

Drinking Water and Wastewater Permitting for Food and Lodging FAQs

The Drinking Water and Groundwater Protection Division has two programs that regulate water supplies and wastewater systems for food service and/or lodging activities that will be covered: -

Wastewater Systems and Potable Water Supply Rules

-Water Supply Rules

Following these 2 sections, In depth WW questions and general clarifications will be addressed.

GENERAL WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMITTING QUESTIONS:

What is a wastewater (system and potable water supply) permit (WW Permit)?

A Wastewater System and Potable Water Supply Permit (commonly known as a WW permit) approves a potable water supply and or wastewater system for a subject project. Examples of projects include food service and lodging activities. These systems are specifically engineered and sized for a proposed use, and structure's occupancy in accordance with the "Rule" (Environmental Protection Rule Chapter 1: Wastewater System and Potable Water Supply Rule, Effective 11/06/2023, available online at <https://dec.vermont.gov/water/laws/ww-systemsrules>.)

When is a WW Permit Needed?

A WW Permit is required for actions detailed in section 1-301 of the WW Rules. With specific regard to Food and Lodging, a permit may be required if the following generalized actions occur:

- Connection to a new/existing potable water supply or wastewater system, or modification thereof, occurring after January 1, 2007;
- Increase of occupancy (e.g., seating) or the increase of design flow (e.g., number of meals per day, or employees);
- A change-in-use to introduce food services to a structure where none existed prior, and; the introduction of commercial equipment to an existing establishment where equivalent equipment did not exist prior.

Who can I contact at Vermont DEC regarding WW Permits?

WW/Regional Office Program - Regional Engineer contact information across the state can be found online at <https://dec.vermont.gov/water/ww-systems#romap> ; click on Staff Contact List. Use of the direct contact number, or email, for a specific individual is preferred over calling the Regional Office number. Due to teleworking, office hours are by appointment only as some staff may be working offsite.

Where can I search for WW Permits/How do I find my WW Permit number?

Hardcopy files are no longer retained at Regional Offices. The public may view permit files online at <https://anrweb.vt.gov/DEC/WWDocs/Default.aspx>. If unsuccessful or no access to online service is available, contact with a District Analyst/Regional Engineer is available, see above.

Additionally, it has been standard practice for water/wastewater permits to require the landowner/permittee to record the permit# in the land record for the subject lot. Contact municipal office for assistance accessing local land record files.

How long does it take for DEC to process a WW Permit?

Permit application review time will vary depending on the complexity of the project, and the Licensed Designer's ability to demonstrate compliance with the Rule.

Drinking Water and Groundwater Protection Division's Permit Expediting Process (PEP) standards set internal expectations to issue a permit or provide review comments within 30 days (less than 560 gallons per day) and 45-days (greater than 560 gallons per day).

It can take longer if the RE has review questions and there is a delay in the response from the designer and/or multiple "back and forth" between the two.

How can an existing WW Permit be modified?

An existing water/wastewater permit can be amended by submitting a permit application prepared by a VT Licensed Designer and signed by the landowner.



Where can I learn more about WW Permits?

The Rule is located at <https://dec.vermont.gov/water/laws/ww-systems-rules>. The Regional Office Program's general website is located at <https://dec.vermont.gov/water/ww-systems>

Is email or phone the preferable way to reach out to the WW program staff?

Email is preferred, a message including background information, such as the property address, property owner, and a description of the scope of the project provided in a message may facilitate the subsequent exchange with the WW Program staff member.

GENERAL PUBLIC WATER SUPPLY PERMITTING QUESTIONS

Are there any other permits required for drinking water systems for food service and lodging facilities?

Yes, If there is an on-site well/water supply, there will likely be the requirement to involve the Public Water Program of the Drinking Water and Groundwater Protection Division in accordance with the Public Water Rule, Environmental Protection Rule Chapter 21, Effective 03/17/2020, and available online at: <https://dec.vermont.gov/sites/dec/files/dwgwp/DW/Water-Supply-Rule-March-17-2020.pdf>.

The type(s) of permits required from the Public Drinking Water Program will depend on the historical uses of the property and the current/proposed uses of the property.

- Source Permit: [requirement depends on project scope] a public drinking water system requires a Source Permit to construct a new well, obtain approval for use of an existing unpermitted well, modifying an existing well (deepening or hydrofracturing), or increasing the demand on the well.
- Construction Permit: [requirement depends on project scope] a public drinking water system requires a Construction Permit to construct or modify drinking water infrastructure such as water lines, storage tanks, treatment, pumps, and pressure regulation. Some exemptions do apply.
- Operating Permit: all public drinking water systems require an Operating Permit to authorize operation and document the conditions according to which the water system must operate.



When is a facility classified as a Public Drinking Water System?

Facilities that offer food and lodging activities typically fall under the category of a Public

Transient Non-Community water system (TNC), which is a public water system that serves at least 25 or more different people for more than sixty days of the year. The following uses are triggers for classification as a public TNC drinking water system:

- 25 or more lodging spaces
- 25 or more campers and staff at summer camps
- Public restroom
- Any number of licensed seats for onsite food consumption (Restaurant License)
- Public drinking water fountain

Who can I contact at DEC regarding Transient Non-Community Public Water System permitting?

Public Water Supply Program – Meredith Maskell, Non-Community Operations Section Supervisor: 802-585-4896 or meredith.maskell@vermont.gov.

How long does it take the DEC to process a PWS Permit?

The length of time that it takes for the Drinking Water and Groundwater Protection Division to issue permits to a public drinking water system depends on the permits required.

- “Legacy” facilities that are those that have been in operation but were not previously identified as public drinking water systems. If no changes are proposed to a legacy facility activation and regulation as a public drinking water system can happen within a couple of under an Operating Permit.
- If changes are proposed for a legacy facility or a brand new facility is being created, the water system may be required to obtain a Source Permit and/or a Construction Permit. Depending on the scope of work, this process may take more than six months. The specifics of each project will dictate the timeline.



Is email or phone the preferable way to reach out to the PWS program staff?

Email is preferred, a message including background information, such as the property address, property owner, and a description of the scope of the project provided in a message may facilitate the subsequent exchange with the Public Water Program staff member.

When will PWS program return my inquiry?

Generally speaking, inquiries will be returned in a working day or two; exceptions around holidays may apply.

SPECIFIC WW PERMITTING QUESTIONS:

How do I determine whether I have a WW Permit?

All WW permits should be filed in municipal land records. WW Permits may be located using DEC's online database: Generally speaking, inquiries will be returned in a working day or two; exceptions around holidays may apply.

What are the WW Permit exemptions, and do I qualify for one?

WW permit exemptions are detailed specifically in the WW Rules (section 1-304). The following generalized exemptions may be applicable to Food and Lodging projects:

- an increase of design flow and or change-in-use (e.g., food service) for a municipal sewerconnection (WW Rules section 1-304(15));
- an increase of design flow and or change-in-use for a municipal water connection (WW Rules section 1-304(16));
- the temporary and period change-in-use of a building with water and wastewater
- connections for events (e.g., weddings, concerts, auctions, horse shows, etc, per WW Rules section 1-304(28);
- the temporary and period change-in-use of a building without water and wastewater
- connection for events (no food prep/washing onsite, only VHD permitted mobile unit) WW Rules section 1-304(27);

In addition to the above noted exemptions, section 1-301(g) contains an allowance for a home occupation which may be applicable to Food and Lodging projects (e.g., home bakery). This allowance would not require a permit providing no employees are living outside the residence, and no commercial equipment is used.

Landowners are required to retain the services of a VT Licensed Designer to assess, appropriately document/certify and file information in support of the exemption. A list of VT Licensed Designers can be found at <https://dec.vermont.gov/water/licensed-designers>.

Alternatively, an online business search may be utilized to select a VT Licensed Designer.

What is “Clean Slate” and how might it affect WW permitting for my project?

“Clean Slate” is a provision in statute that exempts buildings, campgrounds, lots, wastewater systems and potable water supplies that were in existence before January 1, 2007. A permit may be required for either: a change in use of a building or structure; or a modification of a potable water supply or wastewater system (or its operational requirements) that occurred or occurs on or after January 1, 2007.

How do I apply for a WW Permit exemption?

There is no application process for exemptions. Each exemption in the Rule will list actions required by the landowner to achieve the exempt status, aka “exemption by rule”. In some cases, it may be helpful to hire a licensed designer to walk them through a proposed project and determine whether it qualifies for an exemption.

Do I also need a town permit for my water supply and wastewater system, or connection to municipal water and sewer?

Whether I have a WW Permit or Permit exemption, there may be a need for a municipal approval of a water and/or sewer connection. Contact your local public works department or local water and/or sewer department.

How do I modify an existing WW Permit for a change of use/change of scope of operation?

A change-in-use to introduce food processing/service or increase flow/occupancy would require a permit; unless an exemption as noted above and detailed in section 1-304 applies.

The services of VT Licensed Designer is required to assess the project and prepare the application, landowner signature is required on the application – not lessee or person renting the space. b. A list of VT Licensed Designers can be found at <https://dec.vermont.gov/water/licensed-designers>. Alternatively, an online business search may be utilized to select a VT Licensed Designer.



Is an external grease trap needed ?

External grease traps, commonly called grease tanks or grease interceptors, are required for non-residential uses for wastewater from food production, processing, and preparation services. A new establishment, an existing establishment proposing increased design flows, or changes to the operational requirements of a wastewater system may be required to include a grease trap or grease interceptor that meets requirements of WW Rule section 1-909 of the Rule. The landowner is encouraged to consult with a VT Licensed Designer.

What does DEC define as a mobile unit?

Pursuant to the definition of a building or structure in the WW Rule section 1-201(13), if a mobile unit is modified in the following ways it may cease to be considered mobile, and a permit may be required for the useful occupancy of a building or structure:

- placing skirting or insulation around the base of the vehicle;
- placing the vehicle unit on a foundation or removing the wheels;
- attaching a deck to the vehicle;
- connecting a vehicle to a potable/public water supply or wastewater system;
- making the vehicle immobile or otherwise altering it such that it can not be driven/moved off site to empty wastewater tank and fill water tank; ,
- a vehicle being occupied that requires a special permit in order to travel Vermont roads; and
- occupying a vehicle that is not registered and inspected to travel on Vermont roads.

Where and when can a mobile unit connect to potable water and wastewater/septic?

In any/all cases, a permit is required to connect a mobile unit to a potable/ public water supply and or municipal/ onsite wastewater system. See soon to be published food truck FAQ sheet

GENERAL AREAS FOR CLARIFICATION:

Does the town/municipality get involved in the WW or PW Permit processes?

A town or municipality is not directly involved in a state water/wastewater permit application, other than to provide the affirmative acknowledgement via a municipal flow allocation letter (when a municipal connection is proposed for new or increased design flow). An allocation letter affirms the entity has existing capacity and infrastructure to support the proposed project.



When should the WW and PW Permit process start, in relative to a Food and Lodging (F+L) license?

Once it is determined that a permit is required, it should be acquired as soon as possible.

Applying for a F+L License can happen simultaneously with involvement of the/a designer. A viable and compliant water and wastewater system should exist prior to construction and the proposed use occurring. Unauthorized use of a water/wastewater system may unwittingly result in degraded functionality of a system, inadequate protections for human health and safety, and or a violation of one or more of the appropriate Rules.

Does a licensed plumber need to design the system prior to the applicant submitting a WW or PW Permit application?

A Vermont Licensed Designer, or if necessary, a Professional Engineer, is required to design and certify a successful installation of a water and wastewater system/connection. Internal plumbing for public buildings are subject to standards of the Department of Public Safety, Division of Fire Safety.

The WW or PW Permit limits seating capacity or scope of operation. F+L licenses must match WW and PW Permits.

Permitted water and wastewater systems are engineered for a maximum occupancy and use, or if meeting clean slate in WW Rules (section 1-303) use of a system below the permitted/clean slate maximum occupancy and use does not require a WW permit or amendment. Even if clean slate requirements are met, a PW permit may be required, please contact the PW program for project specific guidance

What is the time it generally takes for an engineer to prepare plans, for a municipality to issue a letter of approval, and/or for DEC to review and approve applications?

There is no standard turnaround; every project, designer, reviewer and municipality is different. For Drinking Water and Groundwater Protection Division's Permit Expediting Process (PEP) standards set internal expectations to issue a WW permit or provide comments within 30-days (less than 560 gallons per day) and 45-days (greater than 560 gallons per day). For Public Drinking Water Permits:

- Source Permit: to be determined based on project
- Construction Permit: to be determined based on project.
- Operating Permit: the timeline for this permit depends on the scope of the project. This permit may be issued by the Drinking Water and Groundwater Protection Division once the water system has submitted an administratively and technically complete application. An Operating Permit may be issued with or without compliance directives, depending on the compliance status and scope of the project.

