



State of Vermont

AGENCY OF NATURAL RESOURCES
Department of Environmental Conservation

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Procedure Related to Modification of Existing Buildings or Structures 5-21-2003

The Wastewater System and Potable Water Supply Rules, effective August 16, 2002 include a provision for a permit with limited technical requirements for conversion of use of some existing buildings. Section 1-406 provides for use of the existing water and wastewater systems when it is determined that the modification will not increase design flows or modify other operational requirements of the existing or proposed potable water supply or wastewater systems. The rules failed to include direction on how to apply this concept to single family residences on their own lot or to buildings constructed after June 1, 1970. The rules are also not clear about what types of building modification (construction) modifies the operational requirements for water and wastewater systems. This procedure provides direction on how to apply the concepts in 1-406 to other buildings and structures.

Section 1-403(a)(11) provides an exemption for the use of an existing single family residence for both residential and commercial purposes under a number of conditions, including that there be no other change that would trigger the need for a permit. This procedure deals with situations that do not qualify for this exemption because the building will have a new addition connected to the existing building, which is a modification that affects the operation of the water and wastewater systems even without any increase in design flow. Design flow for single family residences on their own lots that are not already subject to state jurisdiction shall have their design flow calculated based on 420 GPD, with additional flow based on 70 GPD/PERSON based on actual occupancy of more than 6 persons. In these situations a permit for the use of the building for both residential and commercial use may be granted when:

1. the expansion of the building footprint does not adversely affect the operation of the existing potable water supply and wastewater systems;
2. the expansion of the building footprint does not limit the existing ability to install replacement potable water supplies and wastewater systems by infringing on the most compliant areas available, which shall be identified by the designer as part of the application. The replacement wastewater system is subject to the variance procedure and cost of the replacement versus the incremental increase in environmental and public health protection is one of the factors in deciding which area must be protected;

3. the commercial use of the residence started after the building was used solely as a residence;
4. the potable water supply is tested for bacteria, lead, nitrate, sodium, and arsenic and meets the Drinking Water Standards for those constituents;
5. there are no changes to the operational characteristics of the potable water supply or wastewater system, or the changes are limited to measures such as including but not limited to, adding grease traps or larger capacity water pumps or other types of modifications that the secretary approves on a case by case basis. When the water distribution system must be upgraded to meet an increase in peak demand even though there is no increase in design flow, only the distribution portion of the potable water supply must be upgraded.

Unless there are changes in operating characteristics, the existing potable water supply and wastewater systems may continue to be used as is, even if they do not comply with standards for new systems, provided they are not failed supplies or systems.

A conversion of use that would result in a private water system being reclassified to a public status (transient, non-transient, or community) would require that the water system fully comply with the standards for new public water systems.



Jeffrey Wensberg, Commissioner
Department of Environmental Conservation

5-22-03
Date