



## Water Quality Division: Wastewater Disposal Advisory Group (WDAG)

Meeting: #1

Date: June 10, 2020

Time: 9-11 a.m.

Location: Zoom

### Member Attendance:

- Mark Basic      Basic Drilling Company
- Colin Bishop      Anua
- Rich Davis      Davis Excavating
- Suzanne Ehrlich      Yavapai County Development Services
- Jake Garrett      Gila County
- Thomas Hanson      Maricopa County Environmental Services
- Maher Hazine      REI Development Services, LLC
- Kathryn Mills      Mills Engineering, LLC
- David Monihan      Coconino Co Community Development
- Michael Stidham      EZ Treat, Inc.
- Edwin Swanson      Arizona Onsite Engineering
- Jennifer Thies      Terracon
- Jenny Vitale      Civil Engineer
- Joelle Wirth      AZOWRA, President

### ADEQ Staff and Consultants

- Trevor Baggione      ADEQ, Water Quality Division Director
- Steve Heaton      ADEQ, Executive Projects Manager
- Lori Harris      ADEQ
- Theresa Gunn      GCI, Facilitator
- Heidi Welborn      Legal Support
- Vance Frame      ADEQ Contractor

**MEETING PURPOSE:** *To discuss the purpose of the WDAG and establish a work plan for the next six months.*

### WELCOME

Trevor Baggione, Director, ADEQ Water Quality Division, welcomed the members and thanked them for their time to assist the department. ADEQ acknowledges rules are outdated and not nimble. The goal of the AZ management system (based in LEAN principles) is to identify and solve problems and continuously improve. This program is broader than just the rules. It is about the program as a whole, and the purpose of the program is to continuously protect Arizona's groundwater.

### INTRODUCTIONS

Theresa Gunn asked each member to introduce themselves and describe the current state of wastewater onsite disposal in Arizona. The following is a summary of the comments.

**Rules and Overall Program are:**

- Outdated
- Ambiguous/unclear
- Not streamlined
- Good bones, but need overhaul

**Goals are:**

- Continuous improvement of program as a whole
- Update program (potentially including but not limited to rules)
- Keep up with industry (Word of the day = “nimble”)
- Streamline
- Consistency and transparency
- Quick turnaround on initial program improvement
- Allow for professional judgment
- With above goals in mind, improve on specific issues, such as:
  - Expanded reuse
  - Soil monitoring
  - Handling of aging facilities
  - Technology flexibility
  - Certification and training (for various parties)
  - Operation and Maintenance
  - Hydraulic analysis
  - Linear Loading rate
  - Product approval listing (PPL)
  - Cost to comply
  - Tank storage requirements

**Comments and Discussion:**

- Industry has moved very quickly beyond the rules
- Differences for how rule should handle rural v. urban areas
  - Some requirements are not appropriate, especially for remote areas, for example tank storage - may need 6 or 7 trucks to pump one tank, and then need somewhere to put that wastewater, which may not be readily available in remote areas
- Inconsistent rule application among the delegated Local Agencies and the Department.
- Program has good bones, but AZ should be what people look to, especially with reuse
- Dates in code expiring is an issue (like for incorporated documents, for example)
  - Need process for periodically updating dates in documents as ADEQ cannot dynamically incorporate a document
- Rules are outdated and are becoming difficult to implement
- Need to update the rules, and make it easier and clearer to get through the permitting process
- Records management tools and practices should be routinely updated
- Areas in rules are unclear, and other areas make it difficult to follow whether because of cost or feasibility

- Personnel turnover requires extensive commitment to provide training and policy decisions to ensure program capacity and performance goals are achieved.
  - Hydraulic Analysis and linear loading rate specifically need the most work and updating
  - Rules need to be consistent with other rules re: groundwater, soils
- Use of onsite facilities are extensive in the state.... if 20% of properties rely on onsite, think about how much you can credit onsite wastewater facilities with facilitating the success of Arizona's economy
- 1980s APP is a basis is a good foundation, but things need work, e.g. design algorithms
- Rules confusing in some areas, too much room for interpretation, counties have had to create supplemental rules to clarify things.... too much professional judgment needed
- Need to consider SDWA & CWA
- Over half of onsite inventory has been in the ground more than 30 years, which creates a tremendous problem in bringing all outdated facilities, including cesspools, into the current century
- Certification and training is an issue.... would be great to have a statewide certification program (like Gila County's)
- Septage hauler/whoever does maintenance -- need training, level of education or certification requirements
- Other states have seen that having a certification and continuing education requirement carries program forward very well
- Soil testing around the state is important. If soils are not correct, the system is worthless; soils need to be observed by private parties as well as the state
- Need to streamline the rules to facilitate new technology to come online
- There are reuse opportunities in Arizona - need to be a model for the rest of the country
- Rules are ambiguous, they conflict within themselves, they are outdated, there are operation and maintenance issues, training issues and generally need a complete overhaul. However, the broadly applicable Alternative Features of R18-9-A312.G allows considerable technical flexibility
- New rules would still need to allow for professional judgments in unique situations
- Hoping for a fast-tracked fix to the rules

## **WDAG CHARTER**

Steve Heaton, ADEQ Project Manager, reviewed the group charter. Members are not expected to speak officially on behalf of their organizations, but to share their insights and knowledge on how to improve the program. Members are free to speak to the media if contacted but should not represent oneself as speaking for the advisory group or for ADEQ. The group had no questions regarding the charter.

## **KAIZEN STATUS**

Vance Frame, ADEQ, stated the Kaizen held in late 2019 and early 2020 resulted in several actions listed below. With the establishment of the WDAG, the Kaizen is complete.

- 6-7 new substantive policies
- Long-term study on nitrogen
- More data/study regarding wells and groundwater quality
- Need process to complete old system hardship cases
- Training and O&M
- Establish working group for onsite systems

## **DELEGATION AGREEMENT UPDATE**

Lori Harris, ADEQ, reported ADEQ is working on finishing touches of the language regarding 1.09 and data collection requirements. Trevor to review the revised agreements after which the current draft will be forwarded to the counties for their final review.

## **POLICY UPDATES**

Steve Heaton stated ADEQ is working on policies for each of the following topics. The initial drafts in review need more internal discussion and refinement. Once ADEQ, feels they have a good draft they will be shared with the WDAG.

- Rounding of linear measurements
- RV onsite dumps
- Type 1.09 general permits
- Knowledge and competence of qualified person
- Odor inhibitors
- Seepage pit location
- [Based on legal advice: drill depth on seepage pits cannot be changed by policy only by rule change]

## **WDAG MEMBERSHIP**

The group discussed whether the WDAG should include an environmental NGO and a transporter. Some of the NGOs have expressed interest especially as it relates to LEED certification. Transporters are regulated under the rule and often are the people doing system maintenance. Trevor encouraged the members to fully engage their networks and bring their concerns and opinions/perspectives to the table.

## **5-YEAR PLAN IMPLEMENTATION PLAN**

Trevor stated the goal is to develop an implementation plan so that the program can run smoothly for another 20 years. This plan is about more than the rule (as examples, training, gathering data, or conducting studies may be part of plan). Plan identifies pathways to improve the onsite program and identifies a framework of the process and timeline for how to get it all done in five years. Before rulemaking can commence, ADEQ must provide a specific request to the Governor's office.

## **FUTURE MEETING SCHEDULE**

Theresa will distribute a Doodle poll to assist in establishing the best day and time for future meetings.

## **OPEN DISCUSSION**

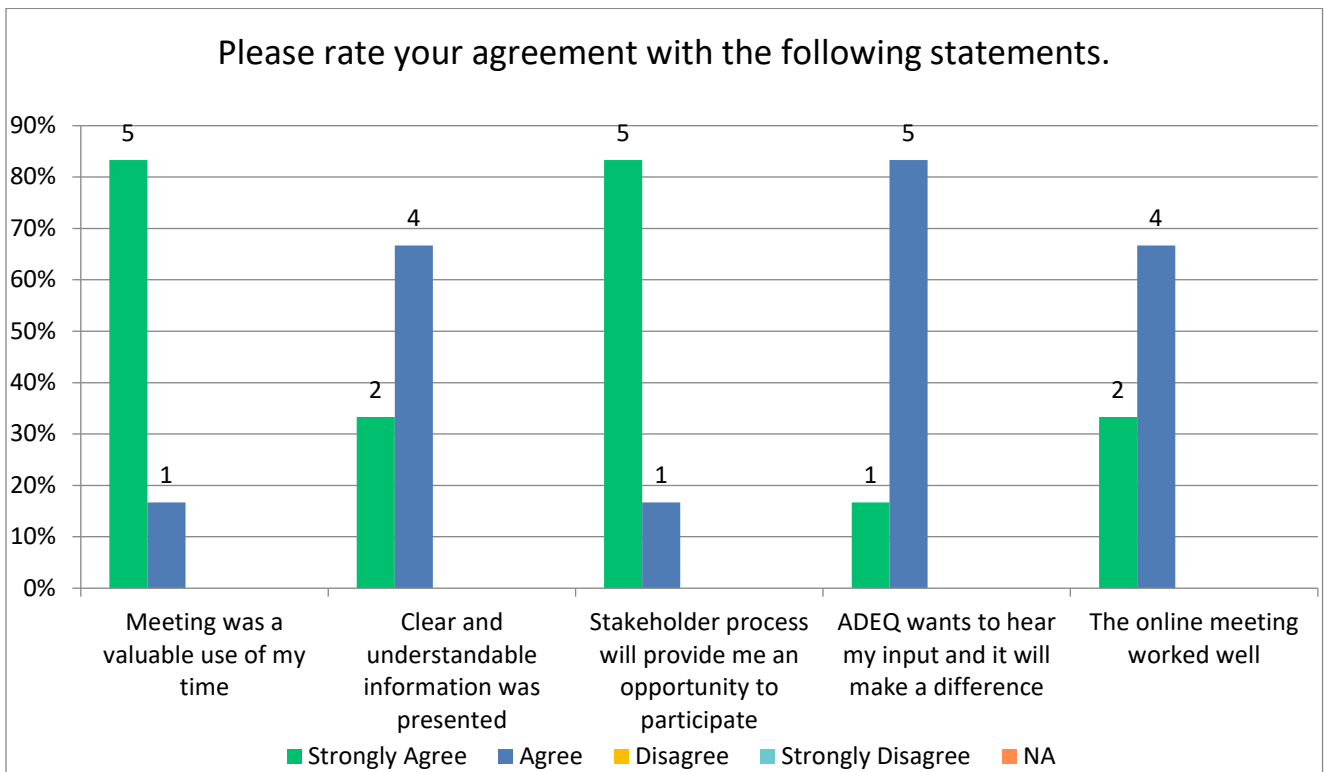
- Should consider U.S. Supreme Court Maui CWA case implications
- Should consider how all programs tie together, specifically how groundwater quality with a specific eye to onsite facilities relates to water quality in other ADEQ-implemented programs, including SDWA and CWA and APP generally (hydrologic cycle as a whole) and what resources exist in these other programs that could give context
- Also, what resources exist in other areas of ADEQ that could use
- Previous attempts at rulemaking (2011) and work in OWAC could be put together to form basis of program revisions

- May be better to start anew, fresh, and ensure that we are as updated as possible starting now
- How to coordinate information from this and other groups to ADEQ, need to make sure that whoever will be rule writers and implementers for program have info they need

**ACTION ITEMS**

Task	Person Responsible	Deadline	Status
Send contacts for potential NGO members to Theresa	All		Names received from Tom Hanson
Collate information from today and past efforts into a list from which the group can begin to organize	Theresa	Prior to Next Meeting	Done
Provide draft substantive policies to WDAG members when complete	Steve		Ongoing
Send Doodle poll to identify best meeting date	Theresa	Next Day	Done
Complete online evaluation	All Members		Done

**MEETING EVALUATION**



## **What was the best thing about today's meeting?**

- Robust discussion and outline
- The best thing about today was that the process has started to create a sustainable program
- Getting started on what could be a very productive advancement for onsite wastewater
- We got the process started
- Listening to the participants contributions
- Getting the ball rolling on all of this

## **What should be changed for future meetings?**

- Outline and task groups
- In person meetings as soon as possible. It is very hard to gauge non-verbal communication through the online platform.
- Asking us for 5 year plan items without any framework was difficult so I would suggest a little more frame work which in this case might have been a couple of examples or some other 5 year plan perhaps that had nothing to do with EQ. (I'm still not sure where we are going but a "nibble" agency is something I can buy into from the get-go.)
- Full steam ahead, it should not take more than 2 or 3 meetings to get the categories nailed down and the timetable established. Let's work hard on getting the Implementation Plan down to 2,000 feet and "base to final" for next meeting
- Have brief written handouts describing expectations for new agenda items.
- Zoom participant meeting comments/questions should be more completely handled.
- The Department and its agents (in this case Heaton and attorney) need to clarify their roles with respect to stakeholder members.
- Focus and time limit for soliloquies.
- N/A for this introductory meeting. Most likely we will need to have some more meetings before this question is applicable.