

## **Accepted**

### **Minutes from the Individual Sewage Disposal System (ISDS) Task Force – Regulatory Working Group Meeting of July 17, 2001**

The meeting was held in Conference Room 280, DEM Office of Water Resources, 235 Promenade Street and began at approximately 8:10 a.m.

In attendance:

Russ Chateaufneuf, Rob Adler, Eugenia Marks, Monica Staaf, Alison Walsh, Kendra Beaver, Scott Moorehead, Joe Frisella, Kevin Cute, Ernie Panciera

#### **Review of Minutes from July 10, 2001**

The suggestion under “Sewage Flows, Institutional” that the design flow for Group Homes “should be 150 gallons per bed instead of 200 gallons per bed” was retracted by Joe Frisella.

#### **Denitrification Requirements in Coastal Areas**

Kevin Cute of the CRMC presented an overview of how CRMC designated the 3 land use classifications and Table 9-1 (copies distributed), which specifies “Nitrogen Reducing Technology Requirements.” It was clarified that CRMC can only “require” denitrification within the 200 foot coastal zone where they have permitting authority. The “nitrogen reducing technology requirements” beyond 200 feet are policy recommendations.

The Work Group previously agreed that the ISDS regulations should require denitrification in the coastal zone consistent with the “requirements” in Table 9-1. The issue for discussion is whether denitrification requirements should apply to repairs. Note that CRMC current policy does not require denitrification for repairs.

#### **Discussion**

- Without a denitrification requirement for repairs, the burden to reduce nitrogen lies solely on new development. People with raw land are penalized and are being held responsible for past practices. Can’t adequately address all problems by regulating only new development.
- Russ expressed a concern that people with failing systems that DEM does not know about will delay repairs if they have to spend twice as much for a denitrification system. This lack of action would result in continual adverse water quality impacts (pathogens) from failing systems.
- If DEM does require denitrification for repairs, will this requirement apply to the entire watershed or only parts of it? Is denitrification necessary for large lots?
- Increased setbacks, advanced treatment (greater denitrification) and other possible higher standards could be imposed for systems nearer the water body.

Russ asked Kevin if he could research whether or not the SAM Plans considered the need for denitrification of existing systems when they were being developed. Was there an assumption that the existing systems would not be upgraded?

Work Group agreed that evaluation of three issues concerning requiring denitrification for repairs should be conducted:

1. Necessity – based on science;
2. Costs to homeowner – how to address/define financial hardship;
3. Evaluate the importance of protecting sensitive receptors from nitrogen versus pathogens.

DEM will consider CRMC maps and other resource information in developing a proposed approach, which will require nitrogen-reducing systems for repairs in at least part of the watershed.

The subject of denitrification requirements for other coastal water bodies not addressed by SAM Plans (previously discussed at the April 27, 2001 meeting) was brought up for further discussion. A process is needed to identify areas that are both impacted by nitrogen and likely to be impacted with future development. It was suggested that since DEM has significant data for Greenwich Bay and Wickford Harbor this data should be evaluated as a basis for requiring advanced treatment in these watersheds.

Recommendation to Task Force: DEM should conduct (or contract for) studies to determine other coastal embayments that are at risk from nitrogen loadings.

Recommendation to Task Force: DEM should conduct a Spring ISDS enforcement initiative going door-to-door in SAM Plan areas looking for signs of ISDS failure.

### **Sewage Flows**

Suggested that flows be based on total square feet of a structure.

Discussion of proposed regulatory language in Rule 27:

- Monica questioned why in 27.2.5 a property owner can not self-restrict the use of the residence to more than 1 less bedroom than would be determined from the regulations. DEM is concerned that in doing so, future non-compliance through leasing, etc. would have significant consequences for the system. For example: the ISDS at a home that should have a 4 bedroom system, but is designed with a 3 bedroom system with a restriction should be able to accommodate in most scenarios flows from 4 bedrooms due to the designs being based on 2 people per bedroom. However, if the system had been designed for 2 bedrooms with a restriction (as suggested), the likelihood of failure would be high.
- Table 27.2 : the first row for “3 or less” will be deleted as DEM prohibits one bedroom systems for single family homes.
- Concern that the number of bedrooms determined from Table 27.2 does not conflict with language in 27.2.1.

### **Adjournment**

The meeting adjourned at approximately 10:15.

### **Next Meeting**

Tuesday, July 24, 2001 – 8:00 a.m. to 10:00 a.m.

Conference Room 280, DEM Office of Water Resources, 235 Promenade Street