

NOTES FROM MEETING ON ON-SITE RULES ON 11/5/01 IN ESSEX JUNCTION HOSTED BY THE
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

Q: Have you considered separating greywater from blackwater and using it for flushing toilets and for irrigation? It reduces the load on a system.

A: Greywater is pathogenic and is unsuitable for irrigation. To do as you suggest requires two water systems. We allow separate use for toilets flushing in public buildings now. The cost of this option is very high for a homeowner.

Q: Does “on-site” mean the home-owner has to own the site?

A: No. It means the system is a soil-based system. Many homeowners share systems or have their system on another lot under an easement arrangement.

Q: You are changing site conditions. Will you be changing the site setback requirements also?

A: No. The setback requirements are a good starting point. If justification is made to reduce or increase them, that can be done now and will continue in the new rules.

Q: What about using alternative systems?

A: Alternative systems which have been approved for general use will be available immediately. The list will expand as systems get approved on a case by case basis based on the performance criteria in the rules. The “Advantex” system has already been approved. The peat based system is in review. Several others are in the pipeline. Not all are the same, some are more reliable or more costly than others.

Q: Will towns have to adopt the new rules?

A: No. Towns do not have to adopt the rules, but in 5 years they will be implemented statewide and the state will be using them to approve permits in all towns.

Q: For projects which require operation oversight, how will the state check up on this?

A: ANR will have to track and enforce these permit conditions vigorously. Proper operation is the key to good treatment which protects the public health. We expect that the contract operations firms will contact us if the contract is dropped. One reason ANR didn't include disinfection as a suitable treatment process is because of the difficulty of maintaining disinfection in such small facilities.

Q: How will the Regional office staff roles change?

A: The staff will stop doing such detailed engineering reviews as they are now doing and will focus more on site/soils reviews up front. Designers will be held more

accountable. We hope to eventually reduce review of municipal connections to a permit by rule.

Q: If an innovative system fails, who is responsible the designer or the homeowner?

A: Designers and installers will be required to certify their work. If these certifications are incorrect or the work is faulty, then the designer or installer will be held accountable. The only link to installer accountability we will have is a charge of violation of this rule, because installers are not being licensed under this rule.

Comment: A designer can't "certify" because he/she will be unable to get insurance if they do.

A: We have worked out the wording of this requirement with the attorney for errors and omissions claims and the PE Board, and believe that it is satisfactory to both.

Q: The bedroom definition is a problem for big houses with special use rooms that meet the definition but are not bedrooms.

A: We realize that we need to work on the definition, however a definition is required when enforcement actions are taken. This is similar to other state's definitions, in fact many are far more complex. We certainly do not want to make existing houses be in violation of their permit by application of this definition.

Q: We use a way to calculate office loads by 150 square feet per person. How would you incorporate that design when applied to these rules.

A: We determine design flows as gallons per day per employee. You should get the expected number of employees from your client rather than the size of the building.

Q: Existing failures don't require a replacement area. It takes 90 days to get a response through the state and get a permit, but I can design the fix in a very few days. You need to act much faster with failed systems. They are a health hazard.

A: These rules don't change the requirements for exempt lots. You can move immediately on those systems. Those under our jurisdiction qualify for a best fix with cost being a consideration for the incremental improvement in public health or environmental protection. Variances are allowed as necessary. If S.27 passes (and all failed systems are under our jurisdiction) we will have to deal with the timing issue especially. We act promptly on failed systems now, although it is not always done in a week we make every effort to meet the needs of the people involved.

Comment: Systems constructed from 1969 to 1982 are failing day in and day out. They need a quick response. Towns respond quickly. Towns should be able to handle them under their own regulations without state involvement.

Comment: New site conditions open up some new areas to development. The 50% estimate may be quite high. In these 4 counties there is 1.3 million acres , .5 million acres have poor soils. These soils (Covington and Vergennes) are predominantly farm land and will not be developable even under the new rules.

Response: The parameters set are those necessary to have good functioning sewage systems not for maximizing buildable lots. If the lot is not suitable for a septic system then a building should not be built there. That is why people want the 10 acre exemption so they can avoid meeting the standards for a good system if the soils are poor on their lot. Others just want to avoid the permit process.

Q: What is the chance of the legislature passing a bill consolidating the program as you are suggesting?

A: We have prepared the new technical standards as they requested and have made a good faith effort to rely on good science in setting these new standards. We are hopeful that they will see the need for reforming the other parts of the program to be more efficient and understandable.

Q: Are there any carrots or sticks to get towns to do the planning for land use changes?

A: The potential of new development right away should be one “carrot”. The “stick” is the opposite side of that: they cannot use the new site conditions until they do act.