

Approved Minutes of the Technical Advisory Committee Meeting
May 21, 2013

Attendees: Roger Thompson Ken White
Peter Boemig Mark Bannon
John Beauchamp Steve Revell
Michael Carbonneau Mary Clark
Justin Willis Bill Zabiloski
Denise Johnson-Terk Cindy Parks
Gunner McCain Rodney Pingree
Chris Russo Ernie Christianson
Anne Whiteley Claude Chevalier
Tara Kulkarni

Scheduled meetings:

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

Agenda:

The agenda was reordered to ensure there would be time to comment on I/A approvals.

Minutes:

The minutes from the April 16, 2013 meeting were accepted as drafted.

Underground Injection Control (UIC) Rule Revisions:

Cindy said that the working draft dated May 21, 2013 included revisions from the TAC as well as from the Groundwater Coordinating Committee, DEC staff, and management. Cindy led the group through a page by page review of the changes.

Roger asked if where the UIC Rules state that Professional Engineers can prepare applications it should be limited to those who are also Class 1 Designers under the Wastewater System and Potable Water Supply Rules. It was decided that this was not necessary because the PE Board Rules require that an engineer be competent in any area of work that is performed.

Ernie asked if the PE Board can make a list of those who have been determined by the Board to qualify as Class 1 Designers. Ernie said that it is not practical for DEC to create and maintain a list. The PE Board should be able to do this if they have the resources to update their tracking system.

Mark said that it is important to have the technical standards completed because he cannot know who is qualified to design if he does not know the technical standards. Steve asked if the technical standards could be made common among some of the other DEC programs. Anne said that many of the technical standards are likely to be specific to just one program.

The TAC found the May 21st draft of the UIC Rules to be a major improvement with most comments limited to fonts, formatting, and minor wording clarifications.

Ernie said that a decision has been made that all discharges subject to an individual permit would be required to meet groundwater standards at the point of discharge.

I/A Approvals:

Mary introduced Mike Carbonneau who is the local representative for the Presby Environmental Company. Mary and Ernie met with David Presby to discuss their application to update the approval for the Enviro-Septic® Systems. Mr. Presby wants approval for the Simple-Septic® System as well which is expected to operate for about 10 years prior to any maintenance. They are planning to update their design manual and want to make some changes that match the approval for the GEO-flow® Pipe Leaching System. Mary will come to the TAC with a list of questions if a full review is requested.

Mary said the Mr. Presby would like a chance to make a presentation to the TAC. Mary noted that there are likely other manufacturers who would also like to meet with the TAC and this might consume quite a bit of TAC time. Justin, Peter, and others said it would be a good idea to meet with Mr. Presby and get an update on his systems. Mark asked for information he could review prior to the meeting and Mike said he would send an electronic copy.

Mary said that she Chris Russo, and Jessanne Wyman also met with Premier Tech representatives and their new maintenance service provider staff about maintenance training for their Ecoflo® Biofilter System. The company will work with DEC on sharing information by making the data bases compatible. They have applied for a polyethylene tank. Mark asked about buoyancy issues and said that the company should supply flanging calculations and information about any methods that are approved to prevent flotation of the tank on sites with a high water table.

Mike said that he had observed a few problems with concrete tanks where frost action raised the top section of a two piece tank. He said he prefers one piece tanks which seem to avoid any frost related issues.

Mary and Ernie met with representatives of Jet, Inc. They offer a system that uses aeration with a submerged media. They filed a complete application on May 9th.

Also under review for approval or renewal are:

Anua Platinum

Blue Water Atu
Delta ECOPOD

Mary noted that the Puraflo peat filter, which uses timed dosing as part of the treatment process, produces filtrate quality effluent. In other states, the effluent is discharged to a stone bed directly under the peat filter. This approach is being reviewed for possible use in Vermont. Mary will be meeting with a TAC subcommittee to review the Puraflo on stone bed proposal.

Update on the Compliance Program:

Chris said that she has been on the job for about 5 months, spending about 50% of her time on Regional Office permits and 50% on Water Supply permits. Ernie has identified his priority items starting with I/A and performance based design systems. Chris will start with compliance issues for I/A systems and has met with the Regional Office staff for input on what is needed to increase compliance with permit conditions. The staff said that the current electronic tracking system does not have a feature for tracking compliance. Each office has developed a system to keep track of those reports that are submitted but they are not consistent. The staff also noted that the application form is too long and does not correspond with the electronic tracking system. The inspection information that is submitted comes on many different forms that do not provide the same information from system to system. The Regional Office Staff wants compliance work to be done by a different division so they can be the “white hats.” Some vendors support using a standard form for all inspections. One problem is that some forms that are submitted identify a problem but do not say how or even if the problem was fixed.

Mark asked how many I/A systems have been approved. Chris said that the tracking system indicates about 7,000 but these include projects where both the primary and replacement systems are I/A. The total approved for actual installation may be closer to 3,500. She also found that in some cases the permit was for a particular type of system but a different product was installed without amending the permit. Chris said she has been talking with many of the vendors and has asked for their input on improving the compliance system. She said that a revision to the electronic tracking system will be required to make the system effective for tracking compliance.

Justin asked if there is any consideration for reducing permit requirements. Any reduction in unnecessary permit requirements would allow the compliance efforts to focus on the more important issues. One might be the 3 years of inspections required for performance based designs. Ernie said this could be evaluated to see if there have been any problems. Roger said that with all of the regional office staff reporting that no problems have been observed and with TAC members in agreement, maybe the requirement should just be eliminated without spending a lot of time doing a study.

Mark asked about collecting penalties. Chris said this would only occur after the compliance process. DEC operates using voluntary compliance so any fines would be rare and only if the permittee refused to come into compliance or was a repeat offender.

Peter said that DEC should remind attorneys that they should be checking for permit compliance because non-compliance is a permit violation and affects the property title.

Water Supply Rules:

Ernie said that he is currently circulating a draft of the rules between the Regional Office Staff and the Water Supply staff. Ernie has an updated draft of the appendix. Claude and Ken expressed concerns that this draft would end up being almost the final rule prior to review by the TAC. Ernie said that he is attempting to make sure that what he brings to the TAC has staff input but that will still be at the beginning of the rulemaking process and will not be approved by DEC management to start the rule making process until after TAC has reviewed the documents. Ernie hopes to have a draft ready for TAC review by their next meeting.

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