

1 H.217

2 Introduced by Representatives McCormack of Burlington, Marcotte of
3 Coventry, Dame of Essex, Krebs of South Hero, Krowinski of
4 Burlington, Viens of Newport City, and Wright of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development

8 Statement of purpose of bill as introduced: This bill proposes to require the
9 Secretary of Natural Resources to delegate authority to a municipality to
10 permit new or modified service connections to an existing municipally owned
11 water main or sewer main, provided that: the municipality shall only issue
12 permits for connections if it owns both the water main and the sewer main at
13 the site of the connection; the municipality notifies the Secretary of any new
14 connection; the municipality has hired, appointed, or retained a licensed
15 designer; and the municipality assumes liability for the design and certification
16 of the new service connection.

17 An act relating to potable water or wastewater system permits for a change
18 in use of a building

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

1 ~~Sec. 1. 10 V.S.A. § 1976 is amended to read:~~

2 § 1976. DELEGATION OF AUTHORITY TO MUNICIPALITIES

3 (a)(1) If a municipality submits a written request for delegation of this
4 chapter, the ~~secretary~~ Secretary shall delegate authority to the municipality to
5 implement and administer provisions of this chapter, the rules adopted under
6 this chapter, and the enforcement provisions of chapter 201 of this title relating
7 to this chapter, provided that the ~~secretary~~ Secretary is satisfied that the
8 municipality:

9 (A) has established a process for accepting, reviewing, and
10 processing applications and issuing permits, which shall adhere to the rules
11 established by the ~~secretary~~ Secretary for potable water supplies and
12 wastewater systems, including permits, by rule, for sewerage connections;

13 (B) has hired, appointed, or retained on contract, or will hire, appoint,
14 or retain on contract, a licensed designer to perform technical work which must
15 be done by a municipality under this section to grant permits;

16 (C) will take timely and appropriate enforcement actions pursuant to
17 the authority of chapter 201 of this title;

18 (D) commits to reporting annually to the ~~secretary~~ Secretary on a
19 form and date determined by the ~~secretary~~ Secretary; and

20 (E) will comply with all other requirements of the rules adopted
21 under section 1978 of this title.

1 ~~(2) Notwithstanding the provisions of this subsection, there shall be no~~
2 delegation of this section or of section 1975 or 1978 of this title.

3 * * *

4 (g) Notwithstanding the requirements of subsection (a) of this section, if a
5 municipality submits a written request for partial delegation of this chapter, the
6 Secretary, upon application from a municipality, shall delegate authority to the
7 municipality to permit new or modified service connections to an existing
8 municipally owned water main or sewer main, provided that the municipality:

9 (1) shall only issue permits for connections under this subsection if it
10 owns both the water main and the sewer main at the site of the connection;

11 (2) will provide notice to the Secretary of any new connection;

12 (3) has hired, appointed, or retained on contract, or will hire, appoint, or
13 retain on contract, a licensed designer; and

14 (4) assumes liability for designing and certifying the design of new
15 service connections.

16 Sec. 2. WASTEWATER RULES; AMENDMENT

17 On or before June 1, 2016, the Agency of Natural Resources shall amend its
18 rules under 10 V.S.A. § 1978 to conform to the provisions of Sec. 1 of this act.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on July 1, 2015.

Sec. 1. 10 V.S.A. § 1976 is amended to read:

§ 1976. *DELEGATION OF AUTHORITY TO MUNICIPALITIES*

(a)(1) The Secretary may delegate to a municipality authority to:

(A) implement all sections of this chapter, except for sections 1975 and 1978 of this title; or

(B) implement permitting under this chapter for the subdivision of land, a building or structure, or a campground when the subdivision, building or structure, or campground is served by sewerage connections and water service lines, provided that:

(i) the lot, building or structure, or campground utilizes both a sanitary sewer service line and a water service line; and

(ii) the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality.

(2) If a municipality submits a written request for delegation of this chapter, the ~~secretary~~ Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter, the rules adopted under this chapter, and the enforcement provisions of chapter 201 of this title relating to this chapter, provided that the ~~secretary~~ Secretary is satisfied that the municipality:

(A) has established a process for accepting, reviewing, and processing applications and issuing permits, which shall adhere to the rules

established by the ~~secretary~~ Secretary for potable water supplies and wastewater systems, including permits, by rule, for sewerage connections;

(B) has hired, appointed, or retained on contract, or will hire, appoint, or retain on contract, a licensed designer to perform technical work which must be done by a municipality under this section to grant permits;

(C) will take timely and appropriate enforcement actions pursuant to the authority of chapter 201 of this title;

(D) commits to reporting annually to the ~~secretary~~ Secretary on a form and date determined by the ~~secretary~~ Secretary; ~~and~~

(E) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water supply system source, wastewater treatment facility, or indirect discharge system; and

(F) will comply with all other requirements of the rules adopted under section 1978 of this title.

(2) ~~Notwithstanding the provisions of this subsection, there shall be no delegation of this section or of section 1975 or 1978 of this title.~~

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Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.