

Minutes from the Individual Sewage Disposal System (ISDS) Task Force – Regulatory Working Group Meeting November 15, 2000

In attendance:

Russ Chateaufeuf, Rob Adler, Tom Getz, Eugenia Marks, Kendra Beaver, Pat Quinlan, Scott Moorehead, Tom D'Angelo, Tim Stasiunas, Ernie Panciera, Deb Knauss

The meeting was led by Russ Chateaufeuf, who opened the meeting at 8:12.

1. The minutes from the last meeting were discussed. The minutes should be changed to reflect that the group agreed that effluent filters should be required for new construction, when a new tank is installed and on repairs, when possible.
2. Tim Stasiunas' name must be added to the list of attendees at the last meeting.
3. The minutes should be changed to reflect that there was no consensus on elimination of galleys. Further documentation was requested.

Tom D'Angelo made a motion to accept the minutes as clarified. Scott Moorehead seconded the motion. There was no further discussion. Acceptance of the minutes, as clarified, was unanimous.

Russ distributed copies of the RI Septic System Inspection Manual.

Variance Process

- **Public Interchange**

Current regulations require notification of property owners within 200 feet of a proposed septic system for which a variance has been requested; this notice requirement is generally waived for alteration applications involving request for a variance. Repairs do not go through the variance process even if standards are not met. The public generally thinks that the variance process is similar to a zoning variance, and expects the opportunity to attend a hearing. Currently, no one other than the applicant is notified of the Department's decision regarding variances.

It was suggested the Department send notification of its decision and reassurance that the decision is based on protection of public health and the environment, to those who received notice of the variance request.

Two Tier Variance Process

A two-tier process would eliminate the notice requirement for variances which do not impact neighbors. DEM staff have stated that valuable information is frequently received via comments from neighbors and are concerned about any elimination of the notice requirement. Eugenia emphasized that involvement of neighbors in decisions affecting their environment made for good public policy.

Suggestions relating to the notice requirement included:

- notify neighbors even in the case of alterations,
- eliminate the notice requirement for common variances which do not impact neighbors, for example: 25 foot fill perimeter, foundation setback of 15 feet and separation to waterline supplying property, be codified in the regulation and not require notice,
- Stipulate, in rule, specific cases and "work-arounds" where the standard need not apply; one suggestion was to eliminate or reduce the 25 ft setback to water line if a water-tight sleeve is provided around the line within the 25 ft setback.

Members of the Task Force will be asked to submit a list of variances which would not impact neighbors; these will be considered for exemption from the notice requirement.

Concerns with restricted elimination of notice requirements included:

- the regulations are minimum standards to protect public health; abutters ought to be notified.
- There could be cumulative effects of more than one seemingly insignificant variance about which homeowners may be concerned.

There was discussion about delay of the variance review process due to people neglecting to pick up their certified notice letters, as the review process can not be initiated until all the return receipts are sent by the applicant to the Department.

Inclusion of designer and applicant in the decision making process

This relates to designer's frustration with successive re-submission of "pink sheets" in response to DEM requests for design modifications. They feel that rather than communicating with the Department via mailed pink sheets, a meeting would be more efficient. It was stated that although the mailing of the pink sheets may take time, that it may be beneficial to have a paper trail. It was noted that the pre-application meeting process which was implemented by the Wetlands Program, has been helpful and has saved time on preparation of wetlands applications. Russ agreed that such meetings would be helpful but raised the concern of resource limitations. Meetings are sometimes held during the course of the application process and are generally deemed beneficial. The program will attempt to provide more pre-application meetings provided resources are available to be dedicated to the task.

Sand Filter applications to be exempt from variance requirement

Russ stated that the Sand Filter Guidance Document was adopted by the Department in April and that sand filters designed in accordance with this guidance did not require a variance. There was discussion about changing the current practice of requiring that a variance be applied for on applications for sand filters with conventional drainfields in areas which are not critical resource areas.

Russ stated that it is DEM's objective to write into the rule a procedure for issuing guidance documents. This would allow the documents to be changed as exposure to I/A technologies increases. The process of revising the guidance would involve public comment, but would not require revision of the regulations. There was support for this process, as long as it involves a public participation component.

Well setback requirements

Russ summarized a discrepancy in DEM and DOH well setback requirements: DEM requires that ISDS be 100 feet from private wells and 400 feet from public wells. DOH, which regulates public wells, requires a 400 foot setback to watertable wells and a 200 foot setback to bedrock wells. Russ mentioned that, lately, there has been an emphasis by DOH to have applicants strive for greater protective well radius under ownership, at the expense of ISDS's desired 400 foot separation requirement. It was decided that DEM would meet with DOH to discuss these apparent inconsistencies. It was suggested that the setback standard might be variable, depending on soil characteristics, depth of well, casing depth and well depth, and/or daily withdrawal volume.

In general, there did not seem to be any support for increasing or decreasing the current private well setback standard.

The meeting was adjourned at 10:20.

Future Meetings

- **November 29, 2000 - 10 AM to 12 Noon**

Conference Room 280, in the Office of Water Resources on the 2nd Floor,
235 Promenade Street

Note: this time has been changed from 8 AM to 10:00AM, so that there will only be one hour between the termination of this meeting and the beginning of the Septic System Policy Forum, which is from 1:00 PM to 4:00 PM in Room 300, at 235 Promenade Street.

- **December 13, 2000 8 AM to 10 AM**

Conference Room 280, in the Office of Water Resources on the 2nd Floor,
235 Promenade Street