

Approved Minutes of the Technical Advisory Committee Meeting

September 19, 2023

**Participation by videoconference**

<b>Attendees:</b>	Cristin Ashmankas*	Bruce Douglas*
	Scott Davis	Sheri Young*
	Roger Thompson*	Gunner McCain*
	Steve Revell*	Cristian Jabolonski
	Craig Heindel*	Jeanne Allen
	Frederic Larsen	Ernie Christianson*
	Julia Beaudoin	Justin Willis*
	Carl Fuller	Megan Kane
	Tom DeBell*	K. Osborne
	Denise Johnson-Terk	Sille Laren*
	Mark Bannon*	Jared Willey*

\*Technical Advisory Committee members or substitutes

**Scheduled meetings:**

November 16, 2023	2-4 PM	Virtual
-------------------	--------	---------

**Agenda:**

The proposed agenda was accepted with additional topics for installer training and the Act 250 statement in the new online application form.

**Minutes:**

The draft minutes of the July 18, 2023 meeting were accepted as drafted.

**Updates:**

Bruce said the Legislative Committee on Administrative Rules (LCAR) will be held on Thursday, September 21<sup>st</sup>. Steve is not able to make the meeting, but Gunner will be there. Michael O’Grady, Legislative Counsel, had a question about the changes related to the depth to bedrock below a leachfield but Bruce was able to clarify to his satisfaction. The use of he/she has been changed to they per current State of Vermont usage.

Cristin reported that the Ecojohn® application for whole house use has some opposition. The Air Quality and Climate Division of the Vermont Department of Environmental Conservation (DEC) is concerned that the system works by incinerating the wastewater. The fuel consumption for a system that will treat up to 300 gallons per day of wastewater may be up to 10 gallons of propane or natural gas per day.

Premier Tech has submitted additional information about the material used in their biofilter system. This will be ready for discussion by the TAC at the next meeting.

Cristin reported that a grant from the Lake Champlain Basin Program will be used for training. Training for wastewater system installers will start this fall with one workshop followed by two more in the spring. Licensed Designers will be contacted and encouraged to pass the information along to the installers they work with. Cristian asked if the training would allow installers to do installation certifications. Cristin said that the Wastewater System and Potable Water Supply Rules (WW Rules) currently allow installers to do installation certifications of systems that can be designed by Class A Licensed Designers and a WW Rule revision would be needed to expand what an installer could certify. There will be at least two workshops for service providers. Bruce said his goal is to have service providers that can service many different systems, so that there are enough service providers to meet the need for the annual, or more frequent, inspections of advanced treatment systems. The DEC is also considering a certification or licensing approach for installers. Cristin noted that certifications can be issued by any educational unit, but licenses need legislative authority. Cristian said he would support licensing installers. Sheri said some installers she works with are not interested. Cristin said installer training would be held in Killington and in Johnson.

### **Old Business:**

Bruce is still working on the Instantaneous Peak Demand (IPD) Guidance document. It will allow for the use of updated approaches for calculating the IPD and for performing well capacity testing.

A guidance document defining the requirements to meet the attached dwelling exemption related to IPD was released. The exemption is §1-1109(d)(2) of the WW Rules. Some Licensed Designers were disappointed that they were not consulted during development of the guidance. A second guidance document was issued related to the fees for replacement areas. These will soon be posted online.

The update of the Indirect Discharge Rule (IDR) is continuing. The IDR group is working on clarifying that the use of Septic Tank Effluent Pumping (STEP) systems is permitted under the IDR. Craig asked about the proposed anti-degradation amendments and Bruce said that

they were not adopted in the past legislative session. Bruce said he testified at a committee hearing that the existing IDR is among the most restrictive in the country.

Nate Kie is the new supervisor in charge of the Indirect Discharge and Underground Injection Control Programs. Nate led the Underground Injection Control program and has four years of experience with the IDR program.

Bruce said that work on new fact sheets oriented towards landowners is ongoing. He hopes they can be issued this fall.

The Town of Fairlee adopted an ordinance related to septic systems for expansion of use of existing lake front properties. The rule requires that replacement wastewater systems be at least 150' from the lake shore. The DEC reviewed the rules adopted by Fairlee and determined that they do not comply with §1-103 of the WW Rules that prohibit wastewater rule adoptions by municipalities. Fairlee will apparently revise the ordinance to comply with the WW Rules.

#### **New Business:**

In response to the flooding this summer, the Federal Emergency Management Agency (FEMA) is helping people displaced by flood damage. There were about 200 people needing assistance with about 50 to 60 still needing help. FEMA will provide temporary, 6 to 18 months, of housing. FEMA has a fleet of mobile homes, with various models to meet the climate needs of a particular location, that can be used. These may be in existing mobile home parks or on the parcel with the damaged house. The Governor's Office is using emergency authority to allow for immediate connection to existing water and wastewater systems. If new water and wastewater systems are needed, permits will be required. There is a focus on actions to minimize damage related to the effects of climate change. While much of this is on energy conservation, some is focused on relocation from flood prone areas. Sheri noted that few people will move unless there is a financial incentive available.

Legislative action (S.100, Capital Home Act) in the past session requires the Agency of Natural Resources to review and update regulations for connections to municipal water and wastewater systems. The goal is to reduce duplication of efforts at the town and state level and to minimize the cost of permitting.

Craig asked if this can also include larger shared systems that are not connected to municipal systems. Bruce said the legislative requirement is to address municipal connections, but the hope is to use a similar approach to address systems with either, or both, onsite water or wastewater.

Bruce is working on a strategy for addressing major topics in the next WW Rule update. This will be an extensive review, beginning with reviewing the statutory purpose of the rules. Bruce asked if the current WW Rules are comprehensive enough or should there be more land management such as lot sizes included. Gunner and Steve said the existing WW Rule is sufficient. Sheri said the application process can be improved and the easier it is for applicants

the better. Craig said the DEC is doing a good job with the applicants coming into the system. Towns might add a requirement to their zoning regulations to ensure that needed State permits are obtained prior to construction.

Sille said that shallow wells are not covered as well as they should be. People are adding unlicensed treatment systems for arsenic because the installation of water treatment systems are not regulated. Tom said that old dug wells and old water systems are the most problematic because they are generally not entered into the Vermont Department of Health database.

Roger asked if some towns are choosing to ignore the need for state permits. Cristin said that some towns seem to be unaware of the need for state permits. Some towns appear to be adding requirements to local permits related to wastewater and water supply systems. Cristin will do a mailing letting towns know that they cannot impose additional requirements.

The increasing use of alternative, particularly advanced treatment, systems was discussed. Bruce thinks there is a need for an extra fee for the review of these systems because the regional office staff, supported by the central office staff, often do a more extensive review of the application. Craig said that the DEC is doing a good job with the Innovative/Alternative (I/A) systems. Ernie noted that the changes in the WW Rules and approval of more I/A Systems has made development in Addison County easier. Bruce said that the Lake Champlain Basin Project is looking at the hydraulic properties of clay soils to learn if better understanding of the hydraulic capacity of clay soils can result in additional approvable sites for wastewater systems.

The system to support replacement of failed water and wastewater systems was discussed. Craig, Gunner, and Steve said the system is doing well and allowing cost effective replacement systems. Steve noted that careful consideration of micro-topography and soil structure is very important for replacement systems on difficult sites. More flexibility should be allowed. The presumptive allowance of a 4" reduction in separation to the seasonal high-water table (SHWT) is too restrictive. Sheri asked if the flexibility is limited to fixing unpermitted systems or if it can be used for replacing previously approved systems. Bruce said it applies to both where variances are allowed. Sheri said that a minor permit approach for repairing failed systems, particularly reconstruction of mound systems, would save application money and allow the repair construction to start sooner.

Mound sand cost was discussed. Sheri reported that a mound system in Addison County she worked on cost \$60,000 because of the cost of trucking sand a long distance. Gunner said that in his area the cost was closer to \$30,000. Sille asked if the mound sand requirements could be changed to allow for a wider range of sand textures. Sheri said that existing mound sand should be reuseable in some cases. Cristin said that because some areas are lacking in approvable sand, manufactured sand may be approved.

Increasing reliance on the private sector was also discussed. Craig said that if there is more reliance on the private sector there will be a need for more licensing, something that the

legislature has not always supported. Cristin said that anyone the State requires to go to the property should be licensed. In addition to Licensed Designers, installers and the service providers that do the operating inspections of advanced treatment systems should be licensed. Roger said that even with licensing, oversight is needed to ensure quality control. Sille said that she still receives water system applications from licensed designers that are deficient. Tom said that there are complaints that some licensed well drillers do not properly disinfect wells after construction. Sheri said that there needs to be more training of water system designers.

Delegation of permitting to municipalities under the WW Rule is allowed. Colchester and Charlotte were approved for delegation many years ago, but Colchester has withdrawn its delegation. Ernie said that he had discussed delegation with a few towns, but none had pursued delegation.

Mound sand was also discussed. Ernie asked if crushed glass was being considered. Bruce said there is a large supply of glass available. The glass can be crushed and sorted to get the correct particle size though contamination with other materials can be an issue. Bruce wants a careful review before allowing widespread use. Craig supports looking at glass but warns against allowing smaller particle sizes than currently approved. Sheri said that consultation with the Solid Waste Division should be done to ensure that the glass is not considered to be a waste product, rather is an approved reuse. Justin said that the mound system sand used in Chittenden County mostly comes from the Town of Johnson. He said that when a small, local pit has some sand that meets the mound sand specifications a large contractor can quickly consume all of it.

Sheri said that the Act 250 statement in the Permit Navigator System needs revision. Cristin said that the Permit Navigator App. is controlled by a contractor that is slow to make changes. Sille said to push the use of the Permit Navigator application to decide if an Act 250 Permit is needed.

Cristian asked how the passage of H.100 affects Licensed Designers. Bruce said that the bill makes changes in what zoning ordinances can require so that denser development can occur, but it does not change the need for a State permit.