

Approved Minutes of the Technical Advisory Committee Meeting  
July 13, 2010

<b>Attendees:</b>	Roger Thompson	Claude Chevalier
	Anne Whiteley	Steve Revell
	Spencer Harris	Scott Stewart
	Kim Greenwood	Christine Thompson
	Rodney Pingree	Jeff Fehrs

**Scheduled meetings:**

September 14, 2010	1-4 PM	Room 100 Stanley Hall
--------------------	--------	-----------------------

**Minutes:**

Kim agreed to be reappointed

**H.779:**

Steve said he is still looking for an update to the cover letter saying there is no remedy. Steve also noted that some people are leaving out of the notice to the neighbors the statement that there may be an adverse impact on the neighbor's future ability to get permits. Chris said that she and Anne are working on an update.

Spencer said that some regional offices are not asking for a notice when only a replacement area is being identified for an improved lot subdivision.

Anne said that the guidance has been updated so that replacements of failed systems or supplies do not require a notice because there was no legislative intent to cover replacements and a 7 day waiting period may prevent a timely replacement.

Anne also said that this would be updated next year. The legislature is looking to TAC to make some recommendations. Anne has informed legislators that TAC had considered the well/leachfield isolation distances in the past and did not want to make any changes at that time.

Steve noted that there may already be indirect remedies for neighbors if an Act 250 permit is required. The district commissions could withhold approvals if they felt the impact on neighbors was too excessive or could be minimized with a redesign.

Anne noted that at least 3 people had told her they were going to hire attorneys to defend their property rights.

Spencer asked Anne about her training sessions with the attorneys and what the attorneys thought about the notification process. Anne said that some did not think any changes were needed while others were surprised to think about the impact the notice requirement might have on future sales.

Roger said he did not know of many states that require ownership or control of the isolation zones but that it should be looked into. Kim said she would ask her interns to look into this. Anne asked if a survey of what other states use for isolation distances could also be done and that other states should be asked about the ownership or control question.

Steve asked if we are headed towards making the Wastewater Permits a public process. Anne said we may end up there.

Steve asked about what needs to be in the TAC report to the legislature. Anne thinks it needs to cover the question of ownership or control, whether isolation distances should be reduced, whether the isolation distance can go off the lot even with an easement, and should create criteria that would define “to the extent possible” relative to an applicant designing their project to have the minimum impact on a neighbor.

Steve noted that he was really proud of Vermont when the well shield concept was implemented as it added some science to the process.

Scott asked about revising the notification guidance because it does not cover large or public water supplies that have larger isolation zones than a well for one single family residence. Anne explained that our understanding of the legislative intent was to deal with situations where someone will end up being prevented from building a single family residence because of what a neighbor might do. This will be clarified in the coming legislative session. Anne noted the question is what assumptions are to be used. Do you need to allow for all possibilities of what might be proposed on the neighbor’s land?

Rodney asked if we should define “taking.” Anne said no; that is a legal question.

#### 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.