

Minutes of the Technical Advisory Committee Meeting
December 19, 2006

Members present: Roger Thompson Allison Lowry
Gail Center Gerry Kittle
John Forcier Rodney Pingree

Others present: Frank O'Brien Anne Whiteley

Scheduled meetings:

To be scheduled

Review of agenda

Added a topic related to the ad hoc title attorney's group

Review of minutes

The draft minutes of the November 28, 2006 meeting were reviewed and accepted, with the clarification that Rodney's comment about groundwater changes was that not much progress has been made since the legislative committee took testimony.

Certification and targeted review

Anne reported on the current status of this process using the technical plan review checklist and the matrix for selection of projects to be reviewed. Anne noted that both of these documents are in draft stage and will be revised as needed. Initially, projects will be selected on a random basis for targeted review, but eventually the matrix, including a factor for past work by the designer, will be used to focus the review on projects with the highest risk. John asked that copies of the two documents be sent to TAC members before general public comment and that similar items also be sent to TAC.

Anne noted that the copyright issue is still a sticking point. She believes that most of the issues can be resolved with the correct wording on the application form. This will make it clear that misuse of the plans does not create liability for the designer and that the designer allows electronic copies of the plans to be posted on the Agency website so that these public documents can be readily accessible. Some designers believe that the use of the plans cannot be transferred to anyone other than the original client, unless the designer approves the transfer. The use of the new application form will be waived for three weeks until the language can be worked out.

Ad hoc title attorney's group

The group concerned about title issues when property is transfers is continuing to meet. Anne noted that one goal is to reduce that number of confirmation letters that attorneys request just to demonstrate due diligence. Among the pieces being considered is "clean slate" which creates a new baseline for all property. Whatever exists on the clean slate date is grandfathered. Failed systems and any changes after the date require permits. This might be justified because there will be universal jurisdiction starting July 1, 2007. It is important to have property transfers where there is a minimum chance that the new owner will incur liability for actions by the past owner, so there is a proposal for a time of sale report. This would include a designer's evaluation for lots with onsite water or wastewater. The group is working on a checklist approach for this. The definitions of failed supply and failed system need to be revised so that people are not trying to prove a negative which the existing definitions seem to require. There will be a questionnaire for the seller to complete as well.

Gerry asked about the membership of the committee in terms of the groups represented. Anne said attorneys for the title insurance companies, attorneys doing title research, bankers, realtors, and engineers.

Anne noted that she and Roger will meet with the Commissioner tomorrow to discuss proposed revisions to the failed system/supply definitions. Anne is also working on a disclaimer for the designers that would cover hidden conditions and other factors for which the designers would not be responsible.

Anne said that the time of sale report is needed because of the rules related to failed systems, and it is not primarily aimed at ensuring the systems are "good" systems. Roger said that issue is that a failed system is a permit trigger and the attorneys need to know that the systems are not failed in order to issue title insurance. John wondered why the Agency had to spend so much time writing letters to the attorneys. Anne explained that the Agency tried to stop writing letters at one time and the attorneys threatened to stop transferring property. The clean slate and time of sale work is aimed at decreasing the number of times an attorney will feel the need to get a state response.

Mound sand

There was brief discussion of the mound sand specifications. Those present suggested reducing the specification for the maximum amount of material passing the #200 sieve to no more than 5% of the total.

Innovative/alternative systems

Frank reviewed the current issues. There is a short term extension of the Presby Enviro-Septic approval, with some conditions clarifying what we originally approved. The short term approval is because they have proposed some more significant changes that will take a while to review.

Addison County RFP

Roger noted that there were several submissions for the rebid of the RFP. The Agency hopes to decide by the end of December and then process the contract for the work in January.

Items prioritized for discussion with high, low, and medium ranking

1. Mound sand specifications **high**
2. Encourage I/A **low**
3. Soil identification vs. perc test **medium**
4. Colorado rule **low**
5. Permit by certification **low**
6. Lake water potable water supplies **high**
7. Curtain drain with presumption of effectiveness **high**
8. Field change policy **high**
9. Revisions to desktop hydro chart **medium**
10. Minimum amount of sand under a mound **high**
11. Grandfathered design flow and conversion of use policy **high**
12. Updating of design flow chart **high**

Topics list - items not ready for drafting for inclusion in rule revisions

1. Drip disposal
2. Mound sand requirements
3. Encourage I/A
4. Changing the 20% slope restriction to 30%
5. Replacing perc test with soil identification approach
6. Defining when effluent is no longer wastewater
7. Disinfection
8. Colorado Rule – reduction in isolation distance to wells based on construction methods
9. Certification and audit approach to permitting
10. Lake water systems
11. Curtain drains
12. Installation certification language

13. Field change policy
14. Revise existing desktop hydro chart
15. Conversion of use policy, including grandfathered flows
16. Revise design flows
17. Increased loading rate
18. Wells shields across property lines
19. Whether less than 12" of sand should be allowed under mound systems

Executive Committee

John Forcier, Steve Revell, Lance Phelps, Phil Dechert, and Roger Thompson
Alternates – Chris Thompson, Bernie Chenette, Spencer Harris, Jeff Williams

Subcommittees

Hydrogeology - Allison Lowry, Craig Heindel, Dave Cotton and Steve Revell.

Training subcommittee - John Forcier, Roger Thompson, Allison Lowry, Dave Cotton, and Barbara Willis.

Licensed designers - Spencer Harris, Alan Huizenga, and Gerry Kittle.

Well driller's knowledge checklist - Jeff Williams, Rodney Pingree, Roger Thompson, Bernie Chenette, Gail Center and Steve Revell.

Interested in the delegation rules - Spencer Harris, Gerry Kittle, Phil Dechert, and Alan Huizenga

Drip Disposal – Frank O'Brien, Roger Thompson, Dave Cotton, Steve Revell, Alan Huizenga

Legislative field trip – Phil Dechert, Gerry Kittle, Dave Cotton, Roger Thompson

Lake water – Alan Huizenga, Gail Center, Rodney Pingree, Lance Phelps

Surfacing systems – Craig Heindel, Steve Revell, Frank O'Brien, Roger Thompson, Bruce Douglas, Gail Center, and Brian Kooiker.