

## Minutes of the 5-8-2001 Meeting of the Sewage Advisory Committee

### **Review of Previous Minutes**

David Cotton asked the procedure related to revisions of the minutes. Chris Recchia said that the original minutes should be reissued with any corrections and that explanations should appear in the minutes of subsequent meeting. Roger Thompson will make the revisions and include the revised minutes with the next mailing.

David and Alan Huizenga had not received their copies of the 5-1-2001 mailing. Copies of the minutes were made and distributed with the intention of reviewing later in the meeting. This was not accomplished and should be done at the next meeting.

### **Status of S.27**

Chris said that the bill was “still plugging along” but the legislature is running out of time. It has to go to the Appropriations and Government Operations Committees as well as pass the Natural Resources Committee. He said he had not given up hope but recognized it would be hard to pull everything together in time. He said he would be leaving at 10 AM today to meet with the NR Committee in the morning and again in the afternoon and would have a better picture of the situation by the end of the day.

David mentioned that he had a lunchtime conversation with four legislators who suggested there isn't enough time.

Craig Heindel asked about how much of the desired change could be done in just the rules. Chris indicated that site limitations, innovative systems, and closing the ten acre exemption could be done, but that licensing, enforcement, municipal delegation, and consolidation could not be done in the rules.

Chris indicated that if the bill did not pass he thought the best approach would be to write the rules as if it had. This would include moving the current jurisdiction now in four statutory locations into one new location. He said his thought was to proceed this way because it would be Dec-Jan by the time a proposed set of rules would be through the process, and with these in hand the legislature might be more inclined to go ahead and pass the bill early next year.

### **Virus issues**

David asked about dealing with the virus issue. Chris indicated that while he had expected to be able to work on it at this meeting he had not been able to work on the issue yet, but hoped that it would be ready for the next meeting.

### **Rhode Island trip**

Roger said that when polled June 5<sup>th</sup> was the date when people could not attend and so the trip would be on June 26<sup>th</sup>. Chris said that he had been surprised to find that a commercial bus would be \$1200-\$1300 per day. He asked if the attendees would be willing to pay the \$30.00 admission fee and most said they would. Chris said he would fund as much of the cost as he could. Chris said several legislators would want to go on the trip. Roger mentioned that the contact in Rhode Island expected people to arrive the day before. David said the full presentation would start at 8:30-9:00 AM but he said the program could be shortened and customized to what we need.

## **Framework**

Chris introduced the agency version of the framework. It is based on the NOWRA framework to a large extent but has been revised to reflect Vermont's goals. He said that he had not done the requested underline-strike through approach because the changes were so extensive.

Justin Willis asked if the section related to inspections by installers would limit inspections by others. Roger explained that the intent was that installers would need to certify as the only practitioner who sees and knows everything about the construction of the system. Some systems would require additional inspections by others, especially advanced treatment systems. The designer could also require they be involved or relieved of responsibility for the installation. Roger asked if the agency should work with designers and installers to prepare a checklist. Most thought this would be a good idea but needed to be well constructed so that non-standard design issues didn't get overlooked.

A comment was made that it should be stated that there would be both requirements and guidelines in the rules.

Rodney Pingree felt that the exact horizontal and vertical location was critical and thought the system should be staked out. Others mentioned that a benchmark was critical and that the location of the disposal system and well location should be permanently staked out as part of the approval process. Justin asks to meet with every contractor prior to beginning the work. Jeff Williams agreed this was a good approach.

Craig mentioned that he liked the use of the term "practitioner" and asked that it replace "designers and installers" in the document.

David raised concerns about the section indicating that cost would be a factor. This led to extensive discussion. One issue was that the rules should not needlessly require expensive disposal systems. Another issue was using cost as one factor in designing replacement systems. Several people did not want ability to pay to be the determining factor on what would be required for a system. Chris mentioned that cost is already a factor for amnesty lots. Richard Czaplinski said that he was concerned that ability to pay not result in bending the rules. Chris and Roger explained that cost was a factor not of ability to pay, but what makes sense in gaining additional environmental and

health protection. This is already done in an unofficial manner as the regulators and designers work through the individual sites and the agency wants to make it explicit so that people clearly understand that it is a legitimate approach. Roger agreed to rewrite the goal wording discussing cost as a design factor.

David asked that a funding section be added to the document. This was widely supported.

In returning to the issue of funding, the question was raised by Gail Center of whether the funding could also pay for well repairs. Chris, Roger, and Marilyn said that it could and discussed various earlier legislative proposals and actions all including this concept. This could also apply to a shallow well.

This led to a discussion about permitting for wells for new projects and for replacement wells. Jeff said he was representing the well drillers and they preferred to be mostly left out of the sewage rules and just depend on the well driller's license and requirements. Chris said that he wanted to minimize the process for replacement wells and envisioned a permit by rule or general permit which would not require a designer, just drill the well and file a statement. Chris indicated that he had not discussed this with his staff and would have to do so.

Alan and Bruce Douglas were concerned about whether the section dealing with performance standards and prescriptive and site specific design approaches was confusing. Roger said the agency would try to clarify the language but that the intention was there would be one performance standard with more than one way to show compliance. The prescriptive design standards would be assumed to result in a system which would meet the performance standards.

David questioned the concept of expanding the field presence of the agency staff and suggested that if they were going to be at all of the sites maybe they should be responsible for the site determinations. Roger explained that Chris had met with the regional office staff and they all thought site visits prior to issuing the permit, preferably when the test pits were open, was very important for long term success of the development. This was not intended to be an absolute mandate that an agency person would be present at every test, rather it is a shift of resources away from plan review and towards site visits. Craig said that a revised regional engineer job description should feature site evaluations, oversight of installations and operation/maintenance issues, and helping with resolution of failed systems.

Andy Flagg asked about roles of sewage officer under new rules. Roger said that if the state were handling the whole program, there would be little need for a sewage officer. A health officer would still be needed. If the town takes over the program, the town will need a person on staff or contract that was a designer. There will be transition period during which time a sewage officer will be needed at least until the municipal ordinances are replaced with statewide rules.



June 19, 2001

Stanley Hall, ANR complex

June 26, 2001

Trip to Rhode Island training center

July 10, 2001

TBA

**People attending:**

Allison Lowry  
Richard Czaplinski  
Chris Recchia  
Alan Huizenga  
David Cotton

Gail Center  
Jeff Williams  
Andy Flagg  
Bonnie Loomer-Hostetler  
Roger Thompson

Richard Deso  
Bruce Douglas  
Justin Willis  
Rodney Pingree  
Marilyn Davis