

Minutes of the August 14 2001 Sewage Committee Meeting
Revised 8-30-2001
Revisions are Underlined. ,

Review of Previous Minutes

Gail Center asked that the minutes be clear that nitrate contamination has been measured in some wells. We agreed to revise the earlier minutes to reflect that nitrate contamination does occur though it is not pervasive.

Review of the Rule Writing and Adoption Process

Chris Recchia reviewed the existing status. Chris explained that the chapters of the rules that had been sent to committee members represent an intense effort to bring the rules up to date but he recognized that there is still much to do on these chapters. The Water Supply- Wastewater Disposal Permits Chapter (AKA public buildings) still needs to be done and minor updates of the campground and mobile home park chapters are also needed.

Chris indicated that the Agency chose not to extend its coverage over previously exempt lots to the full extent that legal counsel advised was possible. This was done in part to promote cooperation with the legislature and because the limited approach included the core of what the Agency was trying to do with the ten acre exemption. The current proposal is that ten acre lots created prior to July 1, 2001 remain exempt from the subdivision rules at this time. New ten acre lots could be created between July 1, 2001 and two years after adoption of the rules which should be around March 2004. These lots would remain exempt for construction limited to one single family on the lot for an additional year until around March 2005. After March, 2005, any lot with an existing single family home would be under state jurisdiction but would not be required to obtain a permit until some future action such as further subdivision, replacement of a wastewater disposal system, or addition of bedrooms is taken. Replacement of a water or wastewater system that did not result in an increase in design flow for the lot would be eligible for a best fix variance for the replacement system. If the lot has not been developed prior to March 2005 a permit and fully complying water and wastewater systems will be required.

The target is to get this set of rules to LCAR (legislative committee on administrative rules) on January 3, 2002 and that means having a fairly complete set of rules ready to submit to ICAR (interagency committee on administrative rules) by September 26, 2001.

Chris said that the Agency is still committed to a comprehensive set of rules to eliminate conflicts and simplify the program that would cover all water and wastewater systems and that he would continue to work with the House and Senate NR committees until January trying to find common ground.

Craig Heindel asked why the Agency was writing detailed rules this fall. Chris responded that the legislature has consistently said they want to see the rules prior to passing the statutory changes we have requested. Some legislators are not certain that even if the Agency agrees to an outline of changes to the rules, that the actual rules will be faithful to the outline. David Cotton observed that not including the site limitation changes will aggravate the legislature. Chris said that he wanted to present the proposed changes in finished form so the legislators could see what they would actually be. The Agency remains committed to not implementing the changes until the towns have the time and resources to deal with the potential changes existing growth patterns. The agency also must have additional staffing prior to implementing all of the proposed changes to the rules. Craig thought that linking the condition changes and the additional staffing might make the legislature feel it was being blackmailed. Chris said that the agency has significant concerns about the impacts of the program changes because, unless addressed, they will result in real land use implications. He was also concerned about trying to do a new program without sufficient resources. Chris expects to be able to convince the legislators that these are reasonable concerns and should be linked as a package.

Bruce Douglas asked how many staff were being requested. Chris said that six would be requested for either a partial program or the complete package. The partial program would require processing fewer permits but without the statutory changes the efficiencies would not be maximized. Bruce asked about a general permit based on the consultant's certification. Chris said he did want to do that and also for sewer connections.

Richard Deso said he had understood the Governor had wanted the rules in place this year. Chris agreed that had been the original request but that the current plan was ok with the Governor.

David asked about holding off on submitting the rules to LCAR until more is known about the legislative outcome. Chris explained that the adoption process is at least 4 months and if we waited until May when the position and money decisions are normally made, it would delay the rules until late 2002 which we did not want to do. David felt that the agency might take some heavy hits if the site changes were not included in the initial rules. Chris said this was why he was trying to do a parallel set of rules but was still not clear the legalities of how best to do this. The problem is that it is not ok to have one set of rules in process to modify the existing rules and a second set that would modify the first set because this results in a moving target. Roger Thompson mentioned that the delay for a second set of rules with the site limitations might not be a problem if they were linked to towns updating their rules because that would take a year or two before any town could even start using the changes. David said this could be another hot button issue.

Richard asked about funding new positions considering the budget news. Chris said that the fees from the additional permits issued should cover the cost of the

additional staff once the program was up and running. Chris said that there might be a transition period when additional general funds would be needed.

Chris explained that there would be 5-6 informal hearings around the state during October, with the regional planning commissions helping to arrange the meetings. There would also be formal hearings in late November. Craig suggested getting legislators to participate in the meetings. David said he thought legislative attendance was important.

Rhode Island Trip

Craig noted that he was surprised by Brian Moore's strong statement that he did not recommend acceptance of consultant's certifications at face value. Craig also noted that his first impression at each of the sites that were visited was that the installation was an amazing solution, but that he then went on to realize that they were non-complying for new lots. David and Roger said that they understood that the systems were useable on new lots as well, but that they did not allow for creation of new lots that did not meet the minimum site limitations. The Rhode Island approach appeared to be that existing, but undeveloped lots that did not meet the rules, were getting variances for a best fix type system because the regulators were convinced that either they would give a permit or the courts would give a permit and their permit resulted in more health and environmental protection.

Craig said he was impressed with the O+M plans and operation associated with the systems. The systems seemed to be easy to maintain with less than a couple of hours per year needed at each site. David and Roger mentioned that while the Rhode Island staff said the operation and maintenance was needed, Rhode Island only required a contract for the first two years.

The consensus of the committee was that legislators seemed to think the systems used in Rhode Island could be used here but that they were concerned about the \$15-\$20K cost of the systems. Craig mentioned that we should consider a decision tree approach for deciding what should be required at a particular site with cost being a factor for each decision point.

Rule Review

The committee decided to look at the wastewater design chapter first. Roger gave a quick overview of how the proposed changes in site limitations that had been agreed on by the committee had been incorporated. David said that at-grade systems and filtrate disposal systems had linear loading rate limitations that were not included in mound systems and that there should be a consistent approach to the linear loading rate for all systems. Gail asked about the difference and David said there just wasn't time to go back and redo mounds when he wrote the sand filter section in 1996. Roger added that the mounds are working with 36" of dry soil and filtrate systems may have only 24" so there can be some functional differences though it would be good issue to work on.

David asked if the perc test was still the basis of design and, when told it was, he asked about adding a soil identification standard that would only be used by a limited group of people. Bruce mentioned that the state used to provide some soils training that might be useful. Roger said that the issue had been reviewed earlier by the group and that because of time and resource limitations he was asking to defer the change until later, even though he agreed it was the desirable approach in the long run. Chris said he would think about the question some more.

Gail asked about whether the design flow numbers needed to allow for water treatment devices. It was agreed that the flow needed to be included in any design but that a particular number could not be added to chart because of the large variation from site to site. A note will be added to the design flow chart emphasizing the need to account for the flow.

The proposed language for ground water level monitoring was reviewed. The language will be further revised to make it easier to understand.

Septic tanks were discussed. Everyone seemed to agree with the requirement for at grade access covers. The issue of leakage testing was reviewed. David said there was an ASTM standard that might be used for the leakage test. There was general agreement that the tanks should be tested after installation and after the pipe connections were made. David and Bruce suggested the minimum tank size should be 1,500 gallons based on the greatly increased length of time between required pumpings. It was agreed to investigate what such a change would mean to existing tank manufacturers.

David said he wanted to talk about variances and open up the possible situations in which variances could be used.

David and Bruce said the specifications for pressure distribution should be reworded to allow for other design concepts that could achieve the same results. There was agreement that more of the design details should be in the guidance portion of the rules to allow this to happen.

Grease traps were discussed and Alan Huizenga and Craig strongly recommended that when grease traps are required that they be large exterior units because the interior units were ineffective. Alan will develop some language for future review.

Richard asked about the use of limestone for the crushed stone in leachfields. Craig said that he had seen limestone pieces cemented together and that it appeared that some types of limestone could be a problem.

Bruce and David suggested that each section of the rules have a purpose statement that explains the function of the component or requirement. This could be used in deciding if a proposed alternative would meet the intent of the requirement.

This issue of credit for systems with extra stone was discussed. The negative is that systems are deep in the ground and partially below the depth where maximum biologic activity occurs. The plus is it allows for a system in tight sites with good, deep, soils. It was decided to leave the credit for now.

The question of systems on soils with very fast perc rate soils was discussed. The current limit is 1 minute per inch. Some other states use 5 or 10 minutes per inch as the cutoff. There was agreement to leave this as is for now.

Next Meetings

The next meetings of the advisory committee will be by August 28th and September 11, 2001 from 8:30 until noon. The meeting on August 28th will be in Room 100 in Stanley Hall. The September meeting will be in the Appalachian Gap Room in the Osgood Building.

People Attending

Roger Thompson
Gail Center
David Cotton
Craig Heindel
Rodney Pingree

Chris Recchia
Allison Lowry
Faith Ingulsrud
Bruce Douglas

Richard Deso
Alan Huizenga
Gunnar McCain
Marilyn Davis