

Approved Minutes of the Technical Advisory Committee Meeting
April 16, 2013

Attendees: Roger Thompson Cindy Parks
 Gail Center Chris Russo
 Bill Zabiloski Peter Boemig
 Gunner McCain Spencer Harris
 John Beauchamp Ken White
 Kim Greenwood Jessanne Wyman
 Craig Heindel Mary Clark
 Steve Revell Claude Chevalier
 Ernie Christianson

Scheduled meetings:

May 21, 2013 1-4 PM Winooski Con. Rm., National Life – Montpelier
June 18, 2013 1-4 PM Liquor Control Conference Room – Montpelier
July 16, 2013 1-4 PM Winooski Con. Rm., National Life – Montpelier

Agenda:

Steve asked that the focus be on the UIC Rules and radium treatment before dealing with legislative updates which the group supported.

Minutes:

The minutes from the February 12, 2013 meeting were accepted as drafted.

Underground Injection Control Rules update

Cindy had emailed an updated draft prior to the meeting. She said that after this meeting with the TAC she would be meeting tomorrow with the Groundwater Coordinating Committee (GWCC). Cindy said that there have been several informational meetings with various interest groups and that after making some revisions based on the TAC and GWCC meetings she hoped that the formal rule making process could begin next week.

Steve asked if the comments received in the outreach process have been incorporated into the drafts and Cindy said that they have been included. Kim asked if the public trust issue has been resolved. Kim said that the Vermont Natural Resources Council (VNRC) would like to see the process for applying the public trust requirements specifically included in the UIC Rules because the statutes do not give details on what must be considered when determining compliance with the public trust. VNRC would also like each permit issued to state that a determination of compliance with the public trust was

made as part of the permit review process. Cindy said that the Department of Environmental Conservation (DEC) is waiting on the results from a special committee appointed to study the public trust issues. The goal would be to have one standard that applies to all permitting programs related to groundwater.

Detailed Review of the UIC Rule Draft

Roger asked about the description of Class VI wells in section 11-201(a)(8) that seems to limit the section to only non-experimental wells. This is a federal definition, the process is unlikely to be used in Vermont anytime soon, and because each well would be a case specific decision this should not limit any possible future use.

Peter asked if the defined term “residence” was used in the rules. Cindy said that it was used in sections 11-301(b)(12) and (13).

Craig suggested adding a specific statement for slaughterhouse waste to definition 11-301(b)(23). This led to discussion about process wastewater and food processing. It appears that the Indirect Discharge Rules (IDR) will cover all food processing wastewater, including flows of less than 6,500 GPD. Gail said that she is on a committee looking at rules for irrigation water used on food crops. The Shaw’s food stores will no longer buy produce unless the irrigation water meets Generally Accepted Agricultural Processes (GAAP). Any water used to wash food must be potable. John said that one store was asking him about dechlorination of municipal water prior to washing food. Committee members said that this would not be a good idea because the chlorination is part of what ensures that the water is potable.

Section 11-301(b)(1) was discussed with Craig suggesting that the word vehicle be used instead of automotive to make it clear that trucks, tractors, etc. are included. Peter noted that the existing definition included outdoor activities and Craig suggested clarifying that it is not the activity that is prohibited, rather it is the discharge of waste from the activity into an injection well. Definitions (12) and (13) need the same revisions. Roger asked that definitions (12) and (13) add language making it clear that the exemption is only for storage of materials used on the site by the occupants of the building.

Kim asked about definition (14) related to hydraulic fracturing now that the Vermont Legislature has taken action. Cindy noted that the action was a moratorium and that the plan is to keep the prohibition in the UIC Rules.

Roger asked about 11-302(a)(7) and suggested that rather than starting the permit requirement at 250,000 BTUs it start at more than 250,000 BTUs based on how companies typical rate their products. Cindy said that she was reviewing this issue and might recommend increasing the limit to 300,000 BTUs. The sections dealing with discharges from cooling systems are under review for appropriate size limits and definitions of cooling water. Peter asked if other states are regulating cooling water discharges. Cindy said Massachusetts regulates at 5,000 GPD with a temperature limit. Other states regulate at the 1,000 – 5,000 GPD levels.

Gail asked about holding tank regulations. Craig said holding tanks are covered under the Wastewater System and Potable Water Supply Rules.

Gail asked that fluoride and manganese be added to the list of exempt contaminants in section 11-303(a)(3)(B)(iii) which was supported by the group.

Gunner said that it is not clear that no stormwater discharges are captured by the UIC Rules and asked that it be clarified.

Kim asked about permit fees. There is a \$120 fee for administrative amendments. The minimum fee for a new permit is \$400 based on \$0.04 per gallon. The permits are limited to a five year term and a new fee is required for renewal.

Roger asked about the section on giving public notice, specifically the term local periodical. Ernie said this will be revised to limit it to those that are published at least weekly.

Kim said that section 11-406 should require that a copy of the decision be sent to all those who commented on the permit application.

Kim noted that the definition of party status may be different than in other DEC rules and asked if it could be made consistent.

Mark Bannon emailed comments. He asked about compressor condensate which might include oil. The exemption has been revised to allow for cooling water only. He asked if the P.E. Board is on the distribution list which it is not. Mark asked about the requirement to maintain mailing lists and costs. ANR maintains the mailing lists at no cost to the users. Mark also asked if small stormwater discharges are exempt and they are exempt.

There was discussion of Subchapter 8 – Technical Standards. One question was the authority to impose closure requirements. Section 11-402(c) allows for any conditions or requirements needed to protect groundwater. It was suggested that written standards for closures should be developed. Rodney and Peter agreed that these are case specific and it is better to include the language in the permit itself.

Water Treatment Systems

Gail said that it is confusing as to when a person has a “failed system” under the Wastewater System and Potable Water Supply Rules. There is a list of five contaminants that when exceeded make a system “failed” but for other contaminants such as radium the system is only “failed” if the system is posted to an Agency of Natural Resources website that has never been created. Roger noted that “failed system” is a regulatory category. A water supply contaminated with radium might not be “failed” because it has not been posted but it still might not be safe to drink. The history of the language in the Wastewater System and Potable Water Supply Rules was that a decision was made to not

create a list, which would exceed one hundred contaminants with specific contamination levels, because the list is constantly being revised through state and federal decisions. The thinking at the time was that most water system owners would fix any problems once identified, but if for some reason they did not the Agency could compel action by the owner by declaring that the water system was failed. The process that was established to make this declaration included posting the decision on an Agency website. To this point, it has not been necessary to take this action so the website has not been created.

Ernie said that fluoride qualifies for an exemption. Ernie will find out how the permit exemption for water treatment systems can be expanded.

John will email Roger an article on the effects of water softeners on wastewater disposals systems that Roger will circulate to the TAC.

Executive Committee

Steve Revell, Ernest Christianson, Roger Thompson

Alternates – Chris Thompson, Spencer Harris, Claude Chevalier, Craig Heindel

Subcommittees:

Hydrogeology

Craig Heindel, Bill Zabiloski, Mark Bannon, Scott Stewart, Steve Revell, Mary Clark, Roger Thompson, Peter Boemig, Ernie Christianson, Spencer Harris

UIC Rules

Craig Heindel, Steve Revell, Roger Thompson, Ernie Christianson, Scott Stewart, Rodney Pingree, Kim Greenwood, Cindy Parks, John Beauchamp, Gail Center

Wastewater Strength

Mary Clark, Cindy Parks, Peter Boemig, Bill Zabiloski, Roger Thompson, John Akielaszek,

Bottomless Sand Filters

Peter Boemig, Mark Bannon, Cindy Parks, Mary Clark, Denise Johnson-Terk, Craig Heindel, Ernie Christianson

Seasonal High Water Table Monitoring

Craig Heindel, Steve Revell, Roger Thompson, Ernie Christianson, Bill Zabiloski, Dan Wilcox, Mary Clark