

Minutes of the August 28, 2001 Sewage Committee Meeting
Revised 9-18-2001
Revisions are underlined

Review of Previous Minutes

Rodney Pingree said that he had attended the August 14, 2001 meeting. The minutes will be revised to reflect this.

Overview of Current Status of Rule Adoption Process

Gail Center asked for clarification of when ten acre lots will need permits and how will the landowner know they need permits.

Roger Thompson reviewed the process where 10 acre lots created prior to July 1, 2001 will remain exempt and 10 acre lots created on or after July 1, 2001 will require permits for actions taken starting three years after adoption of the new rules. Creation of new 10 acre lots will require a permit starting two years after the adoption of rules. It will require public education and help from attorneys and realtors to pass the word on when a permit will be required. Having licensed installers would be a big help as they could be required to ask the right questions.

Blair Enman pointed out that we have licensed well drillers and some will drill wells for buildings that clearly require state permits without ensuring that a permit is obtained. Craig Heindel agreed this happens but believes the problem is decreasing over time, as the well drillers become more aware of permitting requirements.

Roger gave a status report on the rule process including that the Department had permission to write a set of rules which included all of the proposed changes, including changes in site conditions, but with language that will phase-in the use of the reduced site limitations when there is legislative action to provide time and resources for towns to update plans and zoning to deal with the changes in land development patterns and to provide resources for the department to administer the expanded jurisdiction. Roger also reviewed Chris Recchia's meeting with Phil Angell, Chair of the House Natural Resources Committee. Chris reported that Mr. Angell wanted to move forward with use of innovative systems and wanted to provide money to support the creation of a training center at the Vermont Technical College in Randolph. Chris and Mr. Angell agreed to have a House Natural Resources Committee meeting to hear about the proposed rules. Chris hopes to work with both the House and Senate Natural Resources Committees until January with a goal of finding common ground that can result in statutory changes needed to implement the program efficiently.

Craig wanted to know which concepts were proposed to be phased-in. Roger indicated it was the changes in depth to bedrock, SHWT, and slope. Craig was concerned about the phase in approach causing the proposed change to be perceived as less than what was promised to the public who are expecting major reform of the program.

Blair said he had major concerns about phasing-in the site changes. Blair also felt that he would have a hard time giving enthusiastic support for the rules as we move to the public process when the most important changes would not be available for an extended period. Blair asked who was pushing to phase-in the site limitations.

Marilyn Davis and Roger said that this issue has been around since the beginning of the sewage committee in 1994. While the majority of the people on the committee wanted to separate the two issues of technical possibilities from land use impacts, there has always been several groups inside and outside of state government that were very concerned that the changes in site limitations would result in houses being constructed in inappropriate locations unless towns had time and resources to update their plans and zoning. The Agency and the Executive Branch are asking the Legislative Branch to help towns prepare for the changes by providing time and resources.

Blair repeated his concerns that phasing-in the changes would make it very hard to sell the program. Several other committee members expressed the same concerns.

David Cotton had an additional concern in that he felt that the draft that had been presented to the committee fell short of a comprehensive change in the overall approach to sewage disposal. David renewed his call for an approach that would have more than the proposed two treatment levels with related differences in construction, and said there should be multiple levels that would allow for additional reductions in separation from the groundwater. David suggested looking for approaches that would allow for reductions from 2' to 1' and for discharge directly into groundwater using UV disinfection if needed. David also said that variances should be allowed for new systems instead of only for best fix replacement systems. David said that he did not think the proposed rules were revised enough to match the framework document that we had agreed to use as a guide to a comprehensive revision of the program. David also was concerned that the committee could make recommendations and that the Department would just make their own decision while ignoring the committee recommendations.

Bruce Douglas suggested that there should be a concurrent policy committee. This committee would work on policy decisions such as phasing-in site changes and not instituting multiple treatment levels.

Craig asked if the House Natural Resources Committee knew about the proposed changes and how they would be implemented. Roger said they probably did not know the details, but that the overall concepts, including the phase-in of site limitation changes had been discussed during the session and were in fact part of the sewage bill (S.27). Chris had presented the details of the closing of the exemption and the phase in of the rules to Mr. Angell during their meeting.

Justin Willis said that he strongly supported separating the zoning and the site limitation issues. He felt that the impact on growth patterns would not be very great and that towns could make their own choices of what to do. There was additional discussion

around the fact that some towns would not want to make any changes and why they should be delayed in using the site limitation changes.

Blair said he was just learning of the proposal to phase-in the site limitations and this would be a problem for him as he had been talking to legislators in his area and giving them information that significant changes to the site limitations were proposed. He felt that telling people now that the site limitations would be phased-in would be perceived as not meeting expectations. Blair said that he was concerned that he was seeing the beginning of the splintering of the committee, with people no longer being enthusiastic supporters and felt this could lead to failure of the process.

Bruce suggested that the interest groups such as the home builders and town officials be brought into the process prior to beginning the public meetings in October so they would not be surprised by the proposal. Roger said that Chris had met with several of the interest groups including the home builders and VLCT and that VLCT supported the phase-in to give towns time to prepare for the new rules.

Design Flow

The design flow issue was revisited and there was continued support for the concept of curving the design flow for a particular use when multiple units would be connected to a single disposal system. There is agreement by the committee that the averaging effect is real and can be used to support the change. Roger raised the issue of changing the loading rate to avoid overloading the fields with organic material when they started receiving actual flows that are much closer to the design flow than under the current rules. Bruce and David commented on the current knowledge, which suggests around 0.5 gallons per day per square foot of leachfield is the long term acceptance rate for septic tank effluent based on organic considerations. David pointed out this limitation is greatly reduced when advanced treatment is used and it was agreed that the sizing method for filtrate disposal fields would have to be separated from the one for applying septic tank effluent. There was discussion about using the existing loading rate curves but truncating the curves at 1 gallon per square foot of leachfield, or less depending on the number of units connected to one disposal systems. Roger said he would work up a draft approach based on the committee discussion in time for the next meeting.

Chart for Desktop Hydrogeological Analysis

Craig, Bruce, and David presented their work on developing a chart that would factor in soil type, slope, and depth of useable soil to determine a minimum disposal system length. This is an extension of the work the sewage committee did in 1997 and includes approaches developed for use in Connecticut, Nova Scotia, and Ohio. The difficult part of using the chart will be in determining the soil type. Craig noted the change in result by moving just one category coarser or finer would be significant and potentially critical. The committee discussed whether all current designers could fully use this approach and there was agreement that many would not be able to do so. The review personnel will need to be skilled as well as the designers to ensure working

systems because many of the safety factors are being eliminated in the proposed rules. Bruce suggested that lab testing for particle size could be used to help determine the proper soil class, though Craig and others suggested that a statistically sound test would require a large number of samples. Roger noted that the Nova Scotia approach explicitly allowed surfacing of the effluent during the high water times and that the others implicitly allowed for effluent to at least rise to the surface, both of which are not contemplated under our current proposal.

The discussion of the chart led to discussion of training of designers with agreement there should be continuing education requirements. Blair mentioned that ACEC is looking into contracting for a soil training course that might be available to nonmembers. This also led to more talk about substituting soil identification for the perc test that everyone supports as the ultimate goal even though it is not proposed as part of the current changes.

Next Meeting

The next meeting will be September 11, 2001 from 8:30 am until noon in the Appalachian Gap Room in the Osgood Building.

People Attending

Blair Enman
Gail Center
Justin Willis
Marilyn Davis

Craig Heindel
Rodney Pingree
David Cotton
Roger Thompson

Allison Lowry
Richard Deso
Bruce Douglas