Accepted
Minutes from the Individual Sewage Disposal System (ISDS) Task Force –
Regulatory Working Group Meeting November 29, 2000

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

In attendance:
Russ Chateauneuf, Susan Licardi, Tom Getz, Eugenia Marks, Kendra Beaver, Tom D'Angelo, Joe Frisella, George Loomis, Mohamed Freij, Ernie Panciera, Deb Knauss

Russ Chateauneuf initiated the meeting at 10:05 AM.

Tom D'Angelo made a motion to accept the minutes as submitted. Kendra seconded the motion. The minutes were unanimously accepted as submitted.

Two Tier Variance Process
In an effort to identify variances of a minor nature with the respect to impact on abutters, such that the requirement to notice abutters may not be necessary, suggestions were sought of designers working with the task force. The following list was received:

1. Tank distance from foundation
2. Retaining walls if they are a minimum pre-determined distance from abutters' property lines.
3. System from foundation may even be eliminated if lined with poly.
4. Well distance from ISDS on same lot and with pretreatment.
5. Trench spacing of ISDS.
6. Step trenches.
7. I/A systems not yet approved and/or accepted if all other distances from abutters' are met.
8. 25' perimeter when minimum pre-determined distance from property lines are met,
9. Any alteration since it is always an improvement to an existing system.
10. Ledge and/or water table within 25' of ISDS or higher than min. required depths when pre-treatment used.

The merit of exempting certain variances from the notice requirement was debated, however there was no group agreement to exempt any variance from the notice requirement. There seems to be some support for exempting the tank setback variance from the notice requirements in light of the proposed new tank regulations that will greatly decrease the likelihood of tanks leaking. It was noted that the tank setback standard should not be diminished because of the concern that a closer setback may affect the structural integrity of the house foundation.

Mohamed indicated that it was his experience that useful information is received from abutters in many cases and that the notice process has merit even if direct potential impacts to abutters are non-existent or no different than posed by systems meeting the full standard. Russ noted that in many cases, new rules will greatly lessen the instances where one or more of these variances would be required. He suggested that the Department staff review how the rules will impact these variances and report back to the committee.

Simplified Subdivision Application for five lots or less
This would allow for ISDS applications to be submitted and reviewed simultaneously for five or fewer frontage lots, without requiring submission of the rigorous subdivision application currently required. It was noted that municipalities would have to be notified of this alternative process, so they would be aware that, in some cases, a preliminary subdivision suitability would not be issued by the Department. The group agreed with this proposal.

Imminent Sewer Exemption (ISE)

Conditions:

- System suitability determination is conducted, the system (cesspools included) is working and no increase in flow is proposed;
- Verification is obtained from municipality that there is bonding approval for sewers and they are in design or construction phase and the sewer (to which the subject lot could connect) is proposed for construction within five years; and
- The owner agrees to connect as soon as sewers become available.

If these conditions are met, it would allow the homeowner, to continue to use the existing system until the sewer is ready to tie-in, provided it does not fail during the interim period.

Russ indicated that this concept is currently in practice as a policy under the SSD procedure. It was developed in response to complaints from individuals about the economics of having to pay for both a new ISDS and new sewer assessments and fees.

The following concerns and alternative provisions were expressed:

- five years is too long
- cesspools be disqualified from ISE proposal
- have a different policy in critical resource areas
- allow a holding tank to be put in, in-place of cesspools and require records from the pumper
- coordinate with municipalities to issue temporary Certificates of Occupancy upon approved completion of construction, until the home is tied-in to sewer
- emergency provision, for cases where a house burns down
- include an impact assessment type of component to the ISE, to evaluate potential impacts of the cesspool, based on site-specific characteristics
- perhaps the Septic System Check-up might be used as a reference tool to assess functionality of the system.

It was decided that the Department would provide draft language, which could be evaluated for potential impact of ISE on public health and environmental protection.

Nitrogen Reducing Technology

A summary describing a proposal by the Department for requiring nitrogen-reducing systems in certain areas and under certain application conditions was distributed. Russ summarized the desire of the Department to require nitrogen-reducing systems as a best management practice (BMP) in specific locations in the state. Areas and conditions proposed are:

> 1) Critical resource areas as defined by the CRMC Special Area Management Plans (SAMP's) – require nitrogen reducing technology for all new systems and alterations in accordance with CRMC policies.
> 2) Areas with ISDS and private drinking water wells; and within wellhead protection areas – require nitrogen reducing technology for all new systems and alterations when the system is designed to receive more than 700 gallons per day per acre. The 700 gallon per day per acre maximum can be determined in the aggregate.

Concern was expressed that the list does not include other water bodies, such as Quicksand Pond and Green End Pond. The explanation for the limited list is that CRMC extensively studied the SAMP areas, data indicate that the coastal ponds are sensitive nitrogen receptors, and a specific plan regarding management of nitrogen from septic systems was developed for the watershed. There are not yet data available on other ponds that would support their inclusion. When the Total Maximum Daily Load studies (TMDL's) are completed for other salt ponds, if the data indicate that a body of water is sensitive to N inputs, they could then be included.

It was inquired as to whether other sources of information might be used to justify a salt pond's inclusion on this list. A specific recommendation for evaluation was a Narragansett Bay Project report, authored by Alan Desbonnet and Virgina Lee in 1996.

A suggestion was made to allow municipalities to petition DEM to include specific areas of their towns on this list. Russ felt that this would be appropriate, if a town met certain criteria, for example, town council approval.

Similarly, a municipality may wish to petition for a specific technology to reduce inputs of phosphorous or pathogens.

The meeting adjourned at 12:15.

Next Meeting

- **December 13, 2000** 8 AM to 10 AM
  Conference Room 280, in the Office of Water Resources on the 2nd Floor,
  235 Promenade Street