

APPROVED MINUTES OF TECHNICAL ADVISORY COMMITTEE MEETING
OCTOBER 22, 2002 (FIRST MEETING)

Members present: Steve Revell, John Forcier, Gary Fern, Spencer Harris, Lance Phelps, Philip Dechert, Kimberley Crosby, Bernie Chenette, Barbara Willis, Gail Center, Roger Thompson, Gerry Kittle, Craig Heindel, Dave Cotton, Kimberly Kendall, Rodney Pingree

Members absent: Jeff Williams, Allison Lowry

Others attending: Anne Whiteley, Marilyn Davis, Christopher Recchia

Future meeting schedule:

November 5, 2002 1:00 p.m.-4:00 p. m. discussion of the licenser designer categories and the hydrogeological chart.

November 19, 2002 12:00 p.m.-2:00 p.m. Appalachian Gap Room, Cyprian Learning Center, Waterbury, VT

December 2, 2002 1:00 p.m.-4:00 p.m. Appalachian Gap Room, Cyprian Learning Center, Waterbury, VT

December 17, 2002 1:00 p.m.-4:00 p.m. Appalachian Gap Room, Cyprian Learning Center, Waterbury, VT

Minutes:

After the welcome and introductions, Roger Thompson gave a status update on the innovative system review process. Frank O'Brien has been hired as the Innovative Systems review engineer and will be splitting his time between the Innovative review position and the Indirect Discharge Section work until the ID section can refill his old position.

Commissioner Recchia arrived and spoke about the results he would like to see from Committee's work. The department is committed to complete the revisions necessary to expand the licensed designer classes as the statute provides as soon as reasonably possible. Chris would like to submit the draft rule to the Legislative Committee on Administrative Rules by late January. He then asked : What can the Department do to make this successful?

Dave Cotton asked what the Department's plans for continued updating of the rules. The Commissioner indicated that the Department is also committed to update the rules periodically as necessary to incorporate current science. The Committee is appointed for 4 years and can assist by letting us know where the uncertainties and inconsistencies are and help us delineate the appropriate balance between risk

management, public health and environmental protection and development needs. He reiterated that we want to complete the licensed designer revisions early next year, by end of January if possible.

John Forcier noted that as a member of the Education and Implementation Committee he sees an overlap between the committees' work on implementation, education and training and wanted to know if the former TAC work on the chart to be used in determining hydrogeological analyses had been made available to the Regional Office staff. Other members stated that they were using it as guidance in submitting information and that the RO staff should be familiar with it and use it also.

Chris mentioned that a good part of the information from the report was put into the revised rules. Members of the former TAC Committee noted that the report was a good compilation of what various members of the Committee were thinking but that there was no "agreement" on all the final issues. Roger noted that there was not time to finalize the Table and incorporate it in the rule, however the TAC can work on that now and perhaps get it usable as guidance, eventually to be in rule.

It was noted that the old report was a "political position statement" and that not all the positions could be incorporated into the rule. The members wrote up the presentation on the items they were most passionate about, and a revised document may not make the same conclusions as were presented in the old report. The Committee asked for copies of the old reports to be provided to all the members.

Chris noted that the report to the legislature must include quite a bit of "beancounting" that the Department does as a matter of course. He would like this Committee to focus on giving assistance on clarity and scientific criteria rather than creating the data.

John Forcier reiterated that there is a lot of confusion and many engineers are backing off and not working on projects because of the confusion. He indicated that the first agenda item (Is there a need to reevaluate the minimum site criteria) is incorrectly stated. The issue is not that the engineers want to change the minimum site criteria, but that engineers want the Regional Offices to more readily accept the engineer's evaluation of the significance of soil mottling and whether it is indicative of the seasonal high water table. A hydrogeologist noted that he is using the Table from the former report to make his evaluations and the Regional Office is not familiar with it.

A discussion of the Addison County site visit in August ensued with the final result that it was felt that both perceptions noted above had been presented at the site visit, and since, but now we must move on to find the appropriate resolution of the issues. The Commissioner indicated that Regional Office staff is being given guidance on how to review a project giving increased reliance on the engineer's proposal. If the factual evidence supports the engineer's claim and reasonable assumptions are used, then a permit will be issued on that basis. We also agreed that there may be steps to take to define scientific criteria to support a change in the minimum site conditions but that it is a

very complex issue. The mathematics may not support what actually happens in the field due to the effects of extremely good construction practices or other variables such as low operating flows improving system performance.

The Committee agreed that it would be useful to monitor some existing sites in poor soils next spring even though the results may not provide definitive answers. The program at a minimum should require metering of flows and weekly checks on whether the systems are surfacing. There should be enough sites to represent various soil types and slopes in the Addison County area.

John Forcier noted that the Agency's field test for soil identification will be 11/13 and that another is planned in the spring. He is working with a NH engineer to present a day's refresher course in soil identification and hydrology. The Regional Engineers will be invited to attend.

The Committee talked again about the difficulty in designing a monitoring program that will give useful data due to complexities in extrapolating from low flows to design flows, peak uses on occasions versus high daily uses close to design flows etc. An old study done by Stan Corneille was mentioned that collected data on hundreds of systems yet was not able to draw good conclusions.

It was repeated that much soils analysis is a gray area rather than black and white and that Regional staff needs to adjust to relying on the engineer's professional judgment in those situations. Anne reminded the Committee that the engineer is not certifying that the system will never surface. The certification is that the system is **designed to keep the effluent six inches below the ground surface** taking the seasonal high water table into account. The six inches design factor is the margin that the former TAC thought was appropriate so that effluent would rarely surface because of unusual outside influences. Anne noted that if a system fails, the reasons for failure will be investigated and may be determined to be construction or operations related rather than design related.

Dave Cotton mentioned that the soils hydrogeology Table in the former report will only work for the easier sites that can be evaluated without monitoring.

The Committee set meeting dates and established two subcommittees, one to work on finalizing the Table and one to set up training opportunities, specifically one during the next month or so. The "Hydrogeology Table" subcommittee is Allison Lowry, Craig Heindel, Dave Cotton and Steve Revell. The training subcommittee is John Forcier, Roger Thompson, Allison Lowry, Dave Cotton, Barbara Willis and Marilyn Davis.

Additional discussion debated whether there should be changes in the basic performance criteria such as using a two year time of travel and then allowing the effluent to surface, or using disinfection and allowing surfacing or discharge. This is a complex issue and should be reviewed by the Committee in the future rather than during the next four months when we have so much else to accomplish.

It was noted that we will have to move very quickly to draft new licensed designer rules by January. A third subcommittee to consider the change in the licensed designer rules and come up with topics for discussion at the next meeting consists of Spencer Harris, Gary Fern, Alan Huizenga for Lance Phelps, and Gerry Kittle.

It was also noted that we need to think about innovative solutions to the poor soils in Addison County that are doable under the existing minimum site conditions, such as drip irrigation or holding lagoons that only release into soils when the water table is low. The Committee agreed to consider this and bring new ideas to the next meeting. The Committee did agree that it was not possible to find a design criteria that would allow every previously exempt property to be built upon.

The Committee asked that Richard Czaplinski be invited to be on the committee because he was such a valuable addition to the former TAC. The next meetings were set as noted at the beginning of these minutes. Marilyn Davis agreed to call him and request his assistance.

The meeting schedule was set as given at the beginning of these minutes.