

Approved Minutes of the Technical Advisory Committee Meeting
April 19, 2011

Attendees: Roger Thompson Ernest Christianson
Denise Johnson-Terk Steve Revell
Craig Heindel John Beauchamp
Gary Adams Chris Thompson
Bill Zabiloski Bruce Douglas
Spencer Harris Gail Center

Scheduled meetings:

May 24, 2011	1-4 PM	Lincoln Room, Osgood Building
June 21, 2011	1-4 PM	Lincoln Room, Osgood Building
July 19, 2011	1-4 PM	Lincoln Room, Osgood Building

Agenda:

The agenda was reviewed and topics related to the new wetlands program training and the potential of having a list of qualified water treatment designers were added.

Minutes:

The minutes of the March 22, 2011 meeting were reviewed. Craig asked that the first reference to Matt be revised to be Matt Chapman for clarity. Kim Greenwood had e-mailed some proposed changes for clarity which will be incorporated.

S.77 Update:

Ernie gave an update on S.77. Anne Whiteley had forwarded the comments prepared by the TAC Subcommittee to Rep. Deen, Chair of House F+W; Sen. Lyons, Chair of Senate NR; Mike O'Grady, Legislative Council, and Subcommittee Members on April 4th. Bruce said that he had contacted Rep. Krebs and had provided background information on how the TAC had reviewed the existing isolation distances between water supplies and wastewater systems. This review resulted in a recommendation to retain the existing isolation distances. There was some concern by ANR that the statement of TAC concerns had been forwarded to legislative committees by Anne Whiteley, even though the cover message was clear that the positions stated are those of TAC not ANR. Legislative Council and Legislators indicated that the comments were received too late in the process. TAC decided that for the future, similar messages should be forwarded by a member of the TAC Executive Committee and they should be made while a bill is still in

committee where changes can more easily be made than when the bill is on the floor of the house or senate. TAC would like to meet with the DEC Commissioner or his representatives to discuss their relationship. Christine Thompson and Ernie will meet with the Commissioner to discuss his vision of the ability of the TAC to offer comments independent of ANR.

S.77 passed the Senate on April 6th and will move to the House Committee on Fish, Wildlife, and Water Resources. There will be opportunities to amend the bill and Agency and TAC concerns can be discussed with the Committee. It may be possible to add a section that would revise the Act 145 notification requirements so that only the plans depicting the potential impact must be sent to the affected landowners.

TAC discussed the tracking of water quality testing results which is required in S.77. The Health Department will run the tracking system. One question is how reliable the results will be unless the person collecting and submitting the sample is trained and reliable. John noted that the proposed language will not completely protect users because samples taken immediately upon completion may not reflect the water quality after the system has been in use for several months. TAC agrees that S.77 will provide an overall sense of groundwater quality based on the first tests which will be useful but its reliability for a specific water source is somewhat less.

TAC also discussed the issues of using water treatment system and how the disposal of any wastewater from the water treatment system would be regulated under the Underground Injection Control Rules.

1. Fluoride - there is a treatment using alumina that retains the fluoride so there would not be a disposal issue.
2. Uranium - disposal of filter backwash is an issue under both Vermont Groundwater Rules and the federal Underground Injection Control Rules
3. Radium - disposal of filter backwash is an issue under both Vermont Groundwater Rules and the federal Underground Injection Control Rules
4. Nitrate – allow a conditional exemption under the UIC Rules

John noted that in addition to disposal of wastewater from water treatment systems he has concerns about the radiation from filters that retain the radioactive particles. This might be an issue for a homeowner if there is routine exposure to the water treatment system or to those who maintain the water treatment system. Nothing is clearly established at this point but it is something to be considered as more people are likely to be treating for radioactive contaminants as more testing is required.

Ernie said that one member of the House Fish and Wildlife Committee would like to see TAC re-evaluate the well isolation distances. This was reviewed in detail by the TAC and addressed in the report supplied to the legislature in January but the TAC analysis

may not have been sufficiently explained. Ernie will follow-up to see if this still needs to be done or if this issue has been resolved.

Wetland issues:

Ernie said that he had met with Alan Quackenbush who manages the Wetlands Program for the Water Quality Division. At a previous TAC meeting there were concerns that wetlands mapping could not be done in the winter, that wetlands staff will no longer do field mapping, and that no deviations will be allowed within the buffer zone. These issues are a concern if they make installing a best fix replacement septic system impossible or add significant delays to the process.

Ernie actually learned that the Wetlands Program is still doing mapping as a priority for replacement systems, that the evaluation can be done in the winter but additional test pits may be required and that replacement systems can be installed in the buffer zone when that is clearly the best that can be done. Even then, they attempt to protect as many existing trees as possible. In summary, it does not appear that the process has changed in any significant way. Ernie wrote up his notes and sent them to Alan for review. Once there is agreement the notes or a guidance document can be published for use by designer.

List of qualified designers of water treatment systems:

John said and Gary agreed that one problem in dealing with water treatment issues is that few licensed designers, including those who are professional engineers, are willing and able to deal with private water systems. Gail supported this position and said that when she is talking with a homeowner she does not have a good way help people find someone to help them. All three said it is difficult to deal with situations where there is a water contamination problem, and an owner who wants to make improvements, and no simple way to help them get started. The problem is that without any licensing requirement for water treatment designers there is no basis for putting some people on a list of providers while not adding the names of anyone who asks to be listed.

Future meeting dates:

It was decided to schedule meetings for May 24th, June 21st, and July 19th. Roger will arrange for meeting rooms.

Water Supply Rule revisions:

Ernie gave a short report of the work on this issue. Ernie is hoping to quickly complete a complete updating of Subchapter 11 of the Water Supply Rules. Steve asked if this would include looking at technical issues such as peak demand calculations. Ernie said that it would. The goal is to have this be a stand-alone chapter that could be included in the Wastewater System and Potable Water Supply Rules so that designers of private (non-public) water systems would only need to work with one set of rules.

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**
7. Water Supply Rule update **high**
8. Seasonal High Water Table determination for performance based systems **high**

Executive Committee

Steve Revell, Ernest Christianson, Bruce Douglas, Roger Thompson
Alternates – Chris Thompson, Spencer Harris, Claude Chevalier, Craig Heindel

Subcommittees

Hydrogeology - Craig Heindel, Dave Cotton and Steve Revell.

S.77 Issues – Anne Whiteley, Ernie Christianson, Roger Thompson, John Beauchamp,
Gail Center, Chris Thompson

UIC Rules and Geothermal Wells - Craig Heindel, Steve Revell, Roger Thompson, Ernie
Christianson, Scott Stewart, Rodney Pingree, Kim Greenwood

SHWT Monitoring - Craig Heindel, Steve Revell, Roger Thompson, Ernie Christianson,
Bill Zabiloski, Dan Wilcox

UIC Rules and Disposal of Wastewater from Water Treatment Systems –
John Beauchamp, Gary Adams, Roger Thompson, Ernie Christianson,
Gail Center, Jeff Fehrs