

**RI Department of Environmental Management**

**ISDS Designer Licensing Review Panel**

**DRAFT Minutes of Open Session of March 21, 2008**

**This meeting of the ISDS Designer Licensing Review Panel was conducted at 235 Promenade Street, in Conference Room 280C.**

**Members of the Panel Present:**

**Scott Moorehead, Chairman**

**Jim Tavares**

**David Burnham**

**Al DiOrio**

**Members Absent:**

**Dan Cotta**

**Others present:**

**Russ Chateaufneuf, Chief, DEM Groundwater & Wetlands Protection**

**Brian Moore, DEM ISDS Program**

**Brian Sullivan, DEM ISDS Program**

**Lisa McGreavy, DEM Groundwater and Wetlands Protection**

**The meeting was called to order at 9:35 A.M.**

**Minutes of the October 19, 2007 Meeting Open Session:**

**D. Burnham made a motion to accept the Minutes of the Open Session portion of the October 19, 2007 meeting with no revisions. J. Tavares seconded the motion. D. Burnham, J. Tavares, S. Moorehead, and A. DiOrio voted in favor of the motion. The motion passes.**

**RI Senate bill S2626:**

**R. Chateaufeuf opened the meeting with a discussion on proposed RI Senate bill S2626 sponsored by Senators Sosnowski, Raptakis, Breene, Walaska, and McCaffrey. The department was not involved in the development of the bill and its purpose is not completely clear at this point. It appears that the bill would require the department to: create a new hybrid category of designers such as a "Class 1A"; allow designers of this new hybrid class to design OWTS repairs and alteration systems; develop a new exam for the new classification; and allow individuals to pre-qualify for the exam if they currently hold either a valid installer's license, professional land surveyor registration, or a professional engineer registration. Currently, Class 1 designers are limited to designing residential repairs and are restricted from designing alteration systems under their Class 1 license.**

**R. Chateaufeuf commented that discussions are taking place at TRC meetings regarding potentially allowing Class 1's to design AE systems under a set of conditions yet to be determined. The department is looking for ways to reduce the cost of implementing**

**certain aspects of the new OWTS regulations. Two ideas being considered, although not yet fully supported by all members of the TRC or the department, is to expand the options for leachfields to allow more conventional designs when pumps are not needed, and to allow Class 1 designers to do design repairs on alternative systems if the designer is able to demonstrate competency in the specific alternative system being used. Another potential cost saving could be realized if more and less expensive technologies were encouraged to apply so as to increase market competition thereby reducing costs to homeowners.**

**Several members and staff voiced concern with the bill, as it is currently proposed and interpreted, for several reasons including the following:**

- The proposed changes appear unnecessary as the department already has authority to allow Class 1 designers to design OWTS using certain designated alternative/experimental technologies;**
- The law should not include language on specific design criteria (ex. 2,000 gallons per day) as this type of specific information should only be in the regulations;**
- Don't think existing law needs any changes;**
- The proposed changes would require the department to dramatically increase the number of site inspections of alternative/experimental designs to provide necessary oversight;**
- The department would need to insure that suppliers of**

**alternative/experimental technologies are also providing oversight in the field;**

**-Class 1 designers are the only category of designer that does not have 3rd party oversight;**

**-Passing a written exam would not fully demonstrate competency in the field; exams tend to focus more on the regulations than skills in the field;**

**-Installers may not currently have the skill sets to do alternative/experimental OWTS designs;**

**-Alternative/experimental technologies differ from one another; designers would need to demonstrate competency in each of the technologies;**

**-The proposed bill gives the designer with the least qualifications the most difficult type of system to design, in the most sensitive areas of the state, with the least amount of oversight;**

**-When the new regulations were being developed to raise the standards, any increase in costs to the property owner had to be justified in the process of adopting the regulations. The issue was resolved during the approval process of the regulations and the standards should not be compromised now;**

**-The proposed bill would allow Class 1 designers to design and install advance treatment while many do not customarily pay attention to the entire treatment train of the system and therefore they need oversight. If designers can demonstrate competency and the department is in agreement, than it would be acceptable. This is what currently takes place;**

**·The proposed bill is unclear as to whether the current licensed designers might be grandfathered into the new hybrid class. Would a current Class 1 designer be required to take the exam or would the exam be waived since they already have the minimum requirement?**

**·It would be difficult for staff to develop an exam that adequately tests the level of knowledge needed without setting-up the majority of installers for failure.**

**·The proposed bill basically turns a Class 1 license into a Class 2 license except that a Class 1 designer cannot design new OSWT construction.**

**At 10:20 A.M., in open call, S. Moorehead announced that the meeting would proceed in Executive Session pursuant to R.I.G.L. 42-46-5 (a) 4, for discussion of conduct of specific designers. D. Burnham made a motion to enter into Executive session. J. Tavares seconded the motion. S. Moorehead, D. Burnham, J. Tavares, and A. DiOrio voted in favor of conducting business in Executive Session. The motion passes.**

### **Continuation of Open Session**

**The open meeting was reconvened at 10:30 A. M.**

**D. Burnham made a motion to reaffirm votes taken in Executive Session and seal the minutes of the Executive Session. J. Tavares seconded the motion. D. Burnham, J. Tavares, A. DiOrio, and Scott**

**Moorehead voted in favor of the motion. The motion passes.**

**Votes taken while in Executive Session:**

**D. Burnham made a motion to accept the Minutes of the Open Session portion of the October 19, 2007 meeting with no revisions. J. Tavares seconded the motion. D. Burnham, J. Tavares, S. Moorehead, and A. DiOrio voted in favor of the motion. The motion passes.**

**D. Burnham made a motion to seal the minutes of the Executive Session, adjourn the Executive Session, and reconvene the Open Session. J. Tavares seconded the motion. D. Burnham, J. Tavares, S. Moorehead, and A. DiOrio voted in favor of the motion. The motion passes.**

**Complaint Regarding Department Performance**

**S. Moorehead raised a number of concerns regarding the time it has taken for the department to provide licensed designers with the necessary forms and documents to properly follow new regulations that became effective in January. Using outdated forms can lead to errors and omissions by designers, and may have legal consequences. Specifically mentioned are the revised ‘pink slips’, variance application forms, and updates on the BSF guidance**

**document. R. Chateauneuf agreed that the process has taken longer than expected due to several factors including the layoff of the staff person who was working on these projects due to the state budget crisis. Current staff has also been working on implementing the regulations and assuring consistent handling of applications. The BSF guide has recently been posted on the department's website and staff are in process of notifying designers that it is now available. We are creating a list serve that designers can subscribe to in order to help the department get information to the designers. Regarding the delay in providing new forms, a change in purchasing rules and limitations caused a delay in printing new application forms but the first order should be available soon. The department considered replacing the four-part application form with a pdf version that could be downloaded from the department's website as suggested by the panel however after many discussions with staff, it was agreed that the four-part forms remain the most error-proof method and will be continued to be used. All other forms will be downloadable from DEM's website and should be available soon.**

**Other items discussed include the new loading rate changes approved by the TRC at their last monthly meeting and a proposal from URI for a PSNDs study that has not been acted upon at this time due to funding issues.**

**R. Chateauneuf acknowledged S. Moorehead's frustration with departmental delays; however changes in the new rules may help**

**ease staff time resources since potential applicants should have a better idea of when an application would likely not be approved and therefore we expect to see less variance applications submitted to the department that would be denied. Applications that are ultimately denied by**

#### **Panel member Reappointments:**

**The following panel members indicated their willingness to serve on the panel for another two-year term: A. DiOrio, D. Burnham, and J. Tavares. S., Moorehead will notify R. Chateauneuf with his decision and we will contact D. Cotta at a later date.**

**Continuation of discussion on granting continuing education credits for panel participation.**

**R. Chateauneuf agreed to re-consider the Chairman's suggestion that at least some continuing education credits be awarded to panel members for time serving on the panel.**

#### **Next Meeting:**

**The next meeting of the panel is tentatively scheduled for Friday, October 17, 2008 from 9:30 AM to 12:00 PM in Conference Room 280C in the DEM Office of Water Resources.**

**D. Burnham made a motion to adjourn. A. DiOrio seconded the motion. D. Burnham, A. DiOrio, J. Tavares, and S. Moorehead voted in favor of the motion. The motion passes.**

**The meeting adjourned at 11:02 A.M.**