

Approved Minutes of the Technical Advisory Committee Meeting

November 19, 2024

**Participation by videoconference**

|                   |                 |                     |
|-------------------|-----------------|---------------------|
| <b>Attendees:</b> | Megan Kane      | Bruce Douglas*      |
|                   | Steve Revell*   | Jared Willey*       |
|                   | Roger Thompson* | Ernie Christianson* |
|                   | Sheri Young*    | Frederic Larsen     |
|                   | Kevin Eaton     | Craig Heindel*      |
|                   | Terry Shearer   | Catherina Narigon   |
|                   | Sille Larsen*   |                     |

\*Technical Advisory Committee (TAC) members or substitutes

**Scheduled Meetings:**

All meetings are scheduled as virtual meetings.

December 17, 2024 2-4 PM To be confirmed, if needed.

**Agenda:**

The proposed agenda was accepted as drafted.

**Minutes:**

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

**Updates:**

Bruce reported that the Regional Office restructuring is moving forward. The revised job descriptions for Cristin Askmankas and David Swift were submitted review and classification. Cristin's has been approved. Bruce said that recruitment for a new Program Manager position will start soon.

**Innovative/Alternative Systems:**

There has been no activity that needs Technical Advisory Committee (TAC) review.

## **Rule Update Discussion:**

Bruce said that the discussion would cover the administrative portion of the permitting process and the section on delegation to municipal authorities. Bruce noted that some of the permitting process is covered by statutory language while some is controlled by the Wastewater System and Potable Water Supply Rules (WW Rules). Craig H. asked if the discussion is limited to the WW Rules or includes other Regional Office Programs. The discussion is limited to the WW Rules. Bruce asked if there are any comments about how the current process is working. One suggestion is to consult with the Regional Office staff to see if applicants find the WW Rules to be confusing or unreasonable.

Bruce asked about the requirement that the onsite water and wastewater system locations be flagged. The TAC thinks this is a reasonable requirement. Sheri said that the flags are removed during the site clearing process and need to be replaced prior to beginning system construction. Bruce said that it is sufficient that the flags are present during the review process and for the construction process.

Bruce asked if there is any need to rework the water and wastewater allocation approvals from municipalities. The TAC thinks the present process is good.

Bruce noted that an applicant can withdraw their permit application at anytime. They can refile the application at anytime. The application fee will be returned if the withdrawal request is made prior to beginning the technical review.

The requirement to notify neighboring property owners whenever the required isolation distance extends onto the neighboring property was reviewed. The isolation distance may affect the construction of water and wastewater systems on the neighboring property. This impact on neighboring properties has existed since the beginning of state regulation of water and wastewater systems. The requirement to notify is mandated by statute. This requirement results in many time-consuming calls to the Regional Office staff. Neighbors are sometimes frustrated that they have no authority to prevent the isolation from extending onto their property.

Bruce asked about requiring that the systems be designed to keep the isolation on the applicant's property. The TAC has discussed this several times in the past and issued a report that is available at:

<https://dec.vermont.gov/sites/dec/files/dwgwp/rotac/pdf/2011.01.15.tacovershadowingrep.pdf>

The report recommended maintaining the status quo that is based on a first-in-time approach.

Sheri asked about alternatives to certified mailing requirements. The process adds some days to the process and is somewhat expensive. E-mail notification would be useful though not all people have e-mail capacity.

There were no comments about Appendix A.

Bruce said that he is working on standard language to be used when issuing the denial of a permit application. It is important to have consistency among the Regional Offices.

Municipal Delegation was discussed. Two towns had taken the delegation authority many years ago, but both have returned the delegation to the state. This was primarily because the cost of administering the program was a more than what was generated by the application fees.

Bruce said that the municipal connection stake-holders group has met four times. They are considering a process where municipalities would issue permits when a project will be connected to both municipal water and wastewater systems. One possibility is that the municipality would do the permit review, and the State would do an administrative issuance so that there would be consistent record keeping and public access to an online database. Craig H. asked if Fire Districts would be considered to be a municipal authority. They would be and could take delegation if they covered both water and wastewater. Ernie asked about how this would affect fee revenue. It would be an issue if there is a reduction in revenue without a proportionate reduction in State workload. Kevin said that something in the records should make it clear that the delegated town is responsible for the technical review.

§1-302 related to reconstruction of buildings that have been removed or destroyed was reviewed. Bruce said that the time for reconstruction could be extended from 4 years to 5 years in certain circumstances, but that it could not be extended beyond 5 years.

#### **New Items:**

Bruce reviewed the status of the Lake Champlain Basin Program study of wastewater capacity of clay type soils. A request for proposals has been issued.

The DEC study of mound sand availability has not been completed. The person doing the work left for another position. The possibly use of glass that is crushed and sieved to mound sand specs was reviewed and one organization is working on it. Craig H. said that a report should be issued and asked if there are funds available to hire the departed worker to complete the report. Bruce will check this.

Steve said there are reports that the sand used in bottomless sand filters is difficult to find and very expensive. Bruce said that the sand specifications should be reviewed to determine if it is possible to make the standard more permissive. Steve said that using the C-33 would help. Sheri noted that sand is hard to find in her area and that it is being trucked in from New York or

Danby. The sand from New York is \$40 per yard at the pit. There are reports that single family home mound systems cost \$60,000 to \$70,000.

Innovative/alternative systems were discussed. Jared noted that there is consolidation in the industry with smaller companies being purchased by larger companies. Some of the systems approved for use in Vermont cost \$4,000 to \$5,000 more than in Rhode Island. Jared also said that concrete tanks are more expensive in Vermont than in some other states.

Sille said there should be cooperation between Licensed Well Drillers and Licensed Designers so that proposed well sites are in suitable locations for drilling. The TAC agreed that training would be useful. Bruce reported that Jeff Williams is trying to have well drillers provide a training session. Sille also noted that actual well locations are often significantly different than where reported. Craig H. said part of the problem is that well drillers are not using high resolution equipment and sometime just use the application on their cell phone. There should be a standard created so that the results would be reliable. Sheri said that she has tried to correct location data but it is not easy to get the records updated. If there was an easy way, designers might make more corrections.

Bruce asked about secondary restraint protection for septic and other tanks. This can protect against unexpected failure of the riser cover. Some states have already added a requirement. Sheri is specifying this on her plans and Jared reported seeing some during maintenance inspections. Craig H. supported the use of secondary restraints. One version is made by Polylok® for their 24" plastic risers and is available for less than \$50.