

Approved Minutes of the Technical Advisory Committee Meeting

October 15, 2024

Participation by videoconference

Attendees:	Sille Larsen*	Bruce Douglas*
	Craig Heindel*	Sheri Young*
	Ernie Christianson*	Gunner McCain*
	Roger Thompson*	Tom DeBell*
	Steve Revell*	Craig Jewett*
	Terry Shearer	Cristin Ashmankas*
	Jared Willey*	Julia Beaudoin
	Frederic Larsen	Kevin Eaton

*Technical Advisory Committee (TAC) members or substitutes

Scheduled Meetings:

All meetings are scheduled as virtual meetings.

November 19, 2024 2-4 PM
December 17, 2024 2-4 PM

Agenda:

The proposed agenda was accepted as drafted.

Minutes:

The draft minutes of the September 15, 2024 meeting were accepted as drafted.

Updates:

The restructuring of the Drinking Water and Groundwater Protection Division is underway. The plan is to have three programs: Water Supply, Wastewater and Administrative Services (including water supply administration, and the following elements of the wastewater programs: compliance, operations, public outreach, and logistics). A new program manager position was created by reallocating one of the Regional Office Administrative positions. This

program manager will report to the Division Director. All the administrative staff for the WW Program will now report to Cristin. Sharon continues to coordinate the administrative work for the Regional Office programs. The current Compliance section will continue to work with Regional Office permits, with Underground Injection Control (UIC) permits, and with Indirect Discharge Rule (IDR) permits. The compliance work for Public Water Systems will remain in the Water Supply Program. Within the Wastewater Programs, the new Technical Services Section will deal with soils, hydrogeologic work, and Innovative/Alternative systems for the Regional Office, UIC, and IDR work. Dave Swift will move from the Compliance work to the Technical Services Section doing hydrogeologic, innovative/alternative, and soil reviews and complex technical reviews while reporting directly to Bruce.

Innovative/Alternative (I/A) Technology:

Bruce said that the following 4 applications are under review. The Enereau™ Systems Group is requesting approval of their membrane bio-reactor system as an advanced treatment system meeting filtrate effluent standards. The IMET Corporation is asking for approval of its IMET® aeration system that can be installed in a septic tank to control odors and to remediate failed systems. The Oakson Company is asking for approval to use its Perc Rite® as an effluent dispersal system. The Wasted Earth Company is asking for approval for its urine diversion, off-grid, composting toilet system. TAC members asked for a slide listing I/A technologies under review for future TAC meetings.

Rule Update Discussion on Permit Triggers and Exemptions:

Tom asked about well deepening and hydrofracturing. The definition of minor repair includes well fracturing (§1-201(63)(B)(vii) which is allowed under permit exemption §1-304(10). Well deepening is covered under exemption §1-304(19) provided the water quality is tested and it meets standards in §1-1113(b) and (c). Exemption §1-304(17) that allows for the replacement of a water supply serving only one single-family residence on a lot with no other buildings or structures, and with no campground allows well deepening. Silie noted that a well driller's report is needed for deepening of a well. The exemptions apply only to non-public water systems. Tom asked if water quality must be done after the fracturing or deepening. Per §1-304(19) deepening a well requires water quality testing prior to consumptive use. Per §1-201(63)(B)(vii) hydrofracturing is a minor repair and water quality testing, though a good idea, is not required. Tom asked if springs are potable water sources and Bruce replied that they are if they are connected to a building.

§1-302 which exempts reconstruction of some buildings was discussed. The DEC is reviewing the issues around the deadline for reconstruction of buildings and structures that comply with §1-303 which is currently 4 years with a possible extension of up to 5 years. Buildings or structures constructed in compliance with a permit issued after January 1, 2007 may be reconstructed in compliance with that permit without a time limit.

§1-303, the “Clean Slate” Exemption, was reviewed. Bruce asked about the language in §1-303(b) that allows for the exemption if the building was not unoccupied for more than 180 days in a calendar year. The TAC agreed that if the building was occupied for more than 180 days in any calendar year between December 31, 1986 and December 31, 2006, it qualified for the exemption. The TAC recommends that the language remain as it is.

Gunner asked if §1-304(3) which allows for construction of a primitive camp on a lot that is vacant or occupied with only one single-family residence should be revised to allow for more than one single family residence. The TAC recommends keeping the existing language.

§1-304(9) which deals with boundary line adjustments was discussed. Boundary line adjustments allow transfer of land from one or more lots to one or more other lots. The transferred land is combined in a reviewed property deed so that the total number of lots is the same after the transfer as before the transfer. If the transfer is limited to moving land from one lot to another lot without making any counter balancing transfer, the donating lot qualifies for the exemption as long as no more than 2% of the lot is transferred. The question was whether the 2% reduction in size of a lot was met when larger amounts of land were transferred but land is transferred in both directions so that both newly configured lots are no less than 2% smaller than before the transfers occurred. Ernie said that when the exemption language was created it was intended to apply only when less than 2% of any lot was transferred to another lot regardless of any counter transfer of land. Gunner and Roger thought that the exemption can apply as long as the resulting lots are both within 2% of the original size.

§1-304(6) allows for a subdivision exemption when the resulting lot will only be used for cell towers, solar panels, wind turbines, or telephone switching stations. Bruce suggested that, at a minimum, power substations should be added.

§1-304(23) was reviewed and it was suggested that a note be added that water treatment wastewater can also be disposed of in a drywell or other leaching system under an exemption in the Underground Injection Control Rules. Jared supported this noting that any addition of salt to a septic tank can cause problems. The TAC supports this approach. Sheri suggested that the condensate water from propane furnaces, which is often treated for pH because of its acidic nature, should be allowed to use the same discharge method. Craig J. asked about allowing surface discharge as well.