

1 H.469

2 Introduced by Representative Shaw of Pittsford

3 Referred to Committee on

4 Date:

5 Subject: Conservation; potable water supply and wastewater systems; isolation
6 distances; notice

7 Statement of purpose: This bill proposes to require an applicant for or a
8 permittee holding a potable water supply and wastewater system permit that
9 has an isolation distance that extends onto property other than the property for
10 which the permit is sought to notify by certified mail any landowner affected
11 by the proposed isolation distances. The bill also provides that an as-built
12 system cannot be installed until 14 days after a landowner affected by a
13 proposed isolation distance is notified by certified mail. The bill also requires
14 that a permit with an isolation distance that extends onto property other than
15 the property for which the permit is sought shall be indexed as affecting the
16 title to real estate of any property to which the isolation distance extends. In
17 addition, the bill authorizes any landowner affected by an isolation distance to
18 request that the secretary of natural resources review the proposed permit to
19 determine if the potable water supply or wastewater system can be located in a
20 manner to eliminate or minimize the extension of an isolation distance onto
21 property other than the property for which the permit is sought.

1 An act relating to potable water supply and wastewater system isolation
2 distances

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 ~~Sec. 1. 10 V.S.A. § 1973 is amended to read:~~

5 § 1973. PERMITS

6 * * *

7 (h) All permits required under this section, all design and installation
8 certifications required under this section, and all documents required by the
9 rules adopted under this chapter to be filed in the town records shall be
10 properly indexed and recorded in the land records pursuant to 24 V.S.A.
11 §§ 1154 and 1161. If a permit issued under this section includes an isolation
12 distance that extends onto property other than the property for which the
13 permit is sought, the town clerk shall index the permit under 24 V.S.A. § 1161
14 as affecting the title to real estate of any property to which the isolation
15 distance extends.

16 * * *

17 (j)(1)(A) When an applicant for a permit under this section proposes a
18 water supply or wastewater system with isolation distances that extend onto
19 property other than the property for which the permit is sought, the permit
20 applicant shall send by certified mail a copy of the complete permit
21 application, including any plans, to any landowner affected by the proposed

1 ~~isolation distances no later than the date that the permit application is~~
2 submitted to the secretary.

3 ~~(2)(B) If, during the course of the secretary's review of an application~~
4 ~~for a permit under this section, the location of a water supply or wastewater~~
5 ~~system permit is revised and the isolation distances of the revised system~~
6 ~~extend onto property other than the property for which the permit is sought, the~~
7 ~~permit applicant shall provide~~ send by certified mail a copy of any revised plan
8 to any landowner affected by the isolation distances.

9 ~~(3) If, after a permit has been issued under this section, a water supply~~
10 ~~or wastewater system is not installed according to the permitted plan and the~~
11 ~~record drawings submitted under subsection (c) of this section indicate that the~~
12 ~~isolation distances of the as-built system extend onto property other than the~~
13 ~~property on which the as-built system is located, the permittee shall provide a~~
14 ~~copy of the record drawings to any landowner affected by the isolation~~
15 ~~distances~~

16 (C) If, after a permit has been issued under this section that does not
17 propose isolation distances that extend onto property other than the property
18 for which the permit is sought, a water supply or wastewater system cannot be
19 installed according to the permitted plan and a proposed as-built system would
20 require an isolation distance that extends onto property other than the property
21 for which the permit is sought, the permittee, prior to installation under
subdivision (e)(1)(B) of this section, shall send by certified mail the proposed

1 ~~as built plan to any landowner affected by the isolation distances. The~~
2 ~~permittee may install the proposed as-built system under subdivision (e)(1)(B)~~
3 ~~of this section no sooner than 14 days from the date the proposed as-built plan~~
4 ~~was sent to affected property owners.~~

5 (4)(2) A permit applicant or permittee subject to the requirements of
6 subdivisions ~~(1) through (3)~~ (1)(A) through (C) of this subsection shall certify
7 to the secretary that the notice and information required by this subsection
8 have been sent to affected landowners and shall include in the certification the
9 name and address of all affected landowners. If the secretary approves a
10 permit application under this section, the permit shall not be issued to a permit
11 applicant subject to the requirements of subdivisions ~~(1) and (2)~~ (1)(A) and (B)
12 of this subsection until seven calendar days after the permit applicant certifies
13 to the secretary that the notice required under this subsection has been sent to
14 affected landowners.

15 (3) Any landowner who receives notice under this subsection of an
16 isolation distance extending onto the landowner's property may request that
17 the secretary review the proposed permit to determine if the potable water
18 supply or wastewater system can be located in a manner to eliminate or
19 minimize the extension of an isolation distance onto property other than the
20 property for which the permit is sought.

1 ~~Sec. 2. EFFECTIVE DATE~~

2 This act shall take effect on passage.

Sec. 1. 10 V.S.A. § 1973 is amended to read:

§ 1973. PERMITS

* * *

(j)(1) When an applicant for a permit under this section proposes a water supply or wastewater system with isolation distances that extend onto property other than the property for which the permit is sought, the permit applicant shall send ~~a copy of the complete permit application~~ by mail, on a form provided by the secretary, a notice of an intent to file a permit application, including ~~any plans~~ the site plan that accurately depicts all isolation distances, to any landowner affected by the proposed isolation distances ~~no later than~~ at least seven calendar days prior to the date that the permit application is submitted to the secretary.

(2) If, during the course of the secretary's review of an application for a permit under this section, the location of a water supply or wastewater system permit is revised and the isolation distances of the revised system extend onto property other than the property for which the permit is sought, the permit applicant shall ~~provide~~ send by mail a copy of any revised plan to any landowner affected by the isolation distances.

(3) If, after a permit has been issued under this section, a water supply or wastewater system is not installed according to the permitted plan and the record drawings submitted under subsection (e) of this section indicate that the isolation distances of the ~~as-built~~ system as constructed extend onto property other than the property on which the ~~as-built~~ system is located, the permittee shall ~~provide~~ send by mail a notification form provided by the secretary with a copy of the record drawings showing all isolation distances to any landowner affected by the isolation distances.

(4) A permit applicant or permittee subject to the requirements of subdivisions (1) through (3) of this subsection shall certify to the secretary that the ~~notice~~ notices and information required by this subsection have been sent to affected landowners and shall include in the certification the name and address of all affected landowners. If the secretary approves a permit application under this section, the permit shall not be issued to a permit applicant subject to the requirements of ~~subdivisions~~ subdivision (1) and (2) of this subsection until seven calendar days after the permit applicant certifies to the secretary that the notice required under this subsection has been sent to affected landowners.

Sec. 2. EFFECTIVE DATE

This act shall take effect 60 days after passage.