

# OWAC Meeting Minutes

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## Onsite Wastewater Advisory Committee (OWAC) Meeting

May 19, 2015 from 10:00 am to 1:30 pm

Room 3100A

Conference Call Number 1-877-820-7829 & Pass Code 872 620 8986  
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The notes listed below are from the On-site Wastewater Advisory Committee meetings and are not necessarily the views of the Arizona Department of Environmental Quality. These notes are for informational purposes only and are not guidance or policy.

### ***SPECIAL MEETING WITH FOCUS ON A316***

**Bring snacks & beverage** as there will be **no Lunch Break** (by prior agreement)

#### 10:00 am Chair Opening Remarks

Jake Garrett

**Quorum 8 of 11. Attendance: In person-Garrett, D Bartholomew, Ehrlich (In 10:37), Swanson, Wirth. Phone-Long, Hawke, Fagen. ADEQ- Baadiyan, Smit, Burchard (in 11:09). Public-Phone: Mikie Halenar (Pioneer Title).**

##### 1. Introduction

*Introductory statements were short and the discussion immediately shifted to a series of questions posed to the committee by Mikie Halenar, Manager of the Payson Pioneer Title Office. The questions centered on uncertainty as to where title companies were to send NOT's, was OWN to be used, confidentiality of the ROI, and when and what changes regarding delegation agreements and who is to receive NOT's have been made since 2005. Committee questions of Ms. Halenar included what do title companies see as their role, what actually happens with the ROI at closing, how often do buyers actually see the ROI, timing problems and motivations of buyers, sellers, banks and involved realtors at and shortly before the time of closing. There was also a robust discussion of AAR contracts, how recommended repairs are completed and funded, and the negotiation process between buyers and sellers.*

#### 10:05 am ADEQ Update

Jerry Smit

##### 1. Brief comments on the Transfer of Ownership Inspection program origin and evolution

**Mr. Smit emphasized a portion of the 2005 Notice of Final rulemaking that stated**

*"The Department expects that most maintenance and repairs to on-site systems, and hence operations and maintenance (O&M) and environmental benefits that will accrue, will remain outside of the view of the regulatory agencies as a natural consequence of seller/buyer disclosure negotiations that take place at the time of a property transfer."*

#### 10:15am OWAC Discussion

##### 1. My Winter Vacation

Jake Garrett

***From a NAWT Inspection Class held in Payson at the end of March, Jake understood is that there are different kinds of inspections that could be done at any point in time and we (Regulators) are trying to make more out of the transfer inspection than it is intended to be. Let's focus our discussion of the Transfer inspection only.***

##### 2. Types of Inspections from March 27-28 NAWT Course

Jake Garrett

Define "What is the specific Inspection that is desired in the NOT process?"  
Do NOT mix ***Transfer Inspection*** with ***Performance Compliance Inspection***

*Compliance, warranty, drive-by, and operating inspection (NOT inspection is intended to be this type) which is designed to find out that the system pieces are there and working, but not necessarily operating at their optimum level. Does the pump come on, pump, and deliver effluent but not necessarily at the design level. Jake believes that ADEQ should adopt the form and process taught in the accepted course. In Jake's opinion compliance inspections should also be done every 7 years for every system that should be detailed and verify that the system is functioning per the permit.*

*Privacy-cannot reveal personal information without specific authorization. If there is a regulation requiring a copy of the report be sent to ADEQ or its delegate Title companies would make that happen.*

3. Discussion: A316 comments made in SOS Administrative Register Ed Swanson  
*A detailed discussion of statements made in the 2001 and 2005 Notices of Final Rulemaking including and how those statements have manifested in today's reality was conducted. A central point is that the 2005 Notice of Transfer rule was intended to build on principles begun in 2001 and continued in 2005 as follows:*

*"During the development of that rule, the Department stated that the inspection approach should: 1) rely on the private sector as much as possible, 2) coordinate with property disclosure and inspection provisions of the real estate contract in use by the Arizona Association of Realtors®, 3) be performed competently in a consistent manner across the state, 4) ensure that needed repair and maintenance are done, 5) provide relevant information about the system and its condition to the prospective buyer of the property, 6) provide relevant information about the system and the new permittee to the Department and its delegated agencies, and 7) function efficiently without extensive oversight and resource needs by the Department and delegated agencies. In the main, the provisions of the 2001 rule met these objectives."*

4. A316 Sub-committee progress Summary Ed Swanson  
*R18-9-A309A.II. Proposed language.  
Assignments: B: Lowell/Dawn  
C: Larry/Jake*

5. J & L A316 Language Larry Hawke

1:28 pm **Administrative Issues**

1. BUSINESS FROM THIS MEETING FOR FUTURE DISCUSSION

*June 9 agenda will include:*

*Continuation of this discussion*

*Joelle's report on Phase II Study of NOT/ROI's in Coconino County*

*Reorganized Approach section B modifications by Lowell and Dawn*

*Reorganized Approach section C modifications by Larry and Jake*

*J and L rule language reconciled with Reorganized Approach by Jake and Larry*

2. Open Forum for Stakeholder Comments Call to Public

*1:30 Mikie Halenar left the call at some time. No public on the phone. No public in the room.*

**1:30 pm Close the Meeting**

**Motion to adjourn Swanson, 2<sup>nd</sup> Ehrlich**