



Tennessee Onsite Wastewater Association, Inc.
P.O. Box 292983
Nashville, Tennessee 37229-2983

March 31, 2004

Senator Douglas Henry
11 Legislative Plaza
Nashville, TN 37243-0021

Re: Senate Bill 3015

Dear Senator Henry:

The Tennessee Onsite Wastewater Association (TOWA) was formed in 1997 to advance and promote the onsite wastewater industry in Tennessee. TOWA serves all members of the industry, including installers, manufacturers, field practitioners, suppliers, engineers, soil scientists, distributors, research professionals, educators, consultants and government regulatory personnel. It is important to stress that our organization only supports efforts to advance this industry so long as it ensures the protection of public health and the environment. Toward that end, TOWA conceptually supports the proposed Senate Bill 3015. However, there are a few specific points that we feel need to be brought to your attention. They include the following:

- Although the intent of this bill is feasible, the exact wording is incorrect and needs to be tweaked a little. Currently, the law states that the duplicate area must be sized to accommodate a full-size conventional system regardless of the type of system installed as the primary (even if it is a smaller sized alternative system). The intent of the new legislation is that the duplicate area shall be the full size of any approved system, conventional or alternative. This makes sense, but the wording needs to be altered to achieve the desired intent.

TCA §68-221-415(a)(4) refers to “...requirements of Appendix II for a conventional system.” This Appendix II is in Tennessee Department of Environment and Conservation — Division of Groundwater Protection’s rules and regulations (Chapter 1200-1-6) and refers to the size of an area for a ***conventional system***. Appendix II does not apply to alternative system areas. Thus, simply add the wording “...or an alternative system area” is out of context. As written, the new legislation does not make sense because it references Appendix II for sizing the alternative areas while Appendix II does not pertain to alternative systems. This is confusing.

- A bottleneck in the implementation of the ATS pilot study is the provision of a duplicate area that meets the requirements of Appendix II (Chapter 1200-1-6) for a conventional system. Many sites that could potentially be developed with the use of ATS systems are not viable with the current requirement of sizing the duplicate area according to conventional system guidelines. This amendment will allow more sites to qualify for the utilization of advanced treatment systems. The net result being that more land may potentially be considered for residential development.

Thank you for the opportunity to comment on this proposed legislation. If we may be of further assistance please let us know.

Sincerely,

Louan Tillman
President