

Minutes
Drinking Water Protection Committee
November 9, 2001

MEMBERS PRESENT: Jeff Hoffmann, Ron Kroeger, Grace Mickelson, Linda Peterson, Foster Sawyer, Bob Wall, Bill Waugh, Ed Yelick

OTHERS PRESENT: Dan Bjerke, Marlin Johnson, Van Lindquist, Michael Towey, Ted Vore, Sig Zvejnieks, Karen Jones

Call To Order

Chairperson Mickelson called the meeting to order at 10:10 a.m., and provided a brief introduction of new members.

Approval of October 30, 2001 Minutes

Kroeger moved Wall seconded and carried unanimously to approve the Minutes of the October 30, 2001 meeting as presented.

Proposed Ordinance On-Site Septic System DRAFT

Mickelson noted that the topic of today's discussion would be the On-Site Septic Systems draft ordinance that was prepared by Towey.

Mickelson identified the Steering Committee and Drafting Committee membership. Mickelson asked to meet with Bjerke at a later date to discuss the size of the Drafting Committee.

Mickelson indicated that the Drafting Committee had instructed Towey to address three specific items in the draft ordinance, and to bring those items back to this committee for review and discussion before going any further.

Scope

Mickelson reviewed the Scope identified in the draft ordinance document, noting that the Drafting Committee recommends that the ordinance boundary be countywide. A lengthy discussion followed addressing boundary and parallel jurisdiction issues. **Wall moved, Peterson seconded and carried to approve adoption of countywide parallel ordinances.**

Advisory Committee

Mickelson requested input from the committee regarding Advisory Committee involvement once the On-Site Septic System Ordinance has been completed. She presented three options for consideration: no committee; retaining an adhoc committee; or retaining an advisory committee. In response to a question from Wall regarding the necessity of a committee once the ordinance is put in place, the committee expressed their support for the retention of some type of advisory committee. Waugh stated that he felt an advisory committee could be of assistance to other communities in preparing their ordinances. Wall suggested specifying a time frame for the duration of the committee and extension if necessary. In response to a question from Yelick, Mickelson indicated that there is no existing termination date for the present committee. Discussion followed regarding the timeframe and renewal options for continuation of the committee as an advisory committee. **Hoffman moved and Wall seconded to establish an Advisory Committee with a two-year sunset provision with the possibility that the Advisory Committee can continue beyond the two-year timeframe if it is determined to be necessary.** Kroeger noted that he does not support the motion as two governing bodies are involved and only one is represented at this time. **Mickelson asked for a Roll Call vote with**

Sawyer, Wall, Hoffmann, Waugh, and Peterson voting yes, Kroeger, Mickelson and Yelick voting no. Motion carried 5-3.

Mickelson requested that the members of the Drafting Committee recommend members for the Advisory Committee.

Compliance Inspection Options

Mickelson presented the Steering Committee recommendation to use governmental inspectors. She briefly reviewed her understanding of the ordinance, and asked Towey to clarify the options offered. Towey reviewed and explained the options in greater detail. Mickelson noted that coordination is necessary to have someone responsible to answer questions regarding the program. Peterson stated her concerns about having government staff be responsible for inspections noting that federal government standards should be followed. Discussion followed regarding self-supporting programs. In response to a question from Yelick regarding responsibility and liability of such programs, Bjerke reviewed the four current self-supporting programs. Discussion followed regarding a licensing program, penalties, coordination and regulation of inspections. Towey briefly identified the information he had gathered from other state's programs. The committee expressed their concerns regarding staffing, enforcement, certification and scheduling. Mickelson stressed that a consensus from this committee is necessary so that a draft can be prepared and presented to local pumpers and haulers for their review.

Yelick moved that the government regulate the entire process of the enforcement of this program, as well as, certification and inspection of all septic systems, Waugh seconded. Discussion followed. Yelick and Waugh accepted a friendly amendment to the motion to include the requirement that either government inspectors or licensed pumpers/installers perform the actual inspections based on a strict set of criteria set forth by government. In response to a question from Mickelson, Johnson stated that he is not aware of any certification required by the State for the pumpers and haulers, he further noted that installers are certified by the State. Kroeger stated that he is uncomfortable voting at this time, as the Pennington County Commissioners are not present. **The motion to require that the government regulate the entire process of the program enforcement including certification and inspection of all septic systems and that either government inspectors or licensed pumpers/installers perform the actual inspections based on a strict set of criteria set forth by government carried.**

Mickelson requested that Bjerke organize a subcommittee to prepare a draft ordinance incorporating the comments and concerns of today's meeting. She further requested that the draft be provided to the committee members by November 26, 2001 for their review prior to the next meeting. After a short discussion, the next meeting was scheduled for Friday, December 7th, 2001 at 10:00 a.m.

There being no further business, Mickelson adjourned the meeting at 11:40 a.m.