

***West Virginia Sewage Advisory Board Meeting  
Flatwoods, WV – September 2, 2004***

***9:10AM- Meeting Called to order***

***Member Attendance-*** Mark Whittaker-WVBPH, Paul Ashburn-Ashco-A-Corporation, Joe Eagle-Installer, Dave Watkins-WVDEP, Kirk Powroznik-WVBPH, Bill Clark-W.J. Clark Inc., Marvin Kerr-Installer, Larry Main-Brooke County Health Department, Todd Powroznik-Monongalia County Health Dept., John Perkins-WVDEP, Clement Solomon-Small Flows Clearinghouse, Steve Bayer-MOVHD, Stan Walls-Raleigh County Health Dept. J.D. Douglas- OEHS Engineering Division

***Guest Attendance-*** Evelyn Hopkins-WVDEP, Beverly Spurlock- Cabell County Health Department, Linda Whaley-St. Alban's District, Melisa Powers- WVDEP Joe Wyatt-OEHS.

**MOTION- Marvin Kerr made a motion to accept the June 3, 2004 minutes, Larry Main seconded, All in favor, motion carries.**

***Old Business:***

**Product Verification Protocol**

Paul Ashburn stated that Chris Curtis, Barbara Taylor, Joe Wyatt, Mark Whittaker, and Stan Walls had a meeting. The attorney was not present. Paul said they accepted us well. Paul stated that we should take this and put it in code.

Mark said the attorney was on vacation. He said this is one of the key players. We thought we had a good reception. Ron volunteered to talk to the attorney and explain the details of the meeting. Mark said we need to set up a meeting with the attorney.

Stan said that the attorney needs to review more than two pages of the document, and that she needs to meet with us.

Mark said we are interested in her legal advice.

Paul said this PVP is something we need, and that we can't wait 2 more years.

Joe Wyatt said it takes 2 years to get a rule through.

Dave said the next time we can file is August 2005.

Joe Wyatt said you have to demonstrate that there is an emergency to do an emergency filing. Dave asked if it has to be a rule.

Joe W. said Chris Curtis suggested this.

Mark said that they were impressed with the document. He asked if we could piggyback with Senate Bill 580 (Real Estate Evaluators).

Gary E. said that could be dangerous. He also said that waiting until 2007 was to long.

Bill Clark said that we started this PVP in 1997.

Mark said that we need another meeting.

Clement asked if this whole thing needs to be a rule.

Paul said they didn't rule out a policy change.

Dave said a rule may no be the same after it goes through the process. Will fees go under this?

Joe W. said I think so.

Bill Rice asked who the attorney represents.

Joe W. said the Commissioner and the Secretary.

Clement said you can separate the document from the rule, other states do. Then you can make changes without going through rule making.

Paul said isn't there something in our rule that says the commissioner can approve experimental systems. (5.1.C.3- page 26) Can we hang our hat on that?

Dave, Mark, and Clement said "Yes"

**MOTION- Dave made a motion to have another meeting with the attorney. Stan seconded. All in favor motion carries.**

### ***NEW BUSINESS***

Mark read a letter to the Sewage Advisory Board announcing his resignation from the Board. He has accepted a new position with Environmental engineering that starts on September 16, 2004.

Dave asked Mark if he has a recommended replacement.

Joe W. said if you have a recommendation go ahead and mention it. It could take 2 months to

fill the position.

Bill Rice said that we need to make an interim, until the vacancy is filled.

Mark said there is no reference in the rule as to who it should be, but there needs to be an interim until a permanent replacement is found.

Marvin said we need someone with knowledge of the rules and regulations like Mark.

Paul suggested Kirk.

JD asked if it has to be someone on the board.

Mark said it should be.

Bill Clark said Stan would be good.

Stan said he doesn't have time.

Todd said Rick would be good.

Marvin agrees.

Paul asked who was interested.

JD said Linda would be good.

**MOTION- Gary E. said Kirk should serve as interim with Randy Curtis' approval. Marvin seconded. All in favor motion carries.**

Bill Rice said Mark's replacement should be the Director of the SAB.

### ***PERMITTING PROCEDURE***

Dave Watkins said there are issues with construction permits not meeting regulations. Distances are not being met. Dave wants a waiver to protect or defend the DEP's permit ("This is why is doesn't meet").

Paul said he has seen a lot on correcting a health hazard.

Dave asked Joe W. if he could send a memo out to sanitarians that if it doesn't meet minimum requirements, that a waiver must be attached explaining why.

Paul said that it's under the rule.

MOTION- Stan made a motion that the director sends out a memo to local health departments to attach a waiver and send it to the DEP as to why it does not meet minimum design standards. Dave seconded the motion.

Mark said in 6.6 that's not the intent. Under section 9 you're supposed to have a hearing. You don't need to site a code reference in the memo.

Mark said the waiver doesn't make things right.

Paul said it holds accountability.

Dave stated that water wells need to be 30 feet from a house. They will be required to be vented. No well houses.

Dave said that a grease trap is required on any facility preparing food. The minimum size must be 150 gallons. A grease trap can be inside or outside.

Bill rice said what about churches, fire halls etc.

Dave said "YES"

Linda said what about cottage industries.

Dave said "YES" (These are for onsite systems)

Paul asked if we should follow the design for grease traps in the rule.

Dave said "YES" a sampling port before the drainfield.

Dave said the congregation has to be 50 or more or a large kitchen.

Clement said that there is info about grease traps on the EPA's web serve.

Dave mentioned additives.

Paul said that additives can change the properties of the grease and fats that could go in the drainfield.

Dave defined commercial laundry: Coin operated stand alone business. UIC will not permit.

### **Brief dosing discussion**

Dave said the DEP only needs copies of the permits for tank changes only, not drain fields. That way DEP can invoice for those tanks.

Dave said August 23 the DEP's new address will be 601 57<sup>th</sup> street Charleston, WV 25304. 304-926-0449 (direct line) 304-926-0495 (water & waste management)

### ***CLUSTERING SYSTEMS***

Over 3,000 gallons per day a P.E. will sign off for the design.

Bill Rice asked what is clustering.

Clustering is when two or more use the same system. Less than 3,000gpd a county can permit. Greater than 3,000gpd the state must permit.

DEP will issue the permit to the management entity. Not the contractor or the homeowners association.

Bill C. asked how many gallons until it must signed off by a professional engineer.

It may be in the procedure.

Mark asked if we should assign this to the Tech Review Comm.

**MOTION- Mark said to refer to the TRC for further study with respect to RME or perpetual maintenance with 3,000 gpd or less. Bill Clark seconded. All in favor motion carries.**

Discussion on RME and Management

Clement said he has a video he can send to SAB members.

Mark said that Sanitarian & Class II Installer Refresher Training schedule was: Last week in Huntington, 9/3/04 in Fairmont. St. Mary's, Beckley, and Hampshire County in October. This training is geared toward alternative technologies and subsurface discharge.

### ***ONSITE CENTER CONCERNS***

Mark read a letter from Lorene Lindsey.

Clement said some new technologies are interested in coming to the training center (Zabel, Zoeller, and Elgin)

Mark asked about the classroom.

Clement said the University has certain guidelines, but they may put up a temporary structure.

Dave mentioned NonPoint Source 319 money is available. There are a lot of conditions attached however.

Bill Rice asked who determines the eligibility.

Dave said the USEPA does.

Mark mentioned 5 year maintenance contracts for perpetual maintenance

A) Can I maintain my own system?

B) If I don't want to maintain my own system can I go back into my existing drainfield?

John Perkins said he is against homeowners doing their own maintenance. There is an issue of accountability. Some you could trust and others you can't.

Bill C. said that homeowners that are trained and have a business license in WV can obtain a training certificate.

Bill Rice asked how much does maintenance cost per year.

Bill C. said \$400 is a good average.

Melisa said NSF can have their seal pulled if people are not adequately trained. Hydro-Action will certify homeowners with a one day course in Texas for \$450 start up kit.

Clement said I don't think we can limit the homeowner if they meet certain guidelines.

Mark asked what do we want to do as a board.

John said Class II and Factory Training.

Melisa asked what legal authority we have to make this decision about training.

MOTION- Mark made a motion to send a letter to the director to require Class II & Training as per the manufacturer, for homeowners who want to do maintenance. Require NSF Standard 40 7.2 64 CSR Series 9. Seconded by John.

Melisa said to follow the NSF standards for parts and electrical components.

Mark withdrew his motion. He will call NSF.

Bill Rice said most homeowners would want someone else liable, and not do it themselves.

Paul said maybe the training center could offer a course for certification for HAU maintenance.

Todd asked how many service providers we have.

Melisa said that we are updating that info.

### ***ECO-PURE***

Mark said they want approval.

Bill C. said there is not that much info out there.

Paul said we need to require some kind of data.

Mark asked if he should ask for more data. (Yes)

Bill C. said to ask what states their approved in.

### ***TERRA-LIFT***

Mark said they say it has no effect on the ground water. The beads hold the fractures open.

Is it a modification?

Paul asked what approval they want.

E-mail the Virginia letter to the members.

### ***Other Business***

Marvin asked about the sign and does it have to be 2' X 2' and 3' off the ground.

Yes it is in code.

**\*\*Next meeting date will be December 9, 2004 at 9:00am in Flatwoods at the Days Inn.\*\***

**Motion to Adjourn- Dave made a motion to adjourn. Bill Rice seconded. All in favor motion carries.**