

NOTES OF THE 10/18/01 ON-SITE MEETING AT SWANTON HOSTED BY THE
NORTHWEST REGIONAL PLANNING COMMISSION

About 50 people attended.

Q: Can ANR go back to the old rulemaking process (which starts out with concepts rather than draft rules going out to the public)?

A: This process has really been going on for 8 years with a large amount of involvement by many parties. We need to move ahead on the rules.

Comment: When (a high tech system) fails and the project needs to replace it with a sand filter the owner has to pay for two systems. That should not happen.

Response: The system you reference is a proven system so there should not be failures. If one occurs, the whole system is not replaced, just the treatment part, with a sand filter. That is not a terribly high expense. Use of the new systems is not required. There are simply more options available. If a new system can make an unsuitable site suitable for development, the higher cost of a system may still be acceptable.

Q: How can you be sure that the effluent remains 6" below the surface?

A: The designer can calculate the expected hydraulic flow of the water by means of standard scientific equations related to the specific soil characteristics and slope of the site. It will be imperative that installations be done very precisely and carefully.

Q: How will a small business owner find designers to do this work in this area?

A: The current designers are expected to expand their businesses. The availability of more lots will make more competition and should encourage new designers to work in the area. Site technicians will be able to use innovative designs that are in general use.

Q: Will ANR need more staff?

A: We are regulating more systems. We need to improve efficiency but we will also need more staff. We need statutory changes to complete the revisions to the program to allow the most efficiencies to be gained such as delegation to municipalities etc. We do not expect to get more staff than the additional permit fees will support. Legislative action is needed for the additional positions unless they are taken from other programs in the Department.

Q: Will permit issuance times go down? With a lot more permits, you will need more staff or the times will go down.

A: The current average is 20 days. It is not expected to change significantly. There will be changes to our methods of review to accommodate the new work.

Q: Shouldn't engineers be more accountable for their work?

A: We are making significant improvements in accountability in this rule. We will require certifications of their work, and will refer significantly shoddy work to the

Board of Professional Engineering for disciplinary action. We will have the ability to require engineers to correct the problems caused by poor design.

Comment: You should license installers.

R: We are requiring them to certify their work. We cannot license them without the legislative authority to do so.

Q: What are the requirements for failed systems?

A: Pre-existing lots have no requirements to fix failed systems. Other failed systems are allowed variances to install a “best fix” solution, they do not have to fully comply with the rules.

Q: Why do you require planning for the towns to use the new minimum site conditions?

A: Land use will be significantly affected by the sites that become available for development in marginal soils. Some towns want and need time to adjust their planning and zoning regulations to control where the development occurs. After 5 years the standards are available for use statewide.

Q: Do the rules allow towns to require correction of failed systems?

A: Yes. And failed systems under our jurisdiction can be required to be corrected.

Q: If a community solution is best for cluster systems, is there funding available?

A: Yes. Recent legislation allows municipalities to access State Revolving Funds to help such small systems.

Q: How will you test these systems if they are buried?

A: The high technology systems will require operating contracts to make sure that they are being operated correctly. Designers will have to inspect installations for construction in accord with the plans.

Q: Why do you want to make these changes in site conditions? Are you just responding to developers who want to promote growth?

A: The improved science for wastewater systems has been available for years. Vermonters should not be penalized by not being able to use new kinds of systems just because the standards have always been used for de facto land use controls. In some cases they will create sprawl and in others will work against sprawl. The planning restrictions will allow towns to decide what they want to do about development.

Q: Has anyone thought about giving tax credits when the 10 acre exemption is closed?

A: Towns can make that choice now by deciding on the highest and best use categories. If no development can occur on a parcel, the town can decide to tax it as less valuable land if they choose, similar to the current use program.

Comment: There is a shortage of designers here. It takes 3 months to get a permit (including design, etc.). You will need more staff to make this work. You are too optimistic.

Comment: You should license installers.

Comment: These rules are just as complex as the others. There has been no improvement in the complexity.

Q: What was the feedback on S.27?

A: Those who testified at the legislature generally opposed it. At meetings like this there was far less opposition.

Q: Did you check what other states are doing in this area?

A: Yes. Extensively. Vermont is generally way behind other states in regulating wastewater and water supply systems such as these. The new rules will bring us up to the edge in flexibility. We need statutory changes to extend jurisdiction to systems as other states do.

Q: How many types of systems are in the new rules? Other states allow many.

A: There are those we have now, trenches, beds, at-grade systems, mounds, sand filters. Three new systems have been approved. Holding tanks will be allowed for failed systems as a last resort. The reason to update the rules was to set up a method to get innovative, pilot and experimental systems to be allowed.

Q: How about composting toilets?

A: They are approvable now.

Q: Seasonal camps on tiny lots... Can they become year round?

A: That will depend on a case by case basis. Conversions will require a permit and must fully comply. Failed systems will get a best fix. Pre-existing lots are not regulated.

Q: Is the lot exempt or just as long as the current owner owns it?

A: The exemption or permit runs with the land.

Comment: Closing the 10 acre exemption will drive a lot of development between now and Sept 2002. Discussion of possible mobile homes being moved onto 10 acre lots to beat the deadline.

Q: Is the requirement to have a dual alternating system for flows over 5000 gpd gone?

A: That is the proposal. We believe that for septic tank effluent alternating the system allows the biomat to die off and treatment is lost. For Indirect Discharges there is a two-year time of travel requirement to water supplies, so the benefit of the alternating system is kept, and reduction of pathogens is not an issue.

Q: Why has the minimum septic tank size been increased to 1500 gallons? I think it is a good idea.

A: It will increase the time between pumpings considerably for a nominal cost. More people are using garbage grinders which is accelerating the amount of solids in the system. This will help that situation as well.

Q: What about double compartments?

A: We do not require them. Literature is indicating that there is no benefit in improved effluent quality by the use of two compartments.

Q: Effluent filters?

A: These items work well. They may reduce the BOD going to the septic tank and are effective in keeping debris from going to the leachfield. They are required for pressure distribution systems. They screen out cigarette filters, which are a particular problem in clogging dosing holes in distribution piping.

Comment: One of the engineers spoke in favor of filters.