

1 S.182

2 Introduced by Senator Benning

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; potable water supply and wastewater
6 system permits; isolation distances

7 Statement of purpose of bill as introduced: This bill proposes to require a
8 permit applicant for a potable water supply or wastewater system to own or
9 control legally, through a permanent easement, the property necessary to meet
10 the isolation distances required for the permit.

11 An act relating to isolation distances for potable water supply and
12 wastewater systems

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

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

15 § 1973. PERMITS

16 (a) Except as provided in this section and sections 1974 and 1978 of this
17 title, a person shall obtain a permit from the Secretary before:

18 (1) subdividing land;

1 ~~all isolation distances, to any landowner affected by the proposed isolation~~
2 ~~distances at least seven calendar days prior to the date that the permit~~
3 ~~application is submitted to the Secretary.~~

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

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

18 ~~(4) A permit applicant or permittee subject to the requirements of~~
19 ~~subdivisions (1) through (3) of this subsection shall certify to the Secretary that~~
20 ~~the notices and information required by this subsection have been sent to~~
21 ~~affected landowners and shall include in the certification the name and address~~

1 of all affected landowners. If the Secretary approves a permit application
2 under this section, the permit shall not be issued to a permit applicant subject
3 to the requirements of subdivision (2) of this subsection until seven calendar
4 days after the permit applicant certifies to the Secretary that the notice required
5 under this subsection has been sent to affected landowners Beginning July 1,
6 2014, a permit applicant for a potable water supply or wastewater system shall
7 own or legally control, through a permanent easement, the property necessary
8 to meet the isolation distances required under this chapter and the rules
9 adopted under this chapter.

10 Sec. 2. 10 V.S.A. § 1978(a) is amended to read:

11 (a) The Secretary shall adopt rules, in accordance with 3 V.S.A. chapter 25,
12 necessary for the administration of this chapter. These rules shall include, ~~but~~
13 ~~are not limited to,~~ the following:

14 (1) performance standards for wastewater systems;

15 (2) design flow standards for potable water supplies and wastewater
16 systems;

17 (3) design requirements, including isolation distances, provided that,
18 beginning July 1, 2014, the rules shall not authorize the extension of an
19 isolation distance onto property other than the property for which a permit is
20 sought unless the permit applicant owns or legally controls, through permanent
21 easement, the property on which the isolation distance is located;

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2 Sec. 3. EFFECTIVE DATE

3 This act shall take effect on passage.