

1 Representative Olson of Starksboro moves that the House propose to the  
2 Senate that the report of the Committee on Environment be amended as  
3 follows:

4 First: In Sec. 1, 10 V.S.A. § 1971, by striking out subdivision (1) in its  
5 entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

6 (1) establish a comprehensive program to regulate the construction,  
7 replacement, modification, and operation of potable water supplies and  
8 wastewater systems in the State in order to ~~protect~~ encourage construction of  
9 housing and foster economic development while also protecting human health  
10 and the environment, including potable water supplies, surface water, and  
11 groundwater;

12 Second: By striking out Sec. 3, 10 V.S.A. § 1973, in its entirety and  
13 inserting in lieu thereof a new Sec. 3 to read as follows:

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

15 § 1973. PERMITS

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

18 (1) subdividing land;

19 (2) creating or modifying a campground in a manner that affects a  
20 potable water supply or wastewater system or the requirements for providing  
21 potable water and wastewater disposal;



1 with all standards and rules, or the authority of the Secretary to review and  
2 comment on design aspects of an application or to enforce Agency rules with  
3 respect to the design or the design certification. This section shall allow the  
4 Secretary to issue a permit under this chapter based on the certification by a  
5 licensed designer of record drawings or the design of a wastewater system or  
6 potable water supply without individual review of each certification by the  
7 Secretary.

8 ~~(2) The Secretary shall issue a permit for a new or modified connection~~  
9 ~~to a water main and a sewer main or indirect discharge system from a building~~  
10 ~~or structure in a designated downtown development district upon submission~~  
11 ~~of an application under subsection (b) of this section that consists solely of the~~  
12 ~~certification of a licensed designer, in accordance with subsection (d) of this~~  
13 ~~section, and a letter from the owner of the water main and sewer main or~~  
14 ~~indirect discharge system allocating the capacity needed to accommodate the~~  
15 ~~new or modified connection. However, this subdivision (2) shall not apply if~~  
16 ~~the Secretary finds one of the following:~~

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

19 ~~(B) As a result of an audit of the application performed on a random~~  
20 ~~basis or in response to a complaint, the system is not designed in accordance~~  
21 ~~with the rules adopted under this chapter. When the Secretary issues a permit~~

1 for a new or modified connection to an existing permitted indirect discharge  
2 system, the approval of the connection shall not require reissuance,  
3 reevaluation, or modification of the existing permitted indirect discharge  
4 system permit.

5 \* \* \*

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

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

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

20 (4) The Secretary may adopt a general permit for the permitting under  
21 this chapter of potable water supply systems with a design flow of less than

1 1,000 gallons per day when there is no requirement for any variance,  
2 hydrogeologic analysis, or yield testing of a potable water source.

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

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

6 (B) do not require a variance, a hydrogeologic analysis, or innovative  
7 or alternative technologies unless such technologies are allowed by the  
8 Secretary.

9 (1) When issuing a permit for an indirect discharge system, the Secretary  
10 shall require an easement or other permanent legal access only to the indirect  
11 discharge system and the disposal area. An easement or other permanent legal  
12 access shall not be required prior to issuance of the permit for every potential  
13 service connection from a building or structure to the indirect discharge  
14 system.

15 Third: By inserting three new sections to be Secs. 4a–4c to read as follows:

16 Sec. 4a. 10 V.S.A. § 1978 is amended to read:

17 § 1978. RULES

18 (a) The Secretary shall adopt rules, in accordance with 3 V.S.A. chapter 25,  
19 necessary for the administration of this chapter. These rules shall include the  
20 following:

1           (1) Performance standards for wastewater systems, including standards  
2           for the maximum application rates for the sizing of a leachfield for a  
3           wastewater system based on soil texture and soil structure.

4           (2) Design flow standards for potable water supplies and wastewater  
5           systems, including:

6                    (A) design standards for the construction of wastewater systems  
7                    underneath land used for parking, car parks, or other similar paved surfaces;

8                    (B) design flows specific to systems serving compact housing, small  
9                    homes, or community systems serving small homes;

10                   (C) reduced capacity requirements for wastewater systems using  
11                   water-saving devices based on the number of living units served by the system;  
12                   and

13                   (D) design flow requirements for community-based wastewater  
14                   systems that replace on-site wastewater systems that reflect the actual flow for  
15                   living units served.

16           (3) Design requirements, including isolation distances, provided that for  
17           wastewater systems that include a leachfield in a mound, the rules shall allow  
18           any fill material that meets ASTM International specification C-33 or type 2  
19           soil standards.

20           (4) Monitoring and reporting requirements.

21           (5) Soils and hydrogeologic requirements.



1 current with the known and proven technologies regarding potable water  
2 supplies and wastewater systems.

3 (2) The Secretary shall seek advice from a Technical Advisory  
4 Committee in carrying out the mandate of this subdivision. The Governor  
5 shall appoint the members of the Committee and ensure that there is at least  
6 one representative of the following entities on the Committee: professional  
7 engineers, site technicians, well drillers, hydrogeologists, town officials with  
8 jurisdiction over potable water supplies and wastewater systems, water quality  
9 specialists, technical staff of the Agency of Natural Resources, and technical  
10 staff of the Department of Health. Administrative support for the Advisory  
11 Committee shall be provided by the Secretary of Natural Resources.

12 (3) The Technical Advisory Committee shall provide annual reports,  
13 starting on January 15, 2003, to the Chairs of the House Committee on  
14 Corrections and Institutions and the Senate Committee on Institutions. The  
15 reports shall include information on the following topics: the implementation  
16 of this chapter and the rules adopted under this chapter; the number and type of  
17 alternative or innovative systems approved for general use, approved for use as  
18 a pilot project, and approved for experimental use; the functional status of  
19 alternative or innovative systems approved for use as a pilot project or  
20 approved for experimental use; the number of permit applications received  
21 during the preceding calendar year; the number of permits issued during the

1 preceding calendar year; and the number of permit applications denied during  
2 the preceding calendar year, together with a summary of the basis of denial.

3 \* \* \*

4 (f) The Secretary may adopt emergency rules as necessary to assure that the  
5 implementation of this chapter does not have an undue adverse effect upon the  
6 marketability of title to real estate.

7 Sec. 4b. 10 V.S.A. § 1983 is added to read:

8 § 1983. ISOLATION DISTANCES

9 (a) The minimum horizontal isolation distance between all components of a  
10 wastewater system and a potable water supply, including a public water source,  
11 shall be 75 feet unless, based on the specific site conditions, the Secretary  
12 determines that a greater isolation distance or larger isolation zone is necessary  
13 to:

14 (1) prevent the potential subsurface flow of effluent from impacting a  
15 potable water supply;

16 (2) prevent the potable water supply from impacting the performance of  
17 a wastewater system; or

18 (3) protect human health and the environment from a threat or potential  
19 threat of contamination posed by the construction techniques or materials used  
20 in the wastewater system or the potable water supply.

1        (b) The maximum horizontal isolation distance or isolation zone that the  
2        Secretary can approve under subsection (a) of this section is 200 feet.

3        Sec. 4c. TRANSITION; IMPLEMENTATION; EFFECTIVE DATE

4        (a) The Secretary of Natural Resources shall consult with the Technical  
5        Advisory Committee regarding the rulemaking required under 10 V.S.A.  
6        § 1978 in Sec. 4a of this act on or before October 1, 2026.

7        (b) On or before January 1, 2028, the Secretary of Natural Resources shall  
8        amend the Department of Environmental Conservation’s Wastewater System  
9        and Potable Water Supply Rules in order to ensure consistency with the  
10       requirements of this act, including the required rulemaking under 10 V.S.A.  
11       § 1978.

12       (c) Potable water supply and wastewater system permits shall be issued  
13       under the Department of Environmental Conservation’s current Wastewater  
14       System and Potable Water Supply Rules until the rules are amended for  
15       consistency with the requirements of this act or until July 1, 2027, whichever  
16       occurs first.

17       Fourth: By inserting five new sections to be Secs. 4d–4h to read as  
18       follows:

19       Sec. 4d. 10 V.S.A. § 913 is amended to read:

20       § 913. PROHIBITION

1 (a) Except for allowed uses adopted by the Department by rule, no person  
2 shall conduct or allow to be conducted an activity in a significant wetland or  
3 buffer zone of a significant wetland except in compliance with a permit,  
4 conditional use determination, or order issued by the Secretary.

5 (b) A permit shall not be required under this section for:

6 (1) any activity that occurred before the effective date of this section  
7 unless the activity occurred within:

8 (A) an area identified as a wetland on the Vermont significant  
9 wetlands inventory maps;

10 (B) a wetland that was contiguous to an area identified as a wetland  
11 on the Vermont significant wetlands inventory maps; or

12 (C) the buffer zone of a wetland referred to in subdivision (A) or (B)  
13 of this subdivision (1); and

14 (2) any construction within a wetland that is identified on the Vermont  
15 significant wetlands inventory maps or within the buffer zone of such a  
16 wetland, provided that the construction was completed prior to February 23,  
17 1992, and no action for which a permit is required under the rules of the  
18 Department was taken or caused to be taken on or after February 23, 1992.

19 (c) Notwithstanding the requirement under subsection (b) of this section for  
20 a permit to conduct an activity in a wetland or wetland buffer zone, no permit  
21 shall be required under this section for the siting of a leachfield in the buffer

1 zone of a Class II wetland when the leachfield is part of a wastewater system  
2 permitted by the Secretary of Natural Resources under chapter 64 of this title.

3 Sec. 4e. 10 V.S.A. § 1263(f) is amended to read:

4 (f)(1) Existing indirect discharges to the waters of the State from on-site  
5 disposal of sewage shall comply with and be subject to the provisions of this  
6 chapter, and shall obtain the required permit, ~~no~~ not later than July 1, 1991.

7 Notwithstanding the requirements of subsections 1259(d) and (e) of this title,  
8 the Secretary shall grant a permit for an existing indirect discharge to the  
9 waters of the State for on-site disposal of sewage unless ~~he or she~~ the Secretary  
10 finds that the discharge violates the water quality standards. Existing indirect  
11 discharges from on-site sewage disposal systems of less than 6,500 gpd  
12 capacity shall not require a permit.

13 (2) Notwithstanding the requirements of chapter 170 of this title, prior to  
14 issuing a permit under this chapter for a new indirect discharge, the Secretary  
15 shall provide notice to the public of a draft permit and a comment period of not  
16 more than 15 days. After the conclusion of the comment period, the Secretary  
17 shall allow any person to request a public hearing on the draft permit for a  
18 period of not more than 15 days.

19 Sec. 4f. 10 V.S.A. § 6081 is amended to read:

20 § 6081. PERMITS REQUIRED; EXEMPTIONS

21 \* \* \*



1 supply or wastewater system under 10 V.S.A. chapter 64 to be used for  
2 residential housing.

3 Sec. 4h. 32 V.S.A. § 9603 is amended to read:

4 § 9603. EXEMPTIONS

5 The following transfers are exempt from the tax imposed by this chapter:

6 \* \* \*

7 (29) Transfers of easements required for the permitting of a potable  
8 water supply or wastewater system under 10 V.S.A. chapter 64.

9 Fifth: By striking out Sec. 9, effective date, and inserting in lieu thereof a  
10 new Sec. 9 to read as follows:

11 Sec. 9. EFFECTIVE DATES

12 (a) This section and Secs. 1–4 (potable water supply and wastewater  
13 systems permits) and Secs. 7 and 8 (pretreatment discharge) shall take effect  
14 on passage.

15 (b) All other sections shall take effect on July 1, 2026.