

COG staff summary of legislative status regarding septic system policy

Maryland

General Assembly passed SB 554 / HB 176, “Chesapeake Bay Nitrogen Reduction Act of 2009,” (attached) requiring the owners of all new or replacement septic systems within Maryland’s Critical Areas zone to use “best available technology” for reducing nitrogen. The act authorizes MDE to assist home owners in paying the difference between the cost of a conventional system and the cost of N-removing system using available monies from the Chesapeake Bay Restoration Fund. It also provides for a tax credit on state income taxes.

The original legislation had called for this requirement to be imposed statewide, but it was scaled back during the legislative process to apply just to the Critical Areas, which takes in all land within 1,000 feet of tidal waters.

Virginia

In December 2008, the Potomac Watershed Roundtable called for the state to establish a nitrogen reduction standard for all new systems (attached).

The General Assembly passes SB 1509, which authorizes the Board of Health to set nitrogen-reducing performance standards for alternative onsite sewage systems and clarifies that the Department of Conservation and Recreation can provide grants to home owners for the installation of such systems using the state’s Water Quality Improvement Fund.

General Information

- The Chesapeake Bay Program estimates that septic systems produce about 4.5 % of the total load of nitrogen to the Bay on an annual basis.
- The Bay Program’s watershed model estimates that a conventional septic system serving a typically-sized family contributes an average of 12.2 pounds/system/year to the Bay. (By contrast, the same wastewater flow as treated by the new enhanced wastewater treatment technology would produce a load of about 2.3 pounds)
- On average, nitrogen reduction systems achieve about a 50-percent efficiency, reducing the average system’s delivered load to 6.1 pounds per system per year.

POTOMAC WATERSHED ROUNDTABLE

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ROUNDTABLE OFFICERS

Penelope Gross, Chair
Fairfax County
Board of Supervisors

Martin Nohe, 1st Vice Chair
Prince William County
Board of Supervisors

Harry Atherton, 2nd Vice Chair
Agricultural & Forestry
Stakeholder Member

ROUNDTABLE MEMBERS

Local Governments

Arlington County
Fairfax County
Fauquier County
King George County
Loudoun County
Northumberland County
Prince William County
Stafford County
Westmoreland County
City of Alexandria
City of Fairfax
City of Falls Church
City of Manassas
City of Manassas Park
Town of Colonial Beach

Soil & Water Conservation Districts

John Marshall
Loudoun
Northern Neck
Northern Virginia
Prince William
Tri-County/City

Planning District Commissions

General Assembly

Two members each from the
following stakeholder groups:

Agriculture and Forestry
Development, Construction
and Real Estate
Environmental
Fishing and Boating
Waste Management and
Recycling
Water & Wastewater Utilities
Citizens of the Watershed

December 22, 2008

(Hon.)
(Virginia House of Delegates or Virginia Senate)
(address)
(address)

Dear (Delegate/Senator):

The Potomac Watershed Roundtable (PWR) is a regional government-citizen forum whose purpose is to promote collaboration and cooperation on environmental concerns, especially water quality issues, among the various local governments and stakeholder interest groups residing on the Virginia side of the middle and lower Potomac River watershed.

At a time when funding is exceptionally tight and budgets are being cut across the board at the State and local level, the importance of the Water Quality Improvement Fund (WQIF) cannot be strongly enough stated. Our top priority is the continuation and expansion of this funding source. Localities across the Commonwealth are depending on these funds for projects already underway. Commitments have already been made in terms of signed contracts for water quality projects.

For more than 15 years, the Commonwealth has been attempting to reduce nutrients entering the Chesapeake Bay Watershed. Major reductions in nutrients have been achieved by upgrading the sewage treatment plants in the State. However, in most rural areas, septic systems treat the majority of human waste. Many homeowners have malfunctioning or failing septic systems that contribute excess nutrients to the Bay, and also release fecal coliform bacteria into local waterways. In estuarine areas, the systems contaminate shellfish growing areas, closing or condemning areas, leading to a multitude of TMDLs for coastal creeks.

The Commonwealth should create a Septic Repair Fund to assist low to moderate income families in repairing septic systems that are failing. This fund could be created by taking a percentage of the funds deposited into the WQIF, and designating it for Low to Moderate Income Household Septic Repair/Replacement. In shellfish growing areas of the Commonwealth, crews from the Virginia Department of Health, Division of Shellfish Sanitation, go out into the field to investigate potential sources of pollution. Their studies are used for the determination of shellfish closures and have already identified failing septic systems in each shellfish growing watershed. Most TMDL studies spend hundreds, if not thousands, of dollars to identify the sources of pollution, and the shellfish studies have already identified where the problems are in the areas

along the coast. What is needed is a dedicated source of funding for repair and replacement for low to moderate income households that cannot afford to fix their systems.

In addition, even properly functioning and well maintained conventional septic systems release large amounts of nitrogen, which we know travels in the water table aquifer to the local waterway. For Virginia to be serious about closing the Nutrient "Gap", and more critically, maintaining the Nutrient "Cap", we need to change the way we treat private wastewater (septic) systems. With the tightening of sewage treatment plants nitrogen and phosphorous limits, and the denial of NPDES permits for new sewage treatment plants, many believe we will see a proliferation of developers in rural areas using septic systems for large subdivisions, since they are not counted as a point source and are simply grouped together with all other sources of non-point source pollution. Therefore, the Potomac Watershed Roundtable proposes that all NEW septic systems in Virginia must have a nitrogen reduction process requirement added so that we stop sending large amounts of nitrogen into the Commonwealth's groundwater. The time is NOW to start reducing our nitrogen footprint from new developments, and counteracting the influence of continued growth in our progress toward cleaning up the Bay.

The members of the Potomac Watershed Roundtable look forward to working with you and other members of the General Assembly to advance our legislative agenda for the benefit of all Virginians. Please do not hesitate to contact me should you have any questions.

Sincerely,

Penelope A. Gross, Chair, Potomac Watershed Roundtable
Member, Fairfax County Board of Supervisors
703-256-7717