



COMMONWEALTH of VIRGINIA

Karen Remley, MD, MBA, FAAP
State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

January 23, 2009

The Honorable David L. Bulova
Member, Virginia House of Delegates
Post Office Box 106
Fairfax Station, Virginia 22039

Dear Delegate Bulova:

Thank you for taking the time to contact me regarding your interest in rainwater harvesting as it relates to public health and the environment. As you pointed out, this is a multi-faceted issue that will require substantial input from numerous state agencies. In response to this, I have asked the Virginia Department of Health's Office of Environmental Health Services (OEHS) and Office of Drinking Water (ODW) to provide leadership in bringing these agencies together.

Wes Kleene, Ph.D., P.E., ODW Director, is assembling a work group with OEHS, the Department of Conservation and Recreation, the Department of Housing and Community Development, and the Department of Environmental Quality to address the multi-faceted public health and environmental issues concerning and related to rainwater use. The work group, comprised of representatives from the above agencies, will meet to develop a basis for guidelines for rainwater use that emphasize public health protection and environmental conservation. If you are aware of other state agencies that may be interested in participating in this work group, please have them contact Dr. Kleene.

Thank you for taking the time to share your thoughts with me on this issue. Should you need further assistance, please contact Dr. Kleene at (804) 864-7522.

Sincerely,

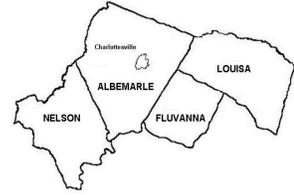
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Karen Remley, MD, MBA, FAAP
State Health Commissioner

cc: The Honorable Frank W. Wagner
J. Wesley Kleene, Ph.D., P.E.



Rivanna River Basin Commission
A CONFLUENCE OF INTERESTS



Thomas Jefferson Soil & Water
Conservation District

706 G Forest Street
Charlottesville, VA 22903

August 3, 2009

The Honorable Tim Kaine
Governor of Virginia
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219

Re: Request for Statewide Guidelines for use of Harvested Rainwater

Dear Governor Kaine,

There are two critical water-related issues facing Virginia at this time: (1) planning for water supply to meet increasing demands and (2) the increased need for effective stormwater management practices to reduce the impacts of rapidly changing land uses. Widespread use of “rainwater harvesting” has the potential to address both of these issues. We are writing to ask you to assure that guidelines for the use of harvested rainwater are expeditiously developed so that the citizens of the Commonwealth may take advantage of technologies for rainwater harvesting.

Elaborate engineering solutions are often used to convey runoff from rooftops to structures designed to slow its release to streams. This same water is often collected far downstream and, through reservoirs and pipelines, returned back to provide water to the building from which it originated. Harvesting rainwater at the source offers a simple, sustainable alternative water supply for indoor and/or outdoor use. At the same time, it protects our waterways from the impacts of large volumes of stormwater runoff from buildings.

The following section in the Code of Virginia directed the Virginia Department of Health to develop guidelines for the use of rainwater:

§ 32.1-248.2. Use of rainwater and reuse of gray water.

A. The Department shall develop by January 1, 1999, guidelines regarding the use of gray water and rainwater. The guidelines shall describe the conditions under which gray water and rainwater may appropriately be used and for what purposes. The guidelines shall include categories of used water, such as types of used household water and used water from businesses, which are appropriate for reuse. The guidelines shall include a definition of gray water that does not include used toilet water.

B. The Department, in conjunction with the Department of Environmental Quality, shall promote the use of rainwater and reuse of gray water as means to reduce fresh water consumption, ease demands on public treatment works and water supply systems, and promote conservation. (1998, c. 155.)

It is our understanding that, while guidelines have been developed for the *reuse of gray water*, VDH has not yet developed and promulgated guidelines for the direct use of rainwater. As a result, there is considerable confusion on the local level about what is allowed and what design criteria should be used in rainwater harvesting systems.

Many countries in the world utilize rainwater harvesting as their primary source of water. And while the Commonwealth of Virginia is often called a "water-rich" state, recent droughts have underscored the importance of managing our human demand for surface and groundwater. Rainwater harvesting is one of the "best management practices" being promoted by DCR in the proposed stormwater regulations. At the same time, it also provides a sustainable, decentralized source of water that encourages conservation, while helping protect the integrity of streams.

The Thomas Jefferson SWCD and the Rivanna River Basin Commission join with the undersigned in urging the VDH to conform to this Code section by developing statewide guidelines that detail acceptable collection and treatment techniques for both the indoor and outdoor use of rainwater. This will then provide a framework for localities to actively promote such systems. We welcome the opportunity to contribute to the development of these guidelines and to communicate progress to those below who share our concern.

Sincerely,

Alyson Sappington, District Manager
Thomas Jefferson SWCD
Alyson.Sappington@vaswcd.org
(434) 975-0224

Leslie Middleton, Executive Director
Rivanna River Basin Commission
lmiddleton@embarqmail.com
(434) 975-0224

and

Advocates for a Sustainable Albemarle Population
Albemarle County
Albemarle County Service Authority
Artisan Construction, Inc. General Contractors
Citizens for a Sustainable Water Supply
Culpeper Soil & Water Conservation District
David Hirschman, Center for Watershed Protection
David L. Collins, L.S., P.E., Civil Engineering / Land Surveying
Del. David Bulova, 37th District
Del. David Toscano, 57th District
Friends of the Moormans River

Friends of the Rappahannock
Hanover-Caroline Soil & Water Conservation District
James River Association
Mayor Dave Norris, City of Charlottesville
McKEECARSON and Field Sport Concepts, Ltd
Northern Virginia Soil & Water Conservation District
Piedmont Group of the Sierra Club
Potomac Watershed Roundtable
Rainwater Management Solutions, Inc.
Rivanna Conservation Society
Rivanna River Basin Commission
Rivanna Water and Sewer Authority
Southern Environmental Law Center
Thomas Jefferson Soil & Water Conservation District
Virginia Association of Soil & Water Conservation Districts
waterstreetstudio, LLC

Copy to:

Mr. Preston Bryant, Secretary of Natural Resources
Commissioner Karen Remley, M.D., Virginia Department of Health
Mr. Bill Shelton, Director, Department of Housing and Community Development
Mr. David Paylor, Director, Department of Environmental Quality
Mr. Joe Maroon, Director, Department of Conservation & Recreation
Mr. Jack Frye, Director, Division Soil & Water Conservation - DCR



COMMONWEALTH of VIRGINIA

Office of the Governor

Marilyn B. Tavenner
Secretary of Health and Human Resources

August 26, 2009

Alyson Sappington, District Manager
Thomas Jefferson Soil and Water Conservation District
Leslie Middleton, Executive Director
Rivanna River Basin Commission
706 Forest Street, Suite G
Charlottesville, Virginia 22903

Dear Ms. Sappington & Ms. Middleton:

Thank you for taking the time to contact Governor Kaine regarding your interest in rainwater harvesting as it relates to public health and the environment. This is a multi-faceted issue that requires substantial input from numerous state agencies; thus, I have asked the Virginia Department of Health (VDH) to provide leadership in bringing these agencies together.

I have been told that Wes Kleene, PhD, PE, the Director of VDH's Office of Drinking Water (ODW), has recently discussed this issue with you. Dr. Kleene has been working with leaders from the Department of Conservation and Recreation, the Department of Housing and Community Development and the Department of Environmental Quality to address the public health and environmental issues concerning and related to rainwater use. This work group, comprised of representatives from the above agencies, has been doing research to develop these guidelines on the use of rainwater to address the conservation needs while also protecting the public health and welfare. At this point, the work group is planning to draft a set of guidelines by late September. At that time, Dr. Kleene will solicit comments from various stakeholders to finalize the guidelines.

Thank you for taking the time to share your thoughts with me on this issue. Should you need further assistance, please contact Dr. Kleene at (804) 864-7522.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn B. Tavenner".

Marilyn B. Tavenner

MBT/wk



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

DAVID J. TOSCANO
211 EAST HIGH STREET
CHARLOTTESVILLE, VIRGINIA 22902

FIFTY-SEVENTH DISTRICT

October 14, 2009

Karen Remley, MD, MBA, FAAP
State Health Commissioner
Department of Health
P.O. Box 2448
Richmond, VA 23218

Dear Commissioner Remley:

I write to follow up on your letter dated August 5, 2009 in which you indicate that draft guidelines for rainwater harvesting technologies were to be available in late September. As of today, I have not received any indication that these guidelines have been produced. Nor have I heard anything from Dr. Kleene indicating that he is prepared to receive comments from interested parties. I would appreciate an update as to the progress of the work group, including an anticipated date upon which the guidelines will be available.

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Toscano".

David J. Toscano

cc: Leslie Middleton
Garnett Mellon
Kay Slaughter
The Honorable Frank Wagner
The Honorable David Bulova