



# **EARTHBOUND SERVICES, LLC**

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## **REVISIONS TO VT DEC WASTEWATER AND POTABLE WATER SUPPLY RULES REVISED SEPTEMBER 29, 2007**

**Universal State Jurisdiction** - As of July 1, 2007, the state took total jurisdiction over wastewater and water supply systems. This means that towns cannot have a permit process of their own. A few towns have agreed to run the state permit process - Charlotte and Colchester are examples. But, towns cannot have rules related to wastewater or water supply systems that are different than the state rules. ***This also means that any new building or subdivision or any replacement leach field requires a state permit. There are no more exempt lots for new building or replacement leach fields.***

**Clean Slate** - The new Rules have an exemption for anything which needed a permit in the past but did not get it or for anybody who did not do what their state permit required of them. This applies for any building, whether a single family house or commercial building or campground. ***If the "illegal" activity occurred before January 1, 2007, amnesty is granted.*** No application or form needs to be submitted to get this amnesty. This eliminates the after-the-fact wastewater permitting of buildings that were converted to multi-family or increased the number of bedrooms. It also eliminates the amnesty applications and certifications. ***Of course, if the leach field or well fails or if the use of the building changes to increase the flow of sewage after January 1, 2007, the owner is required to get a state permit.***

**Minimum House Size Reduced to Two Bedrooms** - Previously the minimum house size for the design of a leach field for a new house was considered to be three bedrooms. This minimum was reduced to two bedrooms. It was hoped, by many of us, that the reduction would be to one bedroom, but this did not happen. The reduction does, however, allow for smaller houses to be built along with smaller leach fields. ***It might allow some properties to be buildable that were not in the past as the requirement for "percable" soils is reduced for two bedroom houses.***

**Elimination of Replacement Areas for Mound Systems** - The new rules eliminate the need to find the extra "percable" soils for a replacement area if the primary system that is built is a mound system. ***This could possibly increase the septic capacity on many properties that use mound systems.*** It also means that projects that have already been approved with mound systems and mound replacement areas, could possibly apply for a permit amendment to use the replacement area for another house.

**Elimination of Replacement Areas for Oversized Systems** - The new rules eliminate the need to find the extra "percable" soils for a replacement area if the primary system that is built is built to 150% of the required size and is a pressurized system. Pressurized systems require a pump station or siphon chamber to pressurize the effluent.

### **Replacement Areas for the Existing House When Subdividing Lots with Houses**

**Already on Them** - When a property with an existing house is subdivided, the existing leach field can generally continue to be used by the existing house, as long as it is not failed. However, a complying replacement area has generally been required. The new rules allow this requirement to be waived for houses, four bedrooms or less in size, where the new property line is more than 500 feet away from the existing house footprint.

**Composting Toilets** - The new rules allow for a 25% reduction in leach field size if a composting toilet is used. ***This is a reduction in constructed leach field size and in the area of "percable" soils needed.*** The rules do require that the final product of the composting toilet be buried 6" or more below the ground and in an area that meets all the setbacks for a leach field.

**Constructed Wetlands and Subsurface Drip Distribution** - The new rules allow these systems to be designed as part of a wastewater system without going through the lengthy innovative/alternative approval process previously required. Each system design will still be reviewed by the regional engineer when the permit application is submitted. ***Many people have the hope or impression that such systems can make properties buildable or "percable" that would not otherwise. This is generally not true.*** In addition, constructed wetlands, for example, also have more maintenance requirements than a more standard wastewater system.

**Conversions of Seasonal Camp Lots** - The new rules allow an existing camp lot to be converted to a year-round dwelling without requiring "percable" soils that meet the rules completely. This is only if the number of bedrooms in the house remain the same. A site technician or engineer is required to determine if the leach field needs to be replaced. If it does, a "best fit" solution can be used. ***This means that the conversion of an existing seasonal camp will generally not be prevented by lack of septic capacity if there is no increase in bedrooms.***

**Exemptions for Adding Bedrooms to an Existing House** - The exemptions for adding bedrooms to existing houses that were in the 2005 rules were eliminated. This means that anytime someone adds bedrooms to an existing house, they must get a state permit and they must have the septic capacity to fully comply with the rules. ***There might be situations where someone cannot add bedrooms to their house because of this.***

**Increase of Maximum Slope for Leach Field** - Many of use had hoped that the legislature would agree to increase the maximum allowed slope for a leach field from 20% to 30%. This provision did not pass in the latest rules. The Legislature is planning to reconsider this in January. ***But, for now, any slope over 20% is not usable for a leach field area.***

*Please Note: The above summary is not intended as site specific advice on environmental permitting. For more detailed questions about your property or project, please feel free to call us for a free initial telephone consultation at 355-3049.*