

S.237

*** Wastewater Connection Permits ***

Sec. 15. 10 V.S.A. § 1974(9) is added to read:

(9) A person who receives an authorization from a municipality that administers a program registered with the Secretary pursuant to section 1983 of this title.

Sec. 16. 10 V.S.A. § 1983 is added to read:

§ 1983. REGISTRATION FOR MUNICIPAL WASTEWATER SYSTEM

AND POTABLE WATER SUPPLY CONNECTIONS

(a) A municipality may issue an approval for a connection or an existing connection with a change in use to the municipal sanitary sewer collection line via a sanitary sewer service line or a connection to a water main via a new water service line in lieu of permits issued under this chapter, provided that the municipality documents the following in a form prescribed by the Secretary:

(1) The municipality owns or has legal control over connections to a public community water system permitted pursuant to chapter 56 of this title and connections to a wastewater treatment facility permitted pursuant to chapter 47 of this title.

(2) The municipality shall only issue authorizations for:

(A) a sanitary sewer service line that connects to the sanitary sewer collection line that serves a single connection; and

Commented [MO1]: Why is this section even needed? The statute under 1976 allows for delegation for connections. This section effectively sets out the requirements for delegation. All this does in my opinion is eliminate the requirement that a municipality apply for delegation. If they aren't applying now, will this section make any difference? And, by the way, since this section doesn't amend the delegation section or reference it, I would argue the municipality still must be delegated this authority under 1976.

Commented [MO2]: The default definition of municipality in statute includes school districts and all other governmental incorporated units. The definition of municipality in rule does not include these entities. As this is drafted, a school district can issue an approval of a connection.

Commented [MO3]: Does change of use mean the same as the definition in the rules? Do you want it to include seasonal conversion? Scaling up? New bedrooms? Does the Committee understand this?

Commented [MO4]: We tend to avoid the use of the word "via" in statute. But I know the rules use the term. Can we replace via with "by" or "through"?

Commented [MO5]: No definition in statute

Commented [MO6]: No definition in statute

Commented [MO7]: No definition in statute

Commented [MO8]: You have exempted these projects from permitting under 1974. Do you need the in lieu of permit language?

Commented [MO9]: Insert "over"

1 (B) a water service line that connects to the water main that serves a
2 single connection.

3 (3) The building or structure connects to both the sanitary sewer
4 collection line and public community water system.

5 (4) The municipality issues approvals that comply with the technical
6 standards for sanitary sewer service lines and water service lines adopted by
7 the Secretary under this chapter.

8 (5) The municipality requires documentation in the land records that the
9 connection authorized by the municipality was installed in accordance with the
10 technical standards.

11 (6) The program requires the retention of plans that show the location
12 and design of authorized connections.

13 (b) The municipality shall notify the Secretary 30 days in advance of
14 terminating any registration. The municipality shall provide all approvals and
15 plans to the Secretary as a part of this termination notice.

16 Sec. 17. STUDY OF SUBDIVISION REGULATIONS IN AUTHORIZED
17 MUNICIPALITIES

18 The Agency of Natural Resources' Technical Advisory Committee shall
19 report to the House Committee on Natural Resources, Fish, and Wildlife and
20 the Senate Committee on Natural Resources and Energy on whether
21 municipalities authorized under 10 V.S.A. § 1983 should also have jurisdiction

Commented [MO10]: The definition of building or structure in rule is much more detailed than the statutory definition, which controls? Since this isn't being permitted under the rules, then the statute should apply.

Commented [MO11]: Standards? Do you mean the rules? That's what I assume--the Wastewater and Potable Water Supply Rules. Why don't you reference.

Commented [MO12]: How will the State know that the municipal approval meets the technical standards? Will a professional engineer need to supervise the municipal approval?

Commented [MO13]: Again, who issues this documentation? A PE or just the public works staff for the town?

Commented [MO14]: I assume the land records of the municipality.

Commented [MO15]: What program? DEC? The town?

Commented [MO16]: I think this is referring to the wastewater TAC, the proper name of which is the Wastewater and Potable Water Supply Technical Advisory Committee

1 to issue permits in lieu of the Secretary for subdivisions when the lot is served
2 by municipal water and sewer.

Commented [MO17]: What kind of permits? Any permits? Wastewater and Potable Water Supply permits? Just for connections, or for all wastewater and potable water supply?

Commented [MO18]: Municipalities already have the opportunity to issue permits in lieu of the Secretary—it is called delegation and is authorized under 10 VSA 1976.