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STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEPARTMENT PROCEDURE FOR WORKING WITH COMMUNITIES
DEALING WITH SEWAGE DISPOSAL PROBLEMS

POLLUTION ABATEMENT PROJECTS
PROJECT DEVELOPMENT STEPS - PLANNING THROUGH PROJECT COMPLETION
November, 1997

Data Collection and Conceptual Plan

- 1.0 Initial discussions between municipality and DEC to define problem and develop tentative resolution process and schedule.
- 1.1 Identify the problem.
Conduct preliminary investigation. Establish violation type.
Conduct sanitary survey. Delineate affected area if possible.
Prepare report on investigations. Distribute report to standard list.
Involve Health Department and local Health Officer in investigations whenever possible.
- 1.2 DEC sends Regional Engineer, staff PE or other individual with expertise in siting of on-site systems in the area to evaluate on-site disposal options for individual residences and businesses. This individual develops an estimate of the situation and the probability of solutions using individual versus community systems. Shortly afterwards a report must follow documenting whether or not these individual systems represent an effective solution. This is a very preliminary assessment.
- 1.3.1 DEC meets with governing body (e.g. selectboard, prudential committee, school board) to discuss the report (from 1.2) and, if individual solutions are a possible solution, asks the governing body if they wish to pursue a community solution or leave the individuals responsible.
- 1.3.2 Assuming a municipal solution is the only real option, the municipality should set up sewage committee with contact person, preferably a member of the governing body. If the municipality does not show a willingness to cooperate, a 1277 Order is issued.
- 1.3.3 If the municipality does not wish to take responsibility for correcting the problem, and individual solutions are possible, we issue 1272 Orders to the individuals with discharges to waters of the State and refer others to the Health Department for corrective action.
- 1.4 DEC establishes project manager for the process through this procedure, preferably an individual from a section which will be involved with the final solution.

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- 1.5 Preliminary meeting between sewage committee and DEC. Explanation of planning process and enforcement process; provide handout explaining funding sources and process. Note: Contact all potential funding agencies as early as possible during the planning process to insure compliance with funding requirements.
- 1.6 Provide sewage committee with documentation of the severity of the problem and report on investigations to date. Involves letters from DEC Commissioner and Department of Health.
- 1.7 Sewage committee, with input from DEC, establishes Schedule #1. This schedule involves preparation of Request for Qualifications / Request for Proposals (proposals must include schedules from engineering firms) / sending out RFQ/RFP / Reviewing Responses with DEC Input / Selection of Engineering Firm. Note that pursuing the RFQ/RFP process is a choice dependent on the municipality and their governing laws. The key here is the selection of an engineering firm.

Step I - Preliminary Engineering

- 2.0 If problem and potential solutions are reasonably identifiable, proceed with a full preliminary engineering effort (a.k.a. facilities planning) which includes the following basic elements,
 - problem identification
 - alternatives analysis
 - recommendation of alternative
 - permitting analysis and permit application initiation for recommended alternative
 - identification of funding sources and amounts
 - user cost analysis
 - determination of local share/bond amount
 - environmental information document (only for State Revolving Fund projects)
 - waste management zone application (if applicable)
 - development of a proposed project schedule

and is in accordance with a schedule (#2) contained in a 1277 Order issued to the municipality, or other mutually agreed upon document such as a letter of agreement signed by the municipal officials and the DEC Commissioner. This part of the schedule is largely laid out in the successful RFP or provided by the engineering firm selected by the municipality. The sewage committee and DEC must coordinate to keep engineering firm on

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schedule. The product of schedule #2 is the report on options available to correct the situation and the selection of one of the options by the governing body. The dates for arriving at these products must be in the 1277 Order or other mutually agreed upon document referenced above.

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- 2.1 Municipality decides how engineering services are to be procured and works w/DEC on content of RFP/RFQ, if RFP/RFQ process is selected
 - 2.2. Municipality selects engineer and submits planning loan application to DEC w/draft engineering agreement. The municipality may proceed with planning without a loan if they wish to do so. In such cases the DEC would still review the draft engineering agreement and provide comments to the municipality.
 - 2.3. DEC reviews planning loan application and draft engineering agreement and advises municipality of comments.
 - 2.4. DEC approves draft engineering agreement and authorizes planning loan.
 - 2.5. Municipality executes engineering agreement and preliminary engineering commences.
 - 2.6. Facilities plan or feasibility study is completed, accepted by municipality, and approved by DEC.
 - 3.0 Schedule #3 is the second 1277 Order (or amended Order) issued to the municipality, or other mutually agreed upon document such as a letter of agreement signed by the municipal officials and the DEC Commissioner, which fleshes out the details for implementing the selected option from the facilities plan. The DEC establishes this schedule with input from the sewage committee and/or governing body. The DEC also identifies the permits required for implementing the selected option. Schedule items included in this Order (or other document) would include the final report on implementing the selected option, obtaining funding sources, selection of engineering firm, bond votes, permitting, initiation of construction and construction completion/operational status.

STEP II - Final Design

- 3.1. Municipality proceeds with bond vote on selected alternative identified in the approved facilities plan.
- 3.2. Successful bond vote.
- 3.3. Municipality contracts with engineer and submits planning loan application for final design. The municipality may proceed with final design without a loan if they wish to do so.

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- 3.4. Loan application is approved by DEC together w/draft final design engineering agreement. The municipality may proceed with final design without a loan if they wish to do so. In such cases the DEC would still review the draft final design engineering agreement and provide comments to the municipality.
- 3.5. Agreement is executed and final design commences.
- 3.6. Final plans and specifications are prepared and submitted to DEC and other involved funding agencies as required - generally done at 30%, 60%, 90% and 100% design completion.
- 3.7. Final plans and specifications are approved by DEC and other funding agencies as required.
- 3.8. Municipality applies for and obtains applicable permits.
- 3.9. Municipality submits funding applications and secures project funding.

STEP III - Construction

- 4.0 Initiation of Construction.
- 4.1 Construction Completion/Operational Status.
- 4.2 First Year Services / DEC Certification

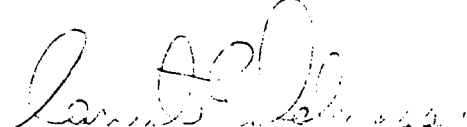
Project Oversight by DEC


- 5.0 DEC project manager tracks compliance with schedule and works with municipality and DEC Divisions to stay on track until project is completed. Deviations from the schedule, whether generated by the municipality unilaterally or with DEC approval, will be fully and properly documented so that (further) enforcement, if required, is not jeopardized.

Need for Enforcement

- 6.0 A failure, or unwillingness, on the part of the municipality to cooperate fully and in good faith at every step of this procedure or to otherwise fail, for any reason, to correct its sewage disposal problems, will be referred and evaluated for formal enforcement.

This procedure shall be effective on the date of signing.


Canute E. Dalmasse, Commissioner
Department of Environmental Conservation


Date