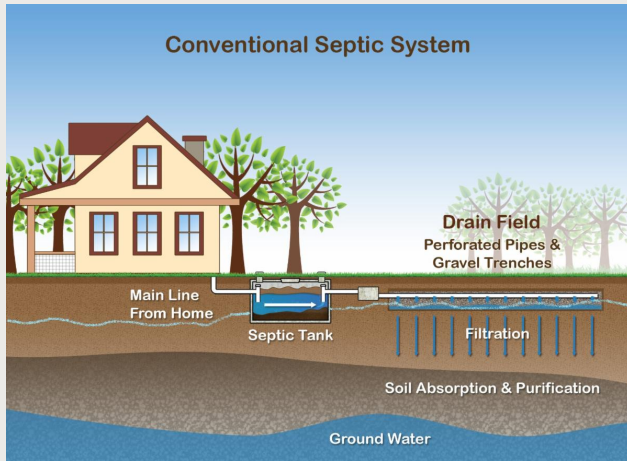




Fall 2021

YOWA NEWSLETTER



IN THIS ISSUE

- President's Report
- Membership Information
- Infrastructure & Jobs Act
- Tolling of Certain Permits during the COVID-19 State of Emergency
- Training Recap
- NOWRA Update
- Book Review: Pipe Dreams Flushes Out Hope in an Unexpected Place: The Toilet

President's Report

Exciting developments continue with YOWA and I am pleased to share a few of them with you in this newsletter. The short story is that the organization is continuing to grow and expand and be more focused on its mission. A few details of how we are doing this and some recent developments are provided below.

The organization's leadership continues to be strong. We have an excellent team of staff support who assist with a range of projects we are implementing and provide wise counsel along the way. We have a growing Board of Directors with people from a range of professions represented, and have identified qualified leaders for the positions of President and Vice-President which become available early next year.

Our national partner, the National Onsite Wastewater Recycling Association (NOWRA) is now headed up by YOWA's past-President Tom Groves and he has already revitalized this entity into a strong player. There are now regular updates provided to all YOWA members from NOWRA, the NOWRA Journal is being published regularly and an exciting national annual conference was recently held. NOWRA by way of its lobbying arm will have input in how the new

\$250 million Decentralized Wastewater Grant Program will be implemented at the Federal level as well as here in New England.

The various YOWA committees remain strong and vibrant, and a new initiative is being launched by the Membership Committee to better understand our membership so we can best meet your needs. An expert in marketing and membership recruitment with the non-profit Empower Success Corps (ESC) is beginning a project to be completed in 2022 to make sure our message is on target and resonates with our current and possible new members. The goal of the membership initiative is to increase membership to better influence policy with regulators and legislators, in Massachusetts and across New England.

On a personal note, this will be my last Presidents Report as the next issue of this newsletter will see new leadership at the organization. I feel good about all that we have accomplished during my term and greatly appreciative of the many board members who have stepped up and donated their time and effort to advancing this profession. Working with the staff of Mary and Janice has proven to be very enjoyable and I have learned a great deal from these two capable and helpful people. My tenure with this organization goes back to its founding days some 25 years ago and I am proud of all that we have accomplished. I plan to stick around on the Board and help to continue to foster new leadership and provide insight where I can. The onsite wastewater profession in New England can really benefit from an organization like YOWA and I am happy I was able to play my small part in protecting our natural resources and public health and advancing the knowledge-base of the practitioners in the industry.

All the best,

Dan Ottenheimer, P.E., YOWA President

Membership



it's time to
**RENEW YOUR
MEMBERSHIP**

The YOWA Board of Directors would like to express our deepest gratitude for your continued membership and support. We would like to ask you to continue your support by taking this opportunity to renew your membership for 2022.

[Renew Now!](#)

Stay at the forefront of the latest industry news, trends and technology and

retain access to additional benefits, such as:

- Reduced registration rates for workshops and trainings
- Legislative updates
- Membership in NOWRA and discounts on NOWRA training such as the Installer Academy.

The past year alone we have grown our membership by 35 individuals which is great. We look forward to continuing this upward trend in membership, in hopes to reach as many individuals in the industry as possible.

The YOWA Board of Directors promises to continue to provide our membership with firsthand news and information via email blasts as well as our newsletter, which is published twice a year, in the fall as well as in the spring. In addition, the Board continues to work to provide our membership with CEU eligible trainings to keep those educated and up to date with new and upcoming changes in the industry.

If you have any questions about the renewal process or any feedback regarding your experience with YOWA, please contact the YOWA Board of Directors directly. Thank you once again for your commitment to YOWA and we look forward to serving you for another year.

Sincerely,
The YOWA Board of Directors

President Biden Signs Infrastructure and Jobs Act

As most are likely aware, President Biden signed the \$1.2 trillion Infrastructure Investment and Jobs Act (H.R. 3684) into law on November 15, 2021. This historic legislation marks the single largest investment in water infrastructure that the federal government has ever made.



The Act establishes the Decentralized Wastewater Grant Program, which will direct up to \$250 million in grants between Fiscal Years 2022 and 2026 “for the construction, repair, or replacement of an individual household decentralized system”. Funds can also be used “for the installation of a larger decentralized wastewater system designed to provide treatment for 2 or more households.”

On a more general scale, the Act will allocate \$55 billion for upgrades to water and wastewater infrastructure. Massachusetts is expected to receive more than \$12.5 billion toward its roads, bridges, water systems and other infrastructure needs.

Tolling of Certain Permits during the COVID-19 State of Emergency

With Governor Baker's COVID-19 pandemic State of Emergency having ended on June 15, 2021 comes greater clarity about what the various laws and orders enacted during the State of Emergency actually mean for the expiration date of many land use permits and approvals such as septic system permits. Most permits, approvals, licenses, certificates, determinations, and variances in existence or valid as of March 10, 2021 were automatically extended during the 462 days that the Governor's State of Emergency was in effect.

However, there are important differences between those issued by municipal, district, county or regional entities and those issued by state agencies.

As many may recall, Governor Baker issued his State of Emergency related to COVID-19 for the entire Commonwealth on March 10, 2020. This order was the basis for his subsequent stay-at-home orders and then the various phases and stages of the re-opening plan, as well as the source of many other measures taken to address and minimize the effects of the pandemic.

Two of Governor Baker's COVID-19 Orders, one superseding the other, addressed state permitting or "approvals" issued by departments, boards, bureaus, and officials within or reporting to the Executive Office of Energy and Environmental Affairs ("EOEEA") and the Executive Office of Housing and Economic Development ("EOHED"); excepted were certain permits related to state parklands.

While giving those state permitting authorities flexibility in administering regulatory programs, both orders provided that the expiration day of any state approval valid as of March 10, 2020 would be tolled during the State of Emergency, along with any deadline to record it to establish its validity. This provision was helpful to many but created uncertainty as the end of the State of Emergency was not known for over a year and then only a couple of weeks beforehand.

The state permitting orders limited the tolling provision to those permit holders who were not in violation of any of the terms and conditions in their state approval on March 10, 2020. Also, only the expiration date and date to record were automatically tolled. Any other deadline or condition within the approval was not automatically tolled but could be extended by the state permitting agency if the permit holder could not comply due to the state of emergency. Less than a month after the Governor issued his State of Emergency, the State Legislature enacted (and the Governor signed) on April 3, 2020 an omnibus law providing much-needed relief and flexibility for municipalities (and district, county and regional authorities) to operate during the pandemic. In the fall of 2020, the Legislature amended this law, known as the Municipal Relief Act. While giving

municipal boards and commission the flexibility to, among other things, postpone regulatory deadlines and conduct meetings through video-conferencing platforms such as Zoom, the Municipal Relief Act also tolled during the State of Emergency permits and other approvals “in effect or existence as of” March 10, 2020.

Unlike the Governor’s two orders, the Municipal Relief Act did not exclude from the tolling provision a permit holder in violation of the permit’s terms and conditions. Also, conditions and deadlines within the permit also were automatically tolled and did not require getting an extension from the permit granting authority by demonstrating that showing noncompliance was due to the state of emergency.

Now that the State of Emergency has ended, those who issued as well those who held permits valid or in effect on or before March 10, 2020 need to - and now can - determine the actual expiration date due to the various tolling provisions. Conveniently, the day before the State of Emergency was to end, EOEEA and EOHED issued a “Joint Guidance on Permit Tolling Following the End of the State of Emergency” (the “Tolling Guidance”; it can be found [here](#)). While this guidance interprets the Governor’s order on state permitting deadlines, it can be used to interpret the extension of expiration dates and deadlines for municipal approvals tolled because the Municipal Relief Act uses almost identical wording.

The Tolling Guidance emphasizes that the tolling provision applies only to a permit or approval that was in effect as of March 10, 2020 and not to any permit or approval obtained after March 10, 2020, i.e., during the State of Emergency. Also, the Tolling Guidance explains that it does not matter whether a permit or approval in effect on March 10, 2020 would have expired before or after the State of Emergency ended on June 15, 2020. Both benefit from the tolling provision. The Tolling Guidance contains two examples of how to calculate each: essentially add 462 days to the date of the original permit expiration date to arrive at the new expiration date.

Like with the Permit Extension Acts from about a decade ago, permitting authorities will take different approaches in acknowledging and administering the extensions granted by the Municipal Relief Act or the Governor’s Orders. Some will issue confirmatory letter automatically or upon request while others will not for a variety of reasons. Still others will address the expiration date only when it becomes an issue. Therefore, it is important for each permit or approval holder to know what is the new expiration date for their own permit or approval.

Nathaniel Stevens, Esq. is a Senior Associate at McGregor & Legere, P.C. in Boston (www.mcgregorlegere.com) where his practice focuses on environmental and land use law and related litigation. He can be reached at nstevens@mcgregorlaw.com.

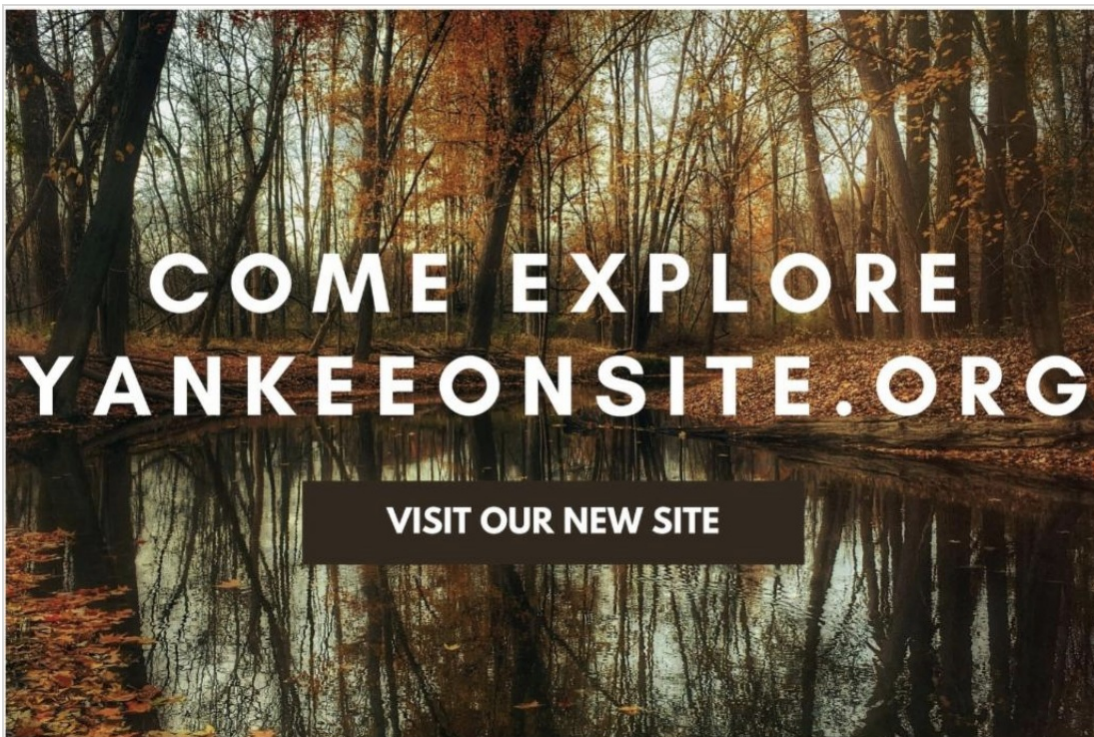
YOWA Training Update



On August 5th, YOWA hosted an educational webinar in collaboration with the Massachusetts Alternative Septic System Training Center (MASSTC) on Troubleshooting Innovative and Alternative (I/A) systems.

The two-hour webinar featured “Troubleshooting and Recommendations for I/A Septic System Performance” followed by a live panel discussion and question and answer session with I/A system operators. Continuing education credits were awarded for Massachusetts soil evaluators, system inspectors, engineers, sanitarians, and health officials.

YOWA’s educational committee is planning to host another webinar in February 2022.



NOWRA's Mega Conference Deemed Successful



The National Onsite Wastewater Recycling Association (NOWRA) held its 2021 Onsite Wastewater Mega-Conference in San Marcos, Texas on October 17-20. More than 400 people attended in person and while the

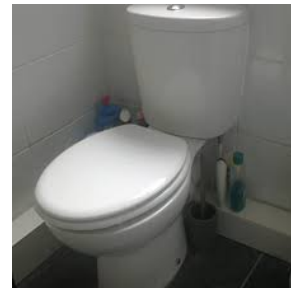
numbers are still being tallied, it is believed that more than 100 more participated virtually in some aspect of the meetings.

This year's Mega-Conference was a collaborative effort between NOWRA, the National Association of Wastewater Technicians (NAWT), the State Onsite Regulators Association (SORA), and the Texas Onsite Wastewater Association (TOWA). In 2020 the conference was held entirely virtually and deemed to be a success. With that experience and the continuing limitations placed on many with respect to travel, the Mega-Conference offered the opening general session and a large slate of technical sessions online as well as in person. In fact, a number of technical presentations were actually delivered by their presenters virtually. The overwhelming feeling of those in attendance as well as comments made following the meeting indicates that this year's conference was a huge success.

Plans for next year's Mega-Conference are already well underway. The University Plaza Hotel in Springfield, Missouri will welcome those who attend in person, and the Missouri Smallflows Organization will host the event on October 30-November 2, 2022.

Book Review: "Pipe Dreams" Flushes Out Hope in an Unexpected Place: the Toilet

Everyone poops. But not everyone has a safe, sanitary place to do it. What's more, existing wastewater treatments consume tons of water and energy while flushing away materials that could make fertilizers, fuels and other products.



"We can do better," science journalist Chelsea Wald writes in **Pipe Dreams**, which recounts how scientists, entrepreneurs and activists are coming up with creative ways to make bathrooms more available and sustainable.

About 2 billion people lack access to adequate toilets. Pipe Dreams spotlights organizations that seek to change that. One such nonprofit is Sustainable Organic Integrated Livelihoods, or SOIL, which serves neighborhoods that lack sewers in Cap-Haïtien, Haiti. Residents there traditionally have relied on pit latrines, which can poison well water. But SOIL users get home toilets outfitted with removable plastic pails, which SOIL employees collect regularly to dump in a nearby composting site.

Pipe Dreams really lives up to its title when Wald plunges into all the strange, unexpected ways that excrement can be used beyond compost. She describes a company in South Africa that feeds human waste to maggots; these critters

then can be fed to animals or crushed to make oil. In Kenya, she finds an organization that makes briquettes from poop — in stoves, these burn cleaner and last longer than charcoal. Pure urine can make fertilizer, but Wald notes that when mixed with sand and bacteria, it can also make bricks. Inventions like the Lapee female urinal, a pink cubicle in which the user squats over an oval-shaped receptacle to relieve herself, can help gather this pure pee. But peeing in one is a weird enough experience that, as one woman who used one at an outdoor festival said, “You need to be a little bit drunk to do it,” Wald quotes.

Wald may not have sat on this particular pink throne, but she’s had enough experience with newfangled toilet technology to earn the nickname “Queen of Loo-topia” among her peers. Readers couldn’t ask for a more qualified guide to take them on a world tour of next-gen sewage schemes. In the book, Wald visits a facility in Africa that cleans portable toilets, enriches her home garden with Swiss-made urine-based fertilizer and sits on pee-diversion toilets in the Netherlands — which go beyond Lapee to harvest both pee and poop.

After years of (metaphorically) immersing herself in excrement, Wald is immune to squeamishness. Her narration is frank and funny, and her sewage savvy allows her to weave in fascinating scientific and historic details, from the health benefits of squatting versus sitting to rumors that Joseph Stalin used a special toilet to steal the excretions of world leaders.

Pipe Dreams leaves readers knowing everything they ever wanted to know (and probably more) about toilets, perhaps inspiring them to start giving way more of a crap about crap. That’s a good thing: As Wald demonstrates, issues around excrement involve social justice and environmental sustainability. “We shouldn’t settle for the toilets we’ve inherited,” Wald writes. After finishing Pipe Dreams, a reader can’t help but agree and hope that, thanks to toilet visionaries around the world, we may someday achieve Loo-topia.

Maria Temming, Science News Magazine, April 6, 2021

Disclaimer: The opinions expressed in this book review are those of the authors. They do not reflect the opinions or view of the YOWA board or its members.



National Onsite Wastewater Recycling Association

*Your Online Source
for Continuing
Education*

**Affordable High-Quality Onsite Wastewater
Training at Your Fingertips**

- Courses from 1-Hour to Multi-Hour Bundles
- Developed by Industry Professionals
- CEU's Pre-Approved for Many States



Visit www.nowra.org for more information

YOWA
781-939-5710
yankeeonsite@gmail.com
www.yankeeonsite.org

[Join/Renew Your Membership](#)