

Minutes from the Individual Sewage Disposal System (ISDS) Task Force – Regulatory Working Group Meeting January 3, 2001

The meeting was held in Conference Room 280, in the DEM's Office of Water Resources, at 235 Promenade Street.

In attendance:

Russ Chateaufneuf, Tom Getz, Rob Adler, George Loomis, Alison Walsh, Kendra Beaver, Tom D'Angelo, Joe Frisella, Scott Moorehead, Lenette Boisselle, Ernie Panciera, Deb Knauss

Minutes of December 13, 2000 meeting

It was noted that Bill Hamill's name was misspelled. The minutes were approved with this correction.

It was noted that the suggestion in the minutes of the last meeting that only the outlet access opening being required to be brought to grade, with other access openings brought to within 6 inches of grade, is not practically sound considering maintenance issues. The group has recommended that effluent filters be required on all new systems and when a new tank is installed for repairs. The proper method of cleaning an effluent filter is to rinse it over the intake side of the tank, which would be more easily executed if the access opening on the intake side is at grade. Also noted was that both access openings on two compartment tanks should be brought to grade.

Amendment/regulatory schedule

Russ presented the Department's plan to file an emergency rule change to waive the requirement for a site evaluation for sites with valid field data accepted by the department prior to January 31, 2001. This emergency measure is exempt from the notice requirement and will become effective upon filing with the Secretary of State; it will be effective for 120 days from the filing date, with a one-time 90-day renewal option. Discussion ensued about the appropriateness of an emergency amendment and other possible options. Most of those present agreed with the appropriateness of filing the emergency amendment.

Prior to the expiration of the emergency rule, the Department must promulgate an amendment, under standard protocol, to address the issue of the term and conditions of exemption from the requirement for site evaluation, for sites with previously approved field data.

Since the rules do not currently address sizing a leachfield using data collected during a soil evaluation, a percolation test would be required unless a conversion table were included in the emergency rule to equate soil characteristics to a range of percolation rates which would provide the appropriate leachfield size. The group preferred requiring the percolation test for the term of the emergency amendment and at the next meeting, address sizing on the basis of the results of a soil evaluation, for incorporation in the amendment promulgated to replace the emergency amendment.

Following promulgation of the amendment addressing the issues above, the Department will promulgate a larger amendment incorporating tank standards and other issues which have been, or are yet to be considered by the regulatory work group.

Concern was expressed that the term for which sites with approved field data will be exempt from the requirement for site evaluation may be less than the five-year term with provision for renewal, cited in the current rule. This could translate to great expense for subdivisions. Russ stated that subdivisions may be treated differently as there is significantly more information provided on site conditions in a subdivision application than in an application for an individual system.

Russ reported that there are currently 2,626 sites with approved field data.

Discussion of the issue of previously collected, approved field data yielded the following suggestions:

- Consider requiring the site evaluation for sites which have had two-foot water tables approved.
- At sites with an approved 2-foot water table hand-dig to 2.5-feet to perform a modified soil evaluation.
- Exempt large lots (5-acre) with approved two-foot water tables from the from the requirement of the soil evaluation.
- A tiered, risk-based approach was suggested e.g. in critical resource areas and on lots with greater than 50% wetlands, require soil evaluation for sites with approved 2-foot water tables.

Comments on the table of Topics discussed:

Large capacity cesspools – EPA is allowing states to define these in terms of flow (service to 20 persons). For example, with two persons per bedroom this would be a 10 bedroom residence and perhaps 2,000 gallons per day for commercial.

The meeting adjourned at approximately 10:10 AM.

Next Meetings

- **January 17, 2001** 8 AM to 10 AM
Conference Room 280, in the Office of Water Resources on the 2nd Floor,
235 Promenade Street
- **January 31, 2001** 8 AM to 10 AM
Conference Room 280, in the Office of Water Resources on the 2nd Floor,
235 Promenade Street