

Approved Minutes of the Technical Advisory Committee Meeting
August 23, 2011

Attendees: Roger Thompson Gail Center
 Kim Greenwood Peter Boemig
 Bruce Douglas Ernest Christianson
 Anne Whiteley Rodney Pingree
 Scott Stewart Justin Willis
 John Beauchamp

Scheduled meetings:

September 20, 2011	1-4 PM	Lincoln Room, Osgood Building
October 25, 2011	1-4 PM	Mad Tom Room, Osgood Building

Agenda:

The agenda was reviewed and accepted.

Minutes:

The draft minutes of the July 19, 2011 meeting were reviewed. Roger received some revisions from Jon Kim that will be included in the approved minutes. Gail added that the family that had testified to the legislature about their exposure to arsenic has contacted the Vermont Department of Health complaining about the lack of notification. Gail said that the Department is looking for any good ways to improve their education process. Anne said to add a note that the TAC has begun another full review of the design flow table to bring it up-to-date.

WWMD Reorganization:

Roger said that DEC is reorganizing its divisions. The Regional Office functions, the Indirect Discharge Program, the Underground Injection Control Program, and the Licensed Designer Programs are going to be combined with the existing Water Supply Division to make a new larger division to be known as the Drinking Water and Groundwater Division. Chris Thompson will be the Director of the new division. The Direct Discharge Section and the Residuals Management Section will be combined with the existing Water Quality Division to make the new Watershed Management Division. Pete LaFlame will be the Director. There will be physical relocations of staff to bring them closer to their new supervisory structure.

Brian Kooiker is retiring at the end of the month and will be moving to Michigan immediately thereafter.

Groundwater as a Public Trust:

Kim asked about the status to the Agency response to the Environmental Court Decision that in order to determine whether a groundwater public trust resource was being protected, simply complying with the Groundwater Rules is not sufficient. Anne said that the interim guidance document on how the Department will apply the public trust to groundwater that was circulated for comment included a recommendation of a major update of the Groundwater Rules. ANR Attorney Matt Chapman is working on this and Waste Management Division Director George Desche has the lead on coordination between DEC Divisions on development of regulatory language on the public trust in the Groundwater Protection Rule and Strategy.

Peter asked for a summary of the public trust concept. And Anne gave an overview. The public trust concept comes from English common law. It was originally applied to surface water to maintain the ability to use surface water for transportation. The concept was adopted by courts in the United States. A case in Chicago determined that land that was created by a railroad company by filling into a lake could not just be sold for other use unless the new use had a general public benefit. The Vermont Supreme Court first applied this concept in a case related to the control of lake levels by a mill on Lake Morey. This was also used in rail yard case on the Burlington waterfront where the Supreme Court determined that the filled land was subject to the public trust concept. The Vermont Legislature recently passed a bill that said that groundwater was also held in public trust which was applied by the Environmental Court. The interim guidance was written to help define what DEC would do to apply the groundwater public trust in various permit programs.

Design Flow:

The committee spent a lot of time with a detailed discussion of design flows for various types of stores. One point of concern with the current rules is the concept of small and large drygoods stores and whether a gallons per square foot of floor space approach could be used for all sizes of stores. Ernie said that he had looked at what other states use for numbers but had not found something that covered all of the situations he encounters. Roger said that the existing rules had created a small store category to try and deal with small stores such as gift shops that are run almost as home businesses with only one or two employees and no bathroom facilities provided to the customers. Peter noted that with a stand-alone store with its own water and wastewater systems a minimum design flow requirement, such as 100 GPD, would not be a major burden as the cost of construction would not be reduced much to build a system with a 15 or 30 GPD (one or two employees) design flow. The committee supports a concept that the rules should be based on typical types of uses and sizes and then have the staff and designers use a case by case approach for the more unusual cases.

Now that the committee has spent much of two meetings working on the current draft revisions the committee asked Ernie to update the draft to reflect the work already done and to propose a uniform approach for drygoods stores. Ernie will have this ready for the next TAC meeting.

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