

Sewage Advisory Board Meeting Minutes
Flatwoods, WV
December 13, 2007

Members in Attendance: John Perkins, Larry Main, Marvin Kerr, Steve Bayer, Bill Rice, Kirk Powroznik, Todd Powroznik, Joe Street, Steve Branz, Bill Clark, Paul Ashburn, Evelyn Hopkins, Rick Hertges, Ed Winant, Mark Whittaker and Melisa Powers.

Guests in Attendance: Julie Wandling, Dave Watkins, Maryanne Kraynanski, Gail Harris and Twila Carr.

Minutes

Rick Hertges asks for any corrections to the minutes from the September 12 meeting.

Bill and Ed state that they had also volunteered to be on the committee formed by BPH to work on the agency retaining permitting responsibility for the subsurface cluster systems.

Bill C. makes a motion to accept the minutes.

Motion carries.

Bord Na Mona

Rick introduces Steve Bronse of Bord na Mona.

Steve Bronse says that he would like the opportunity to do a 20 minute presentation to the group at the next meeting concerning sizing.

Rick agrees.

Septi Tech Letter

Rick distributes the Septi Tech approval letter. He explains that he has asked them in the approval letter to provide the O & M schedule for their system. He says that he also asked them to provide information on both how the sludge level is to be checked and also at what point should the system be pumped. Additionally he has asked if there are any life-limited parts and if so what is the life expectancy of those parts. He also added the right to rescind statement.

Eljen Approval Request

Rick says that they had asked for one foot in vertical separation to the limiting layer based on the system providing additional treatment. He explains that the SAB defined additional treatment as secondary limits or 30mg/l of BOD5 and 30 mg/l TSS. The data report submitted as proof that the system could achieve secondary limits was found not to be the original report. He says that he then made a formal request that the original report

from MASSTC be submitted. He goes on to say that Jim Donlin gave him one copy of the original report at the Public Health Conference in September. Mr. Donlin asked that a decision be made in between meetings. Rick says that he forwarded the report onto TRC members but did not get much feedback.

Paul says that he didn't respond because a decision on a request has never been made in between meetings.

Rick says that he doesn't know if it is legal to make decisions based on email or phone discussion in between meetings.

Steve says that he thinks that the open meeting law precludes it.

Rick distributes a copy of the report, letter from Rick that went with the report, email from Ed and a follow-up letter from Steve Dix in response to Rick's comments. He asks the group to take a few minutes to review the materials so that the group can discuss.

Paul says that Eljen asked for a one-foot separation originally but that they are asking for a one-foot reduction now. He says that that request can be granted provided that they can prove that they can meet limits of 30mg/l BOD5 and 30mg/l TSS.

Evelyn asks if the system can meet DEP's nitrogen limit.

Rick says that the approval only addresses health department issues and that they do not have a nitrogen limit.

Paul points out that these systems would be used mostly for single-family dwellings.

Ed says that the nitrogen results are variable.

Paul says the system is not a nitrogen reducing system.

Evelyn says that it is important for the group to consider DEP requirements when making approval decisions.

Rick agrees but says he isn't sure how to deal with it. He suggests an interagency agreement.

Mark says that the Health Department does a lot of the legwork and he thinks that the Health Department and DEP could get together in field on evaluations.

Mary Ann says that homeowners call the Health Department because they don't meet DEP people and feels that they are intimidated by them.

Twila says that her group does site evaluations.

Mark says that DEP needs to address nitrogen in beginning.

Bill C. says that he has a site where he has a 59 perc rate, 2 acres and a stream running by it. The system was oversized, with dosing and it has water coming up equally in the field so it was level. He says he tried to talk to Jim Donlin at TRC meeting. He says that he didn't reply for 7 months. He told Bill that Eljen has been sued before. He says Sam Argento suggested that they apply for a direct discharge. He asks if they could get permitted and take samples.

Paul says that is what PVP is for.

Bill asks John if they could be permitted as experimental.

John agrees.

Melisa asks why they shouldn't be made to go through PVP.

Rick says because they are asking for an individual system.

John says that he isn't saying he would approve it but would consider it.

Ed says that he thinks that the request for reduction should be denied based on the permit.

Joe says that he thinks that whoever issued the permit is responsible.

Ed makes a motion that the SAB recommend to deny the Eljen request based on the information provided.

John seconds.

Motion carries.

Bill R. asks if other companies will request special privileges for their systems.

Rick says that from now on they will go through PVP.

Melisa says that they are now being rewarded for developing property that shouldn't have.

Paul agrees.

Kirk agrees with correcting with unique systems if it's kept onsite. He doesn't agree with doing that on systems that are discharging.

Mandatory Training

Rick says that BPH administration agrees with idea of doing training but can't make it mandatory.

Rick wants to find parks etcetera to do soil evaluation training. He also wants to talk about subdivision evaluation at meeting.

May do LPP system putting it together in field. Rick says that he thinks there will still be good attendance even without.

Paul asks if manufacturers will be invited.

Bill suggests having folks actually see systems being installed.

ICC Flowtech

Rick describes ICC and EZ Flow. He distributes the letter from ICC Flowtech requesting approval. Rick says that at the last meeting it was decided that they should go through PVP. Rick says he now questions if PVP is appropriate for a drainfield product. They could conceivably get the approval in 15 months. He adds that really isn't enough time to test a drainfield component.

Paul says the idea for the PVP was to get people in the state but not just based on the fact that it was "like" something.

Rick says they will have to have an engineer sign off on the application.

Mark says that EZ flow has 6 different models that have been approved in other states but didn't ask for approval in WV.

H-12

Rick distributes a copy of the revised procedure. He says that it has been revised to help with the DEP requirement that the homeowners have a current NPDES registration.

Gail asks if the HAU's installed prior to 1999 will be included. Rick says that right now it will only address the ones installed from 1999 on.

Marvin says that this would be an opportunity for DEP to get the previously installed systems under permit.

John says that the idea has been discussed but that the details have not been ironed out.

Joe Street asks what it will take to get an evaluation on all homes.

Rick says a change of law.

Aquaworx

A letter is distributed from Aquaworx requesting approval for use in the state. Rick says that they have been given a copy of the protocol but they are hoping that they won't have to go through the PVP. Rick says that they are unique in that the system is only used to remediate failing systems. He points out the picture on the brochure that shows how the system turns the septic tank into an aerobic treatment type system. He adds that they inoculate the system with a microbe solution that will help breakdown the biomat. He also adds that the Board needs to decide, given they are designed for existing failures and would not be used on new construction, whether they will need to go through the PVP or not.

Paul says that this idea came out of California and is used for a variety of problems.

Rick says that bioremediation is being used to clean up such sites as where there may have been a gas spill.

Twila asks if there is any information on what type of chemicals or microbes are in the additive.

Paul and Rick say that it is likely proprietary.

Kirk says he thinks that it would be a bonus to selling the system if it went through the PVP.

Rick says that it would be easy to test in that the results you are looking for would be the black spot in the yard would disappear if it is effective.

Gail says she received a call from Aquaworx wanting to donate a system.

Twila suggests that it could be used as a preventative method.

Paul asks if this is the same as Rid-X.

Ed says maybe Rid-X with aeration.

Rick states that there have been a number of studies that have shown that if you add aerated effluent to a failing drainfield then oftentimes the system remediates itself. He says that if the system is shown to work it may be mostly due to the aeration being added but that there wouldn't be any way to tell.

Paul says that the bugs work to remediate the system as well and says that he used to sell an additive called Biojet 7. He says that the problem he ran into was it was being used in every instance rather than just those problems that have to do with a biomat buildup. Bill says that he still sells it and uses it as a startup for HAUs.

Rick says that he has talked to the folks that are selling this and that they do understand that they cannot just sell their system to everyone but rather need to investigate why the system failed to begin with.

Paul says that the PVP is to protect the public and maybe it should go through the PVP.

Kirk says that if they aren't told to go through PVP then there will be requests based on similarity or for fixes at every SAB meeting.

Ed says that the PVP is for new technology that is to be used on new construction. He adds that the sanitarian already has a lot of latitude to correct existing failures. He says that it could be used when the local sanitarian feels comfortable with it.

Bill R. says he feels that in that scenario the sanitarian would be the sales agent and that is hanging the sanitarian out to dry.

Rick says that the sanitarian would be saying yes or no to an application, not telling them to install the system.

Paul says that people ask the health department what is available that could fix a failure. He says that this is a recommendation. He asks if the health department is being fair to allow something to go in that they know nothing about.

Rick says that in the request they say that they aren't asking for approval but rather a statement of no objection.

Kirk asks if the system will be required to have perpetual maintenance.

Paul says that it says in the brochure that the cost of maintenance is \$200-\$300 a year.

Twila says that on a failure she thinks that the homeowner would install the system themselves without a permit. She also says that she thought that Zaebl had a similar product that was approved by the State 10 years ago.

Mark says that those systems that were previously approved will likely maintain those approvals. He goes on to say that he thinks that now that the PVP is in place that the systems should be made to go through the PVP.

Mark makes a motion that the SAB reply stating that before marketing in WV they need to ask for a formal approval and go through the PVP.

Ed seconds.

Motion carries.

EPA Voluntary Guidelines

Rick distributes letter on EPA Voluntary Guidelines. He says that he just wanted to have some discussion.

Ed asks what the state will get from adopting them.

Rick says he thinks that it will help the counties be able to adopt management guidelines.

Evelyn says that the UIC program already uses the management guidelines for level 4 and 5 on the larger systems.

Rick explains the levels.

Ed explains that we already have Level 3 for surface discharge.

Bill R. says that he thinks it hinders growth.

Ed says that decentralized is already happening but in a lot of cases they aren't being maintained properly. The adoption of the Guidelines would ensure that they are maintained properly.

Bill R. says that he likes Paul's idea of a co-op from several years rather than a PSD.

Ed says whether it's a co-op or PSD, both are RMEs, and that is what the Guidelines are about.

Gail asks if local health would have to adopt guidelines.

Rick says that everything would be voluntary.

Julie asks if the Guidelines would address only new systems or if it would also include existing systems.

Rick says that it would only address the existing systems if there was a county-wide adoption. that includes onsite systems. In that situation they would include the existing systems that would be upgraded as needed. Rick says that would likely be in conjunction with some type of tax such as Maryland has the Flush Tax where the citizens are assessed \$30 a year. The money is then used to fix septic systems.

Ed explains that the origin of the tax was to fund a way to reduce nutrient loading to help improve the water quality in the Chesapeake Bay. He says that if you are on a municipal

system it goes to a municipal fund. The money in that fund will pay for upgrades on the municipal systems. If you are on an onsite system it goes to the onsite fund to upgrade onsite systems. The upgrades will be put mostly into nutrient reducing technologies. These upgrades may help failing systems but the repair of them is not the main purpose.

Bill C. asks how many RMEs are in the state.

Ed says that Canaan Valley Institute has been trying to promote the idea of PSDs and other RMEs helping with onsite and so far they haven't been able to get anyone to take it on.

Paul says the most interest that he has seen has come from Greater Harrison PSD.

Bill C. says that Fayette County PSD is looking at taking on those types of projects.

Twila says that Berkeley County is looking at county wide maintenance of systems.

Rick says Berkeley County has zoning on the ballot in May. They won't talk about the onsite management plan until the zoning issue is settled.

Bill C. asks what percentage of County is connected to a municipal system.

Twila says she guesstimates 68%.

Rick says that folks can go online and look up additional information on the Guidelines if they want.

Bill R. says there has to be a negative to the Guidelines and asks what that is.

Rick says he doesn't see a negative.

Paul agrees and says he thinks the SAB should recommend adopting them since they are voluntary.

Paul makes a motion that the SAB recommend adopting the EPA "Onsite Management Guidelines"

Ed seconds.

Motion carries.

Evelyn declined to vote.

DEP money for revolving loan

The fund is going to be administered through WV Housing but the loans are originated through small non-profits throughout the state. He also says that the DEP money is available to all counties, there are no income limits and even those with not so good credit scores can qualify. He adds that the interest rate is very low.

Larry says that the final inspection can say that the system does not meet state standards and still be acceptable. He adds that this is important in fixing a failure where there is limited area available. He also says that the money can be used to connect homes to a public sewer line.

John says that DEP is considering having multiple bids.

Drainfield Inspection Ports

Rick distributes a paper on drainfield inspection ports. He says Larry's county has been requiring them. He explains that without them that you don't know whether the upper lines are working properly. He says that a drop box would do the same thing but aren't being installed very often and would cost more money. He says that ideally there would be an inspection port on each end of a lateral but one per lateral would do the job. He goes on to add that the 't' on the bottom of the port will help keep the homeowner from pulling it out or pushing it down in the dirt.

Bill R. asks what the purpose is.

Rick says one advantage is to tell where the drainfield is. He adds that it also allows the homeowner to see when water is ponding. Allows access for pumping and allows oxygen in.

Paul says that it's often difficult to find the drain lines until you dig them up and destroy them.

Larry says that he advises the homeowners to cut the port pipe off at ground level once they have settled.

Bill R. asks if GPS coordinates are being recorded for all systems.

Rick says that they probably should be and in most counties are being recorded.

Rick says that the inspection ports also allow you to see if there is a significant carryover of sludge into the drain lines. He also says that if you were to install an alternating drainfield that the inspection ports would allow you to get oxygen into the drainfield to help speed up the remediation process. He adds that the ports can be built with leftover materials for very little cost.

Larry says that he has folks that get their lines pumped out during the wet spring and that gets them through the rest of the year.

Ed makes a motion that a recommendation be made to install inspection ports in all new drainfields.

Larry seconds.

Motion carries.

HAU Maintenance Contract Release

Paul asks why he has submitted release requests for HAU permits to DEP and he has not been released.

John says that it is mainly a manpower issue.

Paul says that he thought that DEP would send a letter to the homeowner telling the homeowner that they have to have maintenance once he sends his letter to DEP and then he is released if they don't comply. He adds that he doesn't like not doing maintenance when his name is on the permit.

John says that he doesn't want to release the contractor without sending the letter to the homeowner.

Paul says that he has had to jump through a lot of hoops to prove that he is not getting paid.

John says that not all of the contractors are honest about doing the service therefore the system has to be designed to combat that.

Paul asks if that isn't why the card is to be on top of the HAU.

John answers that a lot of times the card is there but isn't filled out.

Paul says that tells him that they aren't doing the service.

John says that is what DEPs interpretation is as well. However he says that regardless of what the agency does some of the folks are going to try to go around it or ignore it. That is the reason for requiring the inspection reports be submitted for the service visits that the contractor says that they are not being paid for.

Paul says that he is being put in the same class as those that don't comply.

John says that if you have done the service then you should have the documentation and it shouldn't be an issue.

Paul says he has been required to repeatedly submit the same documentation.

Melisa says that may be because of change of employees handling the release letters last year.

Paul says is he asking for a way to get released.

John says that they have created a form to handle the releases and to help streamline the process.

Ed asks what will happen if the homeowner does not get a new maintenance provider.

John says that they are subject to enforcement but that he has to operate within the constraints that have been set.

Melisa says that the Environmental Enforcement Inspectors do not have the time to devote to the program and that the permitting section has to handle the enforcement as well for the program and that they are doing what they can as time allows.

Rick says it's not a lot different from how the Health Department operates.

Bill R. asks if this is something that can be corrected or is it something that is just going to work through the system.

Rick says that he sees it as an evolution. Rick says that it is a program that is only 8 years old.

Bill C. says that the program has come a long way in 8 years. He adds that it is a lot more organized.

Marvin says it works a lot better than he thought it would.

Melisa explains the general permit team shares responsibilities and that they have set up a database to track the Release Requests so that if you have a question about the status of a Release Request that they know who is handling it and what has been done on it.

Bill C. asks if Ann Baldwin does the HAU permit reviews.

John says that she is his office assistant and does do some review.

Bill R. asks if the DEP has seen a leveling off of application permits since the DEP has been working on the program.

Melisa says that there are 40% less HAU applications per year now than there were during the last permit period.

Bill R. says that there should be more time then to sort the problems with the program out.

Melisa says that they now get 12,000 inspection reports that they have to review and log in.

John says that although there are a smaller number of new permit applications that there is still way too much work associated with the program.

Paul says that he has had people come in two years after the enforcement letters were sent and pay their bills because they weren't taken off of the list.

The next meeting is set for Thursday March 20 at 9:00am.