
**Drinking Water and Groundwater
Protection Division**

Regional Office Program Up-Date

July 2014

State of Vermont

Agency of Natural Resources

Department of Environmental Conservation

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www.anr.state.vt.us/dec/dwgwp/index.htm

What will you find in this issue?

Licensed Designer Class B Written Exam

Shorelands

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Licensed Designers Class B Written Exam:

The Class B written exam for those who passed their Class A exam will be given on August 13, 2014 at St. Leo's Hall located behind the St. Andrew Catholic Church at 109 South Main Street, Waterbury, VT.

More information regarding the upcoming exam schedules can be found at:

<http://www.anr.state.vt.us/dec/dwgwp/designerlicensingexams.htm>.

Remember, information for continuing education courses can be found at:

<http://www.anr.state.vt.us/dec/dwgwp/designerlicensingtraining.htm>

Please visit our web site for more information regarding the Licensed Designer Program at:

<http://drinkingwater.vt.gov/designerlicensing.htm>.

Please contact Julie Campbell at (802) 585-4911 or email at Julie.campbell@state.vt.us if you have any questions.

Shoreland Program:

Act 172 (Legislative Bill H.526), an act relating to the establishment of Lake Shoreland Protection Standards became effective July 1, 2014. A copy of the Act is at: http://www.watershedmanagement.vt.gov/lakes/docs/shoreland/lp_ACT172_Shoreland%20Protection%20Law.pdf.

A Fact Sheet was developed to assist you, the designer, and landowners of some issues that may arise during the planning stages to develop new lots or to make modifications to existing lots. The Fact Sheet can be found on our web site at:

<http://www.anr.state.vt.us/dec/dwgwp/ro/pdf/shorelandfactsheet2014.06.25.pdf>

The Act requires coordination between the Shoreland Program and the Regional Office Program. One area discussed between the two programs is whether a landowner who needs both a WW Permit and a Shoreland Permit wants to request that we hold our

permit pending a final decision by the Shoreland Program. This would primarily be for new projects or a project with new building construction with a new wastewater system or water supply. The advantage for

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the landowner to wait is that they will receive our permit without needing to submit an amendment application to redesign the wastewater system or water supply to comply with the requirements of the Shoreland Program. Issuing our permit may result in unintended consequences regarding the landowner's future ability to develop within the protected shoreland area and/or their plans for construction or modification of a building or structure.

A second area that may cause confusion for landowners and you is the development of or modifications to lots that are within 250 feet of but do not have frontage on a shoreline. Clearing or new impervious surfaces on these lots may be subject to review and approval by the Shoreland Program. Please read question and answer 6 on the Fact Sheet.

We will notify the Shoreland Program of any application that we receive that either has shoreline frontage or is within 250 feet of the shoreline.

The Regional Office staff will not be able to answer your questions on the implementation and jurisdiction of the Shoreland Protection Act. It is recommended to contact the Shoreland Program early in the planning stages to obtain guidance on improvements that are planned to any lot and whether such improvements will trigger a Shoreland Permit or a need to register.

I/A - Unit Replacement:

The Wastewater System and Potable Water Supply Rules have a definition for what constitutes a minor repair to a wastewater system. The Rules do not address Innovative/Alternative (I/A) treatment units including how we view:

1. changing a permitted design by replacing one I/A treatment unit for a different unit at the time of construction (this includes needing to replace a permitted unit because the unit referenced in the permit no longer is available or no longer approved for use in the State of Vermont);
2. adding an I/A treatment unit that was not previously permitted to an existing wastewater system;
3. removing an existing I/A treatment unit and replacing with a unit by the same manufacturer that has a different model or a replacing with a unit by a different manufacturer; or
4. replacing an approved I/A dispersal product for a different dispersal product at the time of construction;

Each of the situations stated above needs a permit or a permit amendment with the exception of item 4 (explained below). I/A approval letters are specific to each product, there are requirements within the approval letters that pertain to the WW Permits, and WW Permits specifically reference a particular manufacturer and/or model number. Examples of such requirements include:

1. the landowner needs to provide a copy of the approval letter and the WW Permit to any prospective purchaser; and
2. the Division can revoke a WW Permit when it is determined that the unit fails to properly function or the landowner fails to have a valid service contract when required.

A landowner needs proper permit conditions that reference the appropriate approval letter to comply with the above requirements. Also, tracking and compliance/enforcement of an I/A unit or WW Permit becomes more problematic without the permit specifying the actual unit that is approved to be a component of the

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wastewater system. Therefore our permit needs to specifically state what I/A unit is authorized for use at part of the wastewater system.

We are beginning an internal discussion to create a guidance to help landowners, service providers and licensed designers identify when an I/A unit addition, substitution, or replacement will be administered as a minor amendment, minor project, or a new application with corresponding application fees. The decision for which fee will be charged will depend on the scope of our review to permit a different I/A. We will also create guidance on how the Division reviews the addition of an I/A treatment unit to a wastewater system that was not previously permitted.

The exception for item 4 is when the Division concludes that the permitted dispersal product is being substituted with a product by the same manufacturer, uses the same basis of design for sizing a wastewater system, has the same design criteria for installation, and is authorized as an equivalent product in our approval letter. When the Division determines that the substitution of a dispersal product is allowed, the substitution will be noted on the record drawings as part of an installation certification. Otherwise the change of one dispersal system for another requires a permit or permit amendment.

Please contact your Regional Office if you have questions regarding I/A approvals or replacements.

I/A - Unit Repairs:

Repairs to I/A units generally fall into two categories. The serious repairs involve a unit that is failed or not complying with the effluent quality of less than 30/30 mg/l BOD and TSS. A Service Provider or Licensed Designer approved by the vendor needs to advise the landowner of the problems and the landowner is to immediately contact the appropriate Regional Office. We will request follow-up reports on the status of the repairs and verification that the effluent quality meets our minimum standards for treatment units or the unit is operational and meets vendor requirements. Other repairs that are routine or maintenance items that are not affecting the proper functioning of the unit are noted on the annual inspection report that is attached to our inspection report coversheet.

I/A Compliance – Annual Inspections:

Speaking of annual inspection reports, please remember to use our current I/A coversheet when submitting an annual I/A inspection report. The coversheet can be found at:

<http://drinkingwater.vt.gov/innovativealternative/pdf/iamaintenanceinspectioncoversheet.3.24.14.pdf> .

The coversheet asks for information that is important to us such as the WW number, current landowner, and contact information.

I/A – New Products:

- We recently approved a new dispersal system by the American Manufacturing Company, Inc., for the Perc-Rite® Drip Distribution Units ASD-15, ASD-25, and ASD-40. The approval letter can be found at: <http://drinkingwater.vt.gov/innovativealternative/pdf/americanmanufacturing.2014.06.23.pdf> .
- We recently completed our review of the Simple Septic ® (SS) Pipe Leaching System manufactured by Presby Environmental, Inc. A draft approval letter is pending to add the SS pipe to the AES and ES pipes that were previously approved for use in Vermont. Please check our web

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site for the final approval conditions for this product. An updated manual will also be developed and posted.

- We recently approved polyethylene Ecoflo® units with integrated pumps manufactured by Premier Tech Environment:
<http://drinkingwater.vt.gov/innovativealternative/pdf/ecofloapproval.2014.05.19.pdf> Again, make sure to review the approval conditions and an updated manual for the Ecoflo is also in review.
- We also recently approved additional I/A models entitled HighStrengthFAST units manufactured by Bio-Microbics Inc.,
<http://drinkingwater.vt.gov/innovativealternative/pdf/biomicrobicsapproval.2014.03.20.pdf>

Annual Inspections – Wastewater Systems:

There are wastewater systems that may not have an I/A treatment unit or potable water supplies that requires an annual inspection or report by a licensed designer. We ask that you provide the current name, mailing address, and phone number for the homeowner's association or landowner along with the permit number so we have the proper contact information.

Legislation:

The Legislature passed Senate Bill S.211 (Act No. 151) this past legislation session. The bill expands the use of holding tanks for buildings or structures that are owned by charitable, non-profit, and religious organizations. The wording in the bill that was added to the existing statutory language for holding tanks is:

- (b)(1) The Secretary shall approve the use of sewage holding and pumpout tanks for existing buildings or structures that are owned by a charitable, religious, or nonprofit organization when he or she determines that:
- (A) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;
 - (B) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than the construction and operation of sewage holding and pump-out tanks based on a projected 20 year life of the project; and
 - (C) the design flows do not exceed 600 gallons per day.
- (2) Before constructing a holding tank permitted under this subsection. The applicant shall post a bond or other financial surety sufficient to finance maintenance of the holding tank of the life of the system which shall be at least 20 years.
- (3)
- (A) A permit issued under this subsection shall run with the land for the duration of the permit and shall apply to all subsequent owners of the property being served by the holding tank regardless of whether the owner is a charitable, religious, or non-profit organization.

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- (B) All permit conditions, including the financial surety requirement of subdivision (b)(2) shall apply to a subsequent owner.
- (C) A subsequent owner shall not increase the design flows of the holding and pumpout tank system without approval from the Secretary.

We will request documentation that demonstrates an organization has tax exempt status under Internal Revenue Code Section 501(c) as part of a permit application for use of a holding tank by a charitable, non-profit, or religious organization. Please contact us if you have a project that claims to be one of these types of organizations but does not have such documentation.