

### **Public Water System Construction Permit Application Instructions**

*This Document is intended for use with the Drinking Water and Groundwater Protection Division Construction Permit Application dated October 2019.*

#### **Overview:**

- Pursuant to Subchapter 21-4 of the *Vermont Water Supply Rule, Chapter 21 of the Vermont Environmental Protection Rules (WSR)*, a Public Water System Construction Permit is required for the construction, improvement, modification, alteration, renovation or conversion of infrastructure for a Public Water System. Public Water Systems are defined in 21-2 of the WSR.
- This document has been prepared to provide supplemental information to assist applicants in completing the Public Drinking Water System Construction Permit Application Form, which is available on the Drinking Water and Groundwater Protection Division's website at this [link](#).

#### **Fees**

- In order to provide the Department of Environmental Conservation with the resources necessary to continue to provide services and support to the regulated community, the Department charges fees. The fee required for a public water system construction permit application is determined as follows:
  - Applications involving a new permit or a major amendment to an existing permit for Public Community & Non-Transient Non-Community (NTNC) Water Systems are subject to a \$900 fee per application, plus \$.003 gallons per day of design capacity for any treatments proposed in the application. Applications for minor and administrative amendments to existing permits for Community and NTNC systems are subject to a \$150 fee for minor or administrative amendment requests.
  - Applications involving a new permit or a major amendment to an existing permit for Public Transient Non-Community (TNC) Water Systems are subject to a \$500 application fee, plus \$.003 per gallon per day of design capacity for any treatments to be provided. Applications for minor and administrative amendments to existing TNC systems are subject to a \$150 fee for minor or administrative amendment requests.
- Application Fees must be paid by submitting a check or money order to the Division, made payable to the *State of Vermont*.

Completed Applications shall be submitted to the Division via the following methods:

- Electronic Submittal: [Vermont FTP Site](#) (NOTE: link **MUST** be opened in Windows Explorer, not a web browser). Electronic submittals should be compiled into a single .PDF document that is submitted to the FTP Site.
- Fee Payment and/or Paper Copy Submittal:

Drinking Water and Groundwater Protection Division  
1 National Life Drive, Davis 4  
Montpelier, VT 05620-3521  
Fax: 802-828-1541

**NOTE:** If a Construction Permit Application is withdrawn or abandoned by the Applicant after it is deemed administratively complete, but before the technical review is initiated, the administrative fee will be retained. This fee is equal to thirty (30) percent of the permit application fee.

## Environmental Notice Bulletin

As of January 1, 2018, certain permits, certifications, and registrations are required to be noticed publicly on the Environmental Notice Bulletin (ENB) website and must follow procedural rules established under Act 150 (10 V.S.A. Chapter 170). Information about the ENB website and procedures may be accessed via the following [link](#). Under Act 150, Draft Public Water System Construction Permits for both new permits and amendments to existing permits are required to be placed the ENB website for public notice for at least 14 days prior to permit issuance, except for permits authorizing a change in the chemical disinfectant to be used for a public water system where a 30-day public notice period is required.

## Review of Permit Applications

The Drinking Water and Groundwater Protection Division (Division) performs administrative and technical reviews of the public water system Construction Permit Applications it receives. Administrative reviews are performed to determine whether the submitted application includes all documentation and information as required on the application form, including completeness of the application form, submittal of a Fee, and submittal of engineering drawings, technical specifications, and a technical design basis with the application. Technical reviews are performed to determine whether the drinking water infrastructure proposed in the application meets the requirements of the WSR (Chapter 21) and the Vermont Standards for Water System Design, Construction, and Protection (Appendix A of the WSR).

- An administratively complete Application is defined as an Application for which all initially required documentation and required permit fees have been submitted, including a completed permit application form, submittal of engineering drawings, and a technical design basis for the proposed modifications. A permit application must be administratively complete in order for the Division to conduct a technical review of the application. If a Construction Permit Application is administratively incomplete, the Division reserves the right to return the application.
- The Division will not perform a technical review of a public water system construction permit application until the application has been determined to be administratively complete. Technical reviews will not be performed for administratively incomplete applications.

## Guidance for Preparing a Complete Application

The following sections of this document provide direction for completing the public water system construction permit application form and provided required supporting documentation. These sections are organized using the same format as the application form.

### I. Water System Information, Applicant, and Engineer

#### A. Water System Information

This section must contain information about the public water system that the application is proposing to construct or modify infrastructure for.

- Name of Public Water System (PWS): This should be the name of the PWS being modified or constructed, as listed with the Division. This entity will be the supplier of water to the project.
- WSID #: Include the PWS Water System Identification Number (WSID#). If the WSID# is unknown and the application proposes construction of a new PWS, leave this field blank and the Division will assign a WSID# for the proposed PWS.
- Public Water System Classification: Indicate the classification of the PWS. Refer to Subchapter 21-2 of the WSR for definitions of Public Community, Public Non- Transient Non-Community (NTNC), and Public Transient Non-Community (TNC) water systems.
  - For the Construction of a new PWS, contact the Division Capacity Program for assistance identifying the classification of the PWS
  - If the PWS classification will change in association with the construction project, indicate the intended classification.

- **For proposed new NTNC and Public Community Water Systems:** Pursuant to Subchapter 21-15 of the WSR, the Division will not issue a construction permit for a proposed new public community or public NTNC Water System until either a Completed Consecutive Public Water System Exemption Application and Certification Form has been submitted to the Division (applicable for proposed consecutive community water systems, see the section in this document that discusses Section IV.D of the application form), or the Division has made a formal written determination regarding the technical, managerial, and financial capacity of the entities that will be responsible for the proposed system. An application form will not be considered technically complete until the Division has made a capacity determination for the proposed new water system.

## B. Applicant

This section should be completed by the entity proposing and constructing the project.

- Applicant: The Applicant is the legal entity proposing to construct the project described in the application, that will own the proposed infrastructure once it is constructed. The Applicant may be a municipality, fire district, homeowners' association or similar entity, corporation, school district, municipal entity (town, village, fire district), or an individual. If the Applicant is an association or corporation, it must be a valid legal entity in active standing with the Vermont Secretary of State's Corporations Division. If more than one entity is proposing to construct the project, the additional entities must be identified as co-applicants (see Section I.D). Typically, the Applicant is one of the following:
  - The owner of an existing Public Water System (PWS) who is proposing modifications to the system's approved infrastructure.
  - An entity proposing to construct distribution main to serve proposed buildings that will be served by an existing public water system. In this example, the applicant may not be the owner or Water Supplier (see 21-2 of the WSR) for the public water system.
  - The owner of a proposed new public water system.
- Authorized Contact Person & Title: The authorized contact person is a representative of the Applicant who has been granted *legal* authority to sign on behalf of the Applicant. Authorized individuals include a principal of the legal entity registered with the Vermont Secretary of State Corporations Division, a board president, committee chair, school principal, or other legally authorized individual. This individual will be Applicant's main point of contact for all correspondence regarding the permit application. The Authorized Contact Person is required to complete the Applicant's Certification in Section IV.
- Business Mailing Address: Identify the physical address where the Authorized Contact Person will receive mail.
- Business Phone: The business phone number for the Authorized Contact Person.
- Business Cell: The cell phone number for the Authorized Contact Person.
- Business Email: The email address for the Authorized Contact Person.

## C. Professional Engineer

Subchapter 21-4, Section 4.2.1 of the WSR requires that technical information prepared for a public water system construction permit application (including preliminary engineering reports, engineering drawings, technical specifications, and design basis reports) be prepared by a Vermont-licensed professional engineer.

- Organization/Firm Name: Identify the organization/firm for which the Vermont Registered Professional Engineer (Engineer) is employed.

- **Engineer Name:** The name of the Engineer who is responsible for the design related information included within the Construction Permit Application (including the basis of design, technical specifications, engineering drawings). The Engineer is required to be a Vermont Registered Professional Engineer. The Engineer is required to complete the certification statement in Section IV.C of the application.
- **VT P.E. License #:** Indicate the license number issued by the State of Vermont Board of Professional Engineering. The license must be in active status with a specialty in one of the areas of Civil, Environmental, or Sanitary.
- **Business Mailing Address:** Identify the physical address where the Engineer will receive mail.
- **Business Phone:** The business/office phone number for the Engineer.
- **Business Cell:** The cell phone number for the Engineer.
- **Business Email:** The email address for the Engineer.

#### **D. Co-applicant**

Complete this section only if there is more than one applicant for the project following the same guidelines outlines in the Applicant section of these instructions. Include additional sheets as necessary to identify multiple co-applicants. An example of a project where multiple applicants would be identified on the permit application include a proposed distribution main extension to be connected to a public community water system where the owner of the public community water system and the developer proposing to construct the line extension have established a written agreement for the public water system to take ownership and/or responsibility for the operation and maintenance of the newly constructed infrastructure following construction completion.

## **II. Project Information**

This information assists the Division with the initial review of the application and helps to address common questions and considerations that can slow down or interrupt review of the application.

- **Project Name:** The name used to identify the proposed construction or modification of a Public Water System (PWS). Do not use the PWS name as the Project Name (*e.g.* "PWS improvements"). The Project Name should capture the major elements of the project construction (*e.g.* "Booster Pump Station on Main Street")
- **Has a Public Water System Construction Permit been previously issued for this proposed project?** If yes, please provide the applicable permit number, attach a summary of the work completed as authorized in the previously issued permit. Note: The Permittee identified on the previously issued permit is responsible for providing all documentation as required by the permit conditions.
- **Type of Construction Being Proposed:** Indication if the Construction Permit Application is for the construction of a new PWS or the modification to an existing PWS.
  - **New PWS:** Check this box if the application proposes construction of infrastructure to serve a new public water system as defined in 21-2 of the WSR.
  - **Modification to an Existing PWS:** Check this box for proposed projects that involve constructing new infrastructure or modifying existing infrastructure for an existing public water system that is currently being regulated by the Division.
- **Brief Description of Project Elements:** The drinking water project elements that are being constructed for a new PWS or being modified for an existing PWS. This should be limited to

drinking water infrastructure (e.g. brief description of construction and/or modification of source, transmission, treatment, distribution, pumping, and storage). Limit the description to 1,000 characters. This description will be viewable by the public on the ENB.

- 911 Address(es) of the Lot(s): The address at which the project is physically located and can be accessed for inspection by the Division. For linear projects, please use the addresses for the two ends of the project, if applicable.
- SPAN Number(s): The School Parcel Account Numbers (SPAN) of all properties where construction is proposed to occur. SPANs may not be required for some pipeline projects. This number is available from the municipal tax records and often can be obtained from the municipality's website. For linear projects, use the SPANs for the two ends of the project. SPANs are available for projects located in the Public Right-of-Way (ROW).
- Questions:
  - a. Indicate if this Application is proposing to construct a connection to a source. A Construction Permit Application associated with connecting a new public water supply source to a PWS will be considered technically incomplete until a source permit has been issued by the Division.
  - b. Indicate if the proposed construction or modifications will address a deficiency or compliance order which was communicated to the PWS in a Permit to Operate, Sanitary Survey, Notice of Alleged Violation or other communication from the Division indicating a Compliance Order or Compliance Schedule.
  - c. Apply only for the phases of the project expected to be completed within two (2) years. Construction permits expire two (2) years following permit issuance, and a new permit must be obtained to complete any construction authorized by the permit that is not completed within two (2) years. If the construction is expected to be completed in phases, a Master Plan is required. The summary of the Master Plan should include an overview of each phase including proposed construction scope, a timeline of each phase, and engineering drawings, if applicable.
  - d. Indicate if this project is receiving funding from any of the listed sources. The Division routinely copies funding agencies on correspondence related to technical review of permit applications and decisions made by the Division regarding the permit application (permit issuance or denial). The Division may discuss its technical review of permit applications with funding agencies to assist with coordinating these projects.
  - e. Indicate which elements of the PWS are proposed to be constructed or modified. Each element indicated should be described in the Brief Description of Project Elements and the Detailed Project Description. Indicate the geographic coordinates for the center of the construction area. The NAD83 is required to be used. For linear projects, coordinates are needed for the two ends of the project.
  - f. Indicate the design capacity of each treatment facility to be modified if the application proposes constructing or modifying treatment facilities for a public water system. There is an additional application fee for proposed treatment modifications, this additional fee is calculated as \$.003 per gallon per day of design capacity.

### **III. Technical Design Basis**

- a. Identify all engineering reports and documentation that establishes the technical design basis for the proposed construction presented in the permit application, indicating whether these reports/documents have been previously approved by the Division. Copies of these reports/documents must be appended to the permit application if the Division does not already have copies of the reports in its files for the PWS.

- b. If the proposed design presented in the application includes a component that does not meet the requirements of the Vermont Standards for Water System Design, construction, and Protection (Appendix A of the WSR), A Variance must be obtained as required by Subchapter 21-3, Section 3.7 of the WSR. The permit application will be considered technically incomplete until the Division has made a final decision (Approval or Denial) regarding a Variance, if one is required for the proposed project. Variance requests must be submitted to the Division and must meet the criteria established in Subchapter 21-3, Section 3.7.2 of the WSR.

#### IV. Certifications

- A. Applicant Certification:** The Applicant (as identified in Section I.A of the Application Form) is required to read, sign, and date the certification. This certification must be completed by the Applicant or a representative of the Applicant who has been granted *legal* authority to sign on behalf on the Applicant. Authorized individuals include a principal of the owning entity registered with the Vermont Secretary of State Corporations Division, a board president, committee chair, school principal, or other legally authorized individual.
- B. Professional Engineer Certification:** The Professional Engineer responsible for preparation of the design presented in the permit application is required to complete this certification section. The check boxes included in this certification regarding required additional information to support the application must be completed as appropriate for the proposed design.
- Letter of Transmittal: The Letter of Transmittal is a cover letter that will identify the title of the application components and their location within the Construction Permit Application submittal. The Division's FTP site includes an electronic Letter of Transmittal specific to Construction Permit Application packages.
  - Application Fee: An application fee is required to be submitted with the Construction Permit Application. The application fee is described on Page 1 of this document.
  - Detailed Description of Proposed Construction: Per Appendix A, Part 1 of the WSR, this detailed description is required to describe all elements related to the construction or modification of the PWS.
  - Location Map of Proposed Construction: The location map is required to be sufficient to physically locate all portions of the proposed construction project. Include approximate size, scale, north arrow, and legend, if appropriate.
  - Basis-of-Design Report: The Basis-of Design report is required to meet the relevant requirements of the WSR, including Appendix A Part 1.2, Part 2, and the project-specific parts of Appendix A Parts 3 through 12. A concise and clearly described technical basis for the proposed engineering design (BOD Report) is necessary for a technically complete Construction Permit Application submittal. A description of the existing and proposed water system, the pertinent calculations and analyses, design criteria, rationale, and assumptions shall be provided in the report. An alternatives analysis shall also be provided if a Preliminary Engineering Report was not previously prepared for the project. The reasons for recommending a given alternative shall be provided along with capital, operation and maintenance costs and a project schedule.
  - Stamped, Signed, and Dated Design Drawings: Design drawings are required to be consistent with accepted professional standards for engineering drawings and to meet the relevant requirements of the WSR Appendix A Part 1.3. The design drawings shall represent the 90+ % level of design and are required to be appropriate for construction. Each drawing is required to be labeled with a title and date and include the stamp and signature of the Engineer. Prior written approval from the Division to submit hand-drafted drawings in lieu of electronic drawings is required.
  - Construction Specifications: Construction Specifications are required to meet the requirements of the WSR Appendix A Part 1.4. If a technical specification book or project manual has been

prepared, then the specification book is required to be clearly labeled as Construction Specifications, dated, and include the stamp and signature of the Engineer. The Division will not review contract specifications. For TNCs or NTNCs, manufacturers' specifications are acceptable.

- **Permit-to-Operate Application:** A Permit-to Operate Application is required for a public water system for authorization to operate the proposed infrastructure as described in the construction permit application. This form is available on-line at this [link](#) for Community, NTNC, and TNC systems that require an individual permit to operate. Class 1A and Class 1B TNC Water Systems should submit [this form](#) to obtain coverage under the Division's General Permit to Operate for Class 1A and Class 1B systems.

**C. Co-Applicant Certification (if applicable):** This section must be completed by every co-applicant for applications that include multiple applicants. This certification must be completed by the co-applicant or a representative of the co-applicant who has been granted *lega* authority to sign on behalf of the co-applicant. Authorized individuals include a principal of the owning entity registered with the Vermont Secretary of State Corporations Division, a board president, committee chair, school president, or other legally authorized individual.

**D. Public Water system Approval:** This Section must be completed by the Water Supplier (as defined in Subchapter 21-2 of the WSR) when Applicant is not the Permittee identified on the applicable public water system Permit to Operate. Typically, the Water Supplier is the Owner of the Public Water System. An example situation where this approval is required includes a proposed distribution line extension project to be constructed and owned by a private company but connected to an existing public community water system. This approval is not required if the Water Supplier is identified as a co-applicant on this application. When this approval is completed as part of an application, one of three attachments must also be provided with the application:

- A Completed Consecutive Public Water System Exemption Application and Certification Form which is available at this [link](#).
- A Summary of the Operation and Maintenance Agreement established for the proposed new infrastructure. This summary should describe the agreement between the Water Supplier and the Applicant regarding how the proposed infrastructure will be operated, maintained, and monitored to comply with state and federal drinking water regulations.
- A written technical, Managerial, and Financial Capacity Determination prepared by this Division in accordance with Subchapter 21-15 of the WSR.