

Approved Minutes of the Technical Advisory Committee Meeting
March 16, 2010

Attendees: Roger Thompson Jeff Fehrs
Mary Clark Craig Heindel
Gary Adams Claude Chevalier
Scott Stewart Rodney Pingree

Scheduled meetings:

April 13, 2010	1-4 PM	Room 107 Stanley Hall
May 4, 2010	1-4 PM	Room 107 Stanley Hall

Minutes:

Accepted

H.779 (previously listed as H.593)

Roger reviewed the status of the proposed legislation. The bill was passed out of House Natural Resources and then was passed by the full House. The bill was then sent to the Senate where it was assigned to Senate Natural Resources. The bill as passed proposes that anyone filing an application where the isolation distances from the water source or the wastewater disposal field will extend onto neighboring lots must send a written notice to the affected property owners. There is a short waiting period before the Agency can issue the permit.

Craig asked what happens if there is an objection from the neighbor. The bill does not create any rights to object to a project. It does make the neighboring property owner aware of the proposal which may allow them to negotiate with the applicant to amend their proposal to reduce its impact on the neighbor. Rodney said there might be a public trust argument made that the proposed development unfairly affected someone else. Craig said there can always be a civil suit but it is unclear if that would be successful.

Craig noted that while the well shield is fairly easily defined using the procedures from the Water Supply Rules, the isolation distances from a wastewater disposal system are less defined by the rules. There are also questions of whether you need to consider distances for large water and wastewater systems or only household type systems. With large systems the decision is based on doing a 2 year time of travel evaluation which would add a great deal of expense to most projects.

Claude asked why this notice is needed when everyone gets notice through the zoning process. It was noted that quite a few towns do not have zoning requirements and that the isolation distances are not routinely included in the town applications. Craig asked if all applications should require notification of the neighbors. Roger noted the notification did not provide any rights so there is no benefit from the work required to do the notification.

Roger noted that the bill as passed the House also changed the requirements for municipal ordinances and would allow a town to hold off issuing the local permit until after the state permit had been issued. The town would still accept the application and process the application right up to the point of issuing the town permit. Craig said he liked this approach as some folks tend to just start work once they have the town permit, even if the town permit includes a condition saying a state permit is needed.

Roger also noted that the bill would re-establish an official TAC with members being appointed or reappointed by the Governor. The bill would also require TAC to review the issues related to isolation zones extending onto neighboring lots and make a recommendation on how to minimize the adverse impacts. Scott suggested there be two groups with one to work on issues related to H.779 and one to cover the regular TAC issues. Scott is concerned that the H.779 issues would take up so much committee time that the work on updating the Water Supply Rules would slow or stop. The group decided that there could be a subcommittee to work on H.779 issues and that it would be difficult to support two distinct groups. Jeff asked about how much work would be involved in creating the report and whether this would create a major burden for the Agency and/or TAC. Roger said that this should be manageable and the report would not be a major production.

Water Treatment Systems:

Roger gave a short update on proposed changes to the rules that would deregulate most of the design, installation, and use of water treatment systems for non-public water supplies. ACEC had submitted oral comments to Anne Whiteley, with written comments to follow as requested by Anne, that they would accept deregulation for systems serving only one single family residence but would object to full deregulation of systems serving other uses such as duplexes and office buildings. Claude asked if ACEC just gets their way on this issue. Roger replied that the next step is for the Commissioner to make a decision. Mary commented that in West Virginia a bill had been passed that Professional Engineers were not subject to any rules related to designing water treatment systems.

Draft Revisions to the Water Supply Rules – Design Flows:

Scott led a discussion of proposed changes to design flows. One section deals with design flows for cafeterias. There are several types of operations that may fall into this category ranging from convenience stores with as little as a hot dog steamer plus some coffee preparation, to stores that prepare sandwiches to order, up to delis that offer a full range of cooked foods for takeout. Many large grocery stores now offer a full range of food. After some discussion the group suggested that the most limited types of

operations use a design flow of 50 GPD. There was discussion of wastewater strength, particularly related to the disposal of the unsold coffee which is very high in biological oxygen demand (BOD). Craig asked if waste strength is a consideration and Roger said the basic rules for systems using septic tank effluent do not mention waste strength though systems proposed for advanced treatment do have this requirement.

There was discussion of design flows for massage operations. It was decided that 8 gallons per patron would be appropriate unless the operation provided shower facilities for the patrons.

Catering operations were also discussed. Those licensed as home caterers would not have any additional design flow. Commercial caterers would be a case by case determination with 100 GPD being the minimum design flow. Commercial caterers would also require installation of a grease interceptor which is a larger tank that is normally installed outside of the building. Grease traps are regulated by the Vermont Plumbing Rules, are normally smaller tanks, and are installed inside of the building.

It was decided there should be a design flow category for:

1. home catering
2. commercial catering
3. deli with just coffee and hot dogs
4. deli with sandwiches and food that was prepared elsewhere with the only onsite preparation being heating of the food
5. making sandwiches onsite
6. preparing hot food onsite

A category is needed for spa's that do mudpacks and similar facilities where showering would be expected.

Veterinary clinics were also discussed. Suggestions included having a design flow for animal boarding based on a per animal space approach and whether or not animal washing takes place. The design flow might also be prorated on the number of doctors involved.

The design flow for a large grocery store with a meat department was discussed. It was decided that the existing design flow is sufficient to allow for a full service deli.

A decision is needed for small retail spaces on whether to use the # of employees or gallons/sqft of floor space. Adding shower facilities for the staff would increase the design flow number.

Jeff asked about design flows for breweries. Craig said it would be case by case for the process waste and then per employee for the staff.

Ernie Christianson submitted an e-mail with questions about design flows for country clubs and pointed out that the existing design flows did not make sense for most of the current operations in Vermont. The group suggested that Ernie should draft some language with his recommendations.

The new rules should also give separate design flows for the administrative staff and the medical staff in doctor's offices.

Schools are per person for both staff and students.

Items prioritized for discussion with high, low, and medium ranking

1. Soil identification vs. perc test **medium**
2. Curtain drain with presumption of effectiveness **high**
3. Revisions to desktop hydro chart **medium**
4. Minimum amount of sand under a mound **high**
5. Grandfathered design flow and conversion of use policy **high**
6. Updating of design flow chart **high**

Executive Committee

Steve Revell, Lance Phelps, and Roger Thompson
Alternates – Chris Thompson, Spencer Harris, Jeff Williams

Subcommittees

Hydrogeology - Craig Heindel, Dave Cotton and Steve Revell.

Training subcommittee - Roger Thompson, Dave Cotton, and Barbara Willis.

Drip Disposal – Roger Thompson, Dave Cotton, Steve Revell, Alan Huizenga

Water treatment systems – Gail Center, Jeff Williams, Rodney Pingree, Dave Cotton, Lance Phelps, and Roger Thompson.