

Approved Minutes of the Technical Advisory Committee Meeting
December 14, 2010

Attendees: Roger Thompson Christine Thompson
 Gail Center Gerry Kittle
 Denise Johnson-Turk Spencer Harris
 Ernest Christianson Craig Heindel
 Bruce Douglas Rodney Pingree
 Jeff Fehrs Phil Dechert

Scheduled meetings:

January 4, 2011 1-4 PM Lincoln Room, Osgood Building

Minutes:

The draft minutes for the November meeting were accepted. Gail noted that she thought she was agreeing to check into what the Vermont Health Department is thinking rather than what other states are doing and would not be able to take on the larger task. The Vermont portion is probably the critical part for the report.

Introductions:

Roger introduced Ernie Christianson as his replacement as the manager in charge of the Regional Office Program. Ernie has served as the Regional Engineer in the Essex Office for more than 30 years and will assume his new duties next week.

Subcommittee Membership:

The subcommittee lists were updated. Roger Thompson and Lance Phelps were dropped from the Executive Committee and replaced with Bruce Douglas and Ernest Christianson. Jeff Williams was replaced as an alternate with Claude Chevalier and Craig Heindel was added as an alternate.

Bruce Douglas will replace Dave Cotton on the hydrogeology subcommittee.

The subcommittees for training, drip dispersal, and water treatment systems were eliminated but may be reestablished as needed in the future.

The Annual TAC Report

Craig agreed once again to draft the discussion of TAC reviews and decisions. Roger will assemble the data for the tables related to permits issued, denied, innovative systems approved, etc. Roger will finalize all of the minutes of the 2010 meetings and forward those to Craig.

Mark-up of Overshadowing Report

The remainder of the meeting involved section by section review of the draft report. There were a few specific points that need to be addressed.

Gerry asked about public trust for groundwater. Anne is supposed to write a paragraph or two about how this might be related to our report. Rodney reviewed the recent change in the law which requires registration of groundwater withdrawals exceeding 20,000 GPD and permits for withdrawals exceeding 40 GPM (57,600 GPD). There is a right of action under Section 1410, Chapter 48 of 10 V.S.A. which may be related to the correlative rights concept that was included in the law several years ago.

The Committee decided that there should be a strong statement in section 2.0 of the report that TAC supports the existing isolation distances between water and wastewater systems with a brief summary of the scientific reasons and documentation. This will be expanded on in section 2.2.

The Committee discussed the current first in time approach versus a public trust or correlative rights approach. There was general agreement that while not perfect, the first in time approach should be maintained.

Bruce will provide a few sentences for section 2.1 summarizing the 1985-1986 DEC report on nitrates in groundwater relative to density of soil-based wastewater disposal systems. This might be added as a new paragraph between the existing second and third paragraphs.

TAC concludes that not all overshadowing is significant. In some cases the overshadowing only covers areas that cannot be developed, such as wetlands. In others the adjacent lot is limited as to further development by zoning or other restrictions and any impact would be limited in nature.

A section needs to be added that will cover whether or not the rules should be different for pre-existing lots. The Committee is not generally supportive but will decide once the section is drafted.

Anne was asked to write something about the use of easements or other less than fee simple approaches. Roger sent an email asking for an update but Anne has been out of the office and has not yet replied.

A table will be added that will display each of the topics considered and the TAC recommendation, which may be different for best fix replacements than for new projects or those with an increase in design flow. This table should appear both in the body of report as part of the executive summary. In the text there will also be two bullets for each topic with TAC's recommendation for new and for replacement systems.

The appendix should include specific references to source documents so that anyone wanting review them in detail have easy access.

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, Ernest Christianson, Bruce Douglas

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

Subcommittees

Hydrogeology - Craig Heindel, Bruce Douglas and Steve Revell.