
**Drinking Water and Groundwater
Protection Division**

(DW&GWPD)

**Wastewater System & Potable Water Supply
Program (WW Program) Up-Date**

September 2, 2015

State of Vermont

Agency of Natural Resources

Department of Environmental Conservation

Main Office:

*Drinking Water & Groundwater Protection
Division*

1 National Life Drive, Main 2

Montpelier VT 05620-3521

Phone: 802-828-1535

Regional Offices:

Barre *802-476-0190*

Essex *802-879-5656*

Rutland *802-786-5900*

Springfield *802-885-8855*

St Johnsbury *802-751-0131*

WEBSITE: septic.vermont.gov

Delegation

10 V.S.A. § 1976 was amended this past legislative session to allow for a municipal authority to be delegated all sections or a partial delegation of the Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules with the exception of §§ 1975 and 1978. Partial delegation allows a municipality which owns both the sanitary sewer main and water main to permit projects that involve the subdivision of land, and a building or structure, or a campground when the sewerage and water connections are to the municipal sewer and water main. A full version of the delegation authority can be found in Act No. 57, Sec. 22a, Page 36 at:

<http://legislature.vermont.gov/assets/Documents/2016/Docs/ACTS/ACT057/ACT057%20As%20Enacted.pdf>

Please contact Ernest Christianson, Program Manager, at Ernest.Christianson@vermont.gov or by calling (802) 585-4884 for more information.

Failed Wastewater Systems

The DW&GWPD has the statutory responsibility to review and approve modifications to a wastewater system including replacement of a failed wastewater system. The purpose of the WW Rules is to protect human health which includes the landowner needing the permit and the public who may be directly or indirectly affected by the project.

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.

Please contact the Regional Office that administers the program for your municipality if you are aware that work is being performed on a wastewater system.

Consequences for people who did not obtain a permit for work that required one may ultimately find that there is a cloud on the title for their property that may delay or prevent future sale of the property. This may include a monetary penalty for work performed without a permit and potentially the wastewater system that was installed without a permit may not meet the standards of the Rules forcing the landowner to pay for a design and installation of a new system.

Please note the Rules do allow certain work to be performed on a wastewater system that does not require a permit. Section 1-201(a)(39)(A) of the Rules allows for minor repairs and includes replacing a septic tank and replacing a pipe from the building to the septic tank.

Your Regional Office can help advise if work a landowner is proposing to do on the wastewater system requires a permit or is a minor repair.

Investigation of Failed Wastewater Systems

The Vermont Town Health Officer Manual provides the processes a Health Officer can follow for inspection, notification, and elimination of a health hazard. When we are contacted, we often request that an initial investigation of a possible failed wastewater system be performed by the Town Health Officer. Upon completion of the investigation, the Manual offers several options for the Health Officer and Town to abate the health hazard. One option is to refer the case to the Regional Office or to the Compliance and Enforcement Division (CED) of the Department. When referring the case, it is appreciated if the report includes:

- the exact location of the property and landowner's name, address, and, if available, SPAN and phone number;
- dates that the Health Officer observed the failure;
- the nature of the failure, i.e., ponding on top of the ground, discharging to a culvert, discharging to surface waters of the State, backing up into a structure;
- what interim requirements were asked of the landowner to prevent wastewater from surfacing on top of the ground or backing up into a building; and
- dated pictures of the failure.

These items are important to confirm the failure allowing CED to quickly take the appropriate action to gain compliance.

Municipal Notification that a Wastewater System and Potable Water Supply Permit (WW Permit) May be Required

24 V.S.A., §§ 4449(e) and 4463(d) states "Effective October 1, 2010, any application for an approval or permit and any approval or permit issued under this section shall include a statement, in content and form approved by the secretary of natural resources, that state permits may be required and that the permittee should contact state agencies to determine what permits must be obtained before any construction may commence."

Secretary Jonathan L. Wood sent on October 1, 2010 a memorandum to Municipal Town Clerks and Zoning Officers; Vermont League of Cities and Towns; and Other Interested Persons, explaining the language that the Secretary accepted as meeting the requirements of §§ 4449(e) and 4463(d). In his memorandum, Secretary Wood identified contacting a Permit Specialist but only mentioned contacting by phone. Permit Specialists can also be contacted at: <http://www.anr.state.vt.us/dec/ead/index.htm> or <http://drinkingwater.vt.gov/poregionaloffices.htm> and scroll to the bottom of the page where there is a Vermont State map. Click on the Regional Office name for your Town. At the bottom of the next page will be links for the Permit Specialist, Act 250, Wetlands, and Waste Management.

Please contact [Ernest Christianson](mailto:Ernest.Christianson@state.vt.us) (802- 585-4884) if you have any questions regarding this portion of the statute and thank you for continuing to send individuals to the Department.