



ON-SITE SYSTEMS TECHNICAL REVIEW BOARD SUMMARY OF ACTION



May 08, 2002

**Members
Present**

Chris Allard, PE, Carol Nesbett, Sharon Minsch, Wes Turner,
MD, Craig Woolard, PHD, PE

Staff Present:

Jim Cross, PE, Sonnet Fleener, Hallie Stewart, AWWU, Steve
Morris PE, DHHS, Jeff Urbanus, DHHS, Keven Kleweno PE,
ADEC

Guests:

Chairperson Sharon Minsch called the meeting to order. A motion to approve the minutes from February was made. It was seconded and approved.

Annual Report

Jim will email the annual report to everyone for comments. Sharon said that Carol had done a good job on the report but that the phrase "grave health risk" needs to be removed. She also pointed out in the last paragraph DSD needed to be changed to DHHS. There were some grammatical errors to be corrected. Any other comments should be forwarded to Jim and he will bring a final version next month.

Innovative Code

Jim gave marked up copies of the innovative code to the tech board members with changes to be made in red. Jim has made a few more changes since the work session. He changed page 4 to read year-long instead of yearly sampling to maintain consistency with month-long and week-long sampling, which follows in the document. He did the same thing under fecal coliform and on pg. 7 in the tables. There were some other minor housekeeping changes he did to make sure numbers matched; he took out a paragraph on pg. 7. He deleted Category 1 & 2 wastewater treatment standards because it was talked about in baseline system standards. The remaining marked changes were talked about in the techboard work session.

Sharon said they had not talked about annual fees. Jim said it's in the covenant to run with the land section 16.65, p. 360. Jim has to get approval to go forward with the fees from Joe and Craig. Sharon asked where it says that existing systems have to create the covenant with a sale. She feels it should be mentioned in the code or the covenant. Jim is still working on the annual fee and the HAA with a covenant.

Carol asked if the code was user friendly and if we were using the right verbiage to clarify what we are trying to do. She feels that the sequence is jumbled. She said perhaps some of the sections need to be moved around because to her they don't seem to follow a sequence of events. She questioned whether it was clear that the code was for the master design of systems and the covenant was for individual systems. She asked if the sequence could be changed, or if it would be too drastic of a change. Craig Woolard replied that it is a code and just by its nature it is difficult to read, and that he felt moving things around would be of marginal utility. After some discussion by the board Jim suggested one thing easily done to help is that in the very beginning where it says advanced wastewater treatment systems we could insert a paragraph explaining that this section of the code deals with the testing and acceptance procedure for all advanced wastewater systems in the Municipality of Anchorage. He went on to explain that definitions have to be first, then what was the authority of the Municipality of Anchorage, and is now regulation of AWWTS. Jim said that he feels it is in pretty logical progression if you look at the way it was written, so that it's defining terms and then dealing with it. The technical stuff kind of flows in that direction. Craig suggested that perhaps we could put out a one page flyer or Frequently Asked Questions document to explain the changes and the general purpose of the code.

Other changes suggested included Sharon mentioning that from the beginning they had always said, “performance based” everything, and she felt that had been lost. Jim said the wording could be put into the first explanatory paragraph and in the definitions. Carol said she felt on page 2 where it says “the design types of systems selected for testing under this program” the words “under this program” could be removed because there is no program talked about anywhere else. Carol also asked if on pg. 2 under “Regulations – B” it says, “Municipality may reject, revoke, suspend” should we have anything that says approve? Jim said that since everything there seemed to be negative perhaps we should put accept, reject, revoke . . . Steve Morris said that in 15.65.300A under “Characteristics of typical septic tank effluent” he feels that we should remove the word should after 15.65.060.

Jim said that under what was .360 is now .317 it gets a little confusing in paragraph A where they say “before a permit license or certificate of on-site systems approval can be issued to a AWWTS the covenant to run with the land must be signed”. The permit and the HAA are different things. Since the covenant gets registered the new owner does not have to sign a new covenant for a certificate of on-site systems approval, because it’s already with the property. Jim needs to check that with legal because they are saying a covenant must be signed with each new HAA.

Sharon asked where the mechanism is that makes sure the new buyer understands what his responsibilities are. Jim replied that the new buyer would have to get a certificate of on-site systems approval where we will be notifying them that the maintenance is part of it. He also said that because it is recorded, it would become part of the title search. Sharon asked who was recording it and Jim replied that we are. Carol stated that it would not be the new buyer that would be getting the system approval, it would be the seller, and there would be nothing to sign for the buyer. Jim said that hopefully the new brown envelopes are working to get the information to the buyer of the property. He also said that with the covenant we would have to do something to make sure the buyer is being made aware. Jim asked if the title company was required to make sure the buyer knew about everything on the title. Carol replied that yes, you turn it around to them and say this is a copy of your preliminary title report and it shows you any liens etc. currently recorded against the property. She says most people go o.k. and they sign and that’s it. Sharon said that sometimes the closers don’t even bother to show people the title report. They say that a title policy has been given showing you any recorded legal documents against the property and that’s about it. You would hope that in the contract the title is going to be given to the buyer ahead of time for their review. Sharon feels there should be something in the mechanism to get the new buyers signature. Jim agreed and said perhaps we could add a signed return confirmation sheet. Carol said that you could add to the covenant a paragraph that says any time the property transfers title the new buyers have to provide evidence to the Municipality of Anchorage that they are aware of the covenant and transfer. The buyers would be required to come in and get something signed relating to the covenant and the title company will be watching to make sure that the buyer gets that from the municipality.

The next change is at C3 “ the consent of the homeowner that only maintenance personnel certified by the municipality” should be changed to “certified by the manufacturer”. We will certify the training program when we accept the system for testing. Jim will change that wording to make it consistent with the code. Also, on page 12, it says “the consent of the homeowner that any sale or transfer of title of the property will not occur without a certificate of on-site approval and a new AWWTS maintenance and repair covenant to run with the land signed by the new owner of the property.” Jim has to talk to legal but he thinks that is inconsistent with what has been defined.

New On-Site Web Page

Jim showed the tech board the On-Site web page that was newly created. The web site address is www.muni.org/onsite.

AWWA update

Earl Dotten did not attend this month’s meeting but he called Sharon the day before the meeting and said that they wanted to talk about making the change of the requirements for bedrock wells when they first started talking they were at 60 feet but what they submitted in writing was at 40 feet. Jim said that once the AWWTS code was finished we would go back and talk about the well code. Sharon said they had received a letter from Jim Sullivan and the Water Well Association asking about certified pump installers. Keven Kleweno is meeting with the AWWA on the 15th of this month, he will be adopting some of their comments into the state drinking water regulations and he is working with them on a statewide certification program for well drillers. Sharon asked what about the pump installers, and Keven replied that if they wanted to go that far he would certainly work with them. Jim said that he had a letter he would give Keven a copy of from Earl Dotten that said that they would like pump installer’s also to be

certified. Jim requested that he be allowed to sit in on the meeting, and Keven replied that he would welcome any one who wanted to sit in.

Contract Status

Jim said that he did not have a lot of comments on the contract, but one right at the beginning in A – Regulations rather than gravity fed systems devoid of moving parts, it should be changed to agree with what they did in the code.

Down under covenants near the bottom of page one, it says "for value or consideration receipt of which is hereby acknowledged including the issuance of a municipal" Jim wants to delete advanced because there is not a separate permit issued for an advanced wastewater system, you just get a wastewater permit. Sharon asked where on a HAA you would see that it is an advanced system. She says that something different should be done for the advanced systems. Jim replied that we would do a lot of different things for HAA's on advanced systems, but not on the permits. We will probably have a spot right on the HAA form that says this is a conventional system, or this is an advanced system that has a covenant running with the land for maintenance, etc. Chris Allard asked if someone has a new system on new property would they get an HAA, or would they just get the permit to construct and operate? Jim answered that the code reads "upon transfer of title", so, when a builder builds a spec house and then he gets a buyer the title is transferring and the builder will have to get a HAA. But if an owner hires a builder and everything is done in the owner's name, then there is no transfer of title when the construction is done. Chris asked if that was Sharon's point that it would be nice if there were a mechanism right at the beginning to make them get a HAA. Jim explained that if someone is building a house and they have their own builder, they would be well aware of what they are doing, because when you get a permit to construct you will have to sign the covenant to get the permit. Sharon asked why they would be aware, if she gets a permit for a new house she wouldn't have to do a HAA. Jim explained that the person who initially installs the advanced wastewater system is the one who has to sign the covenant. Sharon asked if it was the builder or the homeowner who had to sign it, and Jim replied that it was the homeowner. Sharon said that we would change it later. She did not have a suggestion of how to change it at this time, but felt that it would become apparent as we had more systems being installed what changes would be needed.

On page three, paragraph 6, alterations, next to the bottom line "the AWWTS without applying for and obtaining all applicable and current" he is deleting construction before permits so that it will read "all applicable and current permits" instead of "all applicable and current construction permits".

Sharon asked if on "C" at the beginning of p. 6 we needed to mention an annual fee. They have to pay for repair, maintenance, etc., should we mention fees there. Jim replied that fees were mentioned under 5 "the grantor shall pay the municipality's initial issuance fee payable on or before the issuance of the operating permit and an annual fee annually thereafter."

Jim's last comment is on page 4, a continuation of paragraph 7, F. Just to agree with what was decided on the code, "the grantor covenants and agrees that only maintenance and repair personnel certified by the municipality" will be changed to read "certified by the manufacturer and approved by the municipality". Carol said that she felt we should leave in "certified by the municipality", and add "or the manufacturer". Jim said in the code we are mandating that the manufacturer must come up with an approved certification program. The personnel installing the system then bring us the certification from the training program, and we put them on an approved listing. Carol says what if we have a manufacturer who goes away for some reason the municipality might need to have some other means of approving maintenance personnel. Jim agreed that it should be "and/or by the municipality".

Chris asked what if the property was at a later date connected to AWWU. The property would then have to be released from the covenant. Jim said he would check with legal to see what would be involved in releasing a property from its covenant. Keven asked what if they decide to expand and become a multi-family dwelling. They would also have to be released from the covenant because they would then fall under the state's jurisdiction, and have to meet the state requirements. Sharon asked if the regulations should address that. Jim replied that the regulations do.

The meeting was adjourned.