

Meeting Minutes

Onsite Wastewater Advisory Committee (OWAC) Meeting
September 20, 2013 from 8:15 am to 12:30
Room 3175

8:15 am **General Discussion**

TBD

No votes or notes to be taken – the purpose of this session is to form recommendations

Possible Discussion Topics: Public Outreach Meetings; PPL Listing Process; Singulair Green; Building Codes and Gray Water & Reuse; 1.09 Permits & flow expansion; A316; Indicator Organisms; Rule Process; Reference Designs; Use of 319 Grant Monies; Citizen Issues, New Business & Committee Discussion Items

10:40 am **Chair Opening Remarks**

Jake Garrett

9 out of 12. Members In attendance: Ehrlich, Sinclair (left the meeting at 12:50), Moses, Ramsey, Farrell-Poe, Fagen, Swanson, Garrett, Long, Chiordi (left the meeting at 11:07), Hawke. Quorum is met.

ADEQ Staff: Greenslade, Burchard, Baadiyan, Smit

Public: none for the meeting

1. Replacement of the Vice Chair (many thanks to Brian)
Bryan Chiordi volunteered. No other offers of nominations. Unanimous approval
2. Approve June 21, July 19 and August 16 minutes
June 21 minutes: motion to approve as printed-1st Hawke, 2nd Ramsey, VOTE-8 aye, 1 nay
July 19 minutes: motion to approve as printed-1st Hawke, 2nd Chiordi, VOTE-8 aye, 1 nay
August 16 minutes: motion to approve as printed-1st Swanson, 2nd Sinclair, VOTE-9 aye, 0 nay
3. Rulemaking readiness
 1. **Chair does not think that the group is ready to begin rule making based on the facilitated workshop.**
 2. **The Governor's established bar to justify rulemaking will stay in place for the foreseeable future and the group will need to meet those objectives.**
 3. **Need to make sure that the group stays clear on the benefits to the public.**
4. Appealable agency action & PPL
Jake thought that PPL decisions could be appealed to Water Quality Appeals Board for licensure appeals.

Question to ADEQ: Is this an appealable department decision? Answer: ADEQ does not believe that it is a licensing decision thus not an appealable action. Chair requests that ADEQ clarify the department's position from the agency legal advisor. ADEQ agrees to get clarification.

*****Group requests that PPL Subcommittee discuss this item and hopefully craft a recommendation for ADEQ consideration.*****

5. How are denial & licensing appeals handled by the counties and ADEQ
Conversation moved to ACDEHSA

11:20 am **ADEQ Update** Jerry Smit

1. Committee Nominations
ADEQ has invited Charlie Moses and Joelle Wirth to join the committee both accepted. There is still a vacancy. The department has requested application. The application period will close Oct 8, 2013.
2. Product Listing Presentation

3. Updates

- a. Training posted to ADEQ website

NOT is ready to post but not finished

Asking Mindi Cross if the *Enforcement* presentation can be posted.

Several more need to be updated before posting

- b. Acid motion

Motion was made and approved by the committee on July 19, 2013. For ADEQ this motion is a very difficult motion to enforce. The unadopted motion is better for

ADEQ which was:

“We request that the ADEQ Enforcement be tasked to work with the Local Agency Enforcement to address this issue for effective statewide enforcement. This will include distribution of the 1997 ADEQ prohibition on the use of sulfuric acid and other acid treatments on sewage treatment systems.”

More discussion needs to be had about how this affects the environment, proper functioning of the system.

- c. 1.09 recommendation

ADEQ feels that this is inherent in the rules currently and the counties and the department are already able to implement this concept. Mr. Smit cautions that Consent Orders are difficult to craft and to enforce and enforcement must occur through the court systems. ADEQ looks forward to working with OWAC in crafting new rule language that will keep 24000gpd+ but smaller than practical for Individual APP permits.

Hawke to work with Smit and Mindi Cross to verify that Consent Orders are tools for use by the counties.

- d. Norweco Singulair Green Status

The language has been removed from the listing. It has been listed on the website. Applicant is happy.

11:00 am OWAC Discussion

Jake Garrett

1. COMMITTEE REPORTS:

- a. PPL

Suzanne Ehrlich

No Report

- b. A316

Ed Swanson

Meeting held on 9/13/13 Discussed knowledge and training long term vision on how to manage this topic. Knowledge should be determined by written and perhaps practical exam. There is a summary document prepared by the A316 committee chair (attached). Chair wants members to provide comments on the report at the next meeting

- c. O & M

Brian Chiordi

- d. Public Outreach and Education

OPEN (Jake Garrett)

No report

- e. Indicator Organisms

Joelle Wirth

No report

- f. Rule Development

Justin Ramsey

No report

2. OLD BUSINESS

- a. Facilitated Work Session

- i. Review Official Report

This is in the Dropbox-The chair asks that the members review this document and provide comments. Chiordi further summarized in a spreadsheet format (attached). The Chair requests that ADEQ provide a vision of the structure and philosophy of the Aquifer Protection Permit General Permit for Onsite Wastewater Facilities. There are two ways to move forward with our rule:

1. Simple update of the existing rule as ACDEHSA is doing

or

2. Prepare a strong framework and provide clear justification and scientific support for the changes adding in enforcement, o&m,

ii. Discuss recommendation on follow up session

3. REPORT OF MORNING DISCUSSIONS: All Present

No report presented

4. NEW BUSINESS:

- a. Enforcement and the comments *received* from the Network For Public Health Law.
- b. Factors of Safety as brought during workshop and by Jack Bale.
- c. ADEQ & AG Report General Permit Underlying Philosophy and Requirements 49-241 & 49-245

No new business addressed

5. REVIEW: Subcommittee Parking Lot Items - Jake Garrett (Attached)

No review conducted

6. Administrative Issues

None solicited

7. Open Forum for Stakeholder Comments Call to Public

Call to public made. No comments received

12:58 pm Close the Meeting

Motion made to adjourn by Swanson, 2nd by Ramsey.