

1 H.649

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; potable water supplies and
6 wastewater systems; isolation distances

7 Statement of purpose of bill as introduced: This bill proposes to require an
8 isolation distance for a potable water supply and wastewater system to be
9 located on the property on which the supply or system is located; be designed
10 to reduce the isolation distance so that it does not extend onto the property of
11 others; or be secured by an easement if the isolation distance extends onto the
12 property owned by a person other than the permit applicant.

13 An act relating to isolation distances for potable water supplies and
14 wastewater systems

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

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

17 § 1973. PERMITS

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

20 (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 * * *

17 ~~(j)(1) When an applicant for a permit under this section proposes a water~~
18 ~~supply or wastewater system with isolation distances that extend onto property~~
19 ~~other than the property for which the permit is sought, the permit applicant~~
20 ~~shall send by certified mail, on a form provided by the Secretary, a notice of an~~
21 ~~intent to file a permit application, including the site plan that accurately depicts~~

1 ~~all isolation distances, to any landowner affected by the proposed isolation~~
2 ~~distances at least seven calendar days prior to the date that the permit~~
3 ~~application is submitted to the Secretary.~~

4 ~~(2) If, during the course of the Secretary's review of an application for a~~
5 ~~permit under this section, the location of a water supply or wastewater system~~
6 ~~permit is revised and the isolation distances of the revised system extend onto~~
7 ~~property other than the property for which the permit is sought, the permit~~
8 ~~applicant shall send by certified mail a copy of any revised plan to any~~
9 ~~landowner affected by the isolation distances.~~

10 ~~(3) If, after a permit has been issued under this section, a water supply~~
11 ~~or wastewater system is not installed according to the permitted plan and the~~
12 ~~record drawings submitted under subsection (e) of this section indicate that the~~
13 ~~isolation distances of the system as constructed extend onto property other than~~
14 ~~the property on which the system is located, the permittee shall send by~~
15 ~~certified mail a notification form provided by the Secretary with a copy of the~~
16 ~~record drawings showing all isolation distances to any landowner affected by~~
17 ~~the isolation distances.~~

18 ~~(4) A permit applicant or permittee subject to the requirements of~~
19 ~~subdivisions (1) through (3) of this subsection shall certify to the Secretary that~~
20 ~~the notices and information required by this subsection have been sent to~~
21 ~~affected landowners and shall include in the certification the name and address~~

1 ~~of all affected landowners. If the Secretary approves a permit application~~
2 ~~under this section, the permit shall not be issued to a permit applicant subject~~
3 ~~to the requirements of subdivision (2) of this subsection until seven calendar~~
4 ~~days after the permit applicant certifies to the Secretary that the notice required~~
5 ~~under this subsection has been sent to affected landowners~~ Beginning July 1,
6 2014, an applicant for a potable water supply or a wastewater system permit
7 under this chapter shall demonstrate that the required isolation distance for the
8 potable water supply and wastewater system:

9 (1) is located on the property on which the potable water supply or
10 wastewater system is located;

11 (2) is designed so that the isolation distance is reduced so that it does not
12 extend onto property owned by persons other than the permit applicant; or

13 (3) is secured by an easement if the isolation distances extends onto
14 property owned by persons other than the permit applicant.

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

16 (a) The Secretary shall adopt rules, in accordance with 3 V.S.A. chapter 25,
17 necessary for the administration of this chapter. These rules shall include, ~~but~~
18 ~~are not limited to,~~ the following:

19 (1) performance standards for wastewater systems;

20 (2) design flow standards for potable water supplies and wastewater
21 systems;

1 (3) design requirements, including isolation distances, provided that,
2 beginning July 1, 2014, the rules shall not authorize the extension of an
3 isolation distance onto property other than the property for which a permit is
4 sought unless the permit applicant owns or legally controls, through permanent
5 easement, the property on which the isolation distance is located;

6 * * *

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on July 1, 2014.