

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred Senate Bill No. 212
3 entitled “An act relating to potable water supply and wastewater system
4 connections” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 1971. PURPOSE

10 It is the purpose of this chapter to:

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

16 * * *

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

1 wastewater systems that are used exclusively for the treatment and disposal of
2 animal manure. In this chapter, “wastewater system” refers to a soil-based
3 disposal system of less than 6,500 gallons per day, or a ~~sewerage~~ sanitary
4 sewer collection system connection of any size.

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

6 § 1973. PERMITS

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

9 * * *

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

12 * * *

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

20 ~~(2) The Secretary shall issue a permit for a new or modified connection~~
21 ~~to a water main and a sewer main or indirect discharge system from a building~~
22 ~~or structure in a designated downtown development district upon submission~~

1 (2) The Secretary may adopt a general permit under this chapter for the
2 subdivision of land when no building, structure, or campground exists on or is
3 proposed for the property at the time of subdivision.

4 (3) The Secretary may adopt a general permit under this chapter for
5 boundary line adjustments for improved or unimproved lots.

6 (4) The Secretary may adopt a general permit for the permitting under
7 this chapter of potable water supply systems with a design flow of less than
8 1,000 gallons per day when there is no requirement for any variance,
9 hydrogeologic analysis, or yield testing of a potable water source.

10 (5) The Secretary may adopt a general permit for the permitting under
11 this chapter of of wastewater systems that:

12 (A) have a design flow of less than 1,000 gallons per day; and

13 (B) do not require a variance, a hydrogeologic analysis, or innovative
14 or alternative technologies unless such technologies are allowed by the
15 Secretary.

16 Sec. 4. 10 V.S.A. § 1976 is amended to read:

17 § 1976. DELEGATION OF CONNECTION PERMITTING AUTHORITY
18 TO MUNICIPALITIES

19 ~~(a)(1) The Secretary may delegate to a municipality authority to:~~

20 ~~(A) implement all sections of this chapter, except for sections 1975~~
21 ~~and 1978 of this title; or~~

1 ~~(B) implement permitting under this chapter for the subdivision of~~
2 ~~land, a building or structure, or a campground when the subdivision, building~~
3 ~~or structure, or campground is served by sewerage connections and water~~
4 ~~service lines, provided that:~~

5 ~~(i) the lot, building or structure, or campground utilizes both a~~
6 ~~sanitary sewer service line and a water service line; and~~

7 ~~(ii) the water main and sanitary sewer collection line that the water~~
8 ~~service line and sanitary sewer service line are connected to are owned and~~
9 ~~controlled by the delegated municipality.~~

10 ~~(2) If a municipality submits a written request for delegation of this~~
11 ~~chapter, the Secretary shall delegate authority to the municipality to implement~~
12 ~~and administer provisions of this chapter, the rules adopted under this chapter,~~
13 ~~and the enforcement provisions of chapter 201 of this title relating to this~~
14 ~~chapter, provided that the Secretary is satisfied that the municipality:~~

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

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

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

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

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

8 ~~(F) will comply with all other requirements of the rules adopted under~~
9 ~~section 1978 of this title~~ The Secretary may delegate to a municipality
10 authority to conduct technical review of proposed projects that include both
11 municipal potable water supply and municipal wastewater system connections
12 that require a permit under this chapter, provided that the water main and
13 sanitary sewer collection line that the water service line and sanitary sewer
14 service line are connected to are owned and controlled by the delegated
15 municipality. A municipality that is delegated authority under this section
16 shall incorporate the requirements of the Secretary’s general permit for potable
17 water supply and wastewater system connections into a municipal connection
18 approval, including deference to applications for connections certified by a
19 licensed designer.

20 (2) If a municipality submits a request for delegation of authority under
21 this subsection, the Secretary shall delegate authority to the municipality to
22 implement and administer the provisions of this chapter governing municipal

1 potable water supply and wastewater system connections, provided that the
2 municipality:

3 (A) is qualified to perform the technical review as determined by the
4 Secretary;

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

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

10 (D) shall only issue permits for water service lines and sanitary sewer
11 service lines when there is adequate capacity in the public water system,
12 wastewater treatment facility, or indirect discharge system;

13 (E) submits required documentation of the permitted project as
14 determined by the Secretary; and

15 (F) complies with the requirements for connection and all
16 requirements of the Agency's rules adopted under section 1978 of this title.

17 * * *

18 (f) The Secretary may review municipal implementation of this section on
19 a random basis, or in response to a complaint, or on ~~his or her~~ the Secretary's
20 own motion. This review may include consideration of the municipal
21 implementation itself, as well as consideration of the practices, testing

1 procedures employed, systems designed, system designs approved, installation
2 procedures used, and any work associated with the performance of these tasks.

3 Sec. 5. 3 V.S.A. § 2822 is amended to read:

4 § 2822. BUDGET AND REPORT; POWERS

5 * * *

6 (i) The Secretary shall not process an application for which the applicable
7 fee has not been paid unless the Secretary specifies that the fee may be paid at
8 a different time or unless the person applying for the permit is exempt from the
9 permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be
10 exempt from the payment of fees under this section except for those fees
11 prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for
12 which a municipality may recover its costs by charging a user fee to those who
13 use the permitted services. Municipalities shall pay fees prescribed in
14 subdivisions (j)(2), (10), (11), (12), and (26) of this section, except that a
15 municipality shall also be exempt from those fees for stormwater systems
16 prescribed in subdivisions (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II),
17 or (V) of this section for which a municipality has assumed full legal
18 responsibility under 10 V.S.A. § 1264. Municipalities that conduct a technical
19 review or approval of a potable water supply or wastewater system connection
20 permitted under 10 V.S.A. § 1976 within the municipality may charge a fee for
21 the cost of municipal services, provided that the municipality shall pay an

1 administrative processing fee of \$100.00 for submission to the Secretary of
2 Natural Resources of documentation of the municipally permitted project.

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

6 * * *

7 (4) For potable water supply and wastewater permits issued under
8 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater
9 system, including a sewerage connection; and a potable water supply,
10 including a connection to a public water supply:

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

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

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

18 (iii) design flows greater than 2,000 and less than or equal to
19 6,500 gpd: \$3,000.00 per application;

20 (iv) design flows greater than 6,500 and less than or equal to
21 10,000 gpd: \$7,500.00 per application; or

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

3 (B) Minor amendments: \$150.00.

4 (C) Minor projects: \$270.00.

5 As used in this subdivision (j)(4)(C), “minor project” means a project
6 that meets the following: there is an increase in design flow but no
7 construction is required; there is no increase in design flow but construction is
8 required, excluding replacement potable water supplies and wastewater
9 systems; or there is no increase in design flow and no construction is required,
10 excluding applications that contain designs that require technical review.

11 (D) Notwithstanding the other provisions of this subdivision (4),
12 when a project is located in a Vermont neighborhood, as designated under
13 24 V.S.A. chapter 76A, the fee shall be ~~no~~ not more than \$50.00 in situations
14 in which the application has received an allocation for sewer capacity from an
15 approved municipal system. This limitation shall not apply in the case of fees
16 charged as part of a duly delegated municipal program.

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

1 the Secretary under this subsection shall authorize the owner of the POTW to
2 regulate and enforce pretreatment discharges to the POTW consistent with the
3 authority set forth in 40 C.F.R. Part 40, including the establishment of
4 applicable civil, criminal, or administrative penalties for the violation of
5 pretreatment standards or requirements. The owner of a POTW that the
6 Secretary enters into an agreement with under this subsection may, as part of
7 the agreement, set application fees and other fees necessary for the regulation
8 of a pretreatment discharge to the POTW. The Environmental Division shall
9 have the same jurisdiction to review the actions of the owner of the POTW
10 delegated pretreatment authority by an agreement under this subsection and to
11 hear appeals as the Environmental Division’s jurisdiction over the Secretary’s
12 actions. The jurisdiction of the Environmental Division shall be construed
13 broadly with respect to review of the actions of an owner of a POTW delegated
14 pretreatment authority under this subsection.

15 (2) As used in this subsection:

16 (A) “Pretreatment” means the reduction of the amount of pollutants,
17 the elimination of pollutants, or the alteration of the nature of pollutant
18 properties in wastewater prior to or in lieu of discharging or otherwise
19 introducing pollutants into a POTW. Pretreatment includes those processes or
20 technologies authorized under 40 C.F.R. § 403.3(s).

1 (B) “Pretreatment discharge” means the introduction of pollutants
2 into a POTW from any nondomestic source regulated under 33 U.S.C.
3 § 1317(b), (c), or (d).

4 (C) “Publicly owned treatment works” or “POTW” has the same
5 meaning as in 40 C.F.R. § 403.3(q).

6 Sec. 8. CONTINGENT EFFECTIVE DATE

7 Sec. 7 (municipal pretreatment authority) shall take effect upon the U.S.
8 Environmental Protection Agency notifying the Secretary of Natural Resources
9 that the Agency of Natural Resources is authorized to enter into a
10 memorandum of understanding with a municipality to administer a
11 pretreatment program under the Modification to National Pollutant Discharge
12 Elimination System Memorandum of Agreement Between the State of
13 Vermont and the U.S. Environmental Protection Agency, Region 1, March 16,
14 1982, or other agreement between the U.S. Environmental Protection Agency
15 and the Agency of Natural Resources. The Secretary of Natural Resources
16 shall notify the Clerk of the House of Representatives and the Secretary of the
17 Senate when the U.S. Environmental Protection Agency authorizes municipal
18 administration of a pretreatment program.

19 Sec. 9. EFFECTIVE DATE

20 This act shall take effect on passage.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE