

Wastewater System and Potable Water Supply Rules (Rules)

Do I Need a Permit?

October 9, 2015

Are you planning on subdividing your property; construct a new building; change the use of your existing building or house; or replace your water supply or septic system (wastewater system)? You may need a Wastewater System and Potable Water Supply Permit (WW Permit). Actions that need a WW Permit include:

- the subdivision of a lot or lots;
- the construction of a new potable water supply or wastewater system;
- the modification or replacement of an existing potable water supply or wastewater system;
- the construction of a new building or structure;
- the modification of an existing building or structure in a manner that increases the design flow or modifies other operational requirements of a potable water supply or wastewater system;
- the connection of an existing potable water supply or wastewater system to a new or modified structure;
- the change of use of a building or structure in a manner that increases the design flow or modifies other operational requirements of a potable water supply or wastewater system including the conversion of a single family residence from seasonal to year-round use;
- the creation of a campground;
- the modification of a campground, including the creation, modification or relocation of one or more individual campsites, in a manner that affects a potable water supply or wastewater system or the requirements for providing potable water and wastewater disposal;
- the use or operation of a failed potable water supply or failed wastewater system; or
- the commencement of construction of any of the above. For the purposes of this section, commencing construction means any work involving the physical construction or modification of a building or structure and its associated potable water supply or wastewater system including, but not limited to: foundation excavation; foundation or building construction; and site work that involves or may affect any portion of the existing or proposed potable water supply or wastewater system serving the project.

Note, adding a bedroom is considered an increase in the design flow will need a permit.

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What are the Consequences of Not Obtaining a WW Permit?

People who did not obtain a permit for work that needed one may ultimately find that there is a cloud on title for their property that may delay or prevent future sale of the property.

Landowners may need to pay a fine and pay a lawyer to help defend them in a court of law.

Potentially the water supply or septic system that was installed without a permit may not meet the standards of the Rules forcing the landowner to pay twice for the same supply or system.

Who Do I Need to Prepare an Application?

Most projects that need a WW Permit also need a designer to design the water supply or wastewater system. Designers fall into four categories:

- Class 1 Designer: a professional engineer who is soil compliant with the Professional Engineer's Board may design all water supplies and wastewater systems;
- Class B Designer: a person who is licensed by the State of Vermont to design water supplies for single family residences and septic systems with design flows of 1350 gallons per day or less;
- Class BW Designer: a Class B Designer who also is licensed to design water systems with design flows of 1350 gallons per day or less; and
- Class A Designer: a person who is licensed by the State of Vermont to design water supplies for single family residences and septic systems with design flows of 1350 gallons per day or less but may not design systems that need site modifications or that use sewage pre-treatment units.

A list of designers can be found at <http://drinkingwater.vt.gov/designerlicensing.htm>.

What Can I do Without a Permit?

There are changes that you can make to a building, a water supply, a septic system or property boundary lines that do not need a permit. Many of the changes are listed in Subchapter 3, Section 1-304(a)(4) of the Rules. These include:

- § 304(a)(11) - allows for certain changes for boundary line adjustments;
- § 304(a)(12) - allows for minor repairs or replacements for a potable water supply or wastewater (septic) system;
- § 304(a)(21) - allows for the reconstruction of a building that was destroyed or removed provided reconstruction of the building takes place within 2 years of the removal of the building; and
- § 304(a)(22) - allows for the replacement of a potable water supply that serves one single family residence on its own lot. Note, the landowner needs to file a form in the Town land records for the well location for the new well to be exempt from the permitting requirements of the Rules. The forms can be found at <http://drinkingwater.vt.gov/poregionalofficespermits.htm> .

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What Can I do to My Water Supply or Septic System without Getting a WW Permit?

Minor repairs or replacements can be made to any potable water supply or septic system without getting a WW Permit.

For a potable water supply, the Rules allow for the repair or replacement of an individual pipe leading from the well to building; the water pump; maintenance including replacing filters, screens, or mechanical components; replacing lavatories or toilets; and deepening or hydrofracturing a well.

For a wastewater system, the Rules allow the replacement of a septic tank; replacing a pipe from the building to the septic tank; replacing or repairing a pipe from the septic tank to a leachfield; repairs to a pump station including replacing the pump; and replacing lavatories or toilets. The landowner needs to contact the Division prior to any work being performed on the actual leachfield to determine if the work needs a WW Permit.

What Can I do in My Own Residence?

If you have an existing single family residence on its own lot, you may add bathrooms, washers, and other plumbing fixtures without needing a WW Permit provided the connection are made inside the building and you do not need to construct any exterior water or sewer lines.

Using your residence also as a place of business where there are no employees or regular visits by the public is allowed without a WW Permit.

Using your residence also as a place of business where there are employees and regular visits by the public may be allowed without a WW Permit. It is best for landowners to contact the Regional Office if there are any questions before adding a business that may need a permit. (See Section 1-304(a)(6) through (a)(10) of the Rules.)

What is a Failed Septic System?

A failed system is defined as a system that allows wastewater to be exposed to the open air; to pool on the surface of the ground; discharges directly to surface water; or to back up into a building.

Wastewater has pathogens, bacteria and viruses that may cause illness. Children and the elderly are particularly susceptible to illnesses when exposed to untreated wastewater. It is important to correct the failure in a manner that meets the Rules to allow proper treatment of the wastewater before reaching the groundwater.

What Should I Do if I Failed Septic System?

First contact a designer who is qualified to assist you to prepare the necessary designs for a new wastewater system and to prepare an application that needs to be filed to obtain a permit to **Do I Need a Permit?**

construct the system. The designer often calls the Regional Engineer to meet at your property to discuss different designs that are suitable for you.

You may also contact the Regional Engineer to obtain information on the permitting process.

What is a Failed Water Supply?

A failed potable water supply is one that exceeds the drinking water standards for total coliform, nitrate, nitrite, arsenic, and uranium. Other contaminants may exceed drinking water standards and, when found, may lead the Program to identify the supply being failed.

What Should I Do if I Failed Water Supply?

People who have a potable water supply (non-public) may treat for hardness, contaminants that are listed as secondary standards for drinking water, radon, lead, arsenic and coliform bacteria do not need a WW Permit. The backwash from the treatment system may discharge to the existing septic system or to its own septic system. We have Guidance Document 2011-01 at <http://drinkingwater.vt.gov/roguidance/pdf/guidance2011.01.pdf#zoom=100> that explains what treatment is allowed without obtaining a permit and how to dispose of the backwash from those treatment systems.

People who have a single family residence on its own lot may also install a new potable water source as explained above in “What Can I do Without a Permit?”.

Treatment units designed to reduce or eliminate all other contaminants do need a WW Permit.

I have a Residence that I Occupy Seasonally and Now Want to Occupy as a Year Round. Is this Possible?

The Wastewater System and Potable Water Supply Rules (Rules) states a Wastewater System and Potable Water Supply Permit (WW Permit) is required to convert a single family residence from seasonal to year round occupancy. A residence that was occupied for at least 180 days in any calendar year between December 31, 1986 and December 31, 2006 is a year round residence. All other residences with the exception of primitive camps are seasonal residences.

Can I Add an Accessory Apartment in My Residence?

Adding an accessory apartment requires a Wastewater System and Potable Water Supply Permit. There is a document at <http://drinkingwater.vt.gov/poregionaloutreach.htm> that explains how to add an accessory apartment.

Can I Build a Deer Camp?

The Rules has a primitive camp exemption which is defined as a building that is for residential
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use and is occupied for no more than 60 days in any calendar year and occupied for no more than 3 consecutive weeks.

A primitive camp is allowed on an undeveloped lot or a lot that contains only one single family residence provided:

- any plumbing within the camp is limited to one sink;
- there is no toilet that requires water for flushing; and
- the only soil-based wastewater system consists of a subsurface system for the disposal of the sink water.

A primitive camp may have a waterless toilet such as an incinerator or composting toilet or a self-contained outhouse. The disposal of the contents of each of these units must comply with § 1-922(b) of the Wastewater System and Potable Water Supply Rules. Disposal includes:

- shallow burial in a location approved by the Agency that meets the minimum site conditions in § 1-805 of the Rules; or
- bagged and disposed of in a certified landfill.

Note: Prior to applying the contents of the toilets to the surface of the ground, approval is required from the Wastewater Section of the Watershed Management Division.

Note: The installation of a soil-based leachfield and pit privy are wastewater systems and are prohibited unless permitted by the Drinking Water and Groundwater Protection Division. The water supply and wastewater system must fully comply with the Wastewater System and Potable Water Supply Rules.

Have Questions?

Visit the home page for the Regional Office Program at <http://drinkingwater.vt.gov/poregionaloffices.htm> for more information. At the bottom of the page is a map of Vermont with the location of the five Regional Offices. Click on the Office that serves your Town and you will find your Permit Specialist, Act 250 Coordinator, and the Regional Office Program. A map of the Regional Offices that is on the link is below.

Visit <http://drinkingwater.vt.gov/poregionalofficesrules.htm> to read the Rules.

