

Instructions for Filing Permit Applications to Comply with Acts 145 and 117

The Legislature amended the notification requirements for Act 145 in 2012. These recent changes are:

- All notifications required of the landowner (as an applicant or a permittee) shall be done by certified mail;
- Notifications to property owners affected by “overshadowing” will be made using a standardized form developed by the secretary;
- Notifications only need to include a site plan that accurately depicts all of the overshadowed areas on neighboring property.; and
- Notification to property owners possibly affected by overshadowing shall be made at least seven calendar days prior to the date that the permit application is submitted to the secretary.

The Agency developed 5 forms for use by a landowner to comply with the notification and certification requirements of Act 145. ANR Forms 1, 2, and 3 are notice forms that must be sent to overshadowed landowners to cover three separate situations when overshadowing occurs. ANR Forms 4 and 5 are certification forms that an applicant or permittee must complete and send to ANR certifying that the required notice was sent or certifying that no notice was required. The titles of these forms are:

- **ANR Form 1 – Notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit** – the notice to be sent to landowners subject to overshadowing by potable water supplies or wastewater systems at the time of application.
- **ANR Form 2 - Notice of Overshadowing after Filing an Application for a Wastewater System and Potable Water Supply Permit** - the notice to be sent to landowners who were not subject to overshadowing by potable water supplies or wastewater systems at the time of initial application but revisions to the site plan proposes overshadowing during the application review process. This form is also used if there was overshadowing at the time of the initial application but plan revisions have now expanded or modified that overshadowing.
- **ANR Form 3 - Notice of Overshadowing by a Constructed Wastewater System and/or Potable Water Supply** – the notice to be sent to landowners who were not subject to overshadowing at the time a permit was issued but overshadowing is now depicted on record drawings due to changes that occurred during construction of a potable water supply or septic system. This form is also used when there was an overshadowing notification sent before the permit was issued but changes that occurred during construction have expanded or modified that overshadowing.
- **ANR Form 4 – Certification Statement for Notification of Overshadowed Property Owner(s) pursuant to the Wastewater System and Potable Water Supply Program** – the certification form completed and signed by the applicant or permittee when any of the ANR notification forms are sent to a landowner whose property is overshadowed. The

Instructions for Filing Permit Applications to Comply with Acts 145 and 117

form is a certification that the required notice and site plan was sent to the overshadowed landowners.

- **ANR Form 5 - Certification Statement for Wastewater System and Potable Water Supply Permits when there is no Required Notification of Adjoining Property Owner(s)** – for use when an application for a permit is being submitted and no notification is required.

Please note each form and the “Notification Requirements Guidance Document 2010-01 Revised 8-24-12 can be found at: <http://www.anr.state.vt.us/dec/ww/engserv.htm>. Landowners subject to notification of overshadowing shall be given the appropriate Form (1, 2, or 3) developed by the Agency. The Agency shall only accept ANR Form 4 and 5 as evidence of compliance with the notification process. Further, it is important that the person doing the mailing obtain a “Certified Mail Receipt” for each person being notified by certified mail. The “Certified Mail Receipt” shall be provided ANR whenever overshadowing notification is required.

Listed below are specific examples for the use each form.

- 1. Applications that propose water supplies or wastewater systems that overshadow land not owned by the applicant or permittee at the time of application:**
 - a) Each overshadowed property owner shall be provided form “ANR Form 1” and a copy of the site plan that accurately identifies the lands potentially affected by overshadowing.
 - b) The form and site plan must be sent by certified mail to each overshadowed property owner a minimum of seven calendar days prior to submitting a permit application to the Division. Please note that the seven calendar days means the application may be filed on the eighth day. As an example, the certified mail receipt is dated 9-1-12, the seventh calendar day is 9-7-12 allowing the application to be submitted on 9-8-12.
 - c) The completed “ANR Form 4” and a copy of all certified mail receipts shall be submitted with the permit application.
- 2. Applications that propose water supplies or wastewater systems that do not overshadow land not owned by the applicant at the time of application:**
 - a) The completed “ANR Form 5” must be submitted with each permit application.
- 3. Applications that are submitted to the Division with no overshadowing onto neighboring lands at the time of initial application where the plans are modified prior to the Division issuing a permit so that there is now overshadowing and/or there is an expansion or modification of previously depicted overshadowing:**
 - a) Each property owner affected by new, expanded, or modified overshadowing shall be provided “ANR Form 2” and a copy of the site plan that accurately identifies the lands affected by overshadowing.
 - b) The form and site plan needs to be sent by certified mail to the affected property owner(s).

Instructions for Filing Permit Applications to Comply with Acts 145 and 117

- c) The completed “ANR Form 4” and a copy of all certified mail receipts shall be submitted to the Division.
 - d) The Division shall hold the application a minimum of seven calendar days from the date of receipt of “ANR Form 4” before issuing a permit. Please note that the seven calendar days means the application may be filed on the eighth day. As an example, the certified mail receipt is dated 9-1-12, the seventh day is 9-7-12 allowing the permit to be issued on 9-8-12.
- 4. Projects where there was no overshadowing prior to construction of the permitted project but due to changes during construction result in new, expanded, or modified overshadowing by a constructed potable water supply or wastewater system that is depicted on record drawings:**
- a) All property owners affected by the new, expanded or modified overshadowing shall receive “ANR Form 3” and a copy of the record site plan that accurately depicts the overshadowing.
 - b) ANR Form 3 and site plan shall be sent by certified mail to the affected property owner(s) within 14 calendar days following construction of the potable water supply or wastewater system that resulted in the new, expanded, or modified overshadowing.
 - c) The permittee shall submit to the Division the completed “ANR Form 4” and a copy of all certified mail receipts within 21 calendar days following construction of the potable water supply or wastewater system.

Dated 8/29/12 Last Revised 9-11-12 (To Comply with Act 145 and Act 117)