

Approved Minutes of the Technical Advisory Committee Meeting

February 21, 2023

Participation by videoconference

Attendees: Cristin Ashmankas*
Roger Thompson*
Erin Stewart
Craig Heindel*
Gunner McCain*
Jeff Williams
Bruce Douglas*
Angela McGuire
Ken White*
Justin Willis*
Jason Henderson
Steve Revell*
Jeanne Allen
Ernie Christianson*
Tom DeBell*
Bryan Harrington*
Craig Jewett*

*Technical Advisory Committee members or substitutes

Scheduled meetings:

March 21, 2023 Virtual

Agenda:

The agenda was accepted as drafted.

Minutes:

The draft minutes of January 23, 2023 meeting were reviewed and accepted as drafted. The draft that was circulated to the TAC included editing marks that will be removed.

Wastewater System and Potable Water Supply Rules (WW Rules) revisions:

Bruce said that the process for updating the WW Rules based on the 2020 list of proposed changes is moving full speed ahead. The goal is to have the revisions ready for Interagency Committee on Administrative Rules (ICAR) review in April.

Innovative/Alternative Systems:

Cristin notified everyone with an Innovative/Alternative approval that needs to be renewed this year to submit their request by March 1st. The response has been good. She also reminded everyone that annual inspection reports must be submitted.

A request for use of the Sludge Hammer® treatment system is under review. Additional information requested by the Department of Environmental Conservation (DEC) has been submitted and Cristin will be able to issue approval of the system. Cristin expects to have two systems ready for review by the TAC at the next meeting.

Installer and Service Provider Training Program:

Cristin said that the only response to a request for proposal (RFP) for a \$160,000 grant that will be used to provide training to installers and service providers was from the Vermont Technical College saying that they could not meet the deadline for a submittal. They intend to submit a proposal in the future that can be reviewed and accepted if it satisfies the requirements of the RFP.

Instantaneous Peak Demand (IPD):

Bruce reported that the IPD subcommittee met with G. J. Garrow, Chief Plumbing and Heating Inspector for the State of Vermont. A second meeting will be scheduled soon resulting in recommendations for review by the TAC.

Mound Sand Study:

Mary O'Leary will submit a draft report by the end of the week. The report will review the different sand specifications used by Vermont and other jurisdictions. The report will also cover the geographic distribution of sand in Vermont and discuss the competing uses that reduce the availability and increase the cost of mound sand. Bruce noted that the finite natural supply of sand and stone for construction is a national and international issue.

Regional Office Staffing:

Bruce reported that Kevin Eaton and Freddie Larsen have been hired as Regional Engineers to deal with the new workload associated with the American Recovery Planning Act (ARPA). Kevin and Fred are Licensed Designers with work in the private sector and should be up-to-speed quickly. Recruitment is under way for a third Regional Engineer.

Angela McGuire has been hired as a Regional Engineer, based in the Rutland Regional Office. She will focus her work in the northern half of the Rutland Office District.

Administrative Updates:

The DEC is updating its process for Regional Office applications that have been filed but that are incomplete. When an application is determined to be incomplete, the DEC will send a request that additional information be submitted within 60 days. If there is no response, a final notice will be sent stating that if there is no response within 30 days the application will be denied and the file closed. This process is used for other DEC permitting programs. Ernie asked about returning the application fee. The fee will be returned until the application is deemed administratively complete at which point the technical review begins.

Justin said that there have been long delays in DEC acceptance of installation certifications. Cristin said this problem should be corrected within two weeks.

Justin asked about the return of delegation from Colchester to the DEC and when there will be access to the Colchester records. Cristin said there will be some form of access by April 1st when the delegation will be returned to the DEC. The full integration into the existing DEC system should be completed within a few weeks.

Attached Living Unit:

§1-1109(d)(2) of the WW Rules provides an exception to some of the requirements related to Instantaneous Peak Demand. The term attached is not defined in the WW Rules and applicants and Licensed Designers often have questions about what is required. The DEC is proposing a guidance document. Carl Fuller, Regional Office Manager, has drafted guidance that if two living units are connected by a roof they are attached. The concept is that the pathway between the units need not be conditioned space or even have walls. The TAC discussed this approach and suggested that more detail is needed so that a proposal to run one piece of wood between the units is not deemed to be a roof.

Technical Advisory Committee:

Scott Stewart has retired from State service and will be replaced on the TAC by Erin Stewart. Bryan Harrington has also retired from State service. Scott, working in the Water Supply Division; and Bryan working in the Indirect Discharge Program; helped ensure that changes to the WW Rules and the rules that they administered were coordinated. This coordination helps applicants and Licensed Designers working on projects that are subjected to more than one set of rules and their efforts are most appreciated.

Justin Willis is withdrawing from the TAC after long participation. Justin is a Licensed Designer. Bruce thanked Justin for his many years of thoughtful participation which required many hours away from his private practice. This was strongly endorsed by the TAC.

Keith Oborn, Charlotte Zoning Administrator is replacing Karen Allen (town of Colchester) as a delegated municipality representative.

Bruce said he is looking for a service provider and an installer who are willing to become TAC members. Jared Willey was suggested as a service provider.

Bruce is also preparing to submit the names to the Governor's Office. The membership must be reappointed after every election.

Legislative Update:

H.68 is under consideration. The bill would allow a municipality, in an area with both municipal water and wastewater systems, to assume responsibility for issuing local water and wastewater permits, in lieu of State permits. As the bill is currently drafted, the municipality would register with DEC that they will issue WW approvals based on plans certified by a Licensed Designer and then require an installation certification from a Licensed Designer. Bruce and Bryan Redmond may testify to discuss permitting response times that are very short for projects with municipal connections. This process is already permitted with partial delegation under the WW Rules and has been discussed with towns but without any applications for delegation.

Two bills regarding ecological sanitation, H.163 and H.164, have yet to be discussed at the Legislature. H.163 creates a study committee to write a best management practice and requires that the Agency of Natural Resources (Agency) adopt the proposal as drafted. H.164 exempts hand carried or hand pumped water supplies from the WW Rules and requires the Agency to issue permits for wastewater systems that will dispose of non-sanitary wastewater and impose a maximum design flow for these systems of 25 gallons per day.

Composting Toilets:

Bruce asked if any TAC members had watched the webinar on alternative toilets and water supplies. Gunner and Craig Heindel did watch. Gunner said that the TAC should be part of the study committee. Craig noted that while there was some acknowledgement of pathogen concerns the focus seemed to be on e-coli. E-coli is only one of the pathogens of concern, and treatments that reduce e-coli concentrations do not necessarily eliminate other pathogens. Bruce said that with the warming climate round worms are becoming a greater concern. It appeared that while there was some awareness of the science related to waste disposal, a lot of the focus seemed to be opposition to regulatory requirements and the freedom to choose how to meet water and wastewater needs. The Vermont Health Department is aware of these issues and will make recommendations as needed.

DEC/TAC Priorities for 2023:

1. Complete process for reappointment of TAC members.
2. Map out next WW Rule update with a goal of increased clarity.
3. Determine if a general permit approach can be applied to some types of permitting decisions.
4. Work with the Board of Professional Engineers to determine when a referral should be made for their review.
5. Improve the process of notifying Licensed Designers when guidance decisions are made.

General Comments:

Ken said there was concern that a recent report on testing for PFAS did not separate the water sources into shallow and deep wells. Tom said that the Department of Health collects self-reporting data that does separate shallow from deep wells. While not a controlled study the data shows some trends that can inform future work.

Next Meeting:

The next TAC meeting is scheduled for March 21, 2023 and will be a virtual meeting.