

Drainfield to Surface Water Setback Distance Subcommittee

Teleconference Meeting Minutes

Thursday, 11/18/2010, 10:00 am

Teleconference
Date: 2010-11-18
Start: 10:00 am

ATTENDEES:

Athol: George Miles, PE
Boise: AJ Maupin, PE; Joe Canning, PE
Coeur d'Alene: Allen Worst
Hayden: Dick Martindale
Idaho Falls: Nathan Taylor
Kimberley: Dr. Jim Ippolito, Ph.D. USDA
Rapid City, SD: Bill Holder, PE

ABSENT:

John Corcoran (Realtor Association Representative)
Brett Skidmore (Building Contractors Association Representative)

Support Staff: Lindsey Stanton, DEQ clerical

Meeting called to order: 10:00 a.m.

Past Meeting minutes:

Meeting minutes for the October 14th meeting were reviewed. A motion was made to accept the minutes as amended, seconded and passed unanimously.

Position Statements

AJ has read the position statements and summarized them in spreadsheet. He wants to ensure that everyone's intent was captured. The subcommittee needs to make a decision for the next Technical Guidance Committee (TGC) meeting on March 15, 2011.

- Does the subcommittee embrace and recommend changing the rule designated setbacks?
 - **Yes:** Allen, George (with some restraints)
 - **No:** Dick, Nathan, AJ, Bill, Jim
 - **Maybe:** Joe (not enough information to decide)

- Would the subcommittee support addressing this information in the TGC manual?
 - **Yes:** AJ, Allen, Nathan, Bill, George, Joe
 - **No:** Dick (cumbersome to implement, not sure if approving would be protective)
 - **Maybe:** Jim

- What is required first and foremost to accommodate setback reductions? The process must be clear to stakeholders and implementable by regulators. There may need to be rule changes and guidance placed in the TGM. One consistent suggestion was permitting structure. How do we feel about Idaho's existing structure?
 - AJ would love to see an operating permit for the subsurface program.
 - George agrees. Many states base it off of EPA guidance. Idaho's current structure is not recommended.

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- Joe supports operating permits, but is concerned about the impact on workloads at the health districts.
- Dick supports operating permits, under certain conditions. It must be a fee-based program, and the fees would need to carry the program.
- Nathan agrees with Dick. Who would keep track of them, though? If they don't work, then what do we do?
- Allen has concerns about operating permits, including getting a rule change for enforcing them.
- AJ has asked two deputy attorney generals to review the rules to determine whether they support issuing operating permits. The current statute and rules support operating permits. The administrations impression is that the legislature would not approve of DEQ issuing operating permits. Stakeholders would need to request this from the legislature, not DEQ. Even though the rules allow it, the rules are not clear enough to properly execute an operating permit system. Specifically, the rules will need to identify acceptable means of enforcement, including limitations.
- Bill is in favor of operating permits
- Jim has no comment.
- How would the operating permit become integrated with the subcommittee's work? That decision is still to be made. It could be part of the recommendation.
- Would everyone agree that pressurized drainfields should be a requirement for any drainfield setback?
 - **Yes:** AJ, Allen, Jim, Joe, Bill, Dick (conditionally; if the drainfield is sized according to current flow rates, it may overload frequently due to these flows being based on averages. Also, there is concern about surge loadings because of seasonal usage. Also, people find ways to shrink the size of their system, causing saturation.)
 - Allen mentioned that additional volume/capacity could be provided to capture these surge flows and dose them to the drainfield over time. Tanks must have high water alarms.
 - The subcommittee agrees that there would be a requirement for time dosing as well.
 - AJ and David Hatt have plans to train realtors and communicate with title companies that system restraints are not being conveyed to new owners. Owners often are not aware of system requirements.
 - The subcommittee supports the suggestion that a covenant could be tied to the land so that the next owner is informed. There is a similar process for wastewater permits.

Action Item: AJ will look into the possibility of a covenant.

- What are the minimum requirements for a site evaluation for all constituents of concern?
 1. Separation distance to surface water.
 2. Vertical separation distance to limiting layer.
 3. Identify iron, aluminum and calcium content in each of the soil horizons.
 4. pH
 5. Identify percent large soil fraction
 6. Bulk density of the soil.
- There needs to be a non-technical way to explain this to stakeholders.
- A procedure would lend flexibility and overall options.

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Open Discussion

- The subcommittee provided feedback on the document, *National Decentralization Water Resources Capacity Development Project: Micro-Scale Evaluation of Phosphorus Management, Alternative Wastewater Systems Evaluation*.
- What about source diversion? A composting or incinerator toilet could be used to divert phosphorus laden human waste.
 - Source diversion is rarely seen, but there is no incentive for it either. Some people would embrace it, but some would find it to be cost-prohibitive. Source diversion would also help with nitrates, pharmaceuticals, etc.
 - A holding tank could be protective, although there have been problems with people punching holes in holding tanks.
 - With operating permits, more technology could be used to give people more options. They would almost override NSF approval.
 - Greywater systems and composting toilets are not popular with many people because they don't want to deal with the sludge.
 - Source diversion may need to be coupled with effluent monitoring and reporting.
- What does the subcommittee think about separation distances less than 100 feet?
 - George believes that less than 100 feet would not be safe.
 - Joe agrees, but would like to leave the matter open.
 - Allen hates to set an arbitrary limitation if it could be proved that there would be no impact on surface water.
 - 100 feet is specified as the minimum separation distance to drinking water wells in the Individual/Subsurface Sewage Disposal Rules.
 - 100 feet is also a carryover from the sanatorium manual from U.S. Public Health Services.
- George thinks that all of these types of systems should be designed by a licensed P.E. This would not add too much expense to the total cost. Technically, it is a statewide requirement that a person needs to be a licensed engineer to design pressurized systems.
- Type A soils have not yet been addressed. AJ will distribute an article from Dune City, Oregon which identifies eutrophication of the nearby lakes. The article presents research into scientific and legal aspects of phosphorus induced eutrophication of surface water around Dune City, Oregon.
- The subcommittee has addressed household waste, but not turf and fertilizer runoff. If drainfields are allowed to be placed closer to surface waters then homes and lawns may also be placed closer. This is out of their jurisdiction, but should maybe be addressed in the white paper.
- The question was posed, if someone does diversion and site analysis, how do we determine the separation distance? The end of Section 4 of *Micro-Scale Evaluation of Phosphorus Management* talks about developing a vulnerability index for phosphorus breakthrough. Also, a soil chemist at University of Idaho, Dr. Strawn, has written a proposal for this. This issue needs to be addressed in the white paper that will be submitted to the TGC during their winter meeting in March, 2011.

Action Item: Subcommittee members will email AJ all of their ideas. AJ will put together a flowchart of procedures. He will then send the flowchart out to the subcommittee on November 29, and they will discuss it at the next meeting.

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NEXT SCHEDULED MEETING:

The next meeting is scheduled for Friday, 10 December 2010, from 10:00 am MDT (9:00 am PDT) to 12:00 pm MDT (11:00 am PDT).

ADJOURN: Meeting Adjourned at 12:03 p.m.

Next Meeting Topics:

1. Review and discuss procedural ideas and agree on a minimum setback distance.