

State of Vermont Agency of Natural Resources Department of Environmental Conservation Drinking Water and Groundwater Protection Division Environmental Protection Rules Chapter 1 **Wastewater System and Potable Water Supply Rules**

Effective: April 12, 2019

§ 1-301 **Permit Required** (a) Except as provided in this Section and in § 1-302, § 1-303, and § 1-304, **no person shall take or cause to be taken any of the following actions without first obtaining a permit or permit amendment from the Secretary for the construction and operation of a potable water supply and wastewater system:**

(1) the **subdivision of a lot** or lots; (2) the **construction of a new potable water supply or wastewater system**; (3) the physical **modification or replacement of an existing potable water supply or wastewater system**; (4) the **construction of a new building or structure**, including when reconstruction or replacement; (5) the **connection of an existing potable water supply or wastewater system to a building or structure**; (6) the modification of an existing building or structure in a manner that increases the design flow of any component of the potable water supply or wastewater system or modifies other operational requirements of a potable water supply or wastewater system; (7) the change in use of a building or structure in a manner that increases the design flow of any component of the potable water supply or wastewater system or modifies other operational requirements of a potable water supply or wastewater system; (8) the conversion of an existing public water system to a potable water supply; (9) the conversion of an indirect discharge system to a wastewater system; (10) **the creation of a campground**; (11) the modification of a campground, including the creation, modification or relocation of one or more individual campsites, in a manner that increases the design flow of any component of the potable water supply or wastewater system or modifies other operational requirements of a potable water supply or wastewater system; (12) the use or operation of a failed supply or failed system; or (13) the commencement of construction of any of the above. For the purposes of this Section, the “commencement of construction” means any work involving the physical construction or modification of a building or structure and its associated potable water supply or wastewater system, for example, foundation excavation, foundation construction, and site work that involves or may affect any portion of the existing or proposed potable water supply or wastewater system.

Definitions

(13) **Building or Structure** – means a **building or structure whose use or useful occupancy requires the construction or modification of a potable water supply or wastewater system.**

(A) For the purposes of these Rules, the following are buildings or structures:

(i) **A primitive camp.**

(ii) **A recreational vehicle, or vehicle used for commercial purposes, and modified in one of the following ways, unless the vehicle is on a campsite in a campground:**

(I) placing skirting or insulation around the base of the vehicle; (II) placing the vehicle unit on a foundation or removing the wheels; (III) attaching a deck or stairs to the vehicle; (IV) making the vehicle immobile in any way that inhibits the vehicle from being driven off the lot in order to fill the water holding tank and empty the wastewater holding tank; (V) connecting the vehicle to a potable water supply or wastewater system; (VI) the vehicle, although qualifying as a vehicle, cannot travel over Vermont roads without a special permit; or (VII) occupying a vehicle that is not registered and inspected to travel on the roads.

(B) For the purposes of these Rules, a cabin located on a campsite in a campground is not a building or structure.

(C) For the purposes of these Rules, **a remote hut used by outdoor recreationists with no connection to a water source, no connection to a wastewater system (other than a composting or incinerating toilet that does not yield a liquid, provided its contents are disposed of in compliance with § 1-929), and accessible only by foot or water, is not a building or structure.**

(D) **Examples of other buildings or structures: single-family residences; accessory apartments; duplexes; yurts; yomes; cabins; multi-unit buildings; condominiums; apartments; mobile homes; hospitals; nursing homes; motels; hotels; restaurants; filling stations; boarding houses; rooming houses; dormitories; stores or shops; buildings or structures used Page 5 Subchapter 2 – Definitions as places of public assembly, places of employment, or home occupations; offices; manufacturing facilities; industrial facilities; and farm buildings or structures.**

Living Unit – means a **building or structure or a portion of a building or structure that has a toilet, sink, kitchen, and one or more bedrooms, and that is reasonably**

private and separated from other living units. A second, detached building or structure that contains a toilet, sink, or one or more bedrooms, but does not contain a kitchen, is not a separate living unit. Examples of buildings or structures that contain more than one living unit are duplexes and single-family residences with an accessory apartment.

Mobile Home – means a living unit that: (A) is designed for long term and continuous residential occupancy; (B) is designed to be moved on wheels, as a whole or in sections; (C) on arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on supports or a permanent foundation, or installation as a unit in a previously prepared structure; and (D) contains the same type of interior plumbing fixtures as immovable housing (not recreational vehicle-type fixtures).

Potable Water Supply – means the source, treatment, and conveyance equipment used to provide water used or intended to be used for human consumption, including drinking, washing, bathing, the preparation of food, or laundering. This definition does not include any internal piping or plumbing except for mechanical systems, such as pump stations and storage tanks or lavatories, that are located inside a building or structure and that are integral to the operation of a potable water supply. This definition also does not include a potable water supply that is subject to regulation under 10 V.S.A. Chapter 56 (Public Water Systems). For the purposes of these Rules, water service lines are potable water supplies.

Recreational Vehicles – means motor homes, folding camping trailers, conventional travel trailers, fifth wheel travel trailers, truck campers, van campers, conversion vehicles, park model recreational vehicle, and other similar vehicles designed for travel and camping.

Wastewater – means sanitary waste or used water from any building or structure or campground, including, but not limited to, carriage water, toilet water, shower and wash water, food processing wastewater, and process wastewater. Wastewater does not include stormwater.