



Meeting Agenda/Summary

Meeting	Water Quality Division: Onsite Wastewater Advisory Committee (OWAC)
Date	Tuesday, June 4, 2024
Start / End Time	9:00 am – 11:00 am
Location	Google Meets link in calendar invite
Documents	Located in ShareFile - https://azdeq.sharefile.com/

MEMBERS

- X Mike Basic, Basic Drilling Company (
- X Kevin Sherman, SeptiTech
- X Nicholas Noble, Orenco
- Kitt Farrell-Poe, University of Arizona
- Vacant
- X Aline Parker-Eaton, Northern Arizona Inspection
- X Jeremy Griffin, Apollo Drain and Septic Services
- X Brian Knisley, Maricopa County
- Haiden LaFoy, Greenlee County
- X Jaimee Griffin, PE Drilling
- X Frederick Tack, PE, Chair
- X Crystal McKee, Mohave County

X Mike Stidham

X Dave Bartholomew

Jaimee (amended motion vote)

Oppose:

Nick, Mike S. Kevin Sherman, Crystal, Fred, Dave B.

Abstain:

ADEQ STAFF

- X Trevor Baggiore, Water Quality Division Director
- Randall Matas, Water Quality Division Deputy
- Chloe Woods, Delegation Agreement Coordinator
- X Kyle Uptergrove, Unit Manager

- JW Thompson, Environmental Engineering Specialist III
- X Raymond Morgan, Trainer
- X Linneth Lopez, Environmental Engineering Specialist III
- Ali Baadiyan, Environmental Engineer Specialist III

- X Luke Peterson, Environmental Engineer Specialist III

X David Lelz

X Natalie Kilker

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Agenda Topic	Lead	Overview	Documents (* on ShareFile)	Action Requested	NOTES
9:00 am Welcome (15 mins)	Frederick Tack, Chair	Roll Call Welcome New/Returning Members: Dave Bartholomew & Mike Stidham (brief introduction/what they seek to accomplish in this term)	Ground Rules* Operating Procedures* Members Acknowledgment Form*	For Decision	Meeting called to order at 9:01 a.m. Trevor in attendance – No particular topics to present/discuss. Past members returning: Mike Stidham: VP/Co-owner of EZ Treat. Served OWAC in past 3 years and committees. Dave Bartholomew: President/owner of Bartholomew Water Services. Past Chairman of O&M TWG. Member of OWAC since 2015. OWAC conducted a brief introduction of all OWAC members. *Chloe add to agendas.
9:15 am Minutes review (10 mins)	Frederick Tack, Chair	Review May meeting notes for approval	May 7 OWAC Notes.docx	For Decision	Nick Noble – Motion to approve. Brian Knisley – Second Motion. No discussion to amend minutes. Minutes approved unanimously. No opposition.
9:25 am Updates on Prior Action Items <ul style="list-style-type: none"> ● Phase 2 Updates from ADEQ ● OWAC's Charge (5 mins)			New recurring action item: ADEQ staff to provide an update on Phase 2, if available. 24-05-01 Questions for OWAC.docx Continuing the discussion regarding	For Information	David Lelsz: Advice to change update title from Phase 2 to Phase 1.5. Bill sought was not approved for Phase 2 updates – Director directed team to look at work already done and move toward Phase 1.5. Goal to simplify rule and make it

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<p>(30 mins)</p>			<p>the agency's ask of the current OWAC body. Accept or reject the Charge? Identify the most effective way to deliver findings. Divide into subcommittees, if applicable. Brainstorm additional areas where OWAC would like to comment?</p>		<p>responsive to technical updates. Trevor: Want OWAC to know that Phase 1.5 has to be sold to leadership. Skeletal structure being built based on what has been put together by workgroups. Linneth L. technical lead on Phase 1.5. Natalie Kilker – Rule lead for Phase 1.5.</p> <p>ADEQs desire to build upon the wisdom to improve the rule and ensure it is more responsive; gain greater clarity on which onsites installed/functioning/operating today may not be operation in a function that involves public health; wild cat/unpermitted onsites; addressing cesspools. Using that 'burning bridge' to create movement for 'OWTF 2.0.'</p> <p>David L: Amending agenda and seeking permission from OWAC.</p> <ul style="list-style-type: none"> - Used info from counties to develop GIS layer for onsites to determine where systems are. Layer is static layer that does not get updated. Due to nature of data, datasets are very different (15 counties = 15 ways of storing data). ADEQ would like to create a GIS that helps find onsites, locations that need more assistance, and solve problems.
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					<ul style="list-style-type: none"> - WIFA has a grant (pilot program) to counties and other organizations for ¼ million dollars to shut down/permit/construct OWWTFs for cesspools. - Historic opportunity to localize/find/replace cesspools with a current OWWT system. - Goal it to contract with an external vendor or other opportunity to create a map that shows where cesspools are likely located (heatmap). <ol style="list-style-type: none"> 1. Would like to use OWAC to find/collect/aggregate/display onsite data for the state (county data, NOTS) 2. Would like to work with OWAC to find best way to work with cesspool opportunity. 3. Leverage WIFA program. <p>ADEQ has to provide a strategic plan to the governor annually. One of the metrics is the # of cesspools removed from service (through modern onsite or other). Cesspools are impacting groundwater/drinking water.</p>
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					<p>Comments from OWAC:</p> <ul style="list-style-type: none"> -Part of the outcomes of efforts from TWGs was 7 key items. One was establishment of onsite database (easier access and records for the public). This supported online permitting, integration of data, no change over existing systems. ADEQ – Long term goal to offer online web-based for permitting. Due to not having a full understanding of what the permit/rule will look like – this project is on hold to ensure maximum usability of budget and build the program (trying to avoid rework when program is approved and established). -Confused on what was approved/not approved. What does ADEQ have authority for? <p>ADEQ Authority:</p> <ul style="list-style-type: none"> Create a new permitting structure, radically simplify permits, include more technology advancements and include flexibility. -Chairman of O&M TWG would like to get more info on upcoming program and comment. ADEQ – team working on project and engagement plan and will be using knowledge from OWAC team. -Not only operators but installers are equally important to include in the discussion. There is a lack of guidance for installers and costing time/reputation. Installer certification is not being addressed. There is no allowance for manufacturers to have
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					<p>oversight of the system. Licensed contractors are installing systems but there is a lack of skills/knowledge. Systems are being passed with bad designs/installations which translate to the owner. Manufacturers/installers/inspectors need to be trained – currently no accountability.</p> <p>-There is an exceptional effort from the TWG to highlight needs from all the people involved in the design/installment of onsites. A lot of discussion from the TWG regarding this topic.</p> <p>-What is the owner/builder certifications? Basic training, high level, or some kind of ability for a regulator to determine the knowledge/skills are there for the design/installation of an onsite system.</p> <p>ADEQ – Internally ironing out what this will look like. Will be using OWAC. Document topics such as O&M (installers...) need for ADEQ to use for the 'why' for additional approval.</p> <p>Link to HB 2195: https://legiscan.com/AZ/text/HB/2195/id/2981493</p> <p>OWAC's Charge 1.Should ADEQ grant amnesty to all operating OWTFs that don't have a Type 4 permit and were constructed between January 1st</p>
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					<p>2001 to the date of the Phase 1.5 permit goes into effect?</p> <p>OWAC – At time of transfer. Norm in the industry; once there is a change in hands, change in system, or failure update.</p> <p>ADEQ – helpful to get documentation on what states require that. Q: In the NOT (time of sale) does it account for environmental impact/water quality criteria driving those changes?</p> <p>OWAC - Places to look at: Chesapeake watershed, North Carolina addressing nitrate issues. Additional discussion included what other states have done with total nitrogen versus nitrate/nitrite.</p> <p>Virginia, New Hampshire and other east sides states. Do not see in western states at the moment.</p> <p>A statute is a skeleton of rule – tells you what you can/cannot write rules against.</p> <p>Rules are muscles, joints, tendons – give force to what the statute says.</p> <p>OWAC member was part of a team that developed a ‘standard of practice’ – within profession what you can and cannot do. AAC</p>
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					<p>has 2 instances of this mention and it involves engineering. Limits others.</p> <p>Value of amnesty: is value to reduce the burden? Administrative? Ease to support operation...</p> <p>ADEQ – change amnesty to grandfathering. Grandfathering still complying with some rule. Recognize the need to upgrade all systems but can be a hard sell. For many with old systems that are still functioning, there is no reason to update system. Made comparison to vehicles and air emissions...</p> <p>-How to document grandfathered systems, concerns over burden to homeowners, WIFA money (\$250,000) covers only about 25 systems (at basic system cost of \$10,000). Working systems should be grandfathered. The people affected lack economic resources and will be the most financially burdened.</p> <p>-Idea to conduct an inspection of system prior to listing to include repairs/replacement in the sale.</p> <p>-Do not see any other option to provide grandfathering – provides a path towards engagement/participation on future permit (change in use, flow, characteristics).</p> <p>-Is R18-9-A309(a)(9) – Repairs or routine work doing its job?</p> <p>Link to rule (page 30):</p>
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					<p>https://apps.azsos.gov/public-services/title_18/18-09.pdf#page=27&zoom=100.420.657</p> <p>-Historically A309(A)(9) was not doing its job. Changes made in Phase 1. People doing more changes than what the rule calls a repair. Areas of confusion such as extending drainfield 10 feet (laterally?). I.E. replacement of older pumps such as low head pump, high head pump, vortex pump... need to ensure replacement is similar (like for like).</p> <p>ADEQ – Would like from OWAC a written statement (recommendation) what should be done with grandfathered systems in Phase 1.5.</p> <p>Additional info: the 2001 rule treated historical systems as grandfathered systems. ADEQ requested permits for older systems. In 2005 rule update, 'amnesty' for everything prior to 2005 – all systems considered 1.09. Agency problems with records – consider how to grandfather systems from 1.09 versus 4.02-4.23. Good to look at Arizona administrative register.</p> <p>Question: what were the conditions/requirements to</p>
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					<p>ensure that the systems was installed pre-2001?</p> <p>Suggestions: Look at building permit issuance date, subdivision platted date. Look at documents associated with the site.</p> <p>Motion: Should we grandfather systems or not?</p> <p>Amended Motion to: Approve grandfathering functioning OWTFs that do not have a permit.</p> <p>Kevin Sherman: Seconded Amended Motion.</p> <p>Discussion: Does ADEQ wants us to look at everything past 2001/2005?</p> <p>ADEQ: Should look at where the latest change has taken place 2005.</p> <p>Discussion: TWGs have identified many methods to bring systems up to date.</p> <p>How to separate 1.09s from Type 4s? There is a difference in setbacks/design standards.</p> <p>ADEQ: Original question focuses on just Type 4 permits. Excluded all 1.09s.</p> <p>Jaimee Griffin Amended Motion: ADEQ should grandfather all operating OWTFs that don't have a Type 4 permit and were</p>
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					<p>constructed between 2005 to the date of the Phase 1.5 permit ?</p> <p>Kevin Sherman Seconded Motion.</p> <p>Vote: 1 yea, 5 no;</p> <p>Motion does not carry.</p> <p>*Need more time:</p> <p>*Chloe: Add this to agenda item next time.</p> <p>2. When will a Type 4 permittee or Type 1.09 permittee need to obtain a new Phase 1.5 permit? Consider the present Type 1.09 permit requirements.</p> <p>Increased flow?</p> <p>Change in the type of wastewater being discharged?</p> <p>Change in the character of the owner of the OWTF such as going from a residence to lawn mower maintenance shop?</p> <p>Change in the treatment process?</p> <p>Change in the disposal process?</p>
<p>10:00 am Open Floor/New Business</p>	<p>Frederick Tack, Chair</p>			<p>For Decision</p>	<p>David L.: 4 initiatives to update OWAC in every session. Relate to studies/endeavors that are being undertaken to create 'burning bridge'. Would like to add to scheduled monthly update.</p>



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					<p>Topics: 1) Groundwater Studies. 2) Nitrogen Management Area Pilot, 3) HB2195 Progress</p> <p>Mike S.: Does the division still want to move towards the separation of onsite from the APP?</p> <p>ADEQ: Do not believe there is the authority to do that on Phase 1.5. Building scientific basis – needed to create the program.</p> <p>Mike S.: Does it need to be pursued legislatively?</p> <p>ADEQ will pursue legislatively and any support is appreciated.</p> <p>Kevin S.: as a former regulator, legislatures want to hear from citizens and not groups working for them.</p>
11:00 am Adjourn	Frederick Tack, Chair			For Decision	<p>There is a need to support ADEQ. Motion to close: Mike S. Meeting adjourned: 11:00 a.m.</p>