

Large On-Site Sewage System
Rule Committee Meeting Summary
April 24, 2008
9:30am – 3:30pm

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Welcome and Introductions

Dave Lenning welcomed committee members, reviewed the agenda with committee members, and asked for member introductions and audience introductions.

Task 1 – Results of the Priority Exercise:

Richard and Dave reviewed the results of the priority exercise (handout), noting which issues are scheduled to go to the Technical Review Subcommittee for recommendations first. The committee reviewed the prioritized issues and agreed that the ones marked with an X should go to the Technical Review Subcommittee first for recommendations, then to the full Rule Advisory Committee.

Task 2 – Permit Program Options for Rule Advisory Committee to Consider:

1. Department of Health, Current LOSS Permit Program. Mamdouh El-Aarag (PowerPoint)

Wastewater Management Section, DOH: Current Practice

- Fee difference between “in compliance” and “out of compliance” (\$0.01 per gallon increase): doesn’t offer a big enough penalty (comment); cheaper to pay for noncompliance than pay to fix the problem.
- Concern for making fees higher (and realistic – covering program cost) – impact to LOSS owner.
- Current fees probably don’t cover the costs to issue the permit.

Wastewater Management Section, DOH: Statute Requirements for the Future

- Public notice is required for LOSS over 14,500 gallons per day (gpd).
- Why? Legislature decision; probably to be consistent with current practice at DOH and Ecology.

2. Department of Health, Drinking Water Program, Operating Permit Program. John Aden (PowerPoint)

Office of Drinking Water (ODW), DOH: Current Practice

- Operating permits issued as part of compliance efforts and to generate revenue.
- Fees are calculated:
 - a. By number of connections – Group A, Community water systems.
 - b. By population, converted to equivalent connections – Group A, Non-community Transient and Non-transient water systems.
 - c. \$1.50 per equivalent connections (smaller systems).
 - d. Base fee plus fee per connection (larger systems).
- Annual fee, permits issued by quarter to even the workload.
- ~4200 permitted systems.
- Annual revenue ~ \$1.2 million (8% of ODW budget).
- Fees noted in statute: difficult to change (must be done by legislature).
- If systems are out of compliance, ODW has statutory authority for receivership (taking system away from its owner).
- Many remedies to achieve compliance tried before then.
- Certified Operator is also liable for operation of the system, along with owner and manager (“purveyor”)
- What would ODW do differently to make the program/process better?
 - a. Take the fees out of statute.
 - b. Know it’s not realistic to turn the water off at a system that fails to get a permit.
 - c. Appeal process is cumbersome for permit color determination (and other actions): adjudicative process. Must notify system/owner of right to appeal.
 - d. Satellite management (or contract operator) concept: has potential, but not being managed at ODW. Required for new water systems.
 - e. Could LOSS program get low interest loan program or grants like Drinking Water State Revolving loan Fund (DWSRF) (or wastewater SRF)? SRF programs are funded federally; Water System Acquisition and Rehabilitation Program (WSARP) is a grant program funded by the legislature.
- Operating permit status determined in SENTRY (drinking water database). Can change daily (more often than once/year) due to water quality information entered into SENTRY.

Questions/Comments

- Can drinking water database be used for LOSS?
 - a. Will be used to try and locate LOSS not yet under permit.
 - b. Will investigate this option with ODW.
- Sanitary survey/inspection concept is worth considering for LOSS (periodic visit to inspect the system).

3. Department of Ecology, Water Quality Program, Water Quality Permits. *John Stormon (PowerPoint)*

Department of Ecology: Current Practice

- National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge Permits (for those discharging waste not meeting federal standard).
- General Permits – issued to similar dischargers.
 - a. Example of variability: Sand and Gravel General Permit.
 - b. Faster process to obtain permit.
 - c. Ecology must inspect permitted facilities. Not in statute: decided in court.
 - d. Discharger submits reports to Ecology
 - e. Annual fee.
 - f. Ecology requires compliance monitoring.
 - g. Permit holder must report to Ecology if out of compliance.
- Fees. Must support program 100%: by statute
 - a. In Washington Administrative Code (WAC): Change in fee requires rule revision. No automatic increase.
- Permit issued for 5 years. Fees billed annually. Must allow Ecology access to premises during regular business hours.
- Suggest DOH use Notice of Violation (notification – not appealable).
- Ecology appeals go to the Pollution Control Hearings Board (PCHB) first; court second.
- Must apply for Ecology permit renewal 180 days before expiration (5 yr permit). Can include new conditions (e.g. for watershed or TMDL requirements).
- Third party has the right to appeal a permit to PCHB (not true for ODW adjudicative process).

Questions/Comments

- How many Ecology permitted systems will transfer to DOH?
 - a. Unknown; guess < 50.
 - b. Could increase if some systems change to subsurface disposal (if DOH regs are perceived to be easier).
 - c. Ecology has permitted 179 systems that discharge to land surface.
- All Ecology permits are on-line.
- Individual permits: 814.
- General permits (various categories): 5096.
- What from Ecology's permit program could/should apply to LOSS?
 - a. Give flexibility for DOH to develop general permits. (Unclear if this could be a good way to handle LOSS, but give the opportunity.)
- What's different between Ecology and current LOSS permit programs?
 - a. Will DOH look for unique requirements or can they be generalized?
 - b. Ecology focused on discharge: controlling water quality of effluent.
 - c. DOH focused on soil treatment ability and volume of discharge.
 - d. Length of permit: one year vs. five
 - e. All current Ecology LOSS are permitted as "individual" permits.
 - f. Ecology discourages drainfields.
- Possible categories for DOH general permits?
 - a. Dump stations.
 - b. Industrial.
 - c. Restaurants.

- d. Domestic.
- e. By treatment technology.

Task 3 – Audience Comments

None

Task 4– Advisory Committee Discussion: What Should Dept. of Health Focus on for a successful Operating Permit Program?

Dave introduced the next topic and asked the RAC members to answer -**WHAT’S IN A SUCCESSFUL DOH OPERATING PERMIT PROGRAM FOR LOSS?** The group discussed the topic and provided DOH with suggestions and direction.

Comments and Suggestions

1. Like the ODW permit color coding
 - Easy for local health jurisdiction (LHJ), understood by others.
 - Tie to health risk, environmental risk. (E.g. public wells, shellfish growing areas, groundwater quality.)
 - Especially liked for existing LOSS that will be added to the permit system.
 - Categories suggested:
 - a. New/current
 - b. Older/met requirements when approved.
 - c. Unknown/compliance schedule in place
 - d. Public health, environment hazard.
2. Need to find some way to bring in “existing” LOSS whose condition is unknown.
 - Questionnaire (WFI) sent as permit application.
 - Fee structure is way out of line (whole program).
 - Compared to Ecology.
 - Project reviews, annual operating permit fees: don’t cover costs. Too low.
 - Recommendation of previous LRDC: fees must support program.
 - Cost to issue permits and review reports:
 - a. Ensure LOSS is operating OK.
 - b. Technical outreach (Ecology has a staff position for this.)
 - Reward compliance and penalize those out of compliance.
 - DOH should be more hard line.
3. More frequent reports for some LOSS systems? (Quarterly?)
 - a. Ecology has Daily Monitoring Report (DMR) – sent in monthly.
 - b. DOH asks for annual report – sent in once a year: some may not look at it till end of the year.
4. Compare DOH fees to county review fees. DOH is low.
 - Charge based on gallons (size of system)?
5. How to provide incentive (reward) for good project submittals and staying in compliance?
6. Existing, unpermitted LOSS
 - Drinking water planning example: demonstrate financial capacity.
 - Give a schedule to perform/comply – over time.

- Grant and loan programs for LOSS.
 - Ownership of LOSS: management capacity for the long term.
7. Wastewater is at least as important as drinking water for public health.
 8. Automatic annual fee increase: can we implement this approach? (OK by citizen initiative?)
 9. Can we stretch “annual” permits to be valid longer – to minimize costs? (statute says “annual”.)
 10. Develop something similar to the drinking water database.
 11. Suggestion: Form an **Operating Permit subgroup** to draft recommended option for June LOSS RAC meeting.
 - Share results with Theresa Jantzen before June meeting.
 - Look for input from other state’s examples.
 - Volunteers:
 - Dave Jensen
 - Jerry Deeter
 - John Poppe
 - Dale Broyles
 - Scott Jones
 - Ecology
 - DOH.
 12. DOH should consult the Attorney General on these topics:
 - Stretch “annual” permit to reduce costs.
 - Interpret “initial permit in compliance”.

Task 5 – Technical Issues: Design Requirements - Topic #11 and Technical Review Subcommittee

1. Topic 11: Verify Performance of Treatment Technologies (*Handout*)

Richard presented the issue paper for topic #11.

Discussion/Suggestions

- If performance-based – on-going sampling is required
 - Suggestion: monitoring may be reduced over time if performance is good.
- Sampling vs. registration
 - Sampling would allow more technologies into Washington.
 - But what to do about a LOSS that monitoring shows is failing?
- Relate sampling levels or requirements to build-out.
- Even if NSF approved (or other national approval) – may still not work.
- Want to encourage choices of technologies (e.g. only 2 approved nitrate removal processes) – then go to performance-based approach.
- No incentive to go through standardized testing – too costly.
- Public domain treatment: no one wants to pay to get it tested. (e.g. gravel recirc – nitrate removal)
- Treatment level N – mostly not useful for LOSS.
- Consider European standards.
 - Not in small system rules.

- Consider in guidance or LOSS rule.

2. Issue Paper Approach

After reviewing the Topic #11- Issue Paper, Dave asked the committee if the issue paper approach is OK for dealing with RAC Topics. The committee said yes.

3. Technical Review Subcommittee

The volunteers recommended DOH pick a date in May.

Wrap-Up, and Action Items

General

NO MEETING IN MAY

1. Next meeting in June
 - Kent? (2-green votes)
 - WSDOT, Olympia? (8-green votes)
2. June 26 meeting will be at WSDOT in Olympia.
3. If LOSS RAC members want to propose any other alternatives for the issue paper: send to Melissa within one week of this meeting.
4. DOH will send SENTRY Internet address and information to LOSS RAC.
5. Subcommittees:
 - Meet in May or early June?
 - Operating Permits.
 - Technical committees previously noted (see hand-out).
 - DOH to follow up.

Committee - Meeting Feedback

Positives:

- Appreciate discussion
- Like issue paper – something to work from. (4)
- More productive than last time.

Negatives:

- Amount of time this is taking – will we get through it all by October? (2)
- Prioritization: thought this was done in last process – why again (time)?
- Go faster.
- No need to repeat of read hand-outs. Not best use of time.

Suggestions:

- Schedule votes on decision points before end of meeting (too worn out then).
- Be more aggressive with small groups – get work done and bring it back to LOSS RAC for vote. Bullet issues for fyi to committee.
- Send out issue papers ahead of meetings. Expect RAC to do their homework/read them.

- Send all information (including agenda) as early as possible before the meetings. (4+ votes)
- Interested parties are welcome at subcommittee meetings. When scheduled – inform ALL.

Adjourn 3:40

Meeting Attendees

Department of Health

Maryanne Guichard, Director, Office of Shellfish and Water Protection
 Dave Lenning, Manager, Wastewater Management Program
 Denise Lahmann P.E., Engineering Supervisor, WWMP
 Melissa McEachron, WWMP Rule Coordinator
 Richard Benson P.E., Technical Issues Lead

Committee Members and Alternates	Guests
Bill Stuth, Installers	Jim Gleason, Enviroquip
David Jensen P.E., Design Engineers	Jerry Walton, Geoflow Inc.
Dale Broyles, WA State Parks	Craig Goodwin, Northwest Cascade
John Stormon, Ecology	Peter Michel, AIM Manufacturing
Jenn Kunkel, BIAW	Ray Gauthier, AIM Manufacturing
Bill Dewey, Environmental Interests, Taylor Shellfish	Mike Hinthorne, Onamac
Judy Hockett, WSDOT- Operations	
John Poppe, West Sound Utility Dist.	
Jerry Deeter, Local Health Jurisdictions Kitsap Co. Health Dist.	
Art Starry (Alt), Thurston Co. Public Health	
Scott Jones P.E., Design Engineers	
Matt Lee, LOSS O&M Companies, Aqua Test Inc.	
Mark Nelson, Private Utility District, Evergreen Valley Utilities	
Lee Mellish, (Video conferencing), Utility Districts, Liberty Lake Utility District	
Theresa Janzen, Manufactured Housing Association of WA	
DOH Staff	
Linda Pang P.E., Wastewater Management Program	
Jeanne Andreason, P.E., Wastewater Management Program	
Mamdouh El-Aarag P.E., Wastewater Management	
Nancy Darling, Wastewater Management Program	

Parking Lot Items

2/28/08

Legislative Issues:

- UTC regulation of private, for-profit management companies, if allowed.
- Staffing to implement the rule. (inspection workload)

3/25/08

No adds

4/24/08

Attorney General consultation topics:

- Stretch “annual” permit to reduce costs.
- Interpret “initial permit in compliance”.