

Approved Minutes of the Technical Advisory Committee Meeting
January 25, 2013

Attendees: Roger Thompson Peter Boemig
 Claude Chevalier Stephen Revell
 Anne Whiteley Cindy Parks
 Kim Greenwood Chris Russo
 Scott Stewart Gunner McCain

Scheduled meetings:

February 12, 2013	1-4 PM	Liquor Control Conference Room – Montpelier
March 19, 2013	1-4 PM	Liquor Control Conference Room – Montpelier
April 16, 2013	1-4 PM	Liquor Control Conference Room – Montpelier

This was an extra meeting scheduled at the National Life Building to complete the review of the draft Underground Injection Control Rules that was started at the January 8th meeting.

Cindy provided an update of other review work noting that she had met with the Vermont Geothermal group. This was an informational meeting not a document review. Drinking Water and Groundwater Protection Division staff also met with Kim Greenwood to discuss general issues related to updating the UIC Rules.

Review of Draft:

Kim noted that on page 1 the public trust issues related to groundwater need to be more fully developed. This area of public trust was recently created and therefore everyone is learning how the concept will be incorporated into the UIC Rules. Scott asked if VNRC has particular goals and Kim said that one is to require a project specific determination that the project is in the public interest. One issue that is still to be determined is whether compliance will be at the point of discharge or at some other point such as a property boundary or a source of drinking water.

Roger asked if the information in section 8 which is the basis for all of the rule could be moved towards the front. Anne suggested that the information could be added to the purpose section 11-103.

Roger asked if the definition of food processing waste could be modified by removing the words “non-pathogenic” as many raw foods do have pathogens that are removed by the processing.

Steve asked if the definition of “Qualified Hydrogeologist” is the same as in the Wastewater System and Potable Water Supply Rules (WWR) and Anne said that it was.

Peter asked about the definition of “soil-based” systems on page 5 and whether it included all the types of systems that might be encountered. Anne said that this was also taken from the WWR.

Steve asked about the definition of waste and why it did not include the word gaseous. Anne replied that she was using an existing definition from Federal statutes and was reluctant to modify the definition.

Cindy said that the list of prohibited wells was circulated to the Waste Management Division and they added some additional prohibited discharges to the list.

Anne said that the definition of a floor drain may be referenced back to the Vermont Plumbing Rules that are in turn based on the International Plumbing Code.

Peter asked about salt sheds and Cindy and Anne said that this needs to be done carefully because of a need to deal with the disposal of deicing fluids for airplanes.

Anne said that she needs to work on section 11-301(11) dealing with hazardous waste storage so it does not include buildings such as a homeowner’s private garage with a floor drain and some small amount of a common household product that might be considered to be hazardous.

Roger asked in 11-301(d) if it should read that the Secretary “shall” instead of “may” prohibit the discharge of certain wastes.

Kim asked Anne why the standard for decision making is proposed as “clear and convincing.” Anne replied that this is a middle of the road standard in between “preponderance of the evidence” and “beyond a reasonable doubt” and generally seems to imply there is evidence of a scientific nature as opposed to opinions of interested people.

Anne confirmed that all process water for systems of less than 6,500 GPD is proposed to be regulated under the WWR. Roger noted that the WWR have not included review of the impact on groundwater of high strength wastewater or the impact of wastewater that has been determined to not be compatible with domestic wastewater. It might make sense for some process wastewater to remain subject to the UIC Rules.

Steve asked if the phrase sand and gravel extraction operation could be used instead of sand and gravel pits. Not all sites are holes in the ground so the term pit is not always an accurate description.

Kim said she is concerned about the concept of exempting activities from UIC jurisdiction just because the Secretary regulates them under other rules. She notes that some of the other rules do not have the same focus on groundwater protection and do not yet have the public trust concept embedded in the rule.

Peter asked if stormwater by itself needs to be regulated. Kim said that stormwater is often contaminated as it flows across a road, driveway, or field. Anne said that the stormwater program depends in part on the use of injection wells and will have to include groundwater protection and public trust issues in their rules. Peter noted that the State of New Hampshire has done a lot of testing and believes their use of injection wells for stormwater is working well.

Cindy asked if the group feels that the current draft of section 3 is reasonably complete and the group replied that it is.

Peter asked if it is necessary to send notices to the Regional Planning Commissions. As a Planning Commission member, Peter said that the notice is either ignored or when comments are issued they are not germane to the issues. Anne said that the current interim procedure for public notice requires notice to the Regional Planning Commissions.

Peter and Gunner asked about section 11-404 and the rights for an interest group to request a hearing. The concern is that there is no limitation as to how many people, where they live, what kind of expertise they might offer, or any other connection to a specific project.