

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

S.212

An act relating to potable water supply and wastewater system connections

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

Sec. 1. 10 V.S.A. § 1971 is amended to read:

§ 1971. PURPOSE

It is the purpose of this chapter to:

(1) establish a comprehensive program to regulate the construction, replacement, modification, and operation of potable water supplies and wastewater systems in the State in order to protect human health and the environment, including potable water supplies, surface water, and groundwater;

* * *

(6) allow ~~delegation of the permitting program created by this chapter to municipalities demonstrating the capacity to administer the chapter~~ review of potable water supply and wastewater system connections pursuant to general permits adopted under this chapter.

Sec. 2. 10 V.S.A. § 1972 is amended to read:

§ 1972. DEFINITIONS

For the purposes of this chapter:

* * *

1 disposal system of less than 6,500 gallons per day, or a ~~sewerage~~ sanitary
2 sewer collection system connection of any size.

3 Sec. 3. 10 V.S.A. § 1973 is amended to read:

4 § 1973. PERMITS

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

7 * * *

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

10 * * *

11 (f)(4) The Secretary shall give deference to a certification by a licensed
12 designer with respect to the engineering design or judgment exercised by the
13 designer in order to minimize Agency review of certified designs. Nothing in
14 this section shall limit the responsibility of the licensed designer to comply
15 with all standards and rules, or the authority of the Secretary to review and
16 comment on design aspects of an application or to enforce Agency rules with
17 respect to the design or the design certification.

18 ~~(2) The Secretary shall issue a permit for a new or modified connection~~
19 ~~to a water main and a sewer main or indirect discharge system from a building~~
20 ~~or structure in a designated downtown development district upon submission~~
21 ~~of an application under subsection (b) of this section that consists solely of the~~

1 ~~certification of a licensed designer, in accordance with subsection (d) of this~~
2 ~~section, and a letter from the owner of the water main and sewer main or~~
3 ~~indirect discharge system allocating the capacity needed to accommodate the~~
4 ~~new or modified connection. However, this subdivision (2) shall not apply if~~
5 ~~the Secretary finds one of the following:~~

6 ~~(A) The Secretary has prohibited the system that submitted the~~
7 ~~allocation letter from issuing new allocation letters due to a lack of capacity.~~

8 ~~(B) As a result of an audit of the application performed on a random~~
9 ~~basis or in response to a complaint, the system is not designed in accordance~~
10 ~~with the rules adopted under this chapter.~~

11 * * *

12 (k)(1) The Secretary shall adopt a general permit for both potable water
13 supply and wastewater system connections that require a permit under this
14 chapter. Under the general permit, the Secretary may give deference to
15 applications for connections certified by a licensed designer. The Secretary
16 shall publish a manual providing guidance to licensed designers implementing
17 the general permit for potable water supply or wastewater system connections.
18 The manual shall include guidance for determining or defining the capacity of
19 a public water system or pollution abatement facility for purposes of approving
20 a potable water supply or wastewater system connection.

1 ~~and the enforcement provisions of chapter 201 of this title relating to this~~
2 ~~chapter, provided that the Secretary is satisfied that the municipality:~~

3 ~~(A) has established a process for accepting, reviewing, and processing~~
4 ~~applications and issuing permits, that shall adhere to the rules established by~~
5 ~~the Secretary for potable water supplies and wastewater systems, including~~
6 ~~permits, by rule, for sewerage connections;~~

7 ~~(B) has hired, appointed, or retained on contract, or will hire, appoint,~~
8 ~~or retain on contract, a licensed designer to perform technical work that must~~
9 ~~be done by a municipality under this section to grant permits;~~

10 ~~(C) will take timely and appropriate enforcement actions pursuant to~~
11 ~~the authority of chapter 201 of this title;~~

12 ~~(D) commits to reporting annually to the Secretary on a form and date~~
13 ~~determined by the Secretary;~~

14 ~~(E) will only issue permits for water service lines and sanitary sewer~~
15 ~~service lines when there is adequate capacity in the public water supply system~~
16 ~~source, wastewater treatment facility, or indirect discharge system; and~~

17 ~~(F) will comply with all other requirements of the rules adopted under~~
18 ~~section 1978 of this title The Secretary may delegate to a municipality~~
19 ~~authority to conduct technical review of proposed projects that include both~~
20 ~~municipal potable water supply and municipal wastewater system connections~~
21 ~~that require a permit under this chapter, provided that the water main and~~

1 sanitary sewer collection line that the water service line and sanitary sewer
2 service line are connected to are owned and controlled by the delegated
3 municipality. Municipalities delegated authority under this section shall be
4 required to incorporate the requirements of the Secretary's general permit for
5 potable water supply and wastewater system connections into a municipal
6 connection approval, including deference to applications for connections
7 certified by a licensed designer.

8 (2) If a municipality submits a request for delegation of authority under
9 this subsection, the Secretary shall delegate authority to the municipality to
10 implement and administer provisions of this chapter governing municipal
11 potable water supply and wastewater system connections, provided that the
12 municipality:

13 (A) is qualified to perform the technical review as determined by the
14 Secretary;

15 (B) receives authorization from the municipal legislative body to
16 administer a program for review of potable water supply and wastewater
17 system connections;

18 (C) meets any other requirement for the delegation program as
19 adopted by the Secretary in writing;

1 exempt from the payment of fees under this section except for those fees
2 prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for
3 which a municipality may recover its costs by charging a user fee to those who
4 use the permitted services. Municipalities shall pay fees prescribed in
5 subdivisions (j)(2), (10), (11), (12), and (26) of this section, except that a
6 municipality shall also be exempt from those fees for stormwater systems
7 prescribed in subdivisions (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II),
8 or (V) of this section for which a municipality has assumed full legal
9 responsibility under 10 V.S.A. § 1264. Municipalities that conduct a technical
10 review or approval of a potable water supply or wastewater system connection
11 permitted under 10 V.S.A. § 1976 within the municipality may charge a fee for
12 the cost of municipal services, provided that the municipality shall pay an
13 administrative processing fee of \$100.00 for submission to the Secretary of
14 Natural Resources of documentation of the municipally permitted project.

15 (j) In accordance with subsection (i) of this section, the following fees are
16 established for permits, licenses, certifications, approvals, registrations, orders,
17 and other actions taken by the Agency of Natural Resources.

18 * * *

19 (4) For potable water supply and wastewater permits issued under 10
20 V.S.A. chapter 64. Projects under this subdivision include: a wastewater

1 system, including a sewerage connection; and a potable water supply,
2 including a connection to a public water supply:

3 (A) Original applications, or major amendments for a project that is
4 not a potable water supply or wastewater system connection with the following
5 proposed design flows. In calculating the fee, the highest proposed design
6 flow whether wastewater or water shall be used:

7 (i) design flows 560 gpd or less: \$306.25 per application;

8 (ii) design flows greater than 560 and less than or equal to 2,000
9 gpd: \$870.00 per application;

10 (iii) design flows greater than 2,000 and less than or equal to
11 6,500 gpd: \$3,000.00 per application;

12 (iv) design flows greater than 6,500 and less than or equal to
13 10,000 gpd: \$7,500.00 per application; or

14 (v) design flows greater than 10,000 gpd: \$13,500.00 per
15 application.

16 (B) Minor amendments: \$150.00.

17 (C) Minor projects: \$270.00.

18 As used in this subdivision (j)(4)(C), “minor project” means a project
19 that meets the following: there is an increase in design flow but no
20 construction is required; there is no increase in design flow but construction is
21 required, excluding replacement potable water supplies and wastewater

1 systems; or there is no increase in design flow and no construction is required,
2 excluding applications that contain designs that require technical review.

3 (D) Notwithstanding the other provisions of this subdivision (4),
4 when a project is located in a Vermont neighborhood, as designated under 24
5 V.S.A. chapter 76A, the fee shall be ~~no~~ not more than \$50.00 in situations in
6 which the application has received an allocation for sewer capacity from an
7 approved municipal system. This limitation shall not apply in the case of fees
8 charged as part of a duly delegated municipal program.

9 (E) Original applications or major amendments for coverage under a
10 potable water supply or wastewater system connection general permit issued
11 under 10 V.S.A. § 1973(k)(1), the following fee according to the highest
12 proposed design flow of wastewater or water for the connection:

13 (i) design flows below 2,000 gpd: \$250.00 per application;

14 (ii) design flows of between 2,000 gpd and 6,500 gpd: \$2,500.00
15 per application;

16 (iii) design flows greater than 6,500 gpd: \$5,000.00 per
17 application;

18 * * *

19 Sec. 6. IMPLEMENTATION; REPEAL OF EXEMPTIONS IN RULE

20 (a) On or before December 1, 2027, the Secretary of Natural Resources
21 shall publish the general permit and manual required under 10 V.S.A.

1 § 1973(k)(1) for potable water supply or wastewater system connections.

2 (b) Beginning on January 1, 2028, the Secretary of Natural Resources shall
3 begin to accept certifications of the connections of potable water supplies and
4 wastewater systems under the general permit required by 10 V.S.A.

5 § 1973(k)(1).

6 (c)(1) The following provisions of the Department of Environmental
7 Conservation's Wastewater System and Potable Water Supply Rules shall be
8 repealed on January 1, 2028:

9 (A) Subdivisions 1-304(15) and (16) (modification of design flows of
10 a wastewater system or potable water supply serving an existing building or
11 structure);

12 (B) Subdivision 1-603(b)(2) (related to full delegation of permitting
13 to municipalities); and

14 (C) Subdivisions 1-603(b)(8), (9), and (10) (related to recordkeeping
15 by fully delegated municipalities).

16 (2) References in chapter 6 of the Department of Environmental
17 Conservation's Wastewater System and Potable Water Supply Rules related to
18 full delegation to municipalities of permitting potable water and wastewater
19 system connections are no longer applicable or enforceable due to the repeal of
20 statutory authority for full delegation.

1 Sec. 7. EFFECTIVE DATE

2 This act shall take effect on July 1, 2026.