

NOTES ON MEETING ON ON-SITE RULES 10/25/01 IN MORRISVILLE HOSTED BY THE
LAMOILLE REGIONAL PLANNING COMMISSION

Q: What are the limitations on holding tanks.

A: They are for existing failed systems as a last resort. See page 110 of the rules for details. There is a statutory provision for their use for new or existing small publicly owned buildings.

Q: Is there still a 10% credit for low flow devices?

A: Not for single family residences. That has been taken into account in the reduced design flows. Yes, for everything else, except campgrounds. Design flows for campgrounds have also been reduced substantially.

Q: On page 38 it says a permit is required for a water supply for a single family residence. I have a spring that I want to make deeper. Do I need a permit?

A: If we have no jurisdiction now, this will not change, therefore you would not need a permit. Even if the project was under our jurisdiction it is unlikely we would require a permit for a shallow well made deeper in the same spot. If the location were changed, a permit would be required.

Q: In the metered flow section of the rules... Why not change the formulas so they use the actual flows from the project. Structures which had a flow of 405 gpd with the 10% reduction are being increased to 420 gpd.

A: We used data from an EPA study which evaluated real flows. The average flow from a house was 3 people times 70 gpd. That is the average. The numbers we are using are conservative peak flows for a single family residence to account for changes in family size or water usage for owners of the building in the long term.

Q: How ironclad are the planning restrictions necessary to use the new site conditions?

A: We are still evaluating them. Please comment on appropriate restrictions.

Q: Does the town have to do the planning?

A: No. After 5 years, the new rules take effect statewide whether towns have revised their plans or not. The delay is for the site conditions only. The new technologies are available right away. After 5 years The state will issue permits in towns which have not updated their planning which may have different, more restrictive requirements than the town permits.

Q: Do the new rules supercede the current town ordinances?

A: Not as written. That could change. If no state permit is required now, the town rules govern. If there is state jurisdiction, then the state rules govern. In 5 years the rules will be in effect statewide.

Comment Two towns in Lamoille County have no town plans. It will take a lot of effort to get a town plan in place.

Q: Do you intend to have statewide standards in 5 years?

A: That is our goal.

Q: What is the definition of “municipal” for reductions in design flow for municipal connections? Do you mean municipally owned small cluster systems also?

A: No. The reduction is to recognize the averaging of peak flows on large systems, not small cluster systems. We will make that clear.

Comment: Our firm is designing systems for numbers of residences now for construction in the spring. Such changes in design flow could allow us to design smaller systems. We are being caught in the middle.

Response: If the design flows are reduced after construction, there will be a greater reserve capacity.

Q: Our firm is designing a new municipal project. The cost of hooking up dozens of systems at \$150 per connection is very costly for the municipality.

A: The rule has been changed to allow the town to own and operate the connections as part of the project and not require individual permits for the initial connections. We had been allowing this to happen for many years, however the Bianchi decision made it clear that a permit was required, so the rule has been changed to streamline the process. See the new language.

Q: The language requiring designers to certify their work is in conformance with the rules is a problem for getting liability insurance.

A: This language has been worked out with the underwriters group to be satisfactory to them. We do not intend to prevent people from getting insurance.

Comment: Can a non-professional issue a professional judgement? That is a legal question which needs to be answered.

Q: page 41 What is the definition of an improved lot?

A: A lot with an existing structure and its associated potable water supply and wastewater system. This replaces the Homestead exemption now in the rules.

Q: If you have an existing lot can you subdivide leaving only the existing system on the original lot?

A: No you cannot subdivide unless you have a primary and replacement system for both lots.

Q: What if you put your septic system on the neighbor's lot by mistake and the neighbor doesn't want to sell you enough land to give the necessary setback?

A: You can negotiate an easement.. there is no way to avoid meeting the setback requirement in the rule, even if it is from your own lot line.

Q: On the “Yes or No” information sheet....these systems require energy, . Have you made an estimate of the increase in energy consumption that will be required if lots of these new systems are constructed?

A: No a collective estimate has not been made. A single system with pumps may have a \$5-10 monthly bill, with blowers maybe \$30/ month. The operations cost may limit the numbers of installed systems.

Q: *If we increase development by 50% then how much will energy use increase?*

A: We do not believe that 50% of the new systems will use the more complex systems.

Q: *Septic tanks and leach fields are gravity fed. What if there is an electrical grid failure for a system dependent on electricity? What would be the effect on water quality?*

A: Long discussion of various operations requirements, options, controls. Generally there is storage capability for some period of time. Generators could be a back-up if necessary. We have some of these systems now. The design takes this into consideration. If there is a large scale black out heat, water etc will be more of a concern than sewage disposal in the short term.

Q: *These new systems need oversight. Towns will not have the expertise or staff. What provisions has ANR made to see that they are properly tracked.?*

A: The permit will require a contract for operations. We can enforce the permit requirement. Manufacturers will also be likely to follow up on making sure that they are operated correctly.

Q: *Won't the new conditions create sprawl? Is it your intent to increase development? When you get a lot of new systems that have little margin of error that will be a problem, because in spite of everyone's best efforts some systems will fail. If you have concerns, aren't you pushing the envelope too far?*

A: We believe that the science of sewage treatment has progressed considerably in recent years and that Vermonters should be able to use technologies in general use elsewhere. There should not be wide scale failure of these systems, and we will deal with failures in the same manner as we do failed systems from those in current use. We realize that some additional development will occur. It may be in rural areas, or could be in-fill in existing villages. The towns should be the ultimate decision makers regarding development patterns.

Comments: Towns try to control development by planning, the voters turn it down. Some people believe that the new conditions should not be available to towns unless they actively choose to plan.

Comment: Towns shouldn't have to change and accept the more lenient new standards.

Response: If the towns have more stringent technical standards for sewage in order to control land use, they may be subject to challenge.

Comment: Murphy's law will operate. Whose responsibility will it be to follow-up on reporting and maintenance? The state will not have enough resources to keep track, and there will be great opportunities for failing systems to fall through the cracks.

Comment: Septic tanks fail also but less often. ANR doesn't do much enforcement now, why should we expect them to do this better. Anecdote on existing case. Case was actually a lot where ANR has no jurisdiction.

Comment: The isolation distance required between wells is a problem when layered on to the isolation distances required between septic tanks and wells for system 0-2 gpm. It is far too restrictive for such small drawing wells.

Comment: Discussion of the timeline for Rule#2. What if Rule #1 is adopted and Rule #2 is not?

A; ANR plans to adopt them both. We are delaying Rule #2 only for the short time to be able to accommodate any legislative changes during the session into the rule. The technical standards will be relatively unchanged. Both rules should be in effect by September 1, 2002 when the exemption closes. That is consistent with our commitment to the legislature.

Comment: There is not enough technical assistance for towns for all ANR's new initiatives: TMDLs, watershed planning, stormwater controls, on-site!

Response: We will do our best to provide technical assistance. We are doing a great deal now. We hope that the legislature will help by making additional funds available.

Q: I don't understand the rules procedure. Does this have to be voted on by the Legislature?

A: No. The ANR can adopt the rules without legislative approval. A legislative committee reviews and comments on them before adoption, however. Explanation of complete rule procedure.

Q: Have you looked at other states' experiences with these systems to help your decision making.

A: Yes that has been a significant part of our process. The technical advisory committee has participated in that review as well.