

FRIENDS OF NORTHERN LAKE CHAMPLAIN

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Summary of Vermont Wastewater Septic Rules

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March 30, 2010

- Since 1969 Vermont has implemented various revisions to its wastewater disposal design and permitting regulations, gradually allowing more innovative design approaches to treat wastewater.
- In 2002, Governor Dean signed into law a set of septic regulations and permitting procedures that were to be implemented and improved over a 5-year period. The 2002 version and those since focused largely on closing the 10+ acre loophole and on the State taking jurisdiction over pre-existing residences.
- State oversight helped to unify myriad municipal standards or lack thereof. Designers of wastewater systems faced varied municipal approaches, and zoning administrators often interpreted local regulations differently.
- On July 1, 2007 the VT Department of Environmental Conservation (DEC) activated major changes to its rules governing potable water supply and wastewater systems.
- Among other effects, numerous properties statewide were automatically considered in compliance with septic laws, a scheme called "Clean Slate."
- According to an Agency of Natural Resources memorandum dated June 14, 2007, Clean Slate "basically grandfathers all buildings, campgrounds, lots, wastewater systems and potable water supplies that were in existence before January 1, 2007." Owners of existing systems do not need a permit if there is nothing wrong with the septic system and no changes to the system are made. In short, a system is in compliance if it has not failed.
- Act 32, the law that implements Clean Slate, defines a failed system as one "that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure." But even a system that passes could soon fail --- a major concern for homebuyers.
- All new septic systems and replacement or modification of existing systems require state permits. The most common reason for modification or replacement is the failure of an existing system. A state permit is required for activities such as construction of new buildings (including single family residences that need sewage disposal and/or water); construction or modification of a wastewater system and/or potable water supply; subdivision of land; and repair or replacement of a failed wastewater system and/or potable water supply.
- DEC authorizes about 25 different types of wastewater disposal systems including innovative/alternative components to be used when designing wastewater systems.
- The new rules clarify a number of issues including reduction of minimum design flow for single family residences, replacement area requirements, mound system requirements, composting toilets, seasonal conversions, subdividing a developed lot, minimum site conditions, outhouses, and other matters.

- If the system fails, the owner should contact a licensed wastewater system designer or engineer. Call 802-241-3822 and request a partial list of licensed designers, or visit <http://www.anr.state.vt.us/dec/ww/sitetech.htm#DesignerLists> Since there is no apparent list of engineers qualified to design wastewater systems in Vermont, people may contact any engineering firm and ask if they are licensed to design wastewater systems.
- If the licensed designer certifies that the septic system has failed and needs a major repair or replacement, the owner must obtain a permit and fix the system. Loans are available within income limits from the NeighborWorks Homeownership Center (www.vthomeownership.org) (See income limits below.)
- Access state wastewater permit forms on the web: www.septic.vt.gov
- Permits from the DEC vary based on daily flows, land acreage and/or proximity to streams and wetlands: less than 6,500 gallons per day, more than 6,500 gallons per day, more than an acre of land, more than 10 acres of land, near a wetland, crossing a river or stream.

- Permit fees to DEC for a private septic system vary, but are in the range of \$0.25 per gallon of potable water or wastewater, whichever is greater. Minimum fee: \$105.00. Septic designer or engineer fees are separate. Contact state DEC district offices for current rates.
- DEC District Offices for Lake Champlain:

450 Asa Bloomer State Office Bldg.
 Merchants Row
 Rutland, VT 05701-5903
 Permit Specialist: 802-786-5907

111 West Street
 Essex Junction, VT 05452
 Permit Specialist: 802-879-5676

- Alternatives to centralized wastewater treatment systems are available to municipalities. Centralized systems convey untreated sewage by pipe to a central treatment plant that usually discharges treated water to a large body of water, such as a river. Such systems tend to induce growth wherever the infrastructure is located.
- A decentralized system can include conventional or advanced onsite septic tank systems that serve a cluster of buildings on one or more properties. Innovative onsite systems and decentralized systems can be flexible tools for integrating environmental protections, land use goals, and wastewater treatment.

Septic System Repair Loans: Maximum Income by Household Size

The Vermont Department of Housing and Community Affairs has made resources available to the NeighborWorks Homeownership Centers of Vermont to help affected homeowners. The following 80% of HUD median income ceilings are used to evaluate eligibility for a loan:

	1 Person	2 Person	3 Person	4 Person	5 Person
Chittenden, Franklin, Grand Isle	\$42,050	\$48,100	\$54,100	\$60,100	\$54,900
Addison	\$37,300	\$42,650	\$47,950	\$53,300	\$57,550
Bennington	\$34,800	\$39,750	\$44,750	\$49,700	\$53,700

Caledonia, Essex/Orleans, Lamoille, Rutland	\$34,350	\$39,300	\$44,200	\$49,100	\$53,050
Orange	\$34,500	\$39,450	\$44,350	\$49,100	\$53,250
Washington	\$38,000	\$43,450	\$48,850	\$54,300	\$58,650
Windham	\$34,600	\$39,550	\$44,500	\$49,450	\$53,400
Windsor	\$35,850	\$40,950	\$46,100	\$51,200	\$55,300

Resources Much of the above narrative is verbatim from the following resources:

- Real Estate Community Holds Its Breath for New Septic Rules, *Seven Days*, July 11, 2007; www.7dvt.com/2007
- Amendments to the Wastewater System and Potable Water Supply Rule and a Summary of Significant Changes Made to the Statute That Authorizes the Rule, Memo from Agency of Natural Resources, November 14, 2007
- NeighborWorks Alliance of Vermont (www.vthomeownership.org)
- Vermont Environmental Protection Rules, Ch. 1, Wastewater System and Potable Water Supply Rules, Effective September 29, 2007
- Jay Buermann, PE, e-mail communication, March 18, 2010