

Approved Minutes of the Technical Advisory Committee Meeting  
September 10, 2013

**Attendees:** Roger Thompson                      Kim Greenwood  
Cindy Parks    John Akielaszek  
Ernie Christianson                                 Steve Revell  
Trey Martin     Anne Whiteley  
Chris Thompson                                    Mark Bannon  
Craig Heindel                                        Gail Center  
Susan Warren                                        Peter Boemig  
Jessanne Wyman                                    Claude Chevalier  
John Beauchamp

**Scheduled meetings:**

October 15, 2013	1-4 PM	Winooski Con. Rm., National Life – Montpelier
November 12, 2013	1-4 PM	Winooski Con. Rm., National Life – Montpelier
December 10, 2013	1-4 PM	Winooski Con. Rm., National Life – Montpelier

**Agenda:**

Accepted

**Minutes:**

The minutes of the August 27, 2013 meeting were accepted as drafted.

**Shoreland Bill, H.526:**

Susan Warren, DEC Lakes and Ponds Section, and Trey Martin, DEC Commissioner's Office, gave an overview of the bill. This bill was passed in the House during the last session. There are public meetings scheduled during the summer and fall with the bill scheduled for review by the Senate in the coming legislative session. Trey suggested that the TAC look primarily at sections 1446 and 1447 of the bill. Section 1446 exempts certain activities from the permitting requirements, including wastewater systems and potable water supplies that are permitted by ANR under 10 V.S.A., Chapter 64. Section 1447 then goes on to require each permit review to include a consultation with the Lakes and Ponds Section on practices that could reduce the impact of the proposed activity on the protected shoreline area or the water quality of an adjacent lake. The bill also allows for the consultation to be formalized in a guidance document or internal Agency procedure.

Craig said the guidance would be extremely important to any landowner or any Licensed Designer. Craig suggested an example situation might be that a replacement wastewater system could be built 88' from lake which would be less than the specified 100' or it could be built at least 100' from the lake but at an additional cost of \$20,000. The existing wastewater system rules state that cost effectiveness is one part of the decision and he asked if this would be included in the shoreland rules.

Susan said that the proposed rules would not make any lots unbuildable but they might restrict where and how large the development could be.

There were several comments about the amount of delay that could be associated with the consultation process. It currently takes up to 100 days for a wetland determinations or permit. Anything approaching this time period would be a problem when dealing with a replacement of a failed wastewater system, particularly late in the year when such a delay might cause the replacement to be delayed until the next construction season. Roger suggested that the guidance should be developed but applied by the Regional Office Staff to avoid the delays that will occur with a consultation process.

Trey said that the TAC could discuss the issue again after the bill is passed during the creation of the general permit. Some members felt that waiting until the bill was passed was too late in the process because at that point the requirements for a general permit would have already been determined.

#### **Next Meeting Dates:**

The TAC decided to meet on October 15<sup>th</sup>, November 12<sup>th</sup>, and December 10<sup>th</sup>. Ernie said he would like to use the October meeting to review Appendix 6-A of the Wastewater System and Potable Water Supply Rules, the November meeting to review Subchapter 11 of the Water Supply Rules in coordination with Appendix 6-A, and the December meeting to review the rest of the Wastewater System and Potable Water Supply Rules.

#### **Underground Injection Control Rules:**

The Underground Injection Control program has been moved from the Regional Office section and is now supervised by John Akielaszek who also supervises the Indirect Discharge program. Cindy Parks will be working with John.

The group reviewed the draft rules working from the August 26, 2013 version.

There was continued concern about the wording in section 11-301(c). It is improved from the previous draft, but it still in not clear that a business or facility might have an area from which discharges to injection wells are prohibited based on the type of activity while also having areas from which discharges would be acceptable.

Mark asked about situations where it might not be clear if the activity is prohibited. One example is an elevator pit that is open to the ground below. The elevator may use hydraulic oil and the oil reservoir may be a tank that is located in the pit. Would this be a petroleum storage site and therefore could not have a bottom that is open to the ground below? Claude pointed out that many of the users of hydraulic fluids, such as well drillers, are now using biodegradable oils. DEC will work on this, noting that there are so many potential situations that some of this will have to be resolved on a case by case basis.

Kim asked that the Rules require the Agency to maintain a mailing list of people who want to be notified of all permit applications for injection wells. Roger asked about using the Environmental Notice Bulletin but the applications are not sorted by type and it is cumbersome to go through the whole list just to find what will be a small number of injection well permit applications.

Several members raised concerns about section 11-303(c) that grants access to all properties, including single family residences, where an exempt injection well is located. This type of access usually requires either the landowner's permission or a court order.

Peter asked about situations where access to neighboring property is needed in order to gather some of the information requested for the application. Roger suggested the Regional Office approach where as much information is gathered without access to the property as possible and the landowner is notified that the application process will move forward without their input unless they supply the information or allow access for the applicant to collect the information.

Kim raised concerns about section 11-901(b) which allows for the discharge of contaminants in excess of the primary groundwater standards. Craig said that this only applies to naturally occurring contaminants and is primarily related to water treatment systems. If the water drawn from the ground exceeds the primary drinking water standards, and is treated to reduce the concentrations in the water used within the building, any discharge of the residual water would necessarily exceed the groundwater standards at the point of discharge. However, because only the contamination that was in the water prior to withdrawal is returned to the groundwater, the concentration in the groundwater would not be increased as measured at a point of compliance. There was also discussion about how the measured concentration of contaminants varies overtime and from test to test. John said that the Groundwater Protection Rules include a process to cover the up and down reading of the naturally occurring contaminants.

Roger suggested that the term seasonal high water table as used in 11-901(c) should be defined.

Kim asked why 300' was selected as the isolation distance in section 11-901(d)(2). John said this was conservative number based on his work with the Indirect Discharge Permit Rules.

Craig said that he did not think the EPA was analyzing check samples at this time.

Kim said that she was continuing her request from earlier meetings that the public trust issues related to groundwater be specifically addressed in the UIC Rules. Anne noted that VNRC has still not responded to her request for suggested language to address this issue.

There were many small wording, typo, clarification suggestions made by many of the committee members. There was agreement that this draft is much improved and the overall approach is supported by the TAC.

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**Executive Committee**

Steve Revell, Ernest Christianson, Roger Thompson

Alternates – Chris Thompson, Spencer Harris, Claude Chevalier, Craig Heindel

**Subcommittees:**

**Hydrogeology**

Craig Heindel, Bill Zabiloski, Mark Bannon, Scott Stewart, Steve Revell, Mary Clark, Roger Thompson, Peter Boemig, Ernie Christianson, Spencer Harris

**UIC Rules**

Craig Heindel, Steve Revell, Roger Thompson, Ernie Christianson, Scott Stewart, Rodney Pingree, Kim Greenwood, Cindy Parks, John Beauchamp, Gail Center

**Wastewater Strength**

Mary Clark, Cindy Parks, Peter Boemig, Bill Zabiloski, Roger Thompson, John Akielaszek,

**Bottomless Sand Filters**

Peter Boemig, Mark Bannon, Cindy Parks, Mary Clark, Denise Johnson-Terk, Craig Heindel, Ernie Christianson

**Seasonal High Water Table Monitoring**

Craig Heindel, Steve Revell, Roger Thompson, Ernie Christianson, Bill Zabiloski, Dan Wilcox, Mary Clark