

Sam Starr 2/20/2019



State of Vermont  
Department of Environmental Conservation  
Drinking Water and Groundwater Protection Division  
450 Asa Bloomer State Office Building  
Rutland, Vermont 05701-5903  
(located at 88 Merchants Row, Rutland, Vt.)

Agency of Natural Resources  
telephone: (802) 345-7493  
fax: (802) 786-5915

July 12, 2018

Alan Huizenga, P.E.  
Green Mountain Engineering, Inc.  
P.O. Box 159  
Williston, Vermont 05495

RE: Addison County Field Days "Welcome Center" project

Dear Alan:

As requested, I have considered the information you have provided about the referenced project, and have reached the following conclusions in response to the proposal described in your letter dated July 5, 2018:

- 1) The concept of approving the proposed new building to utilize a wastewater holding tank, regardless of whether that facility would be a temporary or permanent arrangement, is not compatible with the applicable regulatory requirements and criteria, as set forth in the current rules (Chapter 1 of the Environmental Protection Rules; "EPRs") or the enabling statute (Title 10 V.S.A., Chapter 64). The fundamental problem areas include:
  - a) A wastewater holding tank can be permitted for an existing or proposed building that will be publicly owned, and which has a design flow no greater than 600 gpd, as specified in §1-919(a)(1) and (4) of the EPRs. With the proposed inclusion of public bathrooms, you are tentatively assigning a design wastewater flow of 3,375 gpd to the Welcome Center building. Accordingly, the proposed building does not satisfy either of these criteria, because it will not be publicly owned and has a design flow in excess of 600 gpd.
  - b) A wastewater holding tank can be permitted to replace an existing wastewater system that has either failed, or is expected to fail, when a fully-complaint replacement wastewater system would not be achievable or cost effective, as specified in §1-919(b) of the EPRs. Accordingly, a holding tank for the proposed building would not satisfy these criteria, because it would neither serve an existing building nor replace an existing failed wastewater system.
  - c) A wastewater holding tank can be permitted for process wastewater discharged from a building, as specified in §1-919(h) of the EPRs. As defined in §1-201(a)(55) of the EPRs, the term "sewage" does not include process wastewater. Accordingly, the sanitary wastewater (sewage) from the lavatories and toilets in the proposed bathrooms for the Welcome Center would not be applicable to this particular wastewater holding tank provision, because it is not process wastewater.



letter to Alan Huizenga, P.E. from David R. Swift; 7/12/2018

RE: Addison County Field Days "Welcome Center" project

page 2 of 2

- d) Lastly, a wastewater holding tank can be permitted for an existing building that is owned by a charitable, religious, or non-profit organization, with a design flow no greater than 600 gpd, as specified in 10 V.S.A. §1979(b)(1). Accordingly, the proposed building does not satisfy two of these three criteria, because it is not an existing building and has a design flow in excess of 600 gpd.

Consequently, I must conclude that the proposed use of a wastewater holding tank (temporary or permanent) by the proposed Welcome Center building does not comply with the pertinent rules, and therefore would not be a permissible wastewater system for that building.

- 2) As has been previously and consistently expressed in discussions and correspondence dating back to 2005, the proposed Welcome Center building represents "new construction" for the purpose of determining what specific water supply and wastewater disposal options may exist that will comply with the requirements of the EPRs. That position is based on the evident facts that the new building includes some features (most notably, the proposed public/workers bathrooms) that weren't present in the former ticket booth structure, and which constitute a clear and substantial increase in the water and wastewater design flow quantities for the building. Consequently, as stated in §1-801(c) of the EPRs, the proposed building needs to have potable water and wastewater facilities which comply with the minimum design standards of the rules. In my opinion, there are essentially only two options under the current rules which would satisfy this requirement:

- A) If the Welcome Center building will include running water or the proposed bathrooms, for use by either the public or the workers stationed in the building, a rules-compliant soil-based wastewater system will need to be designed, permitted, and constructed, along with a rules-compliant method of potable water supply.
- B) If the Welcome Center building will not include running water, functional bathroom(s), or other interior plumbing fixtures, a WW Permit for the building, as required by §1-303(a)(4) of the EPRs, could be granted that would authorize the needs of the workers stationed there to be met by bottled water and the use of the nearby alternative toilets, in a similar manner as occurred with the former ticket booth structure. This arrangement would be consistent with the provisions of §1-802 and §1-803 of the EPRs, as supplemented and amplified by pertinent sections of corresponding written guidance (EPRs Practice "Handwashing and Toilet Facilities for Buildings, Structures, and Campgrounds" dated 7/6/2004). Presumably, the permitted configuration and usage of the Welcome Center building under this option could be revised by a future permit amendment, at such time as the requirements of Option A have been achieved.

If you need additional clarification of these issues, or want to discuss any aspect of this project that may help you to progress with the preparation and submittal of the required WW Permit application for the Welcome Center building, please contact me at your convenience.

For the Drinking Water and Groundwater Protection Division,



David R. Swift – Regional Engineer

c: ACFFD