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April 2, 2026

House Committee on Environment
State House
Montpelier, Vermont

Subject: S.212 potable water supply and wastewater system connections, as passed the Senate

Dear Committee:

I am a resident of Montpelier and a civil engineer with experience in water and wastewater systems. In the years 2021 through 2023 I opposed removing DEC's regional engineers from the permitting process for municipal connections. That and other testimony led to Section 25 of Act 47 (2023), which required ANR to provide a report on the WW permits. The report, "Municipal Water & Wastewater Connections Permitting and Housing was issued January 1, 2025. The report is available at https://legislature.vermont.gov/assets/Legislative-Reports/Act-47-Report-Municipal-Water-Wastewater-Connections-Permitting-Housing.pdf

The report found that the DEC WW permitting program has benefits. The report recommends

1. Repeal full delegation authority currently granted to the Agency of Natural Resources (ANR); and modify existing partial delegation to provide authorizing language for proposed Local Technical Review (LTR) program; and

2. Creation of a general permit allowing qualified municipalities to conduct local technical review of water and wastewater connections without redundant State review while maintaining statewide consistency and accessibility of data and records.

S.212 as it passed the Senate resolves many of the problems I had noted in the original bill. These comments address the remaining issues in S.212. These comments all relate to sections of S.212 that amend 10 V.S.A. chapter 64, Potable Water Supply and Wastewater System Permit.

The general permit for connections to potable water supplies and wastewater systems

The Act 47 report recommends creating a general permit program for qualifying municipalities. (report page 30, section 6.3.2.)

Section 3 of S.212 requires ANR to develop a general permit for connections to potable water supplies or to wastewater systems. This is done in subdivision (k)(1) on page 4 of S.212.

> (k)(1) The Secretary shall adopt a general permit for both potable water supply and wastewater system connections that require a permit under this chapter. Under the general permit, the Secretary may give deference to applications for connections certified by a licensed designer. The Secretary shall publish a manual providing guidance to licensed designers implementing the general permit for potable water supply or wastewater system connections. The manual shall include guidance for determining or defining the capacity of a public water system or pollution abatement facility for purposes of approving a potable water supply or wastewater system connection.

S.212 appears to allow the general permit to be used for all connections, not just connections to municipal systems.

Chapter 64 requires a permit for a connection to any potable water supply or wastewater system. This means that the general permit appears to apply to connections to all potable water supplies or wastewater systems. The general permit, as proposed in S.212, is not limited to connections to municipal water or wastewater. For example, many wastewater systems are non-municipal: mostly industrial, and a few that are listed as private or state government.

Recommendation: Amend subdivision (k)(1) to limit use of the general permit only to connections to municipal water and wastewater. This amendment would look something like:

(k)(1) The Secretary shall adopt a general permit for making a new or modified connection to a new or existing ~~both~~ potable water supply and wastewater system ~~connections that require a permit under this chapter~~. Under the general permit, the Secretary may give deference to applications for connections certified by a licensed designer. The Secretary shall publish a manual providing guidance to licensed designers implementing the general permit for potable water supply or wastewater system connections. The manual shall include guidance for determining or defining the capacity of a public water system or pollution abatement facility for purposes of approving a potable water supply or wastewater system connection.

I have done the amendment in this format, so you can see how I propose to amend (k)(1). I doubt that a revised (k)(1) in sec. 4 as it comes out of your committee would look like that.

Additional general permits

Section 3 of S.212 authorizes ANR to "adopt general permitting programs for other activities that require a permit under [10 V.S.A. § 1973] that the Secretary determines are low risk, low impact, and low complexity." (§1973(a)(k)(2))

The Senate committee did not spend much time on what it means to be "low risk, low impact, and low complexity". This language was added (draft 6.1) on the morning of voting S.212 out of committee. The previous language (through draft 5.1) had been to authorize ANR "to adopt general permitting programs for other activities that require a permit under" chapter 64.

ANR has three other general permits that I know of. The three are permits for stormwater activities. (10 V.S.A. §1264, stormwater). That section 1264 has specific requirements of what the permits need to contain. I am not aware of any discretionary general permits that are not defined in statute as having a specific purpose.

Recommendation: Explore what activities might be considered "low risk, low impact, and low complexity" and determine whether to remove subdivision (k)(2) from S.212.

Municipal capabilities to be eligible for delegation.

S.212 (page 7, line8 through page 8, line 7) provides some guidance to ANR on delegating authority for Local Technical Review to municipalities. Most of the qualifications for eligibility are left to ANR. S.212 allows ANR:

- (A) to determine the qualifications needed to perform technical review;
- (C) to establish other requirements for the delegation program
- (E) the submission requirements of the required documentation

Recommendations: Add additional qualifications for eligibility to S.212.
Qualifications needed for technical review could include:
- listing the technical review in the duties of a position;
- requiring that the municipality is not under any orders to correct deficiencies in the system(s) to which the connections will be made. [NOTE: "order" is not the only mechanism used to indicate or correct deficiencies in the supply and system. The broader set of mechanisms for correcting deficiencies should be included here.]

Qualifications needed for the submission requirements could include listing the co-ordination with ANR in the duties of a position, including applying for the general permit.

Capacity in the context of delegation of local technical review of connections

Sec. 4 of S.212 (page 8, lines 1 through 3) requires municipalities performing local technical review to determine that capacity is adequate in the systems that will be connected to.

> [The municipality:] (D) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water system, wastewater treatment facility, or indirect discharge system;

Chapter 64 defines a wastewater system. Chapter 64 does not define a "wastewater treatment facility". The definition of a wastewater system includes the collection and treatment components of the system and includes some indirect discharge treatment systems. The term "wastewater treatment facility" typically excludes the collection system. S.212 in another place (page 4, line 19) uses the term "pollution abatement facility", which is defined in chapter 55, the chapter on funding municipal water and sewer systems. A pollution abatement facility is defined in chapter 55 to include all the components from collection through discharge and also an indirect system.

Section 7.1.1 of the Act 47 report (report page 32) points out that

> Capacity means different things to different entities. Capacity to serve is different from overall system capacity and is different from allocation. Capacity is also not calculated the same between municipalities. Municipalities and developers would benefit from a universal definition and understanding of "capacity" and a system to track both water supplies' and wastewater systems' capacity.

S.212 leaves the determination of capacity to ANR in the guidance manual. (page 4, lines 18 through 20).

Recommendation: Align the language on page 8 with the language on page 4 and remove the redundancy on page 8.

> (D) will only issue permits for water service lines and sanitary sewer service lines and their connections when there is adequate capacity in the public water system~~, wastewater treatment facility,~~ or pollution abatement facility ~~indirect discharge system~~;

Recommendations.
I have provided recommendations with each section of these comments. I ask that you find that these recommendations have merit and that you incorporate them into S.212.

Sincerely,
Thomas Weiss, P.E.