

Significant Changes to the Wastewater System and Potable Water Supply Rules
October 23, 2018

Subchapter 1 – Purpose and Authority

Added the severability clause.

Subchapter 2 – Definitions

This Subchapter was substantially expanded with the addition of 45 new definitions.

Subchapter 3 – Potable Water Supply and Wastewater Permits

This Subchapter was substantially rewritten.

§ 1-301(e) is new to identify wastewater or wastes prohibited for treatment and disposal to a soil-based wastewater system.

§ 1-301(g) identifies actions that “are presumed to not increase the design flow of any component of the potable water supply or wastewater system or modify other operational requirements of a potable water supply or wastewater system”.

§ 1-302(a) allows for the use of the existing components of a potable water supply and wastewater system that are not failed to serve a reconstructed building or structure when there is no increase in design flow for the supply or system.

§ 1-302(b)(4) extends the time frame from 2 to 4 years for the reconstruction of a building or structure or campground.

§ 1-304(6) exempts a single-family residence and its associated potable water supply or wastewater system that was substantially completed between January 1, 2007 and July 1, 2007 provided certain requirements are met.

§ 1-304(6) exempts a subdivision to create a lot for the construction of cell towers, solar panels, wind turbines and telephone switching stations.

§ 1-304(7) exempts the need to obtain a permit to subdivide a lot that contains single family residences, duplexes and other buildings with a design flow of less than 560 gallons per day provided the new property boundary is 500 feet or more from the footprint of the existing building, the existing wastewater system and/or potable water supply are not failed, there is no violations requiring a permit, and a diagram is prepared that is filed in the land records.

§ 1-304(8) removes the need to commence condemnation proceedings to exempt subdivisions created under the State’s enacted Transportation Program or is an emergency project within the meaning of 19 V.S.A. § 10g(h).

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§ 1-304(12) exempts the connection of a building or structure to a municipally owned water main when the connection is made at the time of constructing the main. The exemption mirrors the existing exemption allowing the connection of a building or structure to a municipally owned sewer collection system when the connection is made at the time of construction of the collection system.

§ 1-304(13) exempts need to obtain a permit when there is an increase in design flow to a building or structure or campground when the building or structure or campground is connected to a wastewater treatment facility or indirect discharge system, the owner of the public water system confirms the system has capacity, and a designer certifies the existing sanitary sewer collection line and sanitary sewer service line can accommodate the increase demand. The designer's certification needs to be recorded and indexed in the municipality's land record.

§ 1-304(14) exempts need to obtain a permit when there is an increase in design flow of a component of a water service line when the building or structure or campground is connected to a wastewater treatment facility, the owner of the public water system confirms the system has capacity, and a designer confirms the water service line can accommodate the increase demand. The designer's certification needs to be recorded and indexed in the municipality's land record.

§ 1-304(18) adds the statute exemption for the installation of a water treatment system/device and expands the statutory list for contaminants that can be treated without requiring a permit.

§ 1-304(19) exempts the installation and use of a water treatment system when authorized by the Secretary in a corrective action plan required pursuant to 10 V.S.A. § 6615b.

§ 1-304(20) adds the statute exemption for the increase in flow to an existing wastewater system as a result of the use of a water treatment system identified in Subsection (19).

§ 1-304(24) exempts the installation of a soil or pit privy serving State or Federal owned remote campsites provided certain vertical and horizontal isolation distances are met.

§ 1-304(25) exempts the periodic and temporary change in use of a building or structure for a special event provided certain conditions are met including the number of events and duration of each event per year.

§ 1-304(26) exempts the construction and use of a barn or outside enclosure that will be used for events provided certain conditions are met including the number of events per year.

§ 1-304(27) exempts the construction and use of a building or structure for seasonal outdoor activities (e.g., outdoor archery, gun range, golf driving range, farm stand, Christmas tree farm), provided certain conditions are met.

§ 1-304(28) exempts the construction of a building or structure associated with quarries, sand and gravel pits, and rock crushing operations, where site conditions prevent the installation of a soil-based wastewater system, provided certain conditions are met.

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§ 1-304(29) exempts the placement and use of a mobile home or recreational vehicle at a construction site as temporary office space occupied by employees, provided certain conditions are met.

§ 1-304(30) exempts the use of telephone switching stations, electrical substations, hydroelectric dam operation stations, and similar buildings or structures, for their intended purposes, provided certain conditions are met.

§ 1-304(31) exempts the use of rental storage units as rental storage units, provided certain conditions are met.

§ 1-305(i) is a new statement a permittee must include with an application that is to permit a surface water to serve one single-family residence.

§ 1-305(l) clarifies when the Agency will give deference to a design certification.

§ 1-307 adds the statutory requirements for notification of a potable water supply or a wastewater system presumptive zone that extends onto property other than property owned by the permit applicant.

§ 1-309(e)(f) is a new statement a perspective landowner of a single-family residence that uses surface water as the potable water supply must provide the Secretary prior to change of ownership of the lot.

§ 1-311(d) clarifies when an installation certification with record drawings cannot be used for changes during construction of a permitted wastewater system or potable water supply.

Subchapter 4 – Approval of Innovative/Alternative Systems and Components (Formerly Subchapter 10)

This subchapter was substantially rewritten.

Subchapter 5 – Appeals; Declaratory Rulings; Revocations; Enforcement

§ 1-501(b) makes the Division Director the final appeal for decisions made in the Regional Offices.

Removed the Declaratory Ruling provision.

Subchapter 6 – Delegation

§ 1-601 includes the statutory provision municipalities that own both the municipal sewer collection system and public water main may request delegation to administer the WW Rules. The municipality will only be able to permit those buildings and structures that connect to both

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the public water main and sewer collection system. Issuing permits for soil-based wastewater systems and other potable water supplies shall remain with the Regional Office Program.

§ 1-603(11) reduced the information a municipality must include in their annual report.

Subchapter 7 – Designer Scope of Authority, Examination, and Continuing Education

This subchapter was substantially rewritten.

The subchapter was amended to note the licensing portion of the designer program transferred to the Secretary of State Office. Exams and approving continuing education courses remain within these Rules.

Subchapter 8 - General Technical Requirements for Wastewater Systems and Potable Water Supplies

This Subchapter was substantially rewritten.

§ 1-802(e) clarifies design allowances when considering cost and impacts on human health and the environment.

§ 1-803(h) establishes the water design flow per residence or living unit for a potable water supply serving 5 or more residences or units at 360 gpd per residence or unit regardless of the number of bedrooms.

Table 8-2 eliminates the “open 7 mo/yr or Less” design flow category for campgrounds.

Table 8-3 expands the list of non-residential uses of buildings or structures and associated design flows. The Table establishes one design flow for uses by eliminating the 10 percent and 20 percent reductions.

§ 1-804(a) does not allow water meter data to change the design flow for single-family residences or living units.

§ 1-804(d) requires 1 year, rather than 6 months, of water meter data to use a flow number not in Table 8-3.

§ 1-804(e) requires 4 samples for determining wastewater strength and characteristics.

§ 1-805 states wastewater strength is a design consideration when there is no design category in Table 8-3 for the use of the building or structure.

Subchapter 9 – Specific Technical Standards for Wastewater Systems

This Subchapter was substantially rewritten.

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§ 1-903(d) clarifies that the ground slope for wastewater systems is the slope of the ground for leachfields.

§ 1-903(d) the ground slope for a leachfield is the average slope across the leachfield.

§ 1-903(h) establishes that the maximum cumulative design flow for a lot in a Class A watershed is 1000 gallons and the design flow for a wastewater system in a Class A watershed may not exceed 1000 gallons.

§ 1-910 requires soil be described using the USDA method for soil description and the Munsell Color Chart.

§ 1-910(h) says percolation testing to establish an application rate is optional.

§ 1-913 is the statutory requirement for drawing the wastewater system presumptive isolation zone for notification.

§ 1-915 is a new section allowing wastewater designs to use time dosing.

§ 1-916 is a new section allowing wastewater designs to use flow equalization.

§ 1-919 is a new section allowing leachfield designs using “shallow” and “window systems”.

§ 1-920 allows interfingering of primary and replacement at-grade infiltrative areas.

§ 1-922 is a new section with specifications for the design and construction of a wastewater system using a Bottomless Sand Filter.

§ 1-928 amended to include the statutory requirement to allow charitable, non-profit and religious organizations the ability to use holding tanks.

Subchapter 10 – Flexible Specific Technical Standards for Wastewater Systems

Subchapter 10 is former Appendix 1-A. The subchapter has technical standards for the design of sanitary sewer service lines and sanitary sewer collection lines that the Secretary may allow deviations to.

Subchapter 11 – Specific Technical Standards for Potable Water Supplies

A new subchapter for the design of a potable water supply. Portions of this Subchapter were in Part 11 of the Vermont Water Supply Rule.

§ 1-1113(d) is a new section establishing when and which surface water can be approved as the potable water supply serving one single-family residence.

§ 1-1113 includes the statutory requirement for the testing of all new potable water sources.

Fluoride, lead, manganese, and gross alpha were added to the list of primary contaminants in Table 11-5.

§ 1-1113(f) is a new section establishing treatment criteria for surface water that will be the potable water supply serving one single-family residence.

Subchapter 12 – Flexible Specific Technical Standards for Potable Water Supplies

A new subchapter for the design of potable water supplies. The subchapter has technical standards for the design of potable water supplies, water service lines, and water service pipes that the Secretary may allow deviations to. Portions of this Subchapter were in Part 11 of the Vermont Water Supply Rule.

Appendix A – Information for an Application

Formerly Appendix 6-A. This Appendix was substantially rewritten.

Appendix B – Examples

Formerly Appendix 7-A.

Examples C-2 for designing flow equalization tanks.

All diagrams were removed from the Rules. Select diagrams will be placed on our web page with the Rules.