

ENVIRONMENTAL PROTECTION RULES PRACTICE

SUBJECT: Handwashing and Toilet Facilities for Buildings, Structures, or Campgrounds.

RULE REFERENCE: Wastewater System and Potable Water Supply Rules, §1-408 Permitting Standards for Potable Water Supplies and §1-409 Permitting Standards for Wastewater Systems

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SIGNED BY: /s/
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Introduction

This document provides guidance regarding sections 1-408 and 1-409 of the Wastewater System and Potable Water Supply Rules (“Rules”) which allow, under certain circumstances, waivers from the requirements for potable water supplies and wastewater systems for buildings or structures, other than single family residences, and for campgrounds. This practice supercedes and replaces guidance on the same subject, titled Handwashing and Toilet Facilities for Buildings, Structures, or Campgrounds dated May 29, 2003. That practice was preceded by documents entitled Handwashing and Toilet Facilities in Public Buildings dated September 25, 2002 and the original guidance titled Toilet Requirements in Public Buildings dated June 23, 1989.

This Practice describes the situations in which conventional handwashing and toilet facilities are required, the situations in which non-conventional handwashing facilities are permitted, the situations when portable toilets may be permitted or required, the situations in which handwashing and toilet facilities may be located in nearby buildings or structures, and situations in which no facilities are required. By extension, some buildings will not require wastewater systems or potable water supplies as described in sections 1-408 and 1-409 of the Rules.

Permits issued based on earlier versions of this practice remain valid but must be amended when some action occurs that requires a permit under the Rules. When an amendment is required, any increase in design flow or any change in operational requirements will be subject to this practice. Subdivision of a lot with a building, structure, or campground subject to this or a preceding Practice or Guidance, will be reviewed under section 1-407 of the Rules as an improved lot subdivision.

When the Agency does not require a potable water supply and/or a conventional wastewater system under this Practice, the owner may voluntarily furnish non-conventional facilities, including limited handwashing facilities such as pre-moistened towelettes or waterless gels with paper towels, and portable toilets. The Agency will not review the adequacy of such facilities.

An example would be a convenience store that is required to provide water and wastewater systems for its employees but is not required to provide any facilities for its patrons.

There are many variations in buildings and their uses and this practice does not detail all of the possible situations that may be encountered. When a particular situation does not exactly fit the guidance below, but seems to be a reasonable candidate for use of alternative toilet and/or handwashing facilities, the case may be referred to Waterbury for review and a decision.

Practice

A. General Guidelines

1. This Practice does not supercede federal, state, or local law concerning facilities for the workers or the general public in specific buildings or classes of buildings or structures or campgrounds, nor does it supercede labor agreements or judicial decisions.
2. Each building, structure, or campground that requires a permit under the Rules is presumed to require a potable water supply with the water supplied through a piped system, a wastewater disposal system, at least one lavatory, and at least one conventional toilet that will serve the occupants of the building including employees and patrons. Sections 1-408 and 1-409 allow for waivers for some or all of these requirements based on the briefness or infrequency of occupancy or on the nearby availability of a potable water supply or wastewater system.
3. Briefness and infrequency of occupancy are determined by the number of days per year, the number of hours per day, and the duration of each period of use. A building for office workers will be evaluated differently than a building for use by an employee at a golf driving range who normally works outside of the building. An office building occupied only a few days per year will be evaluated differently than one used on a year-round basis.
4. Because individual patrons are frequently present for shorter periods of time and less often than employees are, toilet and handwashing requirements may be less for patrons than for employees.
5. In any situation where conventional handwashing facilities are required, piped potable water shall be available for human consumption.
6. When handwashing facilities are required and portable toilets are approved, the handwashing facilities may be separately located. In all other situations, the handwashing facilities shall be located within the same bathroom enclosure as the toilet facilities. Simple outdoor faucets draining onto the ground surface do not meet the requirements for handwashing facilities.

7. The number of toilet and handwashing facilities shall comply with requirements of the Department of Health, the Department of Labor and Industry, and other applicable requirements.
8. If any building or structure or campground, for which toilets and lavatories are not required, is to have them by choice, then all the requirements of the Wastewater System and Potable Water Supply Rules, Subchapter 5, apply.
9. Composting or incinerating toilets may be substituted for conventional flush toilets in any building. If the building will have piped water, the associated wastewater disposal system may be reduced in size to account for the reduction in flow, however there must be sufficient area to expand the wastewater system to full size. A full sized replacement area must also be designated.

Toilet and Handwashing Facilities Not Required

10. Buildings or structures that are not normally occupied, and that do not involve activities that require water for operation or for clean-up, including employee wash-up, and that are visited less than two (2) hours in any one (1) day by not more than four (4) individuals, do not require toilets or handwashing facilities. Should facilities be desired at these buildings or structures, use of the non-conventional facilities described below will be allowed.

Toilet and Handwashing Facilities Available Nearby

11. In some situations a building or structure may be permitted based on toilet and handwashing facilities that are available in a nearby location. Obvious situations include projects such as building supply operations with multiple buildings on a property with a central building that contains suitable toilet and handwashing facilities. This approach may also be suitable for a situation with a small indoor operation such as a cabinet making shop that could reasonably be supported with sanitary facilities in a nearby building. Nearby generally means within 100' and without having to cross public roadways, railroad tracks, or other significant obstacles. These facilities must be located on the same lot as the dependent building or structure. Any permit issued will be conditioned on continued use of the facilities and loss of access will result in the permit becoming invalid.

Portable Toilets (“portapotties”)

12. Portable toilets will not be allowed to serve employees or patrons of permanent buildings, structures, or campgrounds, unless the briefness or infrequency of occupancy reasonably supports a determination that toilet facilities of a more permanent nature are not required. Events of more than one week, or events that last one or two days that occur more frequently than once per month, are not candidates for use of portable toilets. Use of portable toilets may also require use of portable handwashing facilities using potable water. Sections 13 and 14 below give examples of when portable toilets and/or portable handwashing facilities may be appropriate.

13. Portable toilets with accessory portable handwashing facilities supplied with potable water may be used for the employees at outdoor archery and gun ranges, outdoor golf driving ranges, or other activities with buildings or structures with a maximum of four employees on site at any time, provided that the employees are primarily engaged in outdoor activities, and provided that there is no food or drink handling, preparation, or service, other than vending machine type products.
14. Portable toilets will generally meet the requirement for toilet facilities for patrons at outdoor activities, such as archery or gun ranges, fishing access areas, outdoor golf driving ranges with buildings or structures. Handwashing facilities are not generally required. Where the activity involves the availability of food to the public, other than vending machine type products, conventional handwashing facilities are required for the patrons. An activity may encourage public attendance of sufficient numbers or duration (such as major field days, tennis matches or horse shows), or be of sufficient health concern (such as at a petting zoo, proximity to readily available non-potable water supplies), that conventional handwashing and/or conventional toilet facilities are required. Portable handwashing facilities using potable water may be provided when there is a single event lasting no more than one week in any year or when there are events lasting no more than 2 consecutive days and occurring no more frequently than once per month.
15. Properly designed vault privies may be used in lieu of portable toilets.
16. There are a very limited number of activities that can only be done at a specific site, such as quarrying and rock crushing. When a building or structure is provided for the employees and the site conditions do not allow for installation of conventional toilet and handwashing facilities, composting or incinerating toilets may be approved. Pre-moistened towelettes or waterless handwashing gels with paper towels may be approved as the handwashing facilities. Portable toilets and portable handwashing facilities with potable water may also be approved. In addition to those actually engaged in extraction process, up to four ancillary employees may be permitted to use the alternative sanitary facilities.

B. Agricultural fairs and equine exhibitions

1. Agricultural fairs and equine exhibitions that occur for not more than 60 days per year, but which are of sufficient duration or magnitude that portable toilets and portable handwashing facilities are not appropriate and which do not include any permanent buildings or structures, may provide toilet and handwashing facilities for both employees and patrons located in mobile units manufactured for this purpose, provided that:
 - a. the mobile units must, at a minimum, have wastewater and potable water storage capacities suitable for two days of maximum expected use;

- b. the mobile unit must be registered and inspected for road travel and must be maintained in a roadworthy condition;
- c. the wastewater holding tanks must be serviced as needed by a properly licensed wastehauler who is under contract for the duration of the event. The owner shall obtain from the hauler a weekly statement of the pumping operation and shall provide the statement to the Secretary. The statement shall include dates, amounts of wastewater removed, and final disposal point. The permit will include conditions related to the timing and oversight of the pumping and disposal operation.
- d. depending on the physical layout of the show or fair, more than one mobile unit may be required when there is more than one food service area or when there is more than one area that requires conventional handwashing facilities;
- e. portable toilets may be provided in addition to mobile units when the show or fair covers a significant area and a single location would not be suitably convenient;
- f. the potable water system within the mobile unit shall be disinfected as part of the start up of the system;
- g. if potable water will be provided from an offsite source, the attached Bulk Water Guidance must be met;
- h. if the potable water will be provided from an onsite source, the source shall be permitted for the use. The source must comply with all applicable requirements of the Rules;
- i. if the mobile unit is not properly maintained or the wastewater tanks and potable water tanks not serviced in accord with the permit conditions, the event shall be discontinued until the operation is in accord with the permit conditions; and
- j. if there will be any source of non-potable water on the property within the area occupied by the event, it shall be clearly marked and labeled as non-potable. The label shall indicate that non-potable water is not suitable for consumption, handwashing, or washing of any table, counter, utensil, or other equipment involved in food preparation, storage, serving, or consumption. The potable and non-potable systems shall be constructed to minimize the chance for interconnections. It shall be an obligation of the permittee to inspect the water systems daily to ensure that no interconnections exist and
- k. recreational vehicles being used on-site by the employees of these events may use the same methods for water supply and wastewater disposal as the event's mobile units.

C. Sites with permanent buildings or structures—use of mobile units

1. Mobile units may be used to provide both toilet and handwashing facilities for employees and patrons during events at sites that have permanent buildings or structures provided:
 - a. there is only a single event per year at the site and the single event lasts no more than one week OR, in the case of multiple events at the site throughout the year, the events last no longer than two consecutive days and occur no more frequently than once per month. Events may occur only during the period of April 1 to October 30;
 - b. there are no kitchen facilities at the site and any on-site food preparation is limited to the use of barbecue grills for cooking and warming ovens for pre-prepared food items that are catered in from off-site;
 - c. there will be no rinsing or washing of kitchen utensils, serving dishes, dinnerware, glasses or cutlery at the site;
 - d. the mobile unit shall not be operated in a “pump and haul” manner. The unit shall be removed from the site on the first business day following each event and the provider of the mobile unit will properly dispose of the wastewater contained in the unit’s storage tanks after the unit has left the site. The owner shall obtain from the mobile unit provider a statement on the wastewater disposal and will provide the statement to the Secretary. The statement will include the date of disposal, the amount of wastewater disposed of, and the location of the disposal; and
 - e. all requirements in Section 17 (B) (1) (a) through (j) above shall be adhered to with the exception of (c) and (e).

D. Campgrounds and the use of “scavenger” vehicles

1. At campgrounds where there is an on-site dumping station for the contents of campers’ waste holding tanks, the use of scavenger vehicles to pump out the holding tanks and then transport the wastewater to the on-site dumping station will be allowed as long as there is no discharge of wastewater to the surface of the ground during any of the pumping and transport activities provided:
 - a. the Agency has issued a permit to specifically authorize the operation;
 - b. the wastewater disposal system serving the dumping station is properly sized for the number of sites supported by this operation; and

- c. there is no increase in site or occupancy of the campground without prior written approval.

Rationale for this Practice

Major improvements in public health were achieved decades ago when it was realized that diseases were transmitted back to the population through contact with human wastes and the pathogens they contained. By breaking the cycle of pathogen reintroduction to the general population, many health threats of the past have been eliminated

Conventional handwashing and toilet facilities are required in the vast majority of buildings, structures, and campgrounds permitted under the Rules. These requirements are based on public health and the public's general expectation that flush toilets, piped water, and adequate handwashing facilities are the established norm and should be available. If properly installed and maintained, these facilities offer long periods of trouble free service with virtually no risk to individuals of contact with human wastes.

Portable toilets are not highly regarded for sewage disposal because they do not offer a permanent sewage disposal solution. According to the Health Department, portable toilets can even be a health hazard under some conditions. As such, they are not viewed as a desirable alternative under §1-408 and §1-409. Even under the best operating conditions, the pumping, transport, and disposal of portable toilet waste involves a substantial increase in both routine and accidental contact with human waste. Dividing the responsibility for proper wastewater disposal between two and, in some instances, three parties (owner, hauler, disposer) increases the chances for error and pollution over standard systems. Similar concerns are involved with the use of self-contained mobile units. This higher risk results in the need to highly restrict the use of portable toilets and mobile units. The guidelines above attempt to balance the required protection of public health and the environment with the realities of the extreme variability of business operations and patron/employee needs.

Bulk Water Guidance

Bulk water is defined as potable water that is delivered to the consumer or a public water system by means other than a pipeline (including bottled water) for the purposes of consumption or other use by humans

Bulk water must:

- (1) be supplied by a permitted public community water system that meets the applicable requirements of subchapter 21-6 of the Vermont Water Supply Rules and
- (2) contain a free chlorine residual between 1.0 ppm and 4.0 ppm OR be provided by a bulk water supplier who meets the requirements listed below.

The person permitted under the current Handwashing and Toilet Facilities for Buildings, Structures, or Campgrounds Practice to offer bulk water for human consumption/use at a site or event must:

- (1) utilize a bulk water supplier who:
 - a. ensures all surfaces that come in contact with the bulk water are constructed of smooth, nonabsorbent, corrosion resistant, and non-toxic material safe for contact with potable water;
 - b. use water transportation vehicles which are used solely for transporting drinking water as defined by 10 VSA, Section 1671 and
 - c. follow a written standard operating procedure (“SOP”) that ensures and documents the sanitary conditions of the bulk water. The SOP will describe the following:
 - i. the cleaning of the haul tank and the frequency of the cleaning;
 - ii. the total coliform bacteria testing and its frequency and
 - iii. the heterotrophic plate count testing (“HPC”), its frequency, and the supplier’s response for investigating and correcting any HPC count greater or equal to 500 colony-forming units per 1 ml.
- (2) have a signed contract in effect for the duration of the event with the supplier of the bulk water. The contract must specify the source of the water and the method of transport, which shall be reviewed and determined to be suitable to ensure that only potable water is supplied to the handwashing facilities and to any point of consumption. The method of transport includes any processes for transferring the water from the transport vehicle to the storage tank(s) in the mobile unit and
- (3) obtain a weekly report from the water transporter and provide it to the Secretary documenting the source, volume of water supplied, and method of transport of the potable water.