

**RULE MAKING OUTREACH DOCUMENT**

**Responses to Oral Comments**

**Received September 19, 2013**

**Water and Waste Advisory Board Meeting**

**Wyoming Water Quality Rules and Regulations**

**Chapter 25**

**Small Wastewater Systems**



**March 18, 2014**

### List of Commenters

Chairwoman Marjorie Bedessem, Water and Waste Advisory Board  
Lorie Cahn, Water and Waste Advisory Board  
Vice Chairman David Applegate, Water and Waste Advisory Board  
Klaus Hanson, Water and Waste Advisory Board  
Calvin Jones, Water and Waste Advisory Board  
Dwight Reppa, Macy's Services

### Comments and Responses

#### *General Comments*

**Entity:** Chairwoman Marjorie Bedessem, Vice Chairman David Applegate, and Lorie Cahn  
Water and Waste Advisory Board

**Comment:** Ms. Bedessem, Mr. Applegate, and Ms. Cahn each noted that the concept of general permit is presented unclearly. Ms. Bedessem requested the Division look at the chapter and determine whether or not a definition would help readers to understand when a general permit applies to a small wastewater system.

**Response:** WDEQ/WQD reviewed the chapter and has edited Section 2 to include the following language: "Installation of all components of small wastewater systems require a permit to construct. Permits to construct are specified throughout this chapter as general permits, described in Chapter III Section 7; permit by rule, described in Chapter III Section 8; or as individual permits to construct, described in Chapter III Section 6." Each of the referenced Chapter III sections explain the process for the permit type in question. WQD also edited each of the sections referencing design packages, adding that the design package is an application for coverage under the general permit for small wastewater systems, as the fact that these systems are covered under the general permit was previously not clearly stated.

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn noted the terms "design flow" and "peak flow" are used interchangeably and inconsistently throughout the proposed draft. She recommends choosing one term and using it consistently.

**Response:** WDEQ/WQD has edited the chapter using design flow and eliminated peak flow.

**Entity:** Chairwoman Marjorie Bedessem, Water and Waste Advisory Board

**Comment:** Ms. Bedessem found several confusing statements in the draft SOPR document and recommends revising the document to make it more understandable.

**Response:** WDEQ/WQD has made the editorial changes needed to clarify and update the SOPR.

#### *Section 3*

##### *Definition: Pathogens*

**Entity:** Chairwoman Marjorie Bedessem and Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Bedessem and Ms. Cahn pointed out that the proposed definition of pathogen includes the broad category of coliform. Ms. Bedessem noted that not all coliform are pathogenic and requests that the Division clarify the definition. Ms. Cahn noted that the term is only used once, in Table 4, Subscript 2. Ms. Cahn requests that the Division review the language in Subscript 2 to determine if use of “pathogen” is necessary. If the Division finds it is unnecessary, then Ms. Cahn would prefer that the term be removed from the definitions section.

**Response:** WDEQ/WQD deleted “coliform bacteria” and “fecal coliform” from the definition because the two terms indicate the possibility of pathogens but are not necessarily pathogenic themselves. WQD found the definition necessary as it provides context for the 4-log removal requirement in Subscript 2 of Table 4.

***Definition: Permit by Rule***

**Entity:** Vice Chairman David Applegate and Lorie Cahn, Water and Waste Advisory Board

**Comment:** Both Mr. Applegate and Ms. Cahn noted that the concept of permit by rule is described in a confusing manner.

**Response:** As explained in our response to the comment on general permits, WDEQ/WQD reviewed the chapter and has edited Section 2 to include the following language: “Installation of all components of small wastewater systems require a permit to construct. Permits to construct are specified throughout this chapter as general permits, described in Chapter III Section 7; permit by rule, described in Chapter III Section 8; or as individual permits to construct, described in Chapter III Section 6.” Each of the referenced Chapter III sections explain the process for the permit type in question. Only one item in the chapter is covered by permit by rule—land application of septage.

***Definition: Saturated Thickness***

**Entity:** Chairwoman Marjorie Bedessem, Water and Waste Advisory Board

**Comment:** Ms. Bedessem noted that while the saturated thickness tables have been removed in the proposed draft, the definition of saturated thickness remains. Ms. Bedessem noted that the definition was added to the draft after stakeholder comments indicated the definition would be helpful in reference to the tables. Ms. Bedessem requested that the Division verify the term’s use in the proposed rule and remove it from the definitions section if it does not appear outside of the removed tables. Ms. Bedessem was concerned that the Division’s responses to saturated thickness comments were inadequate and overly simplified the determination process. Ms. Bedessem requested that the Division revise responses to comments for Chapter 25. Ms. Bedessem requested that the Division present the guidance for saturated thickness to the Board so that they are aware of it.

**Response:** WDEQ/WQD has edited the definitions and removed the term “saturated thickness” as the term was no longer needed after the saturated thickness tables were removed. The Division is continuing our work on guidance and supplemental worksheets for Chapter 25, including the guidance for saturated thickness. The Division will update the Advisory Board with our progress.

***Definition: Trench***

**Entity:** Chairwoman Marjorie Bedessem, Klaus Hanson and Calvin Jones, Water and Waste Advisory Board

**Comment:** Ms. Bedessem pointed out discrepancies with the proposed definition of trench and the Division's responses to comments concerning the definition in regards to chamber installations. Stakeholders were concerned that the proposed definition would be too narrow to properly install chamber systems. Mr. Hanson wondered if the Division should specify that the width is a calculated width, not an installed width. Mr. Jones wondered how the width portion of the definition would affect installation of perforated pipe systems. Ms. Bedessem requested that the Division review the definition and revise responses to comments as necessary for Chapter 25.

**Response:** WDEQ/WQD reviewed the definition as well as the sections outlining design specifications for trenches. The Division chose to leave the definition intact with no edits. However, Section 11(a)(viii)(E) was edited to include "The excavation to install a chambered trench may exceed three (3) feet." Trenches for standard rock and pipe systems are not allowed to exceed 3 feet due to the excavated surface being used as part of the absorption surface once rock is applied. Conversely, chamber systems may require additional excavation for installation which will not negatively affect the system's performance. The definition still applies to both types of trenches, but the clarification of chamber systems will alleviate concerns of constructability posed by the stakeholders.

***Section 6***

***6(a)***

**Entity:** Chairwoman Marjorie Bedessem, Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Bedessem and Ms. Cahn pointed out that the last sentence of the subsection insinuates that irrigated landscaping would be considered compacted in a similar way that parking lots and roadways would be considered compacted. Ms. Bedessem and Ms. Cahn request that the sentence be rewritten to avoid further confusion.

**Response:** WDEQ/WQD has made this editorial change.

***6(e)(i) Table 3***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn explained the description of percolation rates is confusing and inconsistent. Sometimes the rate is stated as faster than five and sometimes it is stated as less than five. Ms. Cahn requested that the Division consistently describe percolation rates.

**Response:** WDEQ/WQD has made this editorial change. The percolation rates are now referred to in less than/greater than terms, instead of in faster than/slower than terms.

***6(f)(iii)***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn wondered if the subsection should indicate that either percolation tests or soil texturing would be required instead of stating that soil texturing may be used as a confirmation. After further discussion, Ms. Cahn indicated that she would be satisfied with the subsection as written, but would be interested in seeing the proposed soil texturing policy.

**Response:** WDEQ/WQD appreciates the opportunity to discuss percolation tests and soil texturing. As we explained during the board meeting, we are not yet ready to substitute soil texturing for percolation tests due to the newness of the technology and lack of certified individuals. The Division is continuing our work on policy updates for Chapter 25, including the soil texturing policy. The Division will update the Advisory Board with our progress.

***6(g) Table 4***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn pointed out that subscript 2 for Table 4 is worded in a confusing manner. She requested that the Division review the wording around “4-log removal” and clarify that the subscript is not requiring a coliform test.

**Response:** WDEQ/WQD reviewed the language in question. The Division was concerned that editing the language requiring the 4-log removal of pathogens would remove the intent and context of the requirement for removal of pathogens. However, we continued to look for other opportunities to clarify our intentions within the subscript. Previously, the subscript contained a sentence which states “These systems will be required to obtain an individual permit to construct.” This means that before installing any small wastewater system which discharge to the same aquifer that supplies a public water supply well (and located within Zone 2), the applicant will have to apply for an individual permit to construct, which requires a professional engineer and is therefore not eligible for a simple application for coverage under the general permit. This detail was not properly called out in previous drafts, so the Division has added language: “and will require a PE as stated in Section 2 of this chapter.” Section 2 has also been edited and now contains specific references to the different permit types and a reference to the individual permit process outlined in Chapter 3 Section 6. The individual permit process is more complicated than the process for general permits or permit by rule—we reserve it for complicated situations such as the one outlined in the subscript, and require the application package to be signed, sealed, and dated by a licensed professional engineer. It is the Division’s opinion that leaving the technical terminology intact in the subscript is appropriate to convey the proper requirements to the professional engineers who will prepare application packages under this requirement. By inserting a reminder that the situation in question falls under the more complicated permitting process, we feel that we have appropriately clarified the subscript.

***Section 7***

***7(b)(ii)***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn noted that the effective bottom width calculation is worded in a confusing manner. She requested that the Division clarify that the calculation is for the bottom area only.

**Response:** WDEQ/WQD reviewed your request. We have edited the subsection so that the calculation is written in equation form instead of narrative form, which we believe will alleviate the

confusion. We also edited paragraphs 7(b)(i) and 7(b)(iii) so that those calculations are written in equation form and the subsection is consistent from one paragraph to the next.

***Section 9***

***9(e)(i)(B)(I):***

**Entity:** Lorie Cahn, Klaus Hanson, Water and Waste Advisory Board

**Comment:** Ms Cahn and Mr. Hanson requested that the Division change all instances of “utilizing” to “using.”

**Response:** WDEQ/WQD has made this editorial change.

***9(a)(iii)(B)***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn noted that the Division used “design flow” and “peak flow” interchangeably throughout the chapter. She requested that the Division choose one term and use it consistently to minimize confusion.

**Response:** WDEQ/WQD has made this editorial change. “Design flow” is now used consistently throughout the chapter.

***9(a)(iv)(C)***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn suggested the Division simplify the subparagraph to state “the liquid depth shall be between three and six feet.”

**Response:** WDEQ/WQD has made this editorial change.

**Entity:** Vice Chairman David Applegate, Lorie Cahn, Klaus Hanson, Water and Waste Advisory Board, Dwight Reppa, Macy’s Services

**Comment:** Mr. Applegate, Ms. Cahn, Mr. Hanson, and Mr. Reppa each explained that the subdivision of the subparagraph was worded in a confusing manner.

**Response:** WDEQ/WQD reviewed the subdivision and has reworded in order to clarify the requirement: “The tees or baffles shall extend both above and below the liquid level. The upper part shall be a minimum of six (6) inches above the liquid level. The part below the liquid level shall be 30 to 40 percent of the total liquid depth.”

***9(a)(v)(A)***

**Entity:** Lorie Cahn, Klaus Hanson, Water and Waste Advisory Board

**Comment:** Ms. Cahn requested that the Division clarify the subparagraph and specify that “unrestricted” means no tee or baffle

**Response:** WDEQ/WQD has made this editorial change.

*9(b)(i):*

**Entity:** Lorie Cahn, Water and Waste Advisory Board; Dwight Reppa, Macy’s Services

**Comment:** Ms. Cahn and Mr. Reppa requested that the Division review our response to Mr. Reppa’s stakeholder comment and change the minimum riser diameter from 20 inches to 24 inches. Mr. Reppa explained that in his professional experience a 20 inch riser is too difficult to access and that a 24 inch opening should be the minimum requirement.

**Response:** WDEQ/WQD reviewed our previous response to this comment and further researched the issue. Research of requirements for tank openings in neighboring states showed a range of 12 to 24 inches as a minimum tank opening. Colorado, Utah, Montana, and South Dakota all require tanks to have openings of at least 20 to 21 inches. Nebraska allows for tank openings as narrow as 12 inches. Washington allows for 18 to 20 inches and Oregon allows for 24 inch openings as a minimum. At the national level, EPA’s Onsite Wastewater Treatment Systems Manual specifies a range of 18 to 24 inches.

Further research of dosing tank openings from the Division’s approved septic tank list revealed that 33 of 60 tanks demonstrated a tank opening of 20 in their design specifications. 25 tanks out of the 60 demonstrated tank openings of 24 inches. Two tank designs specified openings of 22 or 22.5 inches.

While the Division understands that Mr. Reppa’s practice of physically entering the tank for routine maintenance could be potentially more difficult at a 20 inch opening, we are also aware that not all operators physically enter tanks as a best management practice for tank maintenance. The Division is concerned that the cost burden to manufacturers of septic tanks as well as the internal review time of all new tank specifications are not justified by Mr. Reppa’s request.

Mr. Reppa’s comment was not shared by any of the other commenters during any of the opportunities to comment. As Mr. Reppa operates his business in areas with delegated authority, he is certainly within his rights to request that those delegated authorities impose a more stringent standard in their regulations. As was stated in our response during the stakeholder comment period, Mr. Reppa would maintain compliance with the requirement if he chose to install tanks with 24 inch openings as the requirement simply states that the minimum opening is 20 inches instead of stating that only a 20 inch opening is allowed. The Division is not convinced that the 20 inch opening is inadequate, as Mr. Reppa has commented.

*9(b)(i) Table 6*

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn pointed out that Table 6 is missing a reference or call out. She requested that the Division insert language to tie the table to the subsection.

**Response:** WDEQ/WQD has made this editorial change.

*9(d)(xiv)(A)*

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn pointed out that the equation and tables in 9(d)(xiv)(A) do not have a reference or call out and the subparagraph is presented in a confusing manner.

**Response:** WDEQ/WQD reviewed the subparagraph and made several editorial changes which make the equation easier to understand in context with the design requirements.

*Section 11*  
*11(a)(vii)(A)*

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn pointed out that the subparagraph is written in such a way that it would be very difficult to locate the test hole so that it would be completely absent of clay. Ms. Cahn suggested that the Division clarify the statement so that the test hole is selectively located to avoid clay.

**Response:** WDEQ/WQD has made this editorial change.

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn stated she is concerned that certain configurations are contributing to the stream impairment of Fish Creek. She requested that the Division add a requirement to the rule stating that percolation rates faster than 30 will have to install a trench system.

**Response:** WDEQ/WQD evaluated your request. The Division is aware of elevated nitrate levels in Fish Creek. The US Geological Survey (USGS) has recently published a study titled Characterization of Water Quality and Biological Communities, Fish Creek, Teton County, Wyoming, 2007–2011, which the Division is currently reviewing. The Fish Creek study notes that multiple sources of nitrate are entering the creek via groundwater. While the study indicates that sewage/septic systems are one of the contributing sources, other sources such as artificial nitrogen fertilizers, manure, natural soil organic matter, or a mixture of sources are also indicated in the sampling.

While your comment proposed regulatory language requiring trench systems for sites with percolation rates faster than 30, the WDEQ/WQD does not agree that requiring trench systems for such sites would reduce nitrate loading. Additionally, nitrate loading reduction would not be achieved through one regulatory action--it would require a multi-faceted approach, not all of which would be within the scope or authority of WDEQ/WQD, Water and Wastewater Section. We researched potential options to address the issue which are within our scope and we have outlined them below.

Septic system contributions related to over division of subdivisions along Fish Creek would require involvement at the County Commissioner level. WDEQ/WQD would require new subdivisions to comply with Water Quality Rules and Regulations Chapter 23, Section 7. New subdivisions would be required to add enhanced treatment to their proposed wastewater system configuration. Existing systems seeking permits for replacement would be handled by Teton County, as we have delegated to the County our authority to issue and enforce permits for small wastewater systems. If it is determined that onsite wastewater systems are significantly contributing to the nitrate levels, WDEQ/WQD would collaborate



with Teton County to incorporate a county specific policy to address requiring the addition of enhanced treatment systems to small wastewater systems, as needed.

To address septic system contributions from existing, old systems, such as trench systems installed 30 to 40 years ago, Teton County, as the delegated authority, would need to undertake an enforcement effort to identify specific systems which are contributing to the nitrogen loading and follow appropriate steps to require corrective action of the identified systems.

### ***Section 13***

#### ***13(a)***

**Entity:** Chairwoman Marjorie Bedessem, Water and Waste Advisory Board

**Comment:** Ms. Bedessem requested that the Division explain what the 4 feet separation distance is based off of.

**Response:** The Division based the four foot separation requirement off of the recommendation in EPA's Onsite Wastewater Treatment Systems Manual (2002). Chapter 4, Part 4.4.3 recommends "the maximum depth should be limited to no more than 3 to 4 feet below final grade to adequately reaerate the soil and satisfy the daily oxygen demand of the applied wastewater." The Division chose the more conservative figure of 4 feet below final grade or "below the bottom of the soil absorption system excavation" as a buffer for safety. The additional foot of separation both contributes to treatment of the effluent and accommodates small miscalculations by novice installers.

### ***Section 14***

#### ***14(a)(iii)***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn wondered why the subsection contains both a setback and a minimum acreage.

**Response:** WDEQ/WQD reviewed this requirement. The requirement is in the existing rule and was originally promulgated in 1984. Our research indicated that the requirement was inserted to prevent property owners from constructing lagoons in property parcels which were small or along property lines with neighboring residences. The Division has eliminated the minimum acreage requirement, but will leave the property line setback intact.

#### ***14(b)(i)***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn noted a reference error in the subparagraph and requested that the Division change "6(d) to 6 (g)".

**Response:** WDEQ/WQD has made this editorial change.

#### ***14(b)(vii)***

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn found the wording in the subparagraph of "area of the lagoon at the five-foot depth water level" to be confusing and requested that the Division revise the language.

**Response:** WDEQ/WQD has revised the subparagraph to state “Area of the lagoon (in square feet) at the maximum operating depth of 5 foot.

### ***Section 15***

#### ***15(g)***

**Entity:** Chairwoman Marjorie Bedessem, Water and Waste Advisory Board

**Comment:** Ms. Bedessem requested that the Division revise the last statement in the section so that it doesn’t insinuate that by filling out a piece of paper that the system will automatically comply.

**Response:** WDEQ/WQD has made this editorial change. The design package statements now end with “The general design requirements stated in this section are incorporated into the worksheets such that by properly completing the forms and installing the components, the system will comply with these requirements.”

### ***Section 16***

**Entity:** Vice Chairman David Applegate, Water and Waste Advisory Board

**Comment:** Mr. Applegate expressed his concern at the length and complexity of Section 16, Greywater Systems. He was particularly concerned that the provision requiring disinfection would discourage use of greywater systems in Wyoming. He would like to see a better balance between water conservation and risk of using greywater.

**Response:** WDEQ/WQD has worked to ensure that Section 16, Greywater Systems is consistent with Water Quality Rules and Regulations Chapter 21, Standards for the Reuse of Treated Wastewater. Chapter 21 outlines three classes of wastewater treatment. Class A is the most stringent class requiring removal of fecal coliform down to 2.2 /100 mL for drinking water use. Class B requires the equivalent of secondary treatment and disinfection of fecal coliform to 200/100 mL. Class C is the least stringent class, requiring disinfection of fecal coliform to 1000/100 mL. The proposed greywater regulations are consistent with the Class B regulations, which require a 30 foot setback for surface irrigation and no setbacks for subsurface irrigation. Class B wastewater may be used as irrigation on land with low to moderate public exposure potential, including irrigation of crops, as long as the crops are not harvested for 30 days after the wastewater application. As the handout titled Critical Review: Regulatory Incentives and Impediments for Onsite Graywater Reuse in the United States demonstrates in Table 1, the total coliform for mixed greywater can range from  $5.6 \times 10^5$  to  $1 \times 10^8$  CFU/100-mL for systems generating 127-151 L/capita-day. While the total coliform concentration is less than is typically found in domestic blackwater, the concentration levels are still potentially harmful for human contact. WDEQ/WQD has taken this into consideration while drafting the proposed greywater regulations. While the proposed greywater regulations require disinfection for surface irrigation due to the potential for human contact, the proposed regulations do not require disinfection for subsurface irrigation. The proposed regulations offer homeowners a choice of irrigation uses—the WDEQ/WQD wants to ensure that this choice is carried out in a protective way. States such as Montana, Idaho, and Utah do not allow surface irrigation use at all in their greywater regulations, with or without disinfection. While the idea of “disinfection” may initially seem complicated or discouraging, we’re confident that our future efforts to educate the public will demonstrate that, for surface irrigation systems, disinfection is a safety measure that can be low cost and low maintenance. Common methods of disinfection include household chlorine bleach, which ranges in price from \$1 to \$3, commonly found pool chlorine or bromine dispensers, ranging from \$5 for a basic

floating dispenser to \$100 for more complicated models. Additionally, homeowners may choose UV disinfection as a treatment method, although UV systems are considerably more expensive (\$300-\$1500).

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn requested that the Division examine the possibility of restricting greywater from problem source areas, such as kitchen sinks, in an effort to make the regulation more appealing to the public.

**Response:** WDEQ/WQD reasons that restricting certain source areas, such as kitchen sinks, would be overly restrictive. The handout titled Critical Review: Regulatory Incentives and Impediments for Onsite Graywater Reuse in the United States identifies in Table 1 the different greywater sources and typical volumes per capita, per day. Kitchen sinks produce 18 to 20 liters per capita per day of graywater. While this volume is less than the volume of 40 to 57 liters per capita per day of laundry machines, or 38 to 49 liters per capita per day of bathtubs/showers, the volume produced is significant enough that restricting the use of kitchen sink greywater may be considered over burdensome to the public and in conflict with efforts to conserve water in our arid state. The proposed regulations allow for multiple types of irrigation, which other states such as Montana, Idaho, and Utah do not allow. WDEQ/WQD is planning on educational outreach, after the rule is promulgated, to explain surface irrigation versus subsurface irrigation and to demonstrate low cost, low maintenance types of disinfection when surface irrigation is chosen. WDEQ/WQD is confident that the outreach efforts will demonstrate the appeal of installing greywater systems in Wyoming.

**Entity:** Chairwoman Marjorie Bedessem, Water and Waste Advisory Board

**Comment:** Ms. Bedessem requested that the Division review the greywater rules concerning subsurface irrigation and surface irrigation and clarify the requirements for each in order to eliminate confusion.

**Response:** WDEQ/WQD reviewed the section. In order to eliminate the confusion concerning subsurface and surface irrigation requirements, we have reorganized Section 16. The requirements for each type of irrigation system are not different; however, the requirements for each type of irrigation system are more obvious after the reorganization.

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn requested that the Division review the section and move some of the items such as filters and pumps to the design manual.

**Response:** WDEQ/WQD reviewed the section and has removed the subparagraphs concerning filters and pumps to the design package for Section 16.

*16(b)(i)(A)*

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn explained that she found the occupant calculation to be overly complicated. She requested the Division revise the subparagraph to simply state that the “number of occupants of each dwelling shall be calculated at two occupants per bedroom.”

**Response:** WDEQ/WQD has made this editorial change.

*16(c)(iv)*

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn requested that the Division consider revising the setbacks for greywater systems. Ms. Cahn feels they are inconsistent with setbacks elsewhere in the chapter and that they are overly restrictive.

**Response:** WDEQ/WQD has worked to ensure that Section 16, Greywater Systems is consistent with Water Quality Rules and Regulations Chapter 21, Standards for the Reuse of Treated Wastewater. Chapter 21 outlines three classes of wastewater treatment. The proposed greywater regulations are consistent with the Class B regulations, which require a 30 foot setback for surface irrigation and no setbacks for subsurface irrigation.

*Section 17*

*17(b) and (c)*

**Entity:** Chairwoman Marjorie Bedessem and Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn noted that “septic tanks shall be pumped as needed” is not specific enough direction for homeowners. Ms. Bedessem pointed out that specific maintenance timeframes for septic tanks are difficult to enforce as there are a number of factors contributing to the need for pumping. Discussion with Ms. Cahn on the pumping requirements for holding tanks and sealed vaults revealed that “preferable” should be removed from the regulation. Ms. Cahn requests that WDEQ/WQD revise the regulation to remove any typos and to create a guidance document which specifically outlines accumulation and when to perform maintenance.

**Response:** As discussed during the meeting, WDEQ/WQD is in the process of developing guidance for homeowner maintenance of septic tanks. We have revised subsection (c) and have removed “it is preferable that these types of tanks be pumped before the wastewater volume exceeds 75% of the tank’s capacity.”

*Appendix A*

*(c)(A)*

**Entity:** Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn noted that while many there ways of testing the percolation rate, WDEQ/WQD has chosen one with a higher head. She wondered if WDEQ/WQD has accounted for the difference in impact. Ms. Cahn also requested that the Division issue guidance for homeowners.

**Response:** As discussed during the meeting, the increase in impact was not significant. WDEQ/WQD revised the regulation to make the process simpler for homeowners to perform. As

promised, WDEQ/WQD is revising our current percolation test guidance to reflect the proposed changes to the regulation.