R317-4 Stakeholder Workgroup

DRAFT MEETING NOTES

November 5, 2012 (3rd meeting)

Workgroup Members Present/ Representing:

Name/ Representing:
Leah Ann Lamb, Asst. Director, Water Quality Division
David Snyder, DWQ Onsite Program, Water Quality Division
Tracy Richardson, Chairman, LHD Rules Revision Work Group
Carl Shupe, LHD Rules Revision Work Group Member
Brian Cowan, LHD Rules Revision Work Group Member
Jeremy Roberts, LHD Rules Revision Work Group Member
Judy Sims, Educator
Peg Cashell, Educator
Richard Jex, Supplier
Ben Witt, Installer
Jesse McCort, Septage Hauler/Liquid Scavenger
Brent Ovard Utah Onsite Wastewater Association (UOWA) (onphone)
Taz Biesinger, Utah Home Builders Assoc.
Jesse Lassley, Developer
J. Craig Smith, Rural Property Rights
Sterling Brown, Utah Farm Bureau
Glen Eurick- RioTinto (on phone)
Darrin Brown, Tri-County HD (on phone)
Grant Koford & Richard Worley, Bear River Health Department (on phone)

Summary by Agenda Item

1. Welcome, Introductions, Review of Last Meeting & Summary (asked for corrections/comments- none offered)

2. Major Topics of Concern

a. David Snyder explained that originally, these topics would be discussed in detail, but after he participated in Rules Revision Work group session reviewing Ben Witt's written comments, it was felt that these 'major topics of concern' will be covered under the submitted comments from Ben and the others who submitted them.

3. Review of Ben Witt's written comments:

a. Percolation test vs. Soils evaluation- There was a lot of discussion and the group struggled to stay on topic and to clearly understand the objections to the proposed rule. Discussion of enforcement and accountability was mixed in with discussion of the scientifically documented merits of soil and perc tests along with examples of failures/ successes of both tests in Utah. Appealing a regulator's decision needs a clear LHD process- Tracy Richardson, may take this issue back to the Rules Work group. DWQ again pledged to give more soils training following adoption of rule.
Status: Recommend to Walt that we leave in proposed rule as is, but work with USU Training Center to evaluate how to enhance soils training. Also, ask Walt to

report back to the group on ideas he has on how DWQ can enhance its enforcement of rule. Need more discussion with Stakeholder group with clearly stated objections/ solutions.

b. Alternative Systems- clearly a divided topic. Work group likes rules as is, allowing flexibility to LHD of having the Alternative System or not. Private sector feels all counties should be required to have the program. DWQ staff feels counties should be given administration of the program, with the understanding that counties not wanting the program can 'opt out' with an ordinance. It was noted that some counties may be more motivated to use alternative systems to replace failing systems than they have been for new construction.
   Status: Take to Walt Baker for decision
c. Variance to Rules- clearly divided. Work group feels current variance limited to slope and setback to dry wash, gully, etc….is adequate. For sites that would apply for similar multiple sites, Alternative system approval is adequate and a proven method. Private sector feels variance to all rules would allow introducing alternative proven technology and methods achieving same level of protection should be allowed for unique circumstances. DWQ staff feels the same as the private sector. It is important to understand that the current variance method still allows LHD to deny the permit with granted variance if they have particular circumstances.
   Status- will refer to Walt Baker for decision.
d. Other issues:
   i. Rapidly drain soils (percolation faster than 1min/inch- work group will re-examine.
   ii. Rules that define soils as "unsuitable" give property owners no solution. Workgroup showed that this is not the case, that the language is "usually considered unsuitable…but may be suitable, depending…" Other solutions/ considerations are possible.
   iii. Some members would like feedback on the status of the discussion topics between the regular meetings that were routed on to Walt Baker.

4. Wrap up- several of Ben's written comments and his red-lined draft rule, will be discussed at the next Stakeholders meeting and then Richard Jex's comments will be reviewed. It was agreed to extend the meeting time of future Stakeholders meeting to have more time to discuss concerns and in consideration of those who travel a great distance to participate.

5. Next meeting- Wednesday, November 28, 2012 9:00 am – 4:00 pm