

1 TO THE HONORABLE SENATE:

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

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

8 § 1971. PURPOSE

9 It is the purpose of this chapter to:

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

15 * * *

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

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

21 § 1972. DEFINITIONS

1 For the purposes of this chapter:

2 * * *

3 (6) “Potable water supply” means the source, treatment, and conveyance
4 equipment used to provide water used or intended to be used for human
5 consumption, including drinking, washing, bathing, the preparation of food, or
6 laundering. This definition includes a service connection to a public water
7 system of any size. This definition does not include any internal piping or
8 plumbing, except for mechanical systems, such as pump stations and storage
9 tanks or lavatories, that are located inside a building or structure and that are
10 integral to the operation of a potable water system. This definition also does
11 not include a potable water supply that is subject to regulation under chapter 56
12 of this title.

13 * * *

14 (10) “Wastewater system” means any piping, pumping, treatment, or
15 disposal system used for the conveyance and treatment of sanitary waste or
16 used water, including carriage water, shower and wash water, and process
17 wastewater. This definition does not include any internal piping or plumbing,
18 except for mechanical systems, such as pump stations and storage tanks or
19 toilets, that are located inside a building or structure and that are integral to the
20 operation of a wastewater system. This definition also does not include
21 wastewater systems that are used exclusively for the treatment and disposal of

1 animal manure. In this chapter, “wastewater system” refers to a soil-based
2 disposal system of less than 6,500 gallons per day, or a ~~sewerage~~ sanitary
3 sewer collection system connection of any size.

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

5 § 1973. PERMITS

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

8 * * *

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

11 * * *

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

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

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

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

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

12 * * *

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

1 for purposes of approving a potable water supply or wastewater system
2 connection.

3 (2) The Secretary may adopt general permitting programs for other
4 activities that require a permit under this section.

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

6 § 1976. DELEGATION OF CONNECTION PERMITTING AUTHORITY
7 TO MUNICIPALITIES

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

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

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

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

17 ~~(ii) the water main and sanitary sewer collection line that the water~~
18 ~~service line and sanitary sewer service line are connected to are owned and~~
19 ~~controlled by the delegated municipality.~~

20 ~~(2) If a municipality submits a written request for delegation of this~~
21 ~~chapter, the Secretary shall delegate authority to the municipality to implement~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) 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 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be

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) Projects permitted under a potable water supply or wastewater
10 system connection general permit issued under 10 V.S.A. § 1973(k)(1) or as
11 adopted under 10 V.S.A. § 1973(k)(2): \$500.00.

12 * * *

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

14 (a) On or before December 1, 2027, the Secretary of Natural Resources
15 shall publish the general permit and manual required under 10 V.S.A.
16 § 1973(k)(1) for potable water supply or wastewater system connections.

17 (b) Beginning on January 1, 2028, the Secretary of Natural Resources shall
18 begin to accept certifications of the connections of potable water supplies and
19 wastewater systems under the general permit required by 10 V.S.A.
20 § 1973(k)(1).

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

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

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

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

11 (2) References in chapter 6 of the Department of Environmental
12 Conservation’s Wastewater System and Potable Water Supply Rules related to
13 full delegation to municipalities of permitting potable water and wastewater
14 system connections are no longer applicable or enforceable due to the repeal of
15 statutory authority for full delegation.

16 Sec. 7. EFFECTIVE DATE

17 This act shall take effect on July 1, 2026.
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3 (Committee vote: _____)

4

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Senator _____

6

FOR THE COMMITTEE