

1 S.212

2 Introduced by Senator Watson

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; potable water supply and wastewater
6 connections; municipal authority

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 Agency of Natural Resources (ANR) to delegate to municipalities the
9 permitting and technical review of potable water supply and wastewater
10 system connections. The bill also would require ANR to adopt a general
11 permit for municipal potable water supply and wastewater system connections
12 that are reviewed by delegated municipalities.

13 An act relating to potable water supply and wastewater system connections

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

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

16 § 1971. PURPOSE

17 It is the purpose of this chapter to:

18 (1) establish a comprehensive program to regulate the construction,
19 replacement, modification, and operation of potable water supplies and
20 wastewater systems in the State in order to protect human health and the

1 environment, including potable water supplies, surface water, and
2 groundwater;

3 * * *

4 (6) allow delegation ~~of the permitting program created by this chapter~~ to
5 municipalities ~~demonstrating the capacity to administer the chapter~~ of technical
6 review of potable water supply and wastewater system connections pursuant to
7 the rules of the Agency adopted under this chapter.

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

9 § 1972. DEFINITIONS

10 For the purposes of this chapter:

11 * * *

12 (6) “Potable water supply” means the source, treatment, and conveyance
13 equipment used to provide water used or intended to be used for human
14 consumption, including drinking, washing, bathing, the preparation of food, or
15 laundering. This definition includes a service connection to a public water
16 system of any size that does not require a permit pursuant to chapter 56 of this
17 title. This definition does not include any internal piping or plumbing, except
18 for mechanical systems, such as pump stations and storage tanks or lavatories,
19 that are located inside a building or structure and that are integral to the
20 operation of a potable water system. This definition also does not include a
21 potable water supply that is subject to regulation under chapter 56 of this title.

* * *

(10) “Wastewater system” means any piping, pumping, treatment, or disposal system used for the conveyance and treatment of sanitary waste or used water, including carriage water, shower and wash water, and process wastewater. This definition does not include any internal piping or plumbing, except for mechanical systems, such as pump stations and storage tanks or toilets, that are located inside a building or structure and that are integral to the operation of a wastewater system. This definition also does not include wastewater systems that are used exclusively for the treatment and disposal of animal manure. In this chapter, “wastewater system” refers to a soil-based disposal system of less than 6,500 gallons per day, or a ~~sewerage~~ sanitary sewer collection system connection of any size.

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

§ 1973. PERMITS

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

* * *

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

* * *

1 (f)(4) The Secretary shall give deference to a certification by a licensed
2 designer with respect to the engineering design or judgment exercised by the
3 designer in order to minimize Agency review of certified designs. Nothing in
4 this section shall limit the responsibility of the licensed designer to comply
5 with all standards and rules, or the authority of the Secretary to review and
6 comment on design aspects of an application or to enforce Agency rules with
7 respect to the design or the design certification.

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.~~

* * *

(k)(1) The Secretary shall adopt a general permit for municipal potable water supply and wastewater system connections that are reviewed by municipalities with authority delegated to them pursuant to section 1976 of this chapter.

(2) The Secretary may adopt by rule general permitting programs for other activities permitted under this section.

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

§ 1976. DELEGATION OF CONNECTION AUTHORITY TO

MUNICIPALITIES

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

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

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

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

1 ~~(ii) the water main and sanitary sewer collection line that the water~~
2 ~~service line and sanitary sewer service line are connected to are owned and~~
3 ~~controlled by the delegated municipality.~~

4 ~~(2) If a municipality submits a written request for delegation of this~~
5 ~~chapter, the Secretary shall delegate authority to the municipality to implement~~
6 ~~and administer provisions of this chapter, the rules adopted under this chapter,~~
7 ~~and the enforcement provisions of chapter 201 of this title relating to this~~
8 ~~chapter, provided that the Secretary is satisfied that the municipality:~~

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

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

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

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

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

4 ~~(F) will comply with all other requirements of the rules adopted under~~
5 ~~section 1978 of this title~~ The Secretary may delegate to a municipality
6 authority to conduct technical review of municipal potable water supply and
7 wastewater system connections, provided that the water main and sanitary
8 sewer collection line that the water service line and sanitary sewer service line
9 are connected to are owned and controlled by the delegated municipality.

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

15 (A) is qualified to perform the technical review as determined by the
16 Secretary;

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

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

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

(f) The Secretary may review municipal implementation of this section on a random basis, or in response to a complaint, or on ~~his or her~~ the Secretary's own motion. This review may include consideration of the municipal implementation itself, as well as consideration of the practices, testing procedures employed, systems designed, system designs approved, installation procedures used, and any work associated with the performance of these tasks.

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

* * *

VT LEG #385485 v.1

1 (A) Original applications, or major amendments for a project with the
2 following proposed design flows. In calculating the fee, the highest proposed
3 design flow whether wastewater or water shall be used:

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

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

7 (iii) design flows greater than 2,000 and less than or equal to
8 6,500 gpd: \$3,000.00 per application;

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

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

13 (B) Minor amendments: \$150.00.

14 (C) Minor projects: \$270.00.

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

(E) Projects permitted under a municipal potable water supply or wastewater system connection general permit as established in 10 V.S.A. § 1973(k)(1) or as adopted by rule per 10 V.S.A. § 1973(k)(2): \$500.

* * *

This act shall take effect on July 1, 2026.