

## Administrative Procedures – Proposed Rule Filing

**Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

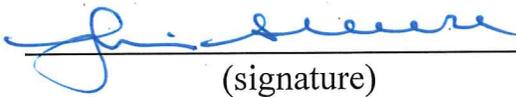
All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT  
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Indirect Discharge Rules**

 \_\_\_\_\_, on 09/17/18.  
 (signature) (date)

Printed Name and Title:  
 Julie S. Moore, Secretary  
 Agency of Natural Resources

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Filing Confirmed

1. TITLE OF RULE FILING:

**Indirect Discharge Rules**

2. ADOPTING AGENCY:

Agency of Natural Resources

3. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Ernest Christianson

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Drive, Main 2, Montpelier,  
Vermont 05620-3521

Telephone: 802 585 - 4884 Fax: 802 828 - 1541

E-Mail: [ernest.christianson@vermont.gov](mailto:ernest.christianson@vermont.gov)

Web URL(*WHERE THE RULE WILL BE POSTED*):

<http://dec.vermont.gov/water/ww-systems>

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Diane Sherman

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Drive, Davis 2,  
Montpelier, Vermont 05620

Telephone: 802 505 - 0125 Fax: -

E-Mail: [diane.sherman@vermont.gov](mailto:diane.sherman@vermont.gov)

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)*    **No**

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

10 V.S.A. § 1978

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Section 1978 of Title 10 of the Vermont Statutes Annotated vests the Agency of Natural Resources with the responsibility of adopting rules for regulating and permitting the construction, replacement, modification, operation, and maintenance of wastewater systems and potable water supplies for the protection of human health and the environment. This revision to the Indirect Discharge Rules is sought in association with the revisions to the Wastewater System and Potable Water Supply Rules to clarify that the revised Wastewater System and Potable Water Supply Rules will be the set of rules regulating small sewage and non-sewage wastewater systems.

8. CONCISE SUMMARY (150 WORDS OR LESS):

This revision to the Indirect Discharge Rules is sought in association with the proposed amendment to the Wastewater System and Potable Water Supply Rules. It clarifies that the revised Wastewater System and Potable Water Supply Rules will be the set of rules regulating small sewage and non-sewage wastewater systems.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

This revision to the Indirect Discharge Rules is necessary to fully effect the associated revisions to the Wastewater System and Potable Water Supply Rules.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

Agency of Natural Resources' ("Agency") staff completed extensive work to review and update the Wastewater System and Potable Water Supply Rules, including identification of areas that needed clarification. This revision to the Indirect Discharge Rules ensures there is clarity on what set of rules regulates small non-sewage wastewater systems.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

This revision to the Indirect Discharge Rules is a clarification to fully effect the Wastewater System and Potable Water Supply Rules and has no independent affect.

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Proposed Rule Coversheet

This revision to the Indirect Discharge Rules is a clarification to fully effect the Wastewater System and Potable Water Supply Rules and has no independent impact.

13. A HEARING IS SCHEDULED .

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 10/31/2018

Time: 01:00 PM

Street Address: Department of Environmental Conservation,  
Springfield Regional Office, 100 Mineral Street,  
Springfield, Vermont

Zip Code: 05156

Date: 11/1/2018

Time: 02:00 PM

Street Address: Department of Environmental Conservation,  
Rutland Regional Office, 450 Asa Bloomer State Office  
Building, 88 Merchants Row, Rutland, Vermont

Zip Code: 05701

Date: 11/1/2018

Time: 6:00 PM

Street Address: Rutland Town Office, 181 US 4 Business  
Route, Rutland, Vermont

Zip Code: 05736

Date: 11/7/2018

Time: 01:00 PM

Street Address: Department of Environmental Conservation,  
Essex Regional Office, Fish & Wildlife Building, 111  
West Street Essex Junction, Vermont

Zip Code: 05452

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING): 11/23/2018

Proposed Rule Coversheet

16. **KEYWORDS** (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

watwwater

groundwater

septic

leachfield

sewwage

**Additional Public Hearings:**

Date: 11/8/18  
Time: 1:00 PM  
Street Address: Environmental Conservation, St. Johnsbury  
Regional Office, 374 Emerson Falls Road,  
St. Johnsbury, Vermont  
Zip Code: 05819

Date: 11/14/18  
Time: 2:00 PM  
Street Address: St. Leo's Hall, 109 South Main Street,  
Waterbury, Vermont  
Zip Code: 05676

Date: 11/14/18  
Time: 6:00 PM  
Street Address: St. Leo's Hall, 109 South Main Street,  
Waterbury, Vermont  
Zip Code: 05676

## Administrative Procedures – Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:  
**Indirect Discharge Rules**
  2. ADOPTING AGENCY:  
Agency of Natural Resources
  3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):
    - **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
    - **NEW RULE** - A rule that did not previously exist even under a different name.
    - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):  
Secretary of State Rule Log #03-09, Indirect Discharge Rules, April 30, 2003

# Administrative Procedures – Economic Impact Analysis

## **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 1. TITLE OF RULE FILING:

**Indirect Discharge Rules**

### 2. ADOPTING AGENCY:

Agency of Natural Resources

### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

This revision to the Indirect Discharge Rules is a clarification to fully effect the Wastewater System and Potable Water Supply Rules and has no independent affect. See rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.

### 4. IMPACT ON SCHOOLS:

## Economic Impact Analysis

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

No independent impact

5. *ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

None necessary as no independent impact

6. *IMPACT ON SMALL BUSINESSES:*

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

No independent impact

7. *SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

None necessary as no independent impact

8. *COMPARISON:*

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

This revision to the Indirect Discharge Rules is a clarification to fully effect the Wastewater System and Potable Water Supply Rules and has no independent impact. Thus no comparison is necessary. See rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.

9. *SUFFICIENCY: EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*  
See rulemaking forms for the Wastewater System and Potable Water Supply Rules amendment.

# Administrative Procedures – Environmental Impact Analysis

## **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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### 1. TITLE OF RULE FILING:

#### **Indirect Discharge Rules**

### 2. ADOPTING AGENCY:

Agency of Natural Resources

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*  
No independent impact; see rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*  
No independent impact; see rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No independent impact; see rulemaking forms for

Environmental Impact Analysis

Wastewater System and Potable Water Supply Rules amendment.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*  
No independent impact; see rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.
7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
No independent impact; see rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*  
No independent impact; see rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.
9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*  
See rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.

## Administrative Procedures – Public Input

### **Instructions:**

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

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1. TITLE OF RULE FILING:

**Indirect Discharge Rules**

2. ADOPTING AGENCY:

Agency of Natural Resources

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

This revision will be addressed in conjunction the revisions to the Wastewater System and Potable Water Supply Rules and a single strategy employed for both; see rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

See rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

See rulemaking forms for Wastewater System and Potable Water Supply Rules amendment.