

WASHINGTON DEPARTMENT OF HEALTH
Sewage Tank - Rule Advisory Panel
April 15, 2008, 9:30 – 3:30
Washington Department of Health, Tumwater Office

SUMMARY

Action Items

- Advisory Panel
 - Tank access opening dimension (18, 20, 24” or performance-based) - manufacturer and O&M impact.
 - Re: modification requiring new approval – how significant a modification does this apply to? Think about examples.
 - Review RS&G and issues summary
 - Bob Sweeney – Information on Venting
 - Confirm if decisions on Issue #9, and #14 (see notes page 4, highlighted)
- DOH
 - Tank access dimension – other state examples.
 - Provide 7/07 RS&G review results to Advisory Panel.
 - Request DOL response on P.E. stamp question.
 - Find UW Study - Crossover tee vs. port or slot

Task 1 – Introduction and Opening Remarks

Dave Lenning welcomed panel and audience members, gave a brief overview of the purpose of the meeting, introduced DOH staff members, and asked members to introduce themselves. Dave provided some initial background information in the binders to help members keep organized and retain information. Members and alternates are expected to download, read, and print their own copies of material for future meetings.

Dave said he would refer to documents in the notebooks during this meeting and in future meetings. Dave walked through the binder contents with the members. He focused on the meeting schedule and explained that DOH is targeting late fall for a draft rule, if possible.

The committee the meeting schedule:

- Meetings are scheduled 1 a month from April – Oct.
- All meetings will run from 9:30 AM to 3:30 PM.
- Meetings location is the DOH Kent office, unless otherwise noted.

Task 2 – Develop Ground Rules

Dave asked members to open their notebooks to the Draft Ground Rules. Dave presented **draft ground rules** for conducting committee business and discussed levels of agreement, quorums, and voting procedures.

General Operating Principles:

- DOH will strive for consensus or at least *consent* on all issues.
- DOH will strive to obtain consensus on every issue but if it can't be achieved or if a quorum isn't present, DOH reserves the right to finalize rule language on specific issues.
- Discussions won't be re-opened for the benefit of committee members who were absent during previous discussions.
- All members are encouraged to find an alternate to attend meetings and represent their interest if the primary member can't attend. This will help us maintain the necessary quorum and make steady progress under our tight deadline.
- Primary & alternate members are solely responsible for communicating and sharing information with their respective constituents.
- Each agenda will allow time for audience comments and discussions to assure their input will be heard / considered.
- DOH will record on flipcharts issues identified, key discussion points and decisions. The information will be transcribed and added to the meeting summaries. Any member may ask to have something recorded on a flipchart.
- Meeting summaries will be posted to the website and emailed to members and alternates as soon as possible after each meeting. Members are urged to take their own notes.

Level of Agreement using Color-Coded Cards:

Dave went over with members the levels of agreement section. One of the features of this section is to use color coded cards to indicate level of agreement:

- **Green:** you support the proposal or language;
- **Yellow:** you can accept the proposal or language, but have concerns you'd like to be addressed;
- **Red:** you can't support the proposal or language (strongly object).

The committee agreed to use the color coded cards with the meanings listed in the Draft Ground Rules.

Quorum Question:

The committee considered whether a quorum of members is appropriate to approve and recommend rule concept language and if yes what level. The group reviewed the options listed in the Draft Ground Rules and did not add any. Committee members then discussed the 3 quorum options:

- 2/3 of members must be present to move to formal recommendations
-

Agreements:

- The committee agreed to use the color-coded cards with the meanings listed in the Draft Ground Rules.
- The group agreed to the Draft Ground Rules with minor modifications.
- Members determined they would like to operate using a 2/3 member quorum.
- Members decided consensus is achieved when a simple majority (50% +1) of the members vote Yellow or Green card and alternate views are recorded as part of the results
- Members agreed to amend the rules of participation if needed. (11 Green cards)

Comments and Questions

- Alternates are okay for panel members.
 - They need to be identified in advance by the primary member.
 - Be sure to keep the alternate informed.
- Quorum: 2/3 = 8.
- Use consensus.
 - Of the members present – simple majority.
 - At start of each meeting – identify number of votes needed for simple majority.
- Prior to confirming next meeting – determine that a quorum will be there.
- Virtual meeting suggestions to consider:
 - Web
 - Telephone – if ½ - 1 hour special issue
 - Video – Spokane, Kent, Tumwater: DOH locations where video conferencing is available.
- Voting Cards:
 - Green & Yellow = YES.
 - Red = NO.
 - Consider Yellow & Red comments.
- Alternate member votes if primary is not present.
- Homework will be identified in the “wrap up” portion of the meeting.

Task 3 – Background/ Issues Presentation and Discussion

Mamdouh presented an overview on the requirements and topics found in the current RS&G. Some of the discussion topics included the items below:

- July 2007 Review of Tank RS&G – provide copy to Panel members
- Issue #4 - Applicability, Page 9: Vote = 11-Green (in favor of 3 items below)
 - If a tank is part of a proprietary treatment process and was not the model used when the process was certified – must be separately approved through DOH. (Structural analysis may not be part of NSF process)
 - Tanks for Large LOSS (14,500 – 100,000 gpd) – should meet these standards also.
 - DOH shall require verification that tanks used in proprietary treatment process meet its structural and water-tightness requirements.
- New Issue - Need to make sure structural engineer sees material and process at manufacturing plant – not just running calculations based on data he/she is given. Assure plant is following design. Vote = 11-Green to reconsider this issue later in the TAP process. Comments:
 - Waste of time and money. Plant must follow design.
 - Will P.E. want to do this? Could expand the engineers’ responsibility/liability.
 - Some want DOH to be able to verify and enforce.
 - Most products have some certification:
 - Fiberglass: UL certification
 - Concrete: Certified
 - PVC: IAPMO.

- Suggestion: DOH perform random tests (structural).
- Who has staff – how will this be paid for?
- Let the market place regulate.
- Higher level of scrutiny or different standards for Large LOSS tanks?
- DOH needs to restart Technical Advisory Committee (TAC).
- Issue #6 - Need Washington State P.E. stamp on design? No vote: hold for Licensing Board comments.
 - If enforcement is necessary, and not stamped by Washington P.E. – may need to go out of state (our state board would not have jurisdiction).
 - Could be reviewed and re-stamped by Washington P.E.?
 - Ask P.E. Board: must the tank be designed, stamped or both by in-state P.E.? Is a Civil Engineer OK? Must it be a Structural P.E.
- Issue #9 - Page 11 - Does modification of tank require re-submittal and new approval, including P.E. stamp?
 - How significant is modification? LOTS of variations.
 - Suggestion: add “adversely” to section 2.1.5.2: so it reads “may *adversely* impact performance”. **Not voted, but may have been consensus: confirm next meeting.**
 - Want streamlined review process, if needed.
 - How often is there a problem?
 - Project reviewer could reject if a variation is noticed.
 - Minimum standards to protect structural integrity.
 - Will regs be performance-based or prescriptive?
- Issue #14 - How many violations (add: “and complaints”) before DOH approval is pulled? **Not voted (additional language above), but may have consensus: confirm next meeting.**
 - How serious is violation/failure?
 - How many complaints does it take?
 - Expect local health input?
- Will DOH Tank Rule apply to STEP systems?
 - Yes, if under DOH purview to review and approve (less than/= 100,000 GPD).
 - Bring to Ecology’s notice for tanks they deal with.

Questions/Comments:

- Does RS&G set a minimum or maximum for tank volume? (*Part of Issue #18*)
 - No
 - Consider for rule
- Cast in place tanks – how to handle?
- Identify minimum design for safety factor --?
- Section 3.2.1.1. (*Part of Issues #7 & #8*)
 - Total liquid volume vs. total “required” liquid volume.
 - 1/2 – 2/3
 - “required” - add this word. **Not voted, but may have consensus: confirm next meeting.**
- Eliminate 2 compartment tank requirement in some cases. (*Part of Issue #19*)
 - Is included in WAC 246-272A and 272B (small and large OSS).

- Oregon allows single compartment tanks.
- Could eliminate for tanks > 3500gallons (and pull from LOSS rule -- under revision now).
- Define “trash tanks” “grease traps” clearly. Considered plumbing in Oregon.
- Section 3.2: Inter-compartmental wall water tightness
 - Sufficiently water-tight means won’t allow settle able solids to pass through.
- Sections 3.4.2, 3.4.5: Clarify that 20” and 24” are “nominal” measurements. (*Part of Issue #16*)
 - What are we trying to achieve? Sufficient size for access for maintenance and repair.
 - Access to center wall/baffle – need to specify?
 - 24” minimum? Discuss in guidance why larger size might be needed if tank is deep.
 - Some are less than 20” now. (financial impact to change)
 - Same size for all tank materials? Yes; type of material makes no difference.
 - How is this consistent with tank modification requiring re-approval?
 - How many manufacturers does this impact?

Task 4 - Rule Process and Timeline

Melissa McEachron walked the group through the LOSS rule development timeline. The timeline incorporates Administrative Procedure Act requirements and timeframes. (See attachment 1 below).

All state agencies must follow the **Administrative Procedure Act**. DOH filed a **CR-101** notice with the code reviser 1-14-08. This announces our intent to begin rule making describes the type of rule, and invites the public to participate. All “CR” notices are published in the **Washington State Register**. A **small business economic impact statement** is required if the rule adds new costs and a “**cost-benefit**” and **least burdensome**” analysis are necessary for **significant legislative rules** under the APA. This rule is a significant legislative rule.

A **CR-102** must be filed after a draft rule is completed and DOH is ready to formally propose the rule. This notice provides background and includes full text of the proposed rules, and states how to obtain copies of the economic analyses. It also provides dates and places for public hearings and instructions for sending in written comments.

A **Concise Explanatory Statement** must be prepared prior to adoption that describes the reason for adopting the rule, and any changes from the proposed rule, and reason for the changes, a summary of comments and DOH responses. A **CR 103** order adopts the rule. (For this rule, the State Board of Health adopts the order). It includes full text of the rule, and announces to the public when the rule becomes effective. DOH then sends or emails a **Notice of Adoption** to affected individuals or businesses.

Task 3 – Background/ Issues Presentation and Discussion (resumed)

Mamdouh continued presenting an overview on the requirements and topics found in the current RS&G. Some of the discussions topics included the items below:

- Should an inspection port be required across the middle wall? Some counties do now, but not all. Not a level playing field.
- Section 3.6, Page 16: Venting
 - Greater than or equal to one inch below the inside top of tank.
 - Greater than or equal to one inch below top of riser (if inside it).
 - Or use vented lid
- Page 16: “non-corrosive” should be replaced by “corrosion resistant”.
- Section 3.7.1.4: Specify sufficient flexibility so pipe doesn’t pull away from tank during use and remains water tight.
 - If flexible coupling use ASTM standards (C16.44).
- Section 3.7.1.4: Strike “flexible fitting” for intercompartmental fitting. Need not be water tight. Some leakage is OK.
- Section 3.7.16: Delete.
- **Stopped at RS&G Section 3.7.3.4**

CHART NOTES: SUMMARY OF TASK 3 -- Additional/New Issues

- Ensure manufacturer follows P.E. structural design and specs (how?)
 - Vote: 11-Green to reconsider later. (Did discuss today)
- Should there be different standards based on size of tank?
- Set fees for tank approval and renewals.
- Modification to tanks that create adverse impact to performance should be addressed before renewals due.
- Identify min/max tank volume?
- Include cast in place tanks.
- Identify minimum design safety factor.
- Insert “required” in front of “total liquid volume” in 3.2.1.1
- Eliminate 2 compartment requirement for tanks > 3500 gal {MUST COORDINATE WITH LOSS RULE}
- RS&G 3.2: Clarify that sufficient water-tightness for inter-compartmental wall means it won’t allow settleable solids to pass.
- RS&G 3.4.2, 3.4.5, 3.4.6: clarify that 20” and 24” are “nominal” measurements or specify what we are trying to achieve. (O&M should be “easy”; – service-ability doesn’t necessarily mean human entry access.)
 - Vote on measurement sizing:
 - Minimum of 20”: 3-Green.
 - Minimum of 18”: 4-Green.
 - No minimum – performance-based: 3-Green.
 - Minimum of 24”: 1-Green.
 - Agree to come back to this – members will research impact to manufacturers.
 - Agree to take same approach in 3.4.2, 3.4.5, 3.4.6.
 - DOH to research what other states do?
 - NC, FL, OR, OH, MN.
 - Agree that if not round, than specific number = minimum dimension.
- How to achieve level playing field? (avoid counties enacting different regulations)
- Inspection port (6” hole) across middle wall – should it be required? (sanitary tee)

- RS&G 3.6, Page 16
 - 1” venting may not be necessary if using a vented lid. (*Bob Sweeney to present next meeting*)
- RS&G, Page 16
 - Replace “ non-corrosive” gasket with “corrosion-resistant”.
- RS&G 3.7.1.4, Page 16: Is “flexible” coupling necessary? (sand collar, friction fit)
 - Replace with language sp that there is sufficient flexibility in couplings so so pipe doesn’t pull out of tank during use and remains water-tight. If flexible couplings are used, must conform to ASTM C16.44.
 - Strike “flexible fitting” for intercompartmental fitting.
- Scrap RS&G 3.7.1.6.

Wrap-up

Panel and Audience Comments:

- PROS (of how this meeting went)
 - Good
 - Great - take a vote, move on
 - Good discussion
 - Pretty good – more focus on voting
 - Went well
 - Good discussion
 - Good cross-section on panel. Felt comfortable.
 - Good discussion
 - Good meeting
 -
- CONS(of how this meeting went)
 - Jumping around in RS&G – we will miss something.
 - Bit confused – started with review of RS&G, but got into detail and votes.
 - Lot of material covered.
- Audience members also wanted the binder prepared for prepared for Panel members.

Homework (Action Items):

- Advisory Panel
 - Tank access opening dimension- manufacturer and O&M impact
 - Tank modification requiring new approval – how significant a modification does this apply to? Think about examples.
 - Review RS&G and issues summary prepared by DOH.
 - Bob Sweeney – Information on venting
- DOH
 - Tank access size – other state examples
 - Provide 7/07 RS&G review results to Advisory Panel
 - Get Washington P.E. stamp response from DOL
 - Crossover tee vs. port or slot: UW paper

2008 Meeting Schedule:

- Next meeting is May 13, in Kent

- All panel members believe they can attend
- Panel members were asked to notify Melissa if they are unable to attend or if an alternate will be attending.
- Meeting notes (chart notes) will be provided.

In attendance

Absent

Technical Advisory

Panel Members

John Richardson

Curt Davis
Scott Erickson
Tom Rogers
Tim Wolfe
Bob Sweeney

Mark Allen
Rocky Billings
Sam Carter
Robert Nation
Dan Morgan

Premier Plastics
Davis Sales, Norwesco
Wilbert PreCast
Northwest Cascade, Inc.
Evergreen Pre-Cast
Environmental Management
Systems Inc,
Seattle-King County Health Dept.
Peninsula Tanks
Orenco Systems, Inc.
Fextex Systems Inc.
M-1 tanks, Inc.

DOH Staff

Dave Lenning
Denise Lahmann
Mamdouh El-Aarag
Melissa McEachron
Linda Pang

Wastewater Management Section

Guests

JR Inman
Cindy Waite
Tony Gillingham

Tony Armbruster
Jeff Phipps

Northwest Cascade/FloHawks
Mason Co. Public Health
Tri-state Sales Inc/Premier
Plastics
Davis Sales/Norwesco Tanks
Miles Sand Gravel Co.

Sewage Tank Rule Timeline



<i>File CR-101</i>	<i>Public Participate</i> ←	<i>Public Participate</i>	<i>Public Participate</i> →	<i>File CR-102</i>	<i>Hearing</i>	<i>Post Hearing</i>	<i>File CR-103</i>
<i>Board of Health</i>	<i>Advisory Panel Work</i>	<i>Draft of WAC</i>	<i>Advisory Panel Work</i>	<i>Update Board of Health</i> <i>Economic Analyses</i>	<i>WSR Schedule</i>	<i>Adopt</i>	<i>Final Rule Forms</i>
		<i>Tentative Work- Shops</i> <i>Road shows</i>	<i>Changes to Draft WAC</i>	<i>SBEIS Cost/Benefit</i> <i>Least Burdensome</i>	<i>1 = hearing (min.)</i>	<i>CES Implement Plan</i>	<i>Adoption Notice</i>
2006	Start = Apr 2008			<i>Code Reviser Schedule</i>	6 Weeks after filing		Effective 31 days later