

1 H.593

2 Introduced by Representatives Manwaring of Wilmington and Ancel of Calais

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; potable water supply and wastewater
6 permits; siting

7 Statement of purpose: This bill proposes to require that potable water supply
8 and wastewater systems be located to the extent technically feasible to reduce
9 any encumbrance on adjacent property due to required isolation distances or
10 protection areas. If a proposed potable water supply or wastewater system
11 permit could result in an encumbrance, the permit applicant would be required
12 to notify the owner of the encumbered property. The adjacent property owner
13 would be authorized to request that the secretary of natural resources review
14 the permit application at issue to determine if the potable water supply or
15 wastewater system would be installed to the extent technically feasible to
16 reduce any encumbrance on adjacent property. In addition, the bill would
17 require all potable water supply and wastewater permits to be filed in the
18 municipal records of the municipality in which the water supply or wastewater
19 system is located. Similarly, if a potable water supply or wastewater permit
20 issued by the secretary of natural resources would encumber an adjacent

1 property, the secretary shall file a copy of the permit in the land records of the
2 property encumbered.

3 An act relating to potable water supply and wastewater system permits

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 Sec. 1. 10 V.S.A. § 1973 is amended to read:

6 § 1973. PERMITS

7 * * *

8 (b) Application for a permit shall be made on a form prescribed by the
9 secretary. The application shall be supported by such documents and
10 information that the secretary, by rule, deems necessary for proper application
11 review and the issuance of a permit. The applicant shall provide notice of the
12 permit application on a form provided by the secretary to:

13 (1) the town clerk of the municipality in which the water supply or
14 wastewater system is located; and

15 (2) any property owner the use or development of whose land may be
16 encumbered by the isolation distance or protection area required by rules
17 adopted under this chapter for the proposed potable water supply or wastewater
18 system.

19 * * *

1 (d) No permit shall be issued by the secretary unless the secretary receives
2 a statement from a licensed designer certifying that, in the exercise of his or
3 her reasonable professional judgment, the design-related information submitted
4 with the permit application is true and correct and the design included in an
5 application for a permit complies with the rules.

6 * * *

7 (h) All permits required under this section; shall be filed in the municipal
8 records of the municipality in which the water supply or wastewater system is
9 located, and all permits and design and installation certifications required
10 under this section; and all documents required by the rules adopted under this
11 chapter to be filed in the ~~town~~ municipal records shall be properly indexed and
12 recorded in the land records pursuant to 24 V.S.A. §§ 1154 and 1161.

13 * * *

14 (j)(1) A potable water supply or wastewater system shall be installed to the
15 extent technically feasible to reduce any encumbrance on adjacent property
16 due to isolation distances or protection areas required by rules adopted under
17 this chapter.

18 (2) If a property owner is notified under subdivision (b)(2) of this
19 section that the use or development of his or her land may be encumbered by
20 the isolation distance or protection area required by rules adopted under this
21 chapter for a proposed potable water supply or wastewater system, the property

1 owner may request that the secretary of natural resources review the permit
2 application at issue to determine if the potable water supply or wastewater
3 system would be installed to the extent technically feasible to reduce any
4 encumbrance on the adjacent property. The secretary shall review the permit
5 application and may require the potable water supply or wastewater system to
6 be relocated or redesigned if possible in order to reduce encumbrance on
7 adjacent property.

8 (3) If a permit issued under this section encumbers the use or
9 development of an adjacent property due to isolation distances or protection
10 areas required by the rules adopted under this chapter, the secretary shall file a
11 copy of the final permit and the design and installation certification in the land
12 records of the adjacent property encumbered by the permit.

13 Sec. 2. 10 V.S.A. § 1978(a) is amended to read:

14 (a) The secretary shall adopt rules, in accordance with chapter 25 of Title 3,
15 necessary for the administration of this chapter. These rules shall include, but
16 are not limited to, the following:

17 (1) performance standards for wastewater systems;

18 (2) design flow standards for potable water supplies and wastewater
19 systems;

20 (3) design requirements, including isolation distances and requirements
21 for siting a potable water supply or wastewater system so that it does not, to

1 the extent technically feasible, encumber the use or development of adjacent
2 property;

3 (4) monitoring and reporting requirements;

4 (5) soils and hydrogeologic requirements;

5 (6) operation and maintenance requirements appropriate to the
6 complexity of the system;

7 (7) requirements for engineering plans and specifications for potable
8 water supplies and wastewater systems;

9 (8) provisions for the acceptance and approval of alternative or
10 innovative technologies, based on performance evaluations provided by
11 qualified organizations with expertise in wastewater systems, including the
12 New England Interstate Water Pollution Control Commission;

13 (9) provisions allowing the use of a variety of alternative or innovative
14 technologies, including intermittent sand filters, recirculating sand filters,
15 waterless toilets and greywater disposal systems, and constructed wetlands,
16 that provide an adequate degree of protection of human health and the
17 environment. When alternative or innovative technologies are approved for
18 general use, the rules shall not require either a bond or the immediate
19 construction of a duplicate wastewater system for those alternative or
20 innovative technologies;

1 (10) provisions allowing for appropriate reductions in leachfield size,
2 depth to the seasonal high water table, or other minimum site conditions when
3 the wastewater system design does not solely rely on naturally occurring soils
4 to provide an adequate degree of treatment, and when those systems, combined
5 with the reductions, provide an adequate degree of protection of human health
6 and the environment;

7 (11) provisions allowing for experimental systems;

8 (12) provisions regarding the licensing of certain classes of designers;

9 (13) provisions regarding the delegation of authority to and removal of
10 authority from a municipality to administer this chapter;

11 (14) other requirements necessary to protect human health and the
12 environment.

13 Sec. 3. EFFECTIVE DATES

14 (a) This section and Sec. 2 (potable water supply and wastewater system
15 rules) of this act shall take effect upon passage.

16 (b) Sec. 1 (potable water supply and wastewater system permit
17 requirements) of this act shall take effect on July 1, 2011.