

Approved Minutes of the Technical Advisory Committee Meeting

February 20, 2024

Participation by videoconference

Attendees: Bruce Douglas* Ernie Christianson*
Jared Willey* Mark Bannon*
Craig Jewett* Cristian Jabolonski
Jeanne Allen Roger Thompson*
Craig Heindel* Kevin Eaton
Steve Revell* Julia Beaudoin
Terry Shearer Sille Larsen*
Catherina Narigon Tom DeBell*
Jen Fleckenstein* Frederic Larsen
Sheri Young* Cristin Ashmankas*
Jeffrey Williams

*Technical Advisory Committee members or substitutes

Scheduled Meetings:

All meetings are scheduled as virtual meetings.

March 19, 2024	2-4 PM
April 16, 2024	2-4 PM
May 21, 2024	2-4 PM
June 18, 2024	2-4 PM
July 16, 2024	2-4 PM
September 17, 2024	2-4 PM
October 15, 2024	2-4 PM
November 19, 2024	2-4 PM
December 17, 2024	2-4 PM

Agenda:

The proposed agenda was accepted as drafted.

Minutes:

The draft minutes of the November 16, 2023 meeting were accepted as drafted.

Updates:

The update to the WW Rules became effective on November 6, 2023. After adoption, a few typos and minor errors were discovered. A revised copy of the Wastewater System and Potable Water Supply Rules (WW Rules) is being prepared and will be submitted as a minor administrative correction.

Innovative/Alternative Technologies:

Cristin reported that Premier Tech Ltd. has submitted the requested revisions for their Ecoflo Linear Biofilter System application. Approval of their application is expected soon.

Cristin said that technologies requesting renewal of their approvals should submit their renewal package by March 1st to ensure that the renewal is approved by May 1st.

Guidance Documents:

Guidance documents that are currently in effect must be listed and indexed on the Agency Website and filed with the Secretary of State's Office. Bruce said that old guidance documents will be archived and available on the website. The documents will have a watermark added showing that the documents are obsolete. Craig H. suggested that instead of describing the web location as an archive it should be labeled as obsolete documents.

Two guidance documents were issued in 2023:

One gives the minimum standard for meeting the definition of attached dwelling.

The other explains that a fee is not required for a replacement area if the plan only shows an area where a replacement system can be constructed. If a replacement system is needed in the future, an application would be required, and the fee would be collected at that time.

Two guidance documents are currently in the works:

One will specify a build by date for replacement of a failed wastewater system or water supply. While an extension may be granted for good cause, automatic extensions will not be granted. This change is needed to prevent "gaming" of the process where repeated extensions are requested to avoid replacing the failed system or supply.

The other document will approve use of the Water Demand Calculator System created by the International Association of Plumbing and Mechanical Officials (IAPMO) to calculate the Instantaneous Peak Demand which is the minimum amount of water in gallons per minute that the Water Supply System must provide. The WW Rules specify two methods that may be used and allows for other methods approved by the Secretary of the Agency of Natural Resources. The document referenced above makes it clear that the IAMPO system is approved for use.

Old Business:

The work on updating the Indirect Discharge Rules (IDR) is continuing. There is an ad hoc technical group helping with the revisions. The updated version will make it explicit that drip dispersal systems, septic tank effluent pumping (STEP), and septic tank effluent gravity (STEG) systems are approvable. Craig H. said that the Oakson company has some comments about drip dispersal systems. Bruce said he had received the comments and is checking with other companies that provide drip dispersal systems for their input.

The Department of Environmental Conservation (DEC) is working on several fact sheets. Fact sheets outline the requirements while guidance documents clarify how to apply the WW Rules. There will be fact sheets related to camping and campsites, short term rentals, mobile food units, waterless toilets, food service, and boundary line adjustments. More fact sheets will be created as needed.

New Business:

The Home Act that is intended to make more housing available by allowing greater density, passed in the last legislative session and included a provision that the DEC look for ways to reduce the administrative burden for permits under the WW Rules. Bruce, and Drinking Water and Groundwater Protection Division Director Bryan Redmond, are working with stakeholders, including municipal officials, designers, advocacy groups, and others, to see if there are administrative changes that could be made for projects that use both municipal water and wastewater connections. Under the current system a landowner needs approval by municipal officials and approval under the WW Rules. The current WW Rules allow a municipality to take partial delegation of the WW Rules and issue a permit for a project that uses municipal systems for both water and wastewater. There have been no applications for this partial delegation authority. Fire districts are municipalities for these systems. Large privately owned systems, such as those owned by a homeowner's association, are not included.

Bruce confirmed that the Town of Charlotte is returning its delegated authority to the DEC as of April 1, 2024. The cost of administering the WW Rules exceeded the value to the town. Cristin noted that in addition to the cost of reviewing plans, doing site visits, and issuing permits, a delegated municipality is responsible for enforcing compliance. With the earlier return of delegated authority from the Town of Colchester, there will be no towns with delegated

authority. The DEC has made several offers over the years to meet with towns to explain the process for taking delegation and while a couple of towns asked a few questions none has applied for delegation.

Jeff noted that, when a replacement drilled well is constructed, some towns require a local permit even though many replacement wells qualify for an exemption under the WW Rules. The exemption under the WW Rules allows for immediate construction with some follow-up paperwork to document the well location. Cristin noted that any new well, including those that qualify for the permit exemption, must have the water quality tested and the results submitted to the State Health Department and when required by the WW Permit to the DEC.

Sheri said that some towns require a permit fee to cover the cost of a town installation inspection.

Craig J. said that there is no consistency in what towns require. Some have no requirements for systems with WW Permits while some regulate the water or the wastewater only. The requirements change from time to time making it difficult to have a single source of reliable up-to-date information.

Rule Revisions:

Bruce said that he is ready to start the process for a major update to the WW Rules. He proposes to start re-envisioning the rules to ensure that they meet the intended purpose of getting the right system in the ground efficiently. There will be technical and regulatory workshops to gather information from those who design systems using the WW Rules and those affected by the WW Rules.

Bruce shared a proposed monthly schedule for various topics. Jeff said this was great because some participants want to attend only the meetings related to their work. Bruce agreed, and as an example, said that Claude Chevalier wanted to discuss the definition for drilled wells when the water supply section is reviewed. Craig H. also supported Bruce's proposal. Sheri said that, even when a meeting is focused on a particular topic, there should be time allowed for people to get issues on the record in case they cannot participate when the issue is discussed in the future. Roger suggested looking for areas that can be deregulated or made subject to less regulation. Craig H. suggested making plans easier to understand for owners and contractors. In the past, the TAC considered asking for a standardized plan format. At the time, some designers objected strongly, believing that they should be able to present the information in the way they find useful. Terry said that one approach that the DEC had tried was to prepare a checklist of items that might need to be on a set of plans and require the designer to include the checklist showing what was included. Not every application would need all the pieces of information. Terry said that some of the designers just checked every box every time and concluded that a checklist is not useful. Another approach that was considered was to deny the application if the first submission had too many errors. This was very controversial with complaints that it

penalized the applicant for the designer's mistakes. Several members commented that checklists have been used for years but they don't improve the quality of the applications without enforcement.

Jeff said that training for designers can improve the outcome. One concern that well drillers have is that too many permits are issued requiring a well be drilled in a location that is difficult or impossible to access with a drilling rig. Steve estimated that about 1/3 of proposed locations are not practical. Some onsite training of designers by well drillers could help the designer understand the process of getting a rig onto the property in a particular location. The group discussed if the Regional Office staff should comment about a proposed well location that meets the technical standards but would be difficult and expensive to construct. Cristin said that staff routinely brings up the issue, but some designers are unwilling to revise the application because it does meet the technical standards. Craig J. said that raising the issue helps if the application must be revised to allow for a better well site. Jeff said that well drillers do work with designers to encourage them to consider if a proposed well site is practical. Ernie said that while this issue is important, there has been a lot of improvement in plan quality over the years.

Bruce said that he would establish several subcommittees as different topics are discussed and invited TAC members to volunteer when they are interested in the topic.

Public Comment and New Items:

Jared said some compliance inspection reports that he had submitted were returned because the WW Rules require that a designer do the inspection for intermittent and recirculating sand filters. While the WW Rules allow for these systems to be individually designed, Jared said that most of the systems that were installed were package systems based on a standardized plan. Cristin said that there are three companies that would like to do inspections for these systems, but the WW Rules require that they be done by a Licensed Designer. The DEC would need statutory changes to include a Service Provider category in the WW Rules and authorize approved individuals to inspect all types of Innovative/Alternative Systems along with sand filter systems. Sheri agreed with the need for a Service Provider group and notes that some special equipment, such as down pipe camera systems, are not commonly owned by Licensed Designers. She also commented that, if tanks needed to be pumped and inspected, approved septic tank pumping companies could handle that part of the inspection.