

Approved Minutes of the Technical Advisory Committee Meeting

April 18, 2023

**Participation by videoconference**

<b>Attendees:</b>	Cristin Ashmankas*	Sharon Bissell
	Sheri Young*	Cristian Jablonski
	Roger Thompson*	Erin Stewart
	Gunner McCain*	Megan Kane
	Jeffery Williams	Bruce Douglas*
	Kevin Eaton	Jared Willey
	Craig Heindel*	Steve Revell*
	Justin Willis	Jeanne Allen
	Mark Bannon*	Ernie Christianson*
	Frederic Larsen	Jen Fleckenstein*
	Arfaoui Achouak	Terry Shearer
	Sille Larsen	Aaron Brown*
	Brad Fischer	Craig Jewett*

\*Technical Advisory Committee members or substitutes

**Scheduled meetings:**

May 16, 2023	Virtual
July 18, 2023	Virtual
September 19, 2023	Virtual
November 16, 2023	Virtual

**Agenda:**

The proposed agenda was amended to add a discussion of the recent Town of Fairlee ordinance that regulates wastewater systems to the new business section.

**Minutes:**

The draft minutes were amended to clarify which member made comments. Sheri noted that her comment about a 50% reduction in wastewater system size related to Massachusetts rather than Maine. The minutes were accepted with these corrections.

## **Old Business:**

The proposed changes to the Wastewater System and Potable Water Supply Rules (WW Rules) have been approved by the Agency of Natural Resources Secretary and will be sent to the Interagency Committee on Administrative Rules (ICAR) this week. ICAR should review them at their next meeting. The proposed changes are those prepared by Ernie Christianson, from November of 2020. The proposed changes are administrative and minor and therefore should be adopted more quickly.

Bruce is working on the Instantaneous Peak Demand (IPD) suggestions from the IPD Subcommittee. He is also working on draft guidance for attached living units that clarifies §1-1109(d)(2) of the WW Rules.

The omnibus housing bill is under consideration by the Legislature. The section allowing towns to take responsibility for water and wastewater connections to municipal systems is not included.

A recently introduced bill, S.146, directs the Agency of Natural Resources to adopt and implement Anti-Degradation Rules that will protect surface water resources in Vermont. The bill continues to allow wastewater systems of to 1000 gpd, per lot, in Class A watersheds provided they are permitted in accord with WW Rules. The bill states that systems of up to 6500 GPD, in all other watersheds, may be permitted under the WW Rules while larger systems are subject to the Indirect Discharge Rules. The Wastewater program is working with Watershed Management Division regarding how systems which are both: under the jurisdiction of the WW Rules; and are located in a future Class A1, A2 or B1 watersheds, will be addressed in proposed statute and rules. The impact of the Anti-Degradation Rules will not be known until they are developed. Craig J. noted that even if permits are considered to meet the Anti-Degradation requirements there still may be legal action taken unless there is a clear statement of which review process meet the standards.

Craig H. asked if there is a list of proposed reclassifications. There is and the information is available at: <https://legislature.vermont.gov/committee/detail/2024/30>

Sharon and Cristin reviewed the status of the return of delegation from Colchester. As of April 1, 2023 the Department of Environmental Conservation (DEC) is responsible for issuing WW Permits in Colchester. The process of preparing the records Colchester maintained so they can be placed on the DEC website is proceeding rapidly. Items such as copies of checks, and Social Security numbers are being removed before publication of the records. A large portion of the records will be published soon. The records also remain available through the Colchester website and the Regional Office staff can provide the records for a specific project. There are still a few records that Colchester will send to the DEC. The entire process should be completed within a few weeks.

The new electronic application is currently being tested and should be ready for use by May 1<sup>st</sup>. There will be training in using the new application and there will be a short period when either the existing or the new application form can be used. Ernie asked if paper plans can still be submitted to accommodate Licensed Designers without electronic technology. Sharon reported that no paper plans are being submitted, though about 20% of payments are still made with checks. Bruce noted that the DEC is moving to add electronic applications for other programs. Cristin said that the WW Permits are currently the only program where all applications are filed electronically.

Bruce outlined the process for a full update of the WW Rules. The process will start in 2023 and is scheduled for completion in 2026. The TAC will be involved in the various steps in the process. Craig J. mentioned that there should be close coordination with the Water Supply Section and that a general permit approach might cover some types of projects. He also said that it might work to have a rule with separate technical standards such as the Stormwater rules.

The request for all appointments to the TAC has been sent to the Governor's Office.

Bruce asked about whether the TAC meetings should continue to be held monthly or if meeting every two months might be more effective. Sheri suggested that if more of the work is done by small sub-committees, fewer full group meetings would work. Steve and Jeff both thought bi-monthly meetings would be good. Bruce suggested that the TAC meet in May and then in July, October, and November, which was approved.

Bruce suggested using a Survey Monkey Poll to determine priorities. Sheri suggested that the poll go to all designers which Gunner supported. Roger suggested that this not be a list for 2023 but an overall list of things for the next full revision of the WW Rules. Bruce can then select things that should be considered first, particularly any items that can be resolved with a guidance document approach.

### **I/A Systems:**

Cristin said that two updates related to the GeoMat™ system have been issued. One is a renewal of the approval of the system as a dispersal system. The other is an approval for combined use as a filtrate treatment system and a dispersal system. Most of the requests for approval renewals have been submitted in time for the May 1<sup>st</sup> deadline.

### **Local Ordinances:**

The recent adoption of an ordinance related to the location of soil-based wastewater systems by the Town of Fairlee was discussed. This may conflict with State Statute that requires statewide uniform rules. Bruce said that this is under discussion with DEC attorneys along with the ordinance adopted a few months ago by the Town of Burke. The Fairlee ordinance is an attempt to protect Lake Morey from elevated levels of phosphorus that cause excess plant growth. Roger asked if it has been determined that the problem in Fairlee is related to septic

systems. Craig H. said that it is likely legacy phosphorus and that studies show that this is generally not caused by septic systems. The Vermont Lakes and Ponds program has found that applications of alum have been an effective treatment. Lake Morey was treated successfully a few years ago and may be ready for a reapplication of alum. Steve said that he had been required in one case to get a conditional use permit for a replacement wastewater system that seemed to be beyond what the WW Rules required.

### **New Business:**

Bruce was contacted about the use of ground glass in lieu of natural sand. Several thousand yards of material can be generated per year from the waste glass that is currently collected each year. The DEC Solid Waste Division asked if the ground glass could be approved for use as mound sand if the particle size meets the WW Rules. Sheri said that there is a lot of contamination with plastic materials. Cristin said that microfibers are also a concern but that septic tank effluent already has these contaminants so the glass contamination may not be the limiting concern. Craig suggested contacting other regulators and Sheri said that the University of Rhode Island has worked on this issue.

Bruce reported that one contractor mentioned that because labor is so scarce and expensive that he is willing to use a more expensive system that requires less labor for the installation.