

Approved Minutes of the Technical Advisory Committee Meeting
June 21, 2022

Participation by videoconference

Attendees:	Cristin Ashmankas	Bruce Douglas
	Terry Shearer	Denise Johnson-Terk
	Steve Revell	Ernie Christianson
	Roger Thompson	Craig Jewett
	Lisa Stevens	Scott Stewart
	Bryan Harrington	Catherine Bryars
	Karen Adams	Jeanne Allen
	Justin Willis	Mark Bannon
	Gunner McCain	Rachel O'Reilly

Scheduled meetings:

July 19, 2022	Virtual
September 20, 2022	Virtual
October 18, 2022	Virtual
November 15, 2022	Hybrid
December, 20, 2022	Virtual

Minutes:

The draft minutes of May 17, 2022 meeting were reviewed and accepted as drafted.

Currently proposed Changes to the Wastewater System and Potable Water Supply Rules (WW Rules):

Bruce is still working on making changes to the 2020 draft. Once these are complete it will be submitted for review by the legal department.

Innovative/Alternative Systems:

Cristin reported that she has received one application that may be ready for Technical Advisory Committee (TAC) review at the July meeting. Bruce noted that because the 2019

Wastewater System and Potable Water Supply Rules (WW Rules) approve septic tanks made with materials other than concrete, these no longer need product approvals under the I/A process. This reduces the administrative burden for the regulators and the manufacturers. Cristin is also working with vendors that failed to request renewal of their approvals in a timely fashion and expects that the expired approvals will be reinstated soon.

American Recovery Plan Act (ARPA) Update:

Bruce said that Governor Scott signed the budget that included \$15,000,000 that can be used to replace or repair existing failed water or wastewater systems. This adds to the \$1,000,000 that was previously approved. This money is targeted for owner-occupied homes and can include up to four residential units. Approximately 1,250 applications have been submitted and 250 have been selected for final review. A site inspection will be made to verify that the existing wastewater system or water supply is failed. More of the existing applications, along with future applications, are likely to qualify for this program. A separate allocation of approximately \$15,000,000 has been made that is targeted at mobile home parks and multifamily housing. An application for this money will be reviewed and if it qualifies, money will be approved to pay for the required design work.

The Department of Environmental Conservation (DEC) estimates that the Regional Office workload will increase by 20% as landowners apply for assistance. Because applications for failed systems, and all of the new work will be for failed systems, these applications will be a priority. The Department is adding two positions for the program for single family residences and is requesting additional positions for other applications. The DEC is also working to streamline the existing application and review process so that resources can be applied to the new work. Cristin said that there is a coming update to the online application form, though there are delays on the part of the IT consultants in completing the project. The new form will flag the applications that are requesting assistance under the new programs.

Short Term Rentals, Campsites, and Food Trucks:

Bruce informed the TAC that the DEC has drafted fact sheets for each of the above categories. These fact sheet use a flow chart approach to help designers and landowners understand when a permit is required and when it is not. The Regional Offices receive a large number of phone calls, and the DEC hopes that fact sheets can reduce this workload so that new tasks can be accommodated. The TAC is very interested in these fact sheets and requested that drafts be circulated to the TAC. In just a few minutes the TAC raised questions that should be addressed in the fact sheets and noted that getting more of the questions resolved before spending time on the legal review might improve the product.

The Variance Process as Related to Holding Tanks:

The DEC frequently deals with applications for replacement of failed wastewater systems on sites with severe limitations. The fallback position for sites with severe limitations is to impose a requirement that a holding tank system be installed. The cost of maintenance and operation can be high for a residential property; therefore, the DEC considers whether one or more variances from the technical standards can be granted that would allow for onsite disposal without creating a significant risk of a public health hazard. The DEC is working on a checklist that would standardize the process. This would help regulators, designers, and landowners move through the application process. Gunner noted that a variance checklist had been reviewed by the TAC many years ago and might have some useful information.

Steve suggested that the design requirements for holding tanks be updated. The current WW Rules, with a requirement that the holding tank have storage capacity for 14 days of design flow, can result in very large tanks. The tank capacity in some cases is so large that a pumper truck would need to make two trips to empty the tank one time. Roger agreed and suggested that agreeing to a reduction in design flows closer to what the current use of the building is an effective way to reduce the size of the holding tank. If the reduced size requires too frequent pumping, additional tanks can be added.

Lake Champlain Basin Grant Request:

Cristin said that a \$200,000 grant request to the Lake Champlain Basin Program has been awarded to DEC for the Regional Office Program to implement'. The grant would support outreach programs for designers, installers, and service providers around Lake Champlain and consider what other actions should be considered to protect the water quality. Ideas include periodic site inspections, periodic septic tank pumping, as well as licensing/certification programs for installers and service providers. There are some installers and service providers who are not doing high quality work and the DEC would like to ensure that installation and maintenance of systems is properly done. Ernie said that installers supported a licensing/certification program if training is provided. Terry said that one proposal discussed with installers was just a requirement to register without any testing or preconditions but that periodic training would be required to maintain their registration. Roger said that the idea of compulsive site inspections and/or septic tank pumping was considered during previous rule updates, but it was decided that it would be more expensive than justified. Craig suggested that a time of sale inspection, such as is required in Massachusetts, might protect potential buyers.

Other Topics:

Bruce asked if the requirement to notify adjacent property owners when isolation distances related to water or wastewater systems extend onto their property is still a big issue for applicants and designers. Craig said that there are often calls to a designer from a neighboring landowner but, with the process having been in place for several years, it is easy to explain that unless there is new information that the designer was unaware of, there is no basis for an official appeal. Terry said that the main issue for the Regional Office staff is that people call before the application has been filed with the State so they can give no opinion. This often results in a request that the Regional Office staff call after the application is filed which is an added administrative burden. Bruce asked if designers and applicants are trying to design systems that do not require notification of neighboring property owners, and Craig said yes.

Ernie asked if the TAC wanted to skip the August meeting as was done in the past to avoid vacation conflicts. The group agreed to skip the August meeting.

Craig asked if the DEC was moving forward with the idea of separating the WW Rules into a technical document and an administrative document. Bruce said yes but that it would be considered in a future rule revision.

Bryan said that he has reviewed the WW Rules in comparison to the Indirect Discharge Rules (IDR) and has drafted some changes to the IDR to help coordinate the two.

Bruce is trying to arrange for Mary O'Leary to attend the July TAC meeting so she can discuss how other states evaluate failed systems and use the variance process for replacement of failed systems.

Prioritization of Topics for future WW Rule updates:

Bruce asked about the topics the TAC should consider next. After a brief review of the priority lists suggested by the TAC and the Regional Office staff, Bruce said he would suggest the next topics in the draft agenda for the July meeting.