

Approved Minutes of the Technical Advisory Committee Meeting
January 4, 2011

Attendees: Roger Thompson Craig Heindel
 Anne Whiteley Don Woods
 Steve Revell Bruce Douglas
 Justin Willis Jeff Fehrs
 Rodney Pingree Scott Stewart
 Phil Dechert Spencer Harris
 Christine Thompson Bill Zabiloski
 Denise Johnson-Terk Gerry Kittle
 Ernest Christianson

Scheduled meetings:

February 14, 2011	1-4 PM	Lincoln Room, Osgood Building
March 22, 2011	1-4 PM	Appalachian Gap Room, Osgood Building
April 19, 2011	1-4 PM	Lincoln Room, Osgood Building

Minutes:

The minutes for the December 14, 2010 TAC were circulated by e-mail on December 8, 2010. Craig responded with comments from his notes of the meeting that the updating of the various subcommittees should add Ernie Christianson to the Executive Committee as the ANR representative to replace Roger Thompson who has retired from State service and Bruce Douglas so there will be a P.E. (Professional Engineer) on the Executive Committee. Craig also noted that TAC decided he should be added as an alternative member as a backup to Steve Revell in the hydrogeologist role and to add Claude Chevalier in place of Jeff Williams as the well driller's representative.

Craig also provided a specific statutory reference for the Groundwater Right of Action Law. Craig also noted there was agreement to edit the "Overshadowing" Report as follows:

1. Add two bullets at the end of each topic with TAC's recommendation with one for the TAC's recommendation for use with **new projects** and one for use for **best fix projects**.
2. In section 2.0 of the report, not yet written, explicitly state the TAC strongly supports the current isolation distances with a brief summary of the scientific reasons and documentation that is the basis of each decision. Repeat this in section 2.2.

3. Bruce will provide a statement summarizing the 1985-1986 DEC report on nitrates in groundwater relative to density of onsite wastewater systems for inclusion in section 2.1 which might fit as a new paragraph between the current second and third.
4. In section 1.1 or section 3 add a paragraph that concludes that some overshadowing may not significantly affect the neighbor's land use options because the overshadowing occurs in areas not suitable for water or wastewater systems or in areas already developed that are not likely to be further developed.
5. Add section 5.5 addressing whether there should be separate rules to apply to pre-existing small undeveloped lots. Craig said his notes and his memory did not include a specific decision on this topic.

Jeff Fehrs also provided comments. Jeff noted that there had been a TAC discussion about the current first-in-time approach versus a public trust or correlative rights discussion resulting in general agreement that, while not perfect, the first-in-time approach should be retained.

The comments noted above were included in the approved minutes for the December 14, 2010 meeting.

Introductions

Ernie introduced Bill Zabiloski, Assistant Regional Engineer, who works in the Essex Regional Office and also reviews hydrogeologic analyses. Bill will attend meetings in the future that involve discussion of hydrogeological issues.

Annual TAC Report

Roger noted that Craig had done his usual great job of writing the body of the report. Craig asked if his draft comments related to electing or not electing a TAC Chair were correct. The TAC agreed that his draft was correct (a chair had not been elected). Roger noted that the third table in Appendix C needs to have the enforcement information for 2010 added. Bruce noted that the second table has math errors regarding the number of permits denied due to non-compliance. Roger will correct these numbers. The TAC gave unanimous approval to the draft report. Roger, Craig, and Ernie will cover the details of getting the report printed and distributed along with the appropriate cover letters. Craig said he would like to get a hard copy of the report. A few other members also requested a hard copy with the rest preferring to use an electronic copy if they need access in the future.

Overshadowing Report

The draft report was reviewed in detail with many edits for clarity and how to appropriately present the information, decisions, or conclusions. The TAC also considered whether or not to comment on the overshadowing effects related to public water supplies and decided against making any comments on this topic. Ernie asked if there should be some recommendation about the effects of unregulated wells (wells for snow-making, irrigation, and other non-drinking water uses are mostly unregulated). It was decided this is a topic for another day. The TAC considered whether to recommend a change to the Rules that would result in limiting a single family residence to a single water source, except in situations where none of the available sources was sufficient by itself to support the single family residence. This is currently shown as section 6.1 in the report. The TAC gave unanimous support for this rule change.

Scott asked that the report include information about how the term shallow well is used in the report. While shallow well has a common meaning, it is not a scientific term. It was agreed to add an explanation of the term.

Meeting Dates

It was decided to meet on February 15th, March 22nd, and April 19th. Roger will schedule meeting rooms.

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, Dave Cotton and Steve Revell.