

DOWRA
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DOWRA NEWS

Delaware On-Site Wastewater Recycling Association

Newsletter Date March 2011

In This Issue!!!!

The newsletter committee will be attempting something new this year by creating themed newsletters. For our first newsletter we are going to focus on what issues are knocking at our backdoor which include: DNREC's proposed regulation changes; MD initiatives to stop development by changing septic regulations; and NOWRA's proposal to keep DOWRA as members.

The newsletter will also be provided to our members via email in order to reduce costs and save resources. We will also be posting it on our website at www.dowra.org. If you would like a paper copy instead, please contact the newsletter committee and request one.

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DNREC Proposed Regulation Changes

December of 2008 is when DNREC initiated the regulation revision process. Since that date there have been numerous stakeholder meetings and over 10 workshops which have all revealed new changes. If you thought just because you went to the first workshop you didn't need to go to anymore, you are mistaken. The rewrite has evolved and will affect the way you do business.

Here are some highlights from the proposed changes in the On-Site Regulations in Delaware that you may not know about. Please know that at this time a final version with the large system/spray regulations hasn't been completed.

Proposed Changes:

At first glance you will notice the numbering system has changed. The numbers in bold print on the left reflect the sections in this new numbering system.

2.29 The Department will review no plan more than 3 times. If after the third review the plan is not approvable it will be denied. That decision may be appealed or the Department may entertain a re-submittal of the permit package with appropriate fees.

3.1.10 The new Class I-Construction Inspector will be authorized to perform inspections of all new, replacement and repairs to gravity systems. They will also be authorized to do inspections of component replacements and capping fill inspections

DNREC Proposed Regulation Changes

And gravity systems.

3.8 This section is specific to the Class D Soil Scientist and for the first time will establish a tiered approach to the Class D license, based on knowledge and experience.

3.9 This section is specific to the Class E System Contractors license and will establish a similar tiered as the Class D license.

3.12.6 Is specific to the Class F Waste haulers and encompasses large portions of the language and requirements of the new licensee.

3.12.7 Is specific to the Class H Inspectors and establishes new criteria for the licensee to adhere to. It also allows the Class H to perform specific repairs to systems equivalent to the Class F Wastehauler.

3.12.8 Refers back to the new Class I Construction Inspector license. It gives specific directions and requirements of the new licensee.

4.2.3 Re-defines the Observation Wells/Piezometers Section of the Regulations. It includes the requirements of logged borings in the monitoring area as well as monitoring requirements, required site evaluation submittal schedule and expiration of the wells usability.

4.3.1.4 Timers will be required to be integral parts of the control panel. Additionally, 4.3.16.15 requires that both the pump and alarm circuits have properly sized circuit breakers located within the control box.

4.3.2.7 Encompasses specific design criteria for Peat Biofilter and Micro-Irrigation systems into the Regulations

4.3.12.3 Makes the Wisconsin At-Grade a standard system in Delaware.

4.3.7.6.7 Requires Distribution boxes must be accessible by means of a removable access cover or access risers extended above grade.

4.3.7.7 Requires all lift stations to incorporate a fully compliant control panel and alarm system.

4.3.14.1 All concrete septic tanks will be required to meet OWPA/NPCA Standards for structural integrity and water tightness.

4.3.28.6 Limits the use of Emergency Repair Permits to holidays, weekends and other times when the Department offices are not open.

4.4.2.2 Tire Chip (Shred) sizing requirements and metal fragment content limits are addressed for the first time in the Regulations.

4.4.6 Inspection protocols have been established by the Department. These protocols are the responsibilities of the Class E Contractor and apply to all inspections. Sub-section 4.4.6.2.1.5 requires all electrical work be accomplished by a Delaware licensed electrician.

4.5.2.1 Requires that the effluent filter be cleaned at a minimum every 6 months.

4.5.6 Establishes specific operation and maintenance requirements for all Innovative and Alternative OSWWTDS. It allows for homeowner certification and also provides for inspections to be done by the Department for systems with permits issued prior to O & M requirements.

Large Systems -** Considering making all RIB disposal systems meet 3 mg/L of TN and .1 mg/L of TP.

** Spray is incorporated with the large systems

5.2.2.5 Approved SIR will be valid from 10 years from Department approval date.

5.2.3 A Hydrogeologic Suitability Report is required. Must be completed by a DE PG.

5.2.3.3.3 Well survey valid for 5 years. If a construction has not been started prior to the expiration of the construction permit, a new well survey shall be submitted.

5.2.3.4.2.1.1 All systems except for RIBS and spray with flows between 2,500 and 20,000 gpd must have a minimum of three 20 foot deep continuously sampled test borings.

5.2.3.4.2.1..2 All systems except RIBS and spray with flows >20,000 gpd must have a minimum of three 40 foot deep continuously sampled test borings.

5.2.3.4.3.1.3 All RIB systems >2500 gpd must have a minimum of three 40 foot deep continuously sampled test borings per proposed acre of disposal area.

DNREC Proposed Regulation Changes

- 5.2.3.6** All systems except ribs with proposed discharges 2500 gpd and , 100,000 gpd must use at a minimum analytical models.
- 5.2.3.6.2.2** All systems with proposed discharges >100,000 gpd must use numerical models.
- 5.2.3.6.5** All RIB systems >-100,000 gpd must do a larger scale basin test.
- 5.2.4** Surface Water Assessment Reports must be completed..
- 5.3.1.9** All wastewater containing domestic wastes must undergo disinfection prior to being discharged to the disposal system.
- 5.3.1.12** All mechanical tanks, chambers, vaults and pits must be evaluated to determine if remote sensors are needed to avoid overflows.
- 5.3.1.14.3** Once the wastewater flow reaches 90% of the permitted treatment capacity for the constructed phase, the construction of the next phase must begin.
- 5.3.1.14.4** The Plans and Specifications for the wastewater treatment and disposal system must be resubmitted to the Department for phases that are not constructed within 5 years of the construction permit expiration date.
- 5.3.1.15** The spare areas must not be in the immediate vicinity of the initial systems when the groundwater mounding analysis indicated groundwater mounding comes to within three feet of the point of compliance except spray irrigation.
- 5.3.2.2.1.3** RIBS shall be configured in a strip configuration.
- 5.3.2.2.1.4** All berms must be at least 2 feet tall , 8 feet wide if access berms.
- 5.3.2.2.1.5** Seepage collars must be provided around any pipes penetrating the berm.
- 5.3.2.2.1.14** PRIBS must have multiple discharge locations– 3 or less.
- 5.3.2.2.2.5** Periodic infiltration testing may be required for RIBS.
- 5.3.2.3.5.6** No clay liners allowed for lagoons.
- 5.3.2.3.5.7** 3' of freeboard is required for lagoons.
- 5.4.1.9** An application for a permit to construct a large community system will additionally require the Operator to provide the Department with an executed performance bond, letter of credit for every wastewater system they are constructing.
- 5.4.2.1.3** Utilities are governed with requirements and must submit documentation to the Department.
- 5.5.1..5.3.4** Provide spare system layout..
- 5.5.1.6** Technical specifications required details to the quality of materials and workmanship to include fabrication of the project and the strength, operating characteristics and ratings of equipment.
- 5.5.5** Permit modification requirements.
- 5.5.11** Regional systems have been added to the regulations.
- 5.8.1 .3** Spray irrigation systems require a minimum six monitoring wells.
- 5.8.1.6** All RIBS .100,000 gpd shall install a minimum of 3 nested monitor well sets.
- 5.8.1.10** All large systems and RIBS over 100,000 gpd must maintain one monitoring well within the disposal areas with a pressure transducer.
- 5.8.2.3** Influent and Effluent sampling requirements have been established.
- 5.10 .1.1** Temporary holding tanks may be utilized if construction has been initiated for the onsite system.
- 5.10.3.14** Use of a regional temporary holding tank system requires a county conditional use ordinance approval.
- Additional: Pollution control strategies for PSN1,2 and 3 have now been added and must be adhered to. Sunsetting of original permitting dates. Exhibits added for drip and peat guidelines.
- DNREC would like to have at least one more workshop before they go to a public hearing. It is anticipated that the Regulations will be promulgated by September. If there is something in here that concerns you, or you have additional comments it is not to late to voice your opinion. You may contact Jack Hayes of DNREC at John.Hayes@state.de.us, or email the dowra/dnrec partnership committee at bmiller@freemire.com for comments. The partnership committee will be presenting DNREC with comments at the next workshop.

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Thank You!!!!
The DOWRA Board would like to thank Carol Evans, Laf Erickson and Bob King for volunteering their past service as a DOWRA Board Members.

DOWRA Link Swap

Place your company's website link on DOWRA's webpage in exchange for placing DOWRA's website link on your webpage. All you need to do is submit your website email address to Hilary Valentine at: hilaryv@epandsweb.com, and our webpage will be updated shortly with the new information.

To Be or Not to Be..... A Member of NOWRA

Many of you are aware that DOWRA has been contemplating whether to continue as state affiliates or members of the National Onsite Wastewater Recycling Association (NOWRA). In the last two years, NOWRA has been redefining “who” they are and their role in the industry. In an effort to assist DOWRA members with their decision, NOWRA has provided a letter outlining their latest accomplishments as well as goals. Please take the time and review NOWRA’s letter. It will be an important decision that each DOWRA member will have to make in the near future and should not be weighed lightly.

In considering your decision, it is also important to remember that NOWRA is a NATIONAL voice. Although we may not recognize it, they are a voice in DC bringing information and concerns to our political contacts on the wastewater front.

February 15, 2011

To the Membership of DOWRA,

NOWRA appreciates the opportunity to update you on your national association’s recent activities and our plans for 2011 and beyond.

As you are all painfully aware, the last several years have been difficult for the onsite industry. You have felt it personally; DOWRA has been affected by it; and NOWRA has also been greatly impacted by the difficult economy. In these tough times, many of you may be wondering if your membership in NOWRA is worth the investment. That’s a fair question. My purpose with this letter is to provide you with a few reasons why DOWRA’s continued affiliation with NOWRA is so important.

NOWRA represents your interests at the national level, and the regional level as well.

Here are a few things we have accomplished in 2010:

EPA Decentralized MOU partnership. By participating in this group, NOWRA is able to represent our industry to EPA. In 2010, we pushed EPA hard to begin a public education effort to dispel myths about onsite systems and help homeowners and politicians understand the benefits of these systems. EPA listened and plans to roll out just such a campaign in 2011.

Water softeners. NOWRA has been working closely with the Water Quality Association to develop a science-based research study to determine the impact of water softeners on septic tank operation. A team of NOWRA’s sharpest scientists and engineers have been working with their counterparts at WQA to ensure that this study will not in any way be biased in favor of the water softener industry.

Maryland’s proposed ban on septic tanks. NOWRA is working closely with your sister organization in Maryland, MOWPA, to defeat efforts by Maryland’s governor and the Chesapeake Bay Foundation (CBF) to outlaw septic tank installations in new construction. NOWRA recently participated in a face-to-face meeting with MOWPA, CBF and the Maryland homebuilders association to discuss the proposed legislation and stands prepared to provide material support to MOWPA’s efforts to defeat this ban. Because this is a regional issue that could potentially spread to other states, including Delaware, we may ask DOWRA members to become involved in grass-

roots efforts to stop this dangerous proposal. Many of you do business in Maryland, and this ban would affect your business as well.

NOWRA's top national priority for 2011. Securing more federal funding for the onsite industry is our top goal for 2011 and beyond. We intend to hire a lobbyist in Washington to help the onsite industry get its fair share of the money available through the Clean Water State Revolving Fund (SRF). With more than \$5 billion available annually in loans and grants through this fund, this is the biggest single source of federal money available for wastewater-related projects. Even though 30% of the country is served by onsite systems, our industry gets virtually no money from the SRF. In 2008, of the \$5.5 billion available in SRF funds, the onsite industry received \$9 million. That's less than 2/10 of 1 percent of the total, and we think that's outrageous! Almost all of the rest of the money goes to central sewer interests. And the only reason Big Pipe sucks up almost all of the money is that they are much more effective in representing their interests in Washington than we have. That has to change!

That's why NOWRA is currently working to build a coalition with related onsite organizations and raising funds from our friends in the manufacturing community to hire a lobbyist to work with Congress and the EPA to ensure that the onsite industry gets a much greater share of the money it is entitled to. They say a rising tide lifts all boats, and if we are able to change the funding formulas to make sure a greater share of SRF funds flow to the onsite industry, everyone will benefit, including DOWRA members.

NOWRA is also working to build up our roster of benefits to provide you with tangible benefits that will save you time and money today. Here are a few of the things your membership currently provides you:

Septic Locator – This searchable online database gives each DOWRA member a presence on the web and a way for customers to reach them. In 2011, we will be promoting and encouraging greater use of the Septic Locator by consumers.

Monthly NOWRA E-news – Each month we provide you with an electronic newsletter letting you know of developments around the nation and in your back yard.

Directors and Officers Insurance – This may not seem like much, but NOWRA's umbrella insurance policy protects DOWRA's board of directors should they get sued by someone. In a society where everyone seems to be lawsuit happy, this protection should not be underestimated.

Resource Library – Starting last fall, NOWRA added hundreds of new items on NOWRA's Resource library and we've only just begun. In the coming year, we will add sections on sources of federal funding, manufacturer data, and consumer information. We'll also include a section to help affiliates do their administrative business, with sample newsletter articles, speaker ratings, and a calendar of events.

Conference Discounts – NOWRA's 2011 Annual Conference will be the Onsite Wastewater Summit, June 17-20 in Columbus Ohio. Because we are hosting this conference jointly with SORA (State Onsite Regulators Alliance) and NEHA (National Environmental Health Association), you may be more interested in attending this important national conference. It will feature the biggest gathering of onsite professionals in the country this year, and probably the biggest tradeshow as well. Your membership in NOWRA means that you will save \$150 off of the registration price for attending. Columbus is easily drivable from Maryland, so this may be a meeting you'll want to attend.

To Be or Not to Be..... A Member of NOWRA (Continued)

In the coming year we are looking to add programs to benefit you, including the following:

Liability Insurance – We hope to offer a business insurance program with better coverage for the specific risks you face in your business that is also cheaper than what you can get from your local insurance agent. If we can't put together a program that we think will benefit you, we won't go forward, but we are very optimistic that we can do so.

Distance Learning tools – We are also reviewing several options to provide your affiliate with a turn-key program that will let them deliver training and education via the Internet in a cost effective manner.

Tools for Business Owners – There are lots of resources out there to help you run your business more effectively. We are pulling together some of the best and most relevant information to help you do that.

I think you will agree that this is an ambitious list, but NOWRA is committed to continuing to improve, grow, and expand the ways it supports the industry, its network of state organizations like DOWRA, and its individual members.

But we need your support. For those of us in our industry who care about its future -- and I am sure that includes DOWRA members -- there are simply too many important issues where strength in numbers is critical for our mutual success. We can't do it individually. There is much to be gained if we work together. Without the support which it receives from its state

Affiliates, NOWRA cannot be successful. I hope we are able to count on DOWRA's support in 2011.

Please feel free to pick up the telephone or drop me a note. My direct dial is 703-535-5265 and my email is wecasey@comcast.net. I look forward to my next visit to DOWRA and I wish you great success in 2011!

Sincerely,
Eric Casey
NOWRA Executive Director



National Onsite Wastewater
Recycling Association

P 800.966.2942

www.nowra.org

**Would you like to advertise in this newsletter.
DOWRA will be accepting 1/4 and 1/2 page ads.
If you are interested in submitting information
prior to the July newsletter, please contact
Hilary at: hilaryv@epandsweb.com!**

2011 DOWRA Calendar of Events

March

March 9 Board/Membership Meeting
6:30 pizza, 7:00 meeting starts
Board Room, Exhibit Hall, Delaware State Fairgrounds

April

April 15, 2011 Clay Shoot
Owens Station
12612 Hunters cove Road
Greenwood, DE

May

May 5, 2011
TBA, On-Site Professional of the Year Award
Owens Campus
Georgetown, DE

June

June 8, Board/Membership Meeting
6:30 pizza, 7:00 meeting starts
Board Room, Exhibit Hall, Delaware State Fairgrounds

July

Delaware State Fair Exhibit
July 21 thru July 30
Grandstand, Delaware State Fair
Harrington, DE

August

August 17 DOWRA Membership Appreciation Crab Feast
Invite Only //6:00 pm, Seafood City, Felton
** All those who attend board/membership meetings will be invited

September

September 14, Board/Membership Meeting
6:30 pm Pizza, 7:00 pm meeting starts
Board Room, Exhibit Hall
Delaware State Fairgrounds

September 16, Annual Golf Tournament
12:00 pm, at Jonathans Landing Golf Course (Shotgun Start)
Magnolia

October

October 11-12
Annual DOWRA Conference
Location : Dover Downs Hotel and Casino



P.O. Box 1696
Dover, DE 19903

**Find all of our
events on our
website at
www.dowra.org**

**Registration
information will
also be available!**

Maryland Governor Utilizes Septics to Curb Growth

Maryland Governor O'Malley is pursuing the passage of the "Sustainable Growth and Agricultural Preservation Act (Senate Bill 846 and House Bill 1107). These bills would prohibit the use of individual septic systems for major subdivisions outside the planned water and sewer area as well as restrict subdivisions on agricultural land.

What it does:

Defines major subdivision as 5 or more lots, plats or building sites.

Requires that major subdivisions located outside the planned water and sewer area utilize a "shared facility" waste disposal system that is managed, operated and maintained by an approved controlling authority.

Requires the use of advanced technology septic systems for smaller subdivisions of 4 or fewer lots, plats or building sites.

Prohibits local authorities to record or approve any major subdivisions outside the water and sewer service area after July 1, 2011.

Restricts any resubdivision or further subdivision of a tract or parcel of land once it has been subdivided into a residential minor subdivision

Why it's bad:

Definition of major subdivision will capture virtually all future development outside of planned service areas

Approval for a shared facility requires a category change to the local water and sewer plan---category change requests require a local public hearing and approval by MDE and MDP---THIS GIVES THE STATE A VETO OVER LOCAL LAND USE DECISIONS

Shared facilities are extremely expensive to build and maintain. Cost of construction and installation exceeds \$1 Million and estimated operation and maintenance cost run between \$80-100K per year. So they are only economically feasible for high density subdivisions.

Destroys economic development outside designated growth areas .

Eliminates a huge segment of the construction industry resulting in a further loss of skilled blue collar jobs in the state.

Restricts farmers from subdividing their land more than once---in perpetuity.

Devalues Agricultural land.