problems caused by recurrent flooding, including recommendations regarding the appropriate agency to administer the permit program, criteria necessary to obtain a permit, oversight requirements, and any other requirements for such permit program and such other recommendations as the work group deems appropriate. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by January 1, 2021.*

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