

S. 27 - as passed by House and Senate- Summary

Key components of the Bill:

- Consolidation of Statutes (including conforming statutory changes): 3 V.S.A. Sec. 2873(c), 18 V.S.A. Sec. 1218, 10 V.S.A. Ch 61 and 10 V.S.A. Ch. 153 (campgrounds, subdivision, “public buildings” and mobile home parks) all consolidated into new Ch. 64;
- Universal Jurisdiction: All systems serving single family residences on their own lots require a permit upon subdivision, or after July 1, 2007 upon failure of system or supply, conversion of use from a single family residence, or expansion of existing use;
- Municipal Delegation: Towns may choose to be delegated the state program under conditions specified in the statute;
- VTC is supported as a Demonstration Site: ANR will work with VTC to obtain non-state funding necessary to support the site, installations and to develop staff for training designers and installers;
- Holding Tanks allowed: Can use holding tanks if a septic system has failed or is likely to fail. Technical standards are in the statute;
- Primitive Camps exempted: Primitive camps (not seasonal camps) are exempt;
- Expansion of Site Tech Jurisdiction: Allows site technicians to design systems up to 1350 gpd in size once ANR has drafted rules establishing classes of activities allowed, in consultation with technical advisory committee;
- Designers and Installers certify work. No Installer License Requirement: Both designers and installers certify their work. Existing licensing programs for designers (PE for engineers, DEC license for site technicians) No license is required of installers. (DEC may develop a voluntary certification program for installers as resources allow);

Existing Single Family Residences

- If a single family residence on its own lot that was exempt from the state permit requirements and in existence before June 14, 2002, or substantially complete by November 1, 2002, then modifications to the water supply or septic system or the addition of bedrooms do not require a state permit if they are done before July 1, 2007.
- On or after July 1, 2007, a permit is required if these actions are taken.
- Subdivision of the lot at any time on or after June 14, 2002 will require a state permit.
- Minor repairs of a water supply or septic system will not require a permit.

Undeveloped Lots (Pre-existing and Existing Exempt):

- Close 10-Acre exemption for lots created on or after June 14, 2002;
- The construction of one single family residence on an undeveloped pre-existing or existing exempt lot in existence before June 14, 2002 is allowed until November 1, 2002 with no state permit (covers in-progress development);
- The construction of one single family residence on these lots on or after November 1, 2002 is allowed with no state permit until July 1, 2007 provided the water supply and septic system is certified by a licensed designer to meet the updated technical standards in the proposed rules, and is certified by an installer or licensed designer that the system was

installed in accordance with the certified design, and both certifications are recorded in the land records;

- The exemption terminates if the lot is subdivided at any point on or after June 14, 2002;
- If lot remains unimproved on or after July 1, 2007, a permit is required prior to construction and must meet all requirements of the rules;

New Subdivided Lots:

- New lots created on or after June 14, 2002 need a permit.
- New 10+ Acre lots created between the effective date of the Act and November 1, 2002, may use the updated minimum site conditions through July 1, 2007, irrespective of municipal planning and zoning status.
- Slope is limited to 20% for all new lots;

Innovative/Alternative Systems and System Components:

- Approved I/A systems allowed right away, everywhere, including pre-existing, existing exempt, and new 10+ acre lots;
- The Secretary will maintain a list of approved systems and/or products and update the list as new approvals are granted. ANR has provided this list. Current approvals on the list include, but are not limited to: at grade systems, mound systems, intermittent sand filters, recirculating sand filters, waterless toilets together with greywater disposal systems, the Advantex textile treatment system, Ecoflow biofilter peat treatment system, Presby Enviro-Septic gravel-less distribution pipe, Flout floating outlet distribution box, and the Orenco hydro-splitter mechanical alternative to a distribution box.

Failed Systems:

- Allow use of approved I/A technologies and modification of site conditions for failed systems right away, everywhere;
- Variances from the rules allowed if compliance is not possible;

Planning/Zoning/Municipal Issues:

- Towns have until July 1, 2007 to plan for the use of the revised minimum site condition requirements for new sites if they currently regulate potable water supplies and wastewater systems. They can choose to use them sooner if they wish through amendment to their sewage ordinance or zoning bylaws. (Note: If a state permit is required, the new minimum site condition requirements cannot be used unless the Town has planning and zoning).
- Slope for construction of wastewater system is limited to 20% by statute.
- As of July 1, 2007, all towns must use the modified site conditions.

Uniform Statewide Technical Standards:

- Existing sewage ordinances and bylaws regulating private water supplies and wastewater systems are superceded by the uniform statewide technical standards as of July 1, 2007;

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- Delegated municipalities may regulate systems exempt under the state rules, and may establish regulations for permit processing consistent with statute (though not necessarily identical).
- Until July 1, 2007, towns may continue to use either existing or current technical standards;

Monitoring:

- Systems using performance-based approach for minimum site conditions have annual inspection with report to ANR describing the functional status until July 1, 2007;
- ANR will track and report on development sites approved under new rules that wouldn't have been allowed under old rules;
- The ANR, in consultation with ACCD, will compile data and report by January 15, 2005 and January 15, 2007 as to the success rate of these systems, any problems encountered, and affects on land use development patterns.
- The Secretary shall give priority and preference to providing technical assistance at sites that may require use of the modified site conditions and at sites located in towns without planning and zoning.

Groundwater Resource Mapping and Reporting:

- The bill specifies that one of its purposes is to protect groundwater resources;
- The Secretary shall implement chapter 48 of the V.S.A. and complete aquifer mapping required in that chapter by July 1, 2007. The Secretary shall report to the legislature by January 15, 2003 on the following:
 - o Status of aquifer mapping;
 - o Status of statewide groundwater classification;
 - o Status of Mapping of naturally-occurring contaminants of concern that may preclude use of an aquifer for drinking water supplies;
 - o Potential obstacles and difficulties in completing the above work, including resources necessary to complete the aquifer mapping by July 1, 2007 and the other work required within a reasonable timeframe;
 - o Potential funding sources and partners for completing the above work; and
 - o A reasonable timeline for implementing the work above assuming recommended resources are provided for.

Technical and Financial Assistance to Communities:

- The Secretary of the Agency of Commerce and Community Development and the Secretary of Natural Resources shall assist communities with the development implications of this statute by:
 - o Providing technical assistance and available funds to municipalities, including assistance and funds for implementing groundwater protection ordinances in municipalities that want these ordinances;
 - o Develop a model groundwater protection ordinance by July 1, 2003, which municipalities may use if they wish as part of their municipal planning work.