

Approved Minutes of the Technical Advisory Committee Meeting

March 21, 2023

Participation by videoconference

Attendees:	Terry Shearer	Roger Thompson*
	Brad Fischer	Cristian Jablonski
	Jen Fleckenstein*	Bruce Douglas*
	Sheri Young*	Kevin Eaton
	Steve Revell*	Mark Bannon*
	Craig Heindel*	Scott Davis
	Tom DeBell*	Sharon Bissell
	Jared Willey	Eric Deratzian
	Gunner McCain*	Frederic Larsen
	Angela McGuire	Jeanne Allen
	Craig Jewett*	

*Technical Advisory Committee members or substitutes

Scheduled meetings:

April 18, 2023	Virtual
May 16, 2023	Virtual
June 20, 2023	Virtual
July 18, 2023	Virtual
September 19, 2023	Virtual
October 17, 2023	Virtual
November 16, 2023	Virtual
December 19, 2023	Virtual

Technical Advisory Committee (TAC):

Bruce updated the list requesting the Governor’s appointment of TAC members. Erin Stewart decided not to apply for position formerly held by Scott Stewart who was a TAC member. When a person is hired to replace Scott Stewart they can be appointed to the TAC. Steve, Gunner, and Bruce are members of the Executive Committee with Sheri and Craig Heindel serving as alternates.

Minutes:

Craig H. asked for a clarification in the last sentence of the first paragraph related to administrative updates. The words “is done’ are replaced with “begins.” The minutes were approved with this correction.

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 has a full-time attorney assigned and the legal review will be finished next week. Once that is done a request will be made to start review by the Interagency Committee on Administrative Rules (ICAR)

Instantaneous Peak Demand (IPD):

Bruce reported that the IPD subcommittee met a second time. G.J. Garrow, Chief Heating and Plumbing Inspector for Vermont, participated in both meetings and Bruce said this was helpful because any changes to the WW Rules need to be compatible with the Vermont Plumbing Rules. The group developed a comparison chart based on calculations for a 3 bedroom, 2 bathroom house. The chart compares the results using the International Plumbing Code that is the basis of the Vermont Plumbing Rules; the WW Rules; and the water demand calculations using the Uniform Plumbing Code. The water demand calculations using the Uniform Plumbing Code are based on a study done in the mid-two thousands of 1000 homes. This study reflects the reductions in water flow from the mandated use of low flow plumbing fixtures. The water demands using this approach are significantly less than the current WW Rules. The subcommittee will shortly produce a report that will be circulated to the TAC.

Attached Living Unit Guidance:

Bruce is working with the legal staff to develop guidance. Bruce asked if TAC members had suggestions on how to describe the minimum connection that would meet the requirements. Craig suggested a roof that is weather tight and at least 4’ wide.

Legislative Action:

Bruce has not been asked to provide testimony on H.100, the Omnibus Housing Bill. The bill covers many issues and the small portion related to the WW Rules has not been reviewed. The subcommittee reviewing H.163 and H.164, that are related to alternative water and wastewater systems, has not done any work on the bills. These may be held over until next year. Bruce talked with New England regulators about alternative water and wastewater systems and learned that Maine allows some hand carried water supplies with reduced wastewater systems in

limited situations. A licensed designer is required for the wastewater system, Sheri said that a 50% reduction in system size can be allowed in Massachusetts.

Colchester Delegation:

The process for returning responsibility for administering the WW Rules from Colchester to the Department of Environmental Conservation (DEC) is underway. Colchester is only accepting applications for failed systems and as of April 1st all applications will be processed by the DEC. The DEC is accepting applications for new work but cannot process them until April 1st. The process of getting the Colchester permitting information into the DEC online system is under way. Each Colchester file must be reviewed to ensure that no non-public information, such as copies of checks or Social Security Numbers, is put online. Sharon Bissell, who supervises all of the Regional Office support staff, said that several staff members are assigned to this task and it should move quickly. If information is required for a specific property, the Regional Office staff will provide it. A big change is that the so-called clean slate exemption, §1-303 of the WW Rules, will now apply in Colchester.

Administrative Updates:

An updated permit application process will be started on May 1st. The software that will fully populate the DEC tracking system using the information in the new application form has not been completed, therefore the Regional Office staff will still need to keyboard in some of the data. At the same time the process for handling incomplete applications will be implemented. If at the initial review, information is missing, a letter will be sent to the Licensed Designer and the applicant requesting the missing information. If there is no response, a second letter will be sent stating that if the required information is not submitted within 30 days, the application will be closed as being administratively incomplete. The application fee will be returned. The DEC will be sending a newsletter to Licensed Designers announcing the new application forms and will provide training in their use. Craig asked that the news-letter be sent to the TAC.

Steve asked if the DEC will continue to accept hand drawn plans noting that some are hard to read. Bruce said that there are only a few Licensed Designers submitting hand drawn plans and that the quality varies from one designer to another. Craig asked if there are standards for what must be on the plans. Appendix A of the WW Rules gives detailed guidance on plan requirements. Gunner said that some applications are approved even though some of the required information is not included and that this disadvantages those Licensed Designers who do the work to include all of the specified information. Bruce said that moving supervision of the Regional Office administrative staff to the central office will provide more time for managers to work with the Regional Engineers to standardize the review process.

DEC/TAC Priorities for 2023:

1. Map out next WW Rule update with a goal of increased clarity.
2. Decide if a general permit approach can be applied to some types of permitting decisions. Sheri is working on a list of minor amendments and possible exemptions.
3. Work with the Board of Professional Engineers to determine when a referral should be made for their review.
4. Improve the process of notifying Licensed Designers when guidance decisions are made.
5. Jared said that there are several hundred I/A systems that are covered under the clean slate exemption. The DEC should provide guidance on when a permit is required for work on a clean slated system.

Craig H suggested a Survey Monkey Poll type approach to get TAC member suggestions for DEC priorities.

Other Topics:

Bruce noted that the DEC is working to update the Indirect Discharge Rules and the Underground Injection Control Rules this year with a major update of the WW Rules to follow once they are completed.

Alternative water and wastewater systems were discussed. Bruce said that the Town of Burke has adopted zoning changes that allow for up to three campsites using moldering toilets. The zoning changes prohibit “cat holes” (small holes dug for individual use) and privies. The DEC is reviewing this to determine if it violates 10 V.S.A. §1976 which creates uniform statewide standards for water and wastewater systems. Craig asked if moldering toilets were not already acceptable by the DEC. Bruce said that about 80 systems have been installed on state and federally owned land under an exemption. The exemption includes specific siting requirements. Steve said that he had two projects that are on private land that have DEC permits, neither of which allow for residential use.

Cristian asked about continuing education credits for TAC members and Sheri said that 2 non-soil credits are approved for TAC members.