

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

Attendees: Roger Thompson Anne Whiteley
 Claude Chevalier Gail Center
 Jeff Fehrs Rodney Pingree
 Craig Heindel Don Woods
 Christine Thompson Bruce Douglas
 Spencer Harris Phil Dechert

Scheduled meetings:

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

Minutes:

Gail asked for a description of the Vermont Manual as it relates to the Presby Enviro-Septic System. Roger explained that because each state has different criteria for the use of a particular innovative/alternative technology, many manufacturers like to write a state specific manual that has all of the information needed to use the system in a particular state. There is an existing Presby manual that is out of date and the new one will be a big improvement.

Bruce said he is still looking for the 1985 report he worked on with Marsha Thompson when they were looking into nitrate contamination of drinking water supplies related to subdivision development . Bruce suggested checking with Dennis Nealon, from the Water Supply Division, to see if he has a copy. Rodney will check this out.

Overshadowing Report

Rodney suggested that the document he had circulated related to contamination of drinking water wells from leaking sewerlines be included as an attachment because it supports the concept that a 2 year time of travel is a good barrier to pathogenic viruses. Craig also noted that 2 year time of travel calculation is not always easy as short circuiting through preferential pathways can occur.

Roger reviewed the updates to the table of other state's isolation distance rules. Anne asked if there is any information from other states suggesting they are concerned their isolation distances are insufficient. Roger replied the only thing he knew about was that New York had increased its distances. Craig asked Gail if she might check into what other state health departments are thinking.

Bruce noted that when considering any reduction in isolation distances based on anecdotal evidence that large numbers of people are not getting sick in states with smaller isolation distances, people should remember that with the extensive and frequent rate of travel there is more risk of exposure to exotic diseases than in the past. Bruce noted that we should also mention emerging threats such as pharmaceuticals.

Discussion of What Technically Feasible Means

Roger did a quick review of the document he had prepared to see if anyone had thought of more items to add to the list. It was observed that all of the items on the list are policy calls, rather than technical decisions, and that these items need to be resolved prior to drafting any rule revisions. Anne noted that any decisions are going to be related to future development.

Craig noted that the current first in time approach may be in conflict with a Vermont court decision that indicates that one person's use of groundwater cannot affect a neighbor's use. This concept is included in the current Water Supply Rules under the heading of unacceptable interference which deals with the neighbor's current use of water, but it does not address the potential loss of future access to use of the groundwater.

Craig said that legislator's are going to be frustrated at the difficulty of making decisions about this issue. He speculated they might consider an approach of setting a dollar amount, such as \$10,000, which an applicant must spend to reduce the impact on a neighbor.

The question was raised of what effect does getting a notice of overshadowing have on the property's title. Does the notice have to be disclosed to a future purchaser as a material fact? Act 145 does not require the notice to be filed on the land records.

Phil asked about the waiver process. This will be discussed in the report under several topics related to reducing the isolation distances based on technical factors. Claude asked what is the difference between doing the best fix and new development. The main difference is that when doing a best fix situation there is an existing health hazard and almost anything approved for a repair will reduce the hazard. With new development, there is a new potential hazard and the rules should be designed to minimize the hazard. Claude noted that he and other well drillers have installed many best fix wells, in some cases with much smaller isolation distances than required for new projects, without any evidence of failure and he wondered if there is a point at which anecdotal evidence is sufficient to be a basis for making a technical decision.

It was decided that the report should discuss whether or not there should be a different standard for developing an existing lot than for creating a new lot. Craig suggested that Anne should write a paragraph or two about the public trust concept as it might apply to this issue.

Bruce noted that the Center for Disease Control (CDC) is looking into the requirements for water reuse, such as toilet flushing, which is one technique for reducing the amount of wastewater that must be disposed of. Vermont already has approved projects at Killington's Bear Mountain Lodge and at the Sharon rest area. Jeff noted that he is

working on an addition project with UVM and has at least one other potential application for this use.

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.