

**SEPTIC TANK PUMPERS ADVISORY COMMITTEE MEETING
SEPTEMBER 11, 2009, MEETING MINUTES**

CALL TO ORDER

The Septic Tank Pumpers Advisory Committee meeting was called to order on September 11, 2009, at 12:06 p.m.

MEMBERS PRESENT:

Conrad C. Eckert, Eckert Services
Don Heimbigner, Don's Septic Service
Carl Kundey, CWS, Inc.
Barbara Woodbury, Park County Sanitarian
Renai Hill, Montana DEQ

OTHERS PRESENT:

Norm Mullen, Montana DEQ/SW/Attorney
Barb Kingery, Montana DEQ/Subdivisions
Franklin Gessemen, Montana DEQ/Enforcement
Betty Heimbigner, Don's Septic Service
Conrad Eckert, Eckerts Services
Ed Thamke, Montana DEQ/WUTMB

MEMBERS NOT IN ATTENDANCE (CALL-OFF):

Kelly Brown, Browns Septic, Inc
John Hazen, Hegar Septic (GWWS)
Brian Tatman, Heavy Water Haulers Inc.

MEMBERS NOT IN ATTENDANCE:

Kenneth E. Wheeler, Kenneth Wheeler
Jamie Hillman, Jim's Backhoe & Septic Service
Wade Stout, Badger Pass Septic Service, LLP
Frank Laverell, Laverell's Inc.

APPROVAL OF MINUTES FOR APRIL 24, 2009 MEETING

Conrad Eckert, Chairman, asked for any changes to the draft minutes. A motion to approve the April 2009 minutes was made by Don Heimbigner and seconded by Carl Kundey. The motion carried and the April 24, 2009, minutes were approved.

DISCUSSION ITEMS:

1. *Discuss the lack of participation of SPAC members.* Conrad Eckert, Chairman, and other members present were disappointed at the attendance rate of members and the pumper community.

Many issues have been tabled due to the lack of a quorum. A quorum consists of five regular members, which consist of primary or alternate committee members. Carl Kunday indicated that his employee would be willing to be his alternate on the committee for Lewis & Clark County.

2. Commercial Septic Systems Design – What is the approval process? Guest Speaker – Barbara Kingery. Barb indicated that Steve Kilbreath was out of town and asked her to speak to the group. Barb asked the group questions to clarify exactly what the group wanted to know. Members indicated that they have been out on a job site working on a system with problems due to design, etc., and could not fathom how the system was ever approved. A system at Lolo Hot Springs was designed which did not take into account maintenance requirements. The system has to three tanks prior to the drain field. The tanks were installed too deep and pumpers are unable to reach the openings of the tanks to pump or maintain the filters. This is an example of just one system the pumpers have had to try to work on. Barb stated that the process is that an individual applies for a residential, commercial, multi-user, etc., a consultant or engineer will submit an application to DEQ. DEQ reviews the application against the current rules, which talk about location, placement, and the DEQ 4 Guidance document which talks about construction, etc. If the system meets the current rules, DEQ would produce a document giving approval of the system. They would then go to the County to get a permit to construct the system. It is then the individual homeowner's or business owner's responsibility to do regular maintenance on the system.

The guidance document DEQ 4 is under review at this time to try to fix some of the problems in the document. Barb Kingery asked the members present if anyone would like to work on the section with her regarding maximum depth requirements of a system. Members discussed what it takes to pump a system and things they take into consideration such as elevation. One member indicated that it should be a requirement for pumpers to be contacted when a new system is being designed to ensure it can actually be pumped and maintained. Also, add a requirement for maintenance. Barb Woodbury stated that sometimes what is built is not what was approved. An engineer or installer while on site may change the design under the "as built" for reasons encountered at the site.

Barb Kingery stated that part of the approval process for public systems or multi-user system is that they provide some type of maintenance document for the systems. This would be done by the engineer who designed the system. The Lolo system would have some type of maintenance document. Barb Kingery stated that there is a chapter in DEQ 4 on Operation and Maintenance, which will require every public system be required to send in to DEQ the O & M Plan with manufactures specification and "as built" on every system. Norm Mullen, SW Attorney, asked if the spec you require in the manual will reflect the reality that these gentlemen are discussing, that the document would address the types of pumps that the pumpers will need to use to pump the tanks at a specific depth. Is this something that is covered? Barb Kingery stated that the depth is something that has never been covered, access is addressed however. Members discussed other systems and issues of maintenance. Barb Kingery stated that the Department has more teeth with the public and multi-user systems, however, it loses them with the residential systems.

Conrad Eckert asked what would the Department would like to see from the SPAC. Barb Kingery stated that a first draft is out now and if they could make comments on the septic and the O & M chapters. Copies will be put on the web for comments and then public meetings in Kalispell or Missoula, Helena, and Billings. Norm Mullen discussed review requirements and signing up for rule making notification. He has copies being made for the group so if they would like to sign up to receive the notification/documents they can do it today prior to leaving.

Conrad Eckert made a motion to have the members get on the notification list and Carl Kundey seconded the motion. All present agreed. Norm Mullen explained the process and links out on the DEQ web site.

Barb Woodbury stated that once the sanitarians inspect the new systems to ensure they are working, that the homeowners will over cover systems, place 4000 pound wishing wells over the tanks, etc., and there is nothing at this time they can do about it other than warn them of potential problems in the future. You cannot protect people from themselves all the time; you can just keep informing them.

The group continued to discuss varying issues regarding system approvals, documents, etc. Conrad Eckert stated that all SPAC members needed to be present to discuss these issues because what might work for him in Ravalli County might not work for someone in Garfield County. Discussion continued on systems not being maintained and what can be done. Barb Woodbury discussed the MEHA meeting and Lewis & Clark's new program, and Conrad Eckert discussed rebate coupons being given out in some areas for system pumpings. Norm Mullen stated that if a maintenance plan was submitted as part of the approval process for a public or multi-use system, it should include routine/regular pumping/maintenance on their system and, if they don't do this, then they would be subject to regulator requirements. Barb Woodbury asked who is going to go around to check the systems to see if they are meeting this requirement? Members stated that you cannot put a stick into a system to determine if it needs to be pumped. A requirement of every three years or if bleach or other items are being put into the system would require more frequent pumpings. Some residential owners want to be added to the pumpers three-year list/schedule; however, most want to just leave it. These are the ones whose systems backup into their homes and then demand you come out on Thanksgiving or 3:00 am to fix it. Several members indicated that they should inform them, "Poor planning on your part does not warrant an emergency on my part." Conrad Eckert stated that there are three types of people that pumpers deal with on a daily basis:

- those that understand their systems and maintain them;
- those that state their systems never need pumping; and
- those that just do not have a clue about their systems.

Educating the public is the way to go to try and get them to pump their tanks.

2. Rule Clarification on § 75-10-1210, MCA – Guest Speaker Norm Mullen. Norm Mullen stated that he would put out an opinion document so that Renai will have something on hand if this issue comes up. Septic pumper rules and laws fell under Commerce and were changed in 1999 and came over to DEQ. Norm gave a brief history of the rules/laws and what was covered at that time regarding this subject. Law previously stated, "property owned or leased by him." The proposed change stated, "contract to dispose of that septage on that property." Now states, "(1) Except as provided in subsection (2) a person may not engage in the business of cleaning cesspools, septic tanks, or privies or dispose of septage unless licensed by the department. (2) An owner or lessee of property from which septage is removed may dispose of that septage on that person's property if: (a) the person pumps the septage with the person's equipment or retains a person licensed pursuant to the provisions of subsection, (1) to pump the septage; and (b) the disposal does not violate disposal restrictions or rules adopted pursuant to 75-10-1202 or create a nuisance or public health hazard."

Therefore the legal conclusion is that the legislation must have meant something when they changed the language from "that land" to "that persons land." It must have meant to say not just that land

but any land owned by that person. Their conclusion is that yes the first bill did state, “that land” and as past “that persons land.” Therefore, this means a person can put septage he cleans out on any land owned by him. If you pump a tank and they want you to dispose of it on their property and they are only on one acre of land, but he has 20 acres across town, you can legally land apply on their other property as long as all the set back requirements and rules are adhered to.

3. 2010 Training Workshop Topics. The following recommendations were made for next year’s training:

- Have Norm Mullen speak with the group on Septic Pumper Legal Issues
- Have MACO give an update on the Lewis and Clark Program on pumping tanks
- Have Joe Meeks also discuss the Lewis and Clark Program and have a booth to test well water
- Have an open forum to have pumpers discuss their experiences

Conrad Eckert discussed a Trade Show and what would be needed to set this up. Vendors are willing to come. Pumper businesses contacted last year seem very interested and said if we had a trade show they would come. Renai Hill discussed the National Show she attended and her recruitment of vendors for our Trade Show. Do we want to combine the training workshop and the tradeshow or have them at different time during the year? If combined will the normal January or February time work or should it be later in the year? Members present stated January and February period works best because that is the slow time for pumping. Most businesses cannot afford to go to the National Pumper Show and would be more likely to attend a tradeshow in Montana. Conrad Eckert recommended that we not have the Tradeshow the same day as the workshop because everyone will be at the tradeshow instead of at the training. Have day one the workshop and day two the tradeshow. Renai Hill asked if pumper business would be willing to come for two days. Members present stated it would be up to the individual business.

Conrad Eckert suggested to have the workshop and tradeshow in March 2010 so if there is large equipment it can be outside. Renai Hill stated we might be able to set up at the fairground in the new building. It was recommended if we do that, then see if we can get food vendors such as Subway, Burger King, Dunkin Donuts, etc. Conrad Eckert recommended that we could invite other State agencies, pumpers, and the general public to the tradeshow and charge \$1.00 to \$5.00 a head. Also, invite the news/networks to cover the tradeshow. Renai Hill stated that it needs to be determined how many distributors are coming and the size of the space and tables that will be needed. This is all going to cost money and we have to have time to work this out and determine how much money will be needed. Conrad Eckert recommended that the SPAC be responsible for setting up the vendors for the Tradeshow. It might get so popular that this might become the whole purpose of the SPAC.

4. General Discussion. Lack of participation at the SPAC meetings. There are four meeting per year and there is very little participation from the pumper community. Barb Woodbury suggested having a conference call. Those that cannot make the long drive could call in during the scheduled meeting for conference call. Maybe this would enable more businesses and members to participate. Don Heimbigner stated that we are not abiding by our by-laws, and if the lack of attendance continues, we will need to rewrite our by laws. Renai Hill stated that the group has not been voting on important issues but only meeting minutes because of this. Conrad Eckert asked if we could have a SPAC meeting as part of the workshop not during lunch break or after the workshop, but as part of the training in order to educate the other pumpers as to the purpose of the committee and its

function. Barb Woodbury suggested asking the attending trainees the question, “What would get you to attend a regular meeting?”

Carl Kunday stated that Conrad Eckert's recruitment during last year's workshop is what got him involved with the SPAC. The one-on-one time and effort of Conrad is what brought him in, and if Conrad did that again for the 2010 workshop, it might get more participants. Barb Woodbury stated that maybe if the SPAC members could contact pumpers in their regions prior to a meeting, more might come versus just sending out a reminder that they can throw away or forget about.

Ed Thamke discussed different options of how to get the word out to the pumpers such as sending e-mails.

5. *Enforcement Update.* Frank Gessaman spoke with the group and gave an update on the active septic pumper cases. The two active cases and one that was settled six months ago are all for operating without a license. A complaint just came in from the Laurel area regarding hauling water, still gathering information as to type of water, etc. Frank discussed the penalties associated with the violations and what the Department settled for and why. Frank discussed other old cases and what action was taken. Members discussed incidences of violations they have seen or have heard about.

6. *Educating the Public.* Renai Hill explained that she wanted the members to review and comment on the draft document titled, “A Montana Homeowner’s Guide to Septic Systems.” Was anything missed or should any topic be expanded upon. Once this is approved, Renai will send final copies out to all the pumper businesses. A cover letter will be included asking how many they would like the Department to send to them in order to hand out to their customers. There will be no cost to the pumper for this educational mailing. Copies will also be made available to realtors. Barb Woodbury advised that it would be good for pumpers to attend some of the realtors training to discuss septic system because they are not very well informed. The discussion was tabled until our next meeting.

NEW BUSINESS

1. Confirm next meeting date

The next meeting will be held on November 20, 2009, 12:00 pm to 3:00 pm.

2. Agenda items for next meeting

- Committee input on the Homeowner Guide to Septic Systems
- 2010 training workshop/tradeshaw

Conrad Eckert adjourned the meeting at 2:34 p.m.