

Approved Minutes of the Technical Advisory Committee Meeting
June 8, 2010

Attendees:

Roger Thompson	Steve Revell
Spencer Harris	Kim Greenwood
Jeff Fehrs	Rodney Pingree
Scott Stewart	Gail Center
Christine Thompson	Anne Whiteley
Lance Phelps	Craig Heindel

Scheduled meetings:

July 13, 2010	1-4 PM	Mad Tom Room
September 14, 2010	1-4 PM	Room 100 Stanley Hall

Minutes:

Kim noted that the minutes should read 20,000 gallons not 20,200 gallons in the section dealing with groundwater withdrawals.

H.779:

Roger gave a quick review of the current draft of the guidance. Anne reviewed the history of the bill going back to the first draft of the bill that required a person to keep the isolation distances on their own property to the extent “technically feasible.” The Agency objected to this without substantial guidance on how to define what “technically feasible” would mean when applying the statutory requirements to a proposed project. Anne said that she had informed the House Fish and Wildlife Committee that TAC had discussed whether well/leachfield isolation distances should be reduced in the past and did not support making a reduction in the distances. Anne then noted that one option to reduce the impact on neighbors is to require the applicant to own or control the area covered by the isolation distances which would then result in large lots or possibly in significant payments to the neighbors in order to buy an easement. The Committee decided it would be difficult in short period of time to work out all of the details but remained anxious to take some action this year and therefore moved to an approach that simply requires an applicant to provide notice to the neighbors. The Committee hoped that the notification requirement would alert the neighbors who would then have a few days to try and negotiate changes in the application that would reduce the impact. The Agency expected that the version passed by the F&W Committee and the House would be discussed and modified in the Senate NR Committee however the Committee did not schedule any meeting times with the Agency. The bill passed out of Senate NR and out of the Senate without any notice and ultimately the Governor decided to sign the bill. Anne worked with the legislative counsel who drafted the bill and the Chair of the House

F&W Committee to come up with the most workable application of the new statute. The Commissioner has signed the current guidance but it is likely there will be revisions in the near future.

Spencer asked if any engineers testified. Anne thought at least one professional engineer and one title insurance attorney testified at the House F&W Committee. Anne noted that Bob Krebs, P.E. is a member of that committee. Roger observed that this bill was in the House just before crossover and was done very quickly, probably with the expectation that it would be improved in the Senate.

Steve said that this seems to be a pattern, as with the water treatment exemption language being inserted into the capital bill, as an end run around the usual approach and now H.779 being passed without much opportunity for testimony. Steve said it is not fair to now expect TAC to bail out the legislature on the issues that H.779 have created. Steve asked if F&W will come and meet with us or would it be at the State House. Anne suggested that TAC invite Rep. Deen to come and participate in a TAC meeting. Craig said that in the past he, and other TAC members, had met with legislators several times before a bill passed out of committee and suggested this should be a TAC priority in the future.

Spencer suggested that maybe we should take a broad view that the requirement should just be that you go and talk to the neighbor. Spencer asked if contour information is needed under the guidance and Roger said that it is. Anne said she thought that you should be able to just use the worst case and suggested that the guidance be revised. Roger urged that the requirement to show the affected area on the plans be deleted entirely.

Craig noted that TAC cannot change the law and asked what latitude do we have to structure the implementation guidance. Kim said that the problems with the new statute should be identified so they can be corrected in the future. Anne asked for suggested language for the "septic shield." TAC supports using an approach of either a 200' radius or using USGS topographic contours to define a septic protection area similar in concept to the well shield. Roger will work on a draft to update the guidance that will be circulated to TAC for comment. Anne will be doing a presentation at an attorney's seminar and may learn of some more issues that will be included in the revised guidance.

Spencer asked about how small of a change in the plans, which would be covered by as-built plans, would trigger the need to notify the neighbors- 5 feet? Anne said it could depend on the situation. It was noted that things that do not need permits such as replacement wells and minor repairs that qualify for a permit exemption do not require notification of the neighbors. Roger asked Anne if plans of a reduced size from those submitted with a state permit application could be used in the notification process. Anne said yes as long as they convey the needed information including the map scale at the reduced.

Steve urged TAC to be involved and take a strong position in the upcoming legislative session.

Scott asked if the outdoor seating exemption passed. Anne said it did though it affects the Health Department licensing requirements more than DEC requirements.

TAC Membership

Roger asked those present if they would agree to be reappointed to TAC. Lance, Gail, Spencer, Steve, Rodney, and Craig all said yes. Roger noted that Phil Deckert had also agreed to be reappointed. Jeff, Chris, and Roger would also be nominated for appointment. The statute creating the TAC specifies several categories of members including private and public sector members and to fill in the gaps TAC members suggested as possible future members: Bruce Douglas, Jeff Padgett, David Whitney, Dean Grover, Don Wood, and Frank Parent. Justin Willis and Claude Chevalier should also be reappointed.

Meetings

Lance suggested focusing meeting around a particular topic so that those uninterested in that topic would be able to skip the meeting. Scott suggested there should be a second group of people just to work on water supply issues as he is concerned that TAC will become involved in other topics such as impacts of isolation distances on neighboring properties and not complete the work needed for him to move forward. It was decided to focus on water supply issues at the July meeting.

Presby Enviro-septic pipe

Roger gave a short history of the Presby approvals and the current request to update their approval. There is a specific area of concern related to the maximum width of a bed system in a mound with the current Wastewater System and Potable Water Supply Rules indicating 10' as the maximum width. The nature of the Enviro-septic system often results in wider system when building on significant slopes because the design manual calls for extra "system sand" to be used on the up and downslope edges. Roger said there are two issues with one being related to oxygen transfer under wide systems and one being hydraulic site capacity. Roger asked if TAC would support beds wider than 10' if the system was vented, and if a hydro analysis was done whenever the linear loading rate exceeds 10 gallons/linear foot/day (for prescriptive mounds, performance based designs already require a hydro analysis). Craig, Steve, Spencer, Jeff, and Chris all agreed. Rodney, Kim, and Gail abstained and there were no objections.

Steve said that the Vermont method of site preparation with plowing should be required in the Presby approval letter and the Presby manual for Vermont. Roger said that Presby had withdrawn its request to use the New Hampshire method of removing the topsoil, apparently because other states are requiring the Vermont approach. Presby also now accepts the requirement for an outlet filter and will add the limitation of not more than 2% fines to their description of system sand.

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.