

Approved Minutes of the Technical Advisory Committee Meeting  
March 15, 2022

**Participation by videoconference**

<b>Attendees:</b>	Michael Mezzacapo	Cristin Ashmankas
	Eric Deratzian	Bruce Douglas
	Carl Fuller	Gunner McCain
	Bryan Harrington	Justin Willis
	Jeanne Allen	Jeffrey Williams
	Jenneth Fleckenstein	Denise Johnson-Terk
	Karen Adams	Sille Larsen
	Mark Bannon	Roger Thompson
	Sheri Young	Steve Revell
	Lisa Stevens	Scott Stewart

**Scheduled meetings:**

April 19, 2022	by Video Conference
May 17, 2022	TBD
June 21, 2022	TBD
July 19, 2022	TBD
August 16, 2022	TBD
September 20, 2022	TBD
October 18, 2022	TBD
November 15, 2022	TBD
December, 20, 2022	TBD

**Minutes:**

Bruce started the meeting with an acknowledgement that the minutes and agenda were late getting to the Technical Advisory Committee (TAC). He said he would send the information at the end of each month so that the TAC would have at least two weeks to review and comment prior to the next meeting.

The minutes were reviewed. The minutes listed the attendees and their credentials and Sheri asked that her certification as a Professional Soil Scientist and the correct name of her company be listed. She also asked that the word average be removed before the word Vermonter when describing non-technical documents to supplement the Wastewater System and Potable Water Supply Rules (Rules). Karen noted an incomplete sentence in Cristin's comments about the cost of I/A systems. The minutes were accepted as amended.

### **Innovative/Alternative (I/A) Systems:**

Cristin opened a discussion of when a Department of Environmental Conservation (DEC) approval, renewal, or withdrawal of approval of an I/A System should be reviewed by the TAC. She asked if approvals, such as products that substitute for traditional methods or products accepted for use as septic tanks or effluent filters, should be done without TAC review. The group suggested that a quick email asking if TAC members had any comments would be a good idea. Justin asked that renewal requests be circulated because Licensed Designers often find areas for improvement in the installation and operation instructions from the vendors. The group agreed that the requirement for annual inspections could be eliminated for some products that do not involve mechanical systems. Justin asked if this could be done in a way that would cover the permits already issued without requiring a permit amendment.

The group discussed the issues for service providers. Some of the less used systems do not have a clear definition of who the vendor is or a good list of service providers. Some of the current approvals call for the vendor to approve the service providers. Cristin said that class BW and Class 1 Licensed Designers are approved to do annual inspections.

Bruce suggested that some products with an I/A approval should be moved into the Rules as a standard system. The group agreed that some systems have proven records and should not need a site-specific review.

Sheri asked that Licensed Designers be notified when any I/A approval is withdrawn including an explanation of why the approval was withdrawn. Justin noted that there should be direction on how to deal with any systems already permitted or installed.

### **Installers and Service Providers:**

Cristin and Bruce said that DEC has applied for a grant to provide training for Licensed Designers and this is a step towards getting support for licensing or certifying installers and service providers

Cristin said that there is an annual training session for service providers and asked if there should be one for designers. Sheri said yes and that there should be continuing education credits for the training.

### **Soil Absorption System Remediation:**

Cristin said that the DEC has been approached about doing remediation work on failed or troubled systems. There has been use of remediation systems that use compressed air or chemicals to loosen the soil or break up the organic accumulation that restricts flow out of the leachfield. None of these systems have been approved for use in Vermont and vendors have been told that approval is needed prior to use.

The Rules allow for some work without a permit. The work is that included in the definition of Minor Repair of Minor Replacement. The definition lists specific repairs or replacements and then continues that the definition can include “any other repair or replacement that the Secretary, on a case-by-case basis, determines to be a minor repair or replacement.” The DEC has not exempted work that involves the interface between the leachfield and the naturally occurring soil around the leachfield.

There are at least two issues involved. While not approved in Vermont, some remediation systems have been used in other states. Part of the approval process for I/A systems is a demonstration of the “reliability and performance for its proposed use . . .” Therefore:

1. Should the approval process include a determination of the amount of function recovered and duration of the recovery that is likely to occur?
2. Should the determination result in approval/denial or in information that the property owner uses to decide the cost/benefit of the remediation?
3. If a particular type of remediation tends to provide only short-term relief, should its use be disclosed to a potential purchaser?

In addition, there may be sites where the existing leachfield is close to neighboring water supplies, the seasonal high-water table, or other features related to public health. Are there situations where the system should be replaced rather than using a remediation system once, or repeatedly, that would allow a continued discharge of wastewater from the leachfield that may endanger public health?

Gunner said that there are situations in which a person should be able to try a remediation. Even if the remediation is a short-term fix, it might help someone through the winter or until money is available for a better solution. Members also said that a Licensed Designer should be involved to decide if remediation is appropriate.

Sheri asked that there be consideration of a process that allows for the reconstruction of a mound type system that was previously permitted. She noted that the current process requires a full permit application and review that is expensive and time consuming. Steve said that a reason for the failure needs to be determined by a Licensed Designer as the first step.

### **Changes to the Rules:**

Bruce outlined general approaches to updating the Rules with immediate, medium term, and long-term categories.

The immediate approach is to move forward with the proposed changes Ernie Christianson prepared either as is, or with limited changes focused on errors or omissions in the existing Rules and changes for clarity. With this approach the formal rule making process, which takes several months, could start in a month or two.

The medium-term approach would focus on separating the Rules into two sections. One section would cover administrative details such as when a permit is required, exemptions to the Rules, the process for reviewing applications, and appeals and enforcement. The other section would be the technical details for site evaluation and system design. The process would include fixing technical differences between the Rules and the Indirect Discharge Rules (IDR) and would make it easier to update the Rules in the future. It is estimated that it would take six to twelve months before starting the formal rule making process.

The long-term approach might include an overhaul of the style of the 2020 draft Rules, a technical and stylistic overhaul of the existing Rules, and a consolidation of all DEC rules that include wastewater dispersal via subsurface systems. It is estimated that it would take two to five years, if all the topics were covered, before the formal rule making process would begin.

Bruce said that there have been comments that the 2019 Rules are hard to follow, partly because of limited training. He also said that he would like to get outreach information regarding the Rules, the IDR, and the Underground Injection Control Rules (UIC) organized and coordinated.

Roger said that the review and preparation of draft rules needed to start the formal rule making process does not have to take several years. If the DEC makes it a priority, and attorney support provided, even a full review could be done in a year, provided that the EPA cooperates in the UIC changes.

Cristin said that the EPA would like to see an update of the UIC Rules. The EPA considers many wastewater disposal systems to be Class 5 Injection Wells that are currently exempt from the Vermont State UIC Rules based on an exemption for wastewater disposal systems regulated under the Rules. The EPA wants to have an inventory of these systems which cannot be easily done with the current Vermont information systems.

The group discussed what changes might be included in the immediate approach. There is an existing draft that Ernie had prepared, most of which have been reviewed and supported by the TAC. Ernie had also included changes for clarity. The group discussed adding changes needed based on two years of use of the Rules since Ernie's draft was prepared. One example is a section in the Rules that requires the sewer line from the tank to the leachfield to be buried 4' deep or otherwise protected that is a change from the previous Rules. The group thinks that this is an error and should be corrected. The group identified other possible changes and Bruce said he would send a request to the TAC members for their suggestions.

Bruce asked the TAC to vote on how they would like to proceed. The first motion was to use Ernie's November 18, 2020 draft as the basis of the revisions. The TAC voted in favor of the motion. The second motion was to allow for other revisions that would be focused on corrections, clarity, and simple technical updates. The TAC voted in favor this motion.

**Money for Repair or Replacement of Failed Wastewater Systems or Potable Water Supplies:**

Bruce said that Vermont has \$1,000,000 available for repair or replacements. He said that the information was made public along with the process to apply for the money. There are already 400 applications that have been filed and many more are expected. The \$1,000,000 will not be enough for all the applications but the DEC is hopeful that more money will be approved. The current focus is on single-family, owner-occupied dwellings with an income limit.

The process for deciding how to allocate the funds has not been established but is not going to be first-in-time of filing the application. It not likely to be 50/50 water and wastewater systems. Sille suggested that immediate the health risks should be the priority. A person without any potable water might have a bigger risk than a person with a surfacing leachfield. Gunner asked if you must have a completed water or wastewater system design prior to applying and Bruce said no. If the applicant has severe financial limitations, the grant can include up to \$5,000 to pay for the design

**Future Actions:**

Bruce will send a request for possible additions to the draft rule update.

Sheri asked that the TAC create a priority list for future meetings.