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Agency of Natural Resources  
Department of Environmental Conservation

Wastewater Management Division The Sewing Building  
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Environmental Protection Rules

Chapter 1

Wastewater System and Potable Water Supply Rules

Effective September 29, 2007

## **Subchapter 1 — Scope, Purpose and Authority**

### **§1-101 Scope**

- (a) These Rules apply to the subdivision of land, the construction, modification or change in use of a building or structure, the creation or modification of a campground, and the construction, modification, replacement and operation of their associated potable water supplies and wastewater disposal systems.
- (b) These Rules regulate soil-based disposal systems with design flows of less than 6500 gallons per day and sewerage connections of any size.
- (c) These Rules regulate potable water supplies that are not subject to regulation under the Vermont Water Supply Rule as public water supplies.

### **§1402 Purpose**

- (a) The purpose of these Rules is to:
  - (1) establish a comprehensive program to regulate the design, construction, replacement, modification, operation, and maintenance of potable water supplies and wastewater systems in order to protect human health and the environment, including potable water supplies, surface water and groundwater;
  - (2) prevent the creation of health hazards or unsanitary conditions;
  - (3) insure the availability of an adequate supply of potable water;
  - (4) insure adequate effluent dispersal and drainage for the proper functioning of wastewater systems;
  - (5) insure that potable water supplies and wastewater systems are designed, constructed, operated and maintained in a manner that supports the intended use of the supplies and systems with respect to reliability, incremental costs, and sustainability;
  - (6) insure that owners of potable water supplies and wastewater systems permitted under these Rules have knowledge of their systems' design, the operation and maintenance requirements, and their responsibilities for the satisfactory functioning of the systems;
  - (7) allow the use of alternative, innovative, and experimental technologies for the treatment and disposal of wastewater in the appropriate circumstances;
  - (8) protect the investment of homeowners through a flexible remediation process for failed potable water supplies and wastewater systems; and

- (9) increase reliance on and the accountability of the private sector for the design and installation of potable water supplies and wastewater systems through licensing and enforcement.

§.1-201(a)(47) Definitions

- (47) Potable Water Supply - means the source, treatment and conveyance equipment used to provide water used or intended to be used for human consumption, including drinking, washing, bathing, the preparation of food, or laundering. This includes mechanical systems, such as pump stations and storage tanks or lavatories, that are located inside a building or structure and that are integral to the operation of a potable water system but does not include the building's internal piping or plumbing. This definition also does not include a potable water supply that is subject to regulation under 10 V.S.A. Chapter 56 (Public Water Supplies).
- (48) Prescriptive Design — means a wastewater system design based on at least 24" of naturally occurring, permeable soil above bedrock and the seasonal high water table, such as a traditional septic tank and leachfield design. (See enhanced prescriptive and performance based designs for alternatives to prescriptive design.)
- (49) Primary Area - means the area reserved for or containing the original wastewater system.
- (50) Project — means all lots, buildings, structures, campgrounds, potable water supplies and wastewater systems for which a particular permit application is submitted.
- (51) Professional Engineer - means an engineer licensed and in good standing by the Board of Professional Engineering under 26 V.S.A. Chapter 20.
- (52) Qualified Hydrogeologist - means a person with training or experience in bedrock geology, glacial geology and groundwater hydrology sufficient to adequately prepare the hydrogeologic studies and analyses required by these Rules.
- (53) Seasonal High Water Table — means the highest elevation that the water table reaches during the seasonally wet times of the year. This is determined by soil examination or groundwater level monitoring as described in the Rules.
- (54) Secretary - means the Secretary of the Agency or a duly authorized representative of Secretary. A duly authorized representative of the Secretary includes a municipality that has requested delegation, in writing, and has been delegated the authority to implement provisions of these Rules in lieu of the Secretary.
- (55) Sewage - means sanitary waste or used water from any building or structure or campground including, but not limited to, carriage water, and shower and wash water. For the purposes of these Rules, sewage does not include process wastewater. For purposes of these Rules, stormwater shall not be considered sewage.

## § 1-302(d) Technical Assistance and Project Review

- (d) The Secretary reserves the option to issue a permit without prior review of the potable water supply or wastewater system design by relying on the design certification required by these Rules.

## §1-303 Permit Required

- (a) Except as provided in this section and in section 1-304 of this Subchapter, no person shall take or cause to be taken any of the following actions without first obtaining a permit or permit amendment from the Secretary:
- (1) the subdivision of a lot or lots;
  - (2) the construction of a new potable water supply or wastewater system;
  - (3) the modification or replacement of an existing potable water supply or wastewater system;
  - (4) the construction of a new building or structure;
  - (5) the modification of an existing building or structure in a manner that increases the design flow or modifies other operational requirements of a potable water supply or wastewater system;
  - (6) the connection of an existing potable water supply or wastewater system to a new or modified structure;
  - (7) the change of use of a building or structure in a manner that increases the design flow or modifies other operational requirements of a potable water supply or wastewater system including the conversion of a single family residence from seasonal to year-round use;
  - (8) the creation of a campground;
  - (9) the modification of a campground, including the creation, modification or relocation of one or more individual campsites, in a manner that affects a potable water supply or wastewater system or the requirements for providing potable water and wastewater disposal;
  - (10) the use or operation of a failed potable water supply or failed wastewater system; or
  - (11) the commencement of construction of any of the above. For the purposes of this section, commencing construction means any work involving the physical construction or modification of a building or structure and its associated potable water supply or wastewater system including, but not limited to: foundation excavation; foundation or building construction; and site work that involves or may affect any portion of the existing or proposed potable water supply or wastewater system serving the project.

**§ 1-308(a)(3) Installation Certifications**

- (3) were properly tested; and
  - (4) have successfully met those performance tests."
- (b) Notwithstanding the provisions of subsection (a) of this section, a permit issued by the Secretary shall remain valid for a substantially complete potable water supply or wastewater system without an installation certification if:
- (1) the potable water supply that is permitted is an existing supply where no construction is required and where the supply was either previously permitted or exempt under these Rules; or
  - (2) the wastewater system that is permitted is an existing system where no construction is required and where the system was either previously permitted or exempt under these Rules.

Note: If a permitted project involves the construction of only a potable water supply or only a wastewater system, an installation certification is required only for the supply or system that will be constructed.

- (c) Notwithstanding the provisions of subsection (a) of this section, a permit amendment done solely to authorize the addition of land to a permitted lot does not need an installation certification.

**§ 1-309 General Permit Requirements and Provisions**

- (a) The Secretary may include any condition in a permit that he or she deems necessary to protect human health and the environment or to satisfy the purposes and requirements of these Rules including, but not limited to, requirements for operation and maintenance.
- (b) No permit issued by the Secretary for a potable water supply or wastewater system located off the lot shall remain valid as of the date of initiation of construction until a document establishing permanent legal access has been recorded and indexed in the land records of the municipality where the project is located.
- (c) Construction of a potable water supply or wastewater system, as permitted, does not relieve the permittee from the responsibility to properly operate and maintain the supply or system.
- (d) Permits issued under these Rules shall run with the land.
- (e) The Secretary, by issuing permits under these Rules, accepts no legal responsibility for any damage, direct or indirect, of whatever nature and by whomever suffered, arising out of the permitted project.

**§ 1-308(a)(3) Installation Certifications**

- (5) were properly tested; and
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- (3) the potable water supply that is permitted is an existing supply where no construction is required and where the supply was either previously permitted or exempt under these Rules; or
  - (4) the wastewater system that is permitted is an existing system where no construction is required and where the system was either previously permitted or exempt under these Rules.

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- (g) No permit issued by the Secretary for a potable water supply or wastewater system located off the lot shall remain valid as of the date of initiation of construction until a document establishing permanent legal access has been recorded and indexed in the land records of the municipality where the project is located.
- (h) Construction of a potable water supply or wastewater system, as permitted, does not relieve the permittee from the responsibility to properly operate and maintain the supply or system.
- (i) Permits issued under these Rules shall run with the land.
- (j) The Secretary, by issuing permits under these Rules, accepts no legal responsibility for any damage, direct or indirect, of whatever nature and by whomever suffered, arising out of the permitted project.