

1 H.3

2 Introduced by Representative Krebs of South Hero

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; potable water supply and wastewater  
6 permit; notice of isolation distances

7 Statement of purpose: This bill proposes to repeal the requirement that an  
8 applicant for a potable water supply or wastewater permit notify affected  
9 property owners when an isolation distance surrounding the applicant's  
10 proposed water supply or wastewater system extends onto property other than  
11 the property on which the proposed system will be located.

12 An act relating to notice requirements for potable water supply and  
13 wastewater system permits

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

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

16 § 1973. PERMITS

17 (a) Except as provided in this section and sections 1974 and 1978 of this  
18 title, a person shall obtain a permit from the ~~secretary~~ Secretary before:

19 (1) subdividing land;

1 (2) creating or modifying a campground in a manner that affects a  
2 potable water supply or wastewater system or the requirements for providing  
3 potable water and wastewater disposal;

4 (3) constructing, replacing, or modifying a potable water supply or  
5 wastewater system;

6 (4) using or operating a failed supply or failed system;

7 (5) constructing a new building or structure;

8 (6) modifying an existing building or structure in a manner that  
9 increases the design flow or modifies other operational requirements of a  
10 potable water supply or wastewater system;

11 (7) making a new or modified connection to a new or existing potable  
12 water supply or wastewater system; or

13 (8) changing the use of a building or structure in a manner that increases  
14 the design flows or modifies other operational requirements of a potable water  
15 supply or wastewater system.

16 (b) Application for a permit shall be made on a form prescribed by the  
17 ~~secretary~~ Secretary. The application shall be supported by such documents and  
18 information that the ~~secretary~~ Secretary, by rule, ~~deems~~ determines are  
19 necessary for proper application review and the issuance of a permit.

20 \* \* \*

1 (h) All permits required under this section, all design and installation  
2 certifications required under this section, and all documents required by the  
3 rules adopted under this chapter to be filed in the town records shall be  
4 properly indexed and recorded in the land records pursuant to 24 V.S.A.  
5 §§ 1154 and 1161.

6 \* \* \*

7 ~~(j)(1) When an applicant for a permit under this section proposes a water~~  
8 ~~supply or wastewater system with isolation distances that extend onto property~~  
9 ~~other than the property for which the permit is sought, the permit applicant~~  
10 ~~shall send by certified mail, on a form provided by the secretary, a notice of an~~  
11 ~~intent to file a permit application, including the site plan that accurately depicts~~  
12 ~~all isolation distances, to any landowner affected by the proposed isolation~~  
13 ~~distances at least seven calendar days prior to the date that the permit~~  
14 ~~application is submitted to the secretary.~~

15 ~~(2) If, during the course of the secretary's review of an application for a~~  
16 ~~permit under this section, the location of a water supply or wastewater system~~  
17 ~~permit is revised and the isolation distances of the revised system extend onto~~  
18 ~~property other than the property for which the permit is sought, the permit~~  
19 ~~applicant shall send by certified mail a copy of any revised plan to any~~  
20 ~~landowner affected by the isolation distances.~~

1           ~~(3) If, after a permit has been issued under this section, a water supply or~~  
2           ~~wastewater system is not installed according to the permitted plan and the~~  
3           ~~record drawings submitted under subsection (e) of this section indicate that the~~  
4           ~~isolation distances of the system as constructed extend onto property other than~~  
5           ~~the property on which the system is located, the permittee shall send by~~  
6           ~~certified mail a notification form provided by the secretary with a copy of the~~  
7           ~~record drawings showing all isolation distances to any landowner affected by~~  
8           ~~the isolation distances.~~

9           ~~(4) A permit applicant or permittee subject to the requirements of~~  
10           ~~subdivisions (1) through (3) of this subsection shall certify to the secretary that~~  
11           ~~the notices and information required by this subsection have been sent to~~  
12           ~~affected landowners and shall include in the certification the name and address~~  
13           ~~of all affected landowners. If the secretary approves a permit application under~~  
14           ~~this section, the permit shall not be issued to a permit applicant subject to the~~  
15           ~~requirements of subdivision (2) of this subsection until seven calendar days~~  
16           ~~after the permit applicant certifies to the secretary that the notice required~~  
17           ~~under this subsection has been sent to affected landowners.~~

18           Sec. 2. EFFECTIVE DATE

19           This act shall take effect on July 1, 2013.