

Approved Minutes of the Technical Advisory Committee Meeting
November 1, 2011

Attendees: Roger Thompson Gail Center
 Cindy Parks Bill Zabiloski
 Rodney Pingree Ernest Christianson
 Scott Stewart Peter Boemig
 Craig Heindel Anne Whiteley
 Mary Clark Bruce Douglas

Scheduled meetings:

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| December 13, 2011 | 1-4 PM | NRCS Conference Room- Montpelier |
| January 10, 2012 | 1-4 PM | Liquor Control Conference Room- Montpelier |
| February 14, 2012 | 1-4 PM | Liquor Control Conference Room- Montpelier |

Agenda:

The agenda was reviewed and accepted.

Minutes:

The draft minutes of the September 20, 2011 meeting were reviewed and approved.

Recovery from flooding:

Ernie said that people have designated spaces but that not all have phones and computer hookups at their desks. Both are supposed to be completed soon. New phone numbers are available for some of the staff and a fax line is on the way. Some of the DEC staff are still working from home or on the road until they have full access available at their new space.

WWMD Reorganization:

Anne said that the NPDES program will be transferred to the new Watershed Management Division which consists of the former Water Quality Division and the NPDES programs. The remainder of the WWMD will be combined into a new Drinking Water and Groundwater Protection Division with Christine Thompson as the Director. This is on hold for the moment while everyone deals with the relocation and all of the work required to clean up after Hurricane Irene.

S.77:

S.77 was the bill that was passed in the last legislative session which would have required water quality testing of all new potable water sources. This bill also included some language to reduce the burden of notifying neighbors when isolation distances from a proposed program extend onto neighboring properties. This bill was vetoed after the end of the legislative session. It appears that the legislature will revisit these issues in the 2012 session and the TAC may want to be involved early in the process. TAC was only involved late in last year's work and was not able to help form and support the bill as much as the members hope will occur in the next session.

Ernie said that he is working with Gail and others at the Health Department to develop handouts that explain the reasons why water should be tested and the Health Department program for doing the tests. Gail said that the Health Department is looking at the impact if a successor to S.77 is passed, particularly with respect to the data management issues. The bill calls for development of a data base of all test results that could start to inform people of geologic areas within the state where various contaminants are frequently found. Gail said that the Health Department Laboratory believes they have the capacity to test the increased number of samples that would be submitted if all new potable water sources are required to test at the time of construction.

Anne said that at least two legislators are looking into the overshadowing issues. They are getting complaints from constituents who get the notice that isolation distances will extend onto their property and then learn that they have no right to prevent this from happening. Ernie said that he has received a few calls from neighboring landowners and must explain that the existing statutory language does not grant any additional rights to the neighboring landowners except that they receive notice. In practice many landowners learn that there is little or no adverse impact from the overshadowing and in some cases landowners have negotiated with the developer to redesign the project to reduce or eliminate the impact. However, when this does not occur the neighboring landowner may be very unhappy. Ernie said that a couple of people have filed a request for reconsideration of a permit which he must deny if the only basis is the overshadowing impact. One of Ernie's decisions has been further appealed, first administratively within DEC and now to the Environmental Court.

Design Flow:

Ernie reviewed the draft that he had circulated earlier. Ernie had updated the draft with the comments from the previous TAC meeting and since then had received a few comments from the Regional Office Staff. Jessanne Wyman had commented about the design flows for the various categories of catering operations. Roger said the transition from caterers with seats to restaurant seating should be adjusted so it would be a smooth curve. Craig agreed, noting that anytime there is an unexpected transitional step in design flows the client always wants to know why and unless there is a good, easy to express reason, it is best to have a smooth progression in the design flow with an increase in use. One suggestion was to remove the proposed categories for catering operations with up to

10 seats and just assign restaurant flows for the seating capacity. This was acceptable to the Committee but Ernie will contact Al Burns at the Health Department to determine how the food licensing program regulates caterers with limited seating to make certain there will be no conflicts between programs.

Peter asked if the pipeline infiltration design flow, which was not proposed to be changed, is still appropriate. Roger said that during an earlier revision he had contacted the Facilities Design Division which permits large municipal wastewater collection systems and was told that even with the changes in construction materials the number is still appropriate. Apparently, even with plastic pipe and modern joints, the system deteriorates with age with the concrete manholes in particular developing leaks over the years.

Bruce and Mary said that in their recent work with failed wastewater systems they realized that wastewater strength is one of the key factors in whether or not a system will fail. They asked if the design flow table should include some factor related to wastewater strength. After some discussion it was decided that wastewater strength is a separate issue from volume of water used and should be addressed in a different area in the rules. It was also agreed that a subcommittee to work on this topic should be formed with Mary, Bruce, Cindy, Peter, Bill, and Roger as members. John Akielaszek, will be invited to join the subcommittee as his Indirect Discharge Permit Program includes wastewater strength as a part of his permitting decisions. Ernie will contact John. Waste strength was added to the topic list, design flows were removed from the topic list, and membership was updated on the subcommittees.

The TAC then gave unanimous approval for the revised design flow table once Ernie adds the changes agreed upon earlier in the meeting.

Drawing Isolation Zones:

Bill had circulated a draft revision to the existing guidance at the previous meeting. Bill said that the goal is to have a process that accurately defines the isolation zone so that a proposed well located anywhere outside of the isolation zone would be approvable. The Committee supported revising the guidance to meet this goal. Craig said that based on his preliminary review the revised language looked good.

Table of Isolation Distances:

The TAC had reviewed and revised this table a year or more ago but Ernie and Anne have made further revisions. Anne said that an updated copy of the proposed changes needs to be circulated to the TAC and the Regional Office Staff.

Next Meeting Dates:

The TAC agreed to meet on December 13th, January 10th, and February 14th. Roger will schedule meeting rooms.

Conditional UIC Exemptions:

Scott asked about the proposed revisions to the Underground Injection Control Rules that would create condition exemptions for some uses such as groundwater heat pump return wells. Anne said that is a task the Cindy has started working on. Cindy will give an update at the next meeting.

Water Supply Rule Revisions:

Scott asked about WWMD feedback on the proposed language related to water storage in the well casing. Ernie said that the proposed language had been reviewed by David Swift and David Webb and is acceptable.

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

Executive Committee

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

Subcommittees

Hydrogeology - Craig Heindel, Bill Zabiloski, 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, Cindy
Parks

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, Cindy Parks

Wastewater Strength - Mary Clark, Bruce Douglas, Cindy Parks, Peter Boemig, Bill
Zabiloski, Roger Thompson, John Akielaszek,