

Long Point Corporation Wastewater Policy Updated June 1, 2019

P.O. Box 58, North Ferrisburgh, VT 05473
(802) 545-2067 / longpointcorp@gmavt.net

This updated wastewater policy provides Long Point residents information and guidance to prudently manage wastewater disposal as regulations become more stringent and as residents make changes to their dwellings and upgrade their systems. The intent of the policy is to clarify when upgrades to wastewater treatment systems are required and what procedures must be followed in such cases. Overall, this should result in improved protection of the lake and health of our residents while meeting regulations.

Due to the wide variety of terrain and lot sizes and shapes on Long Point Corporation (LPC) land, no one wastewater disposal option fits all. Costs will therefore vary substantially. When wastewater upgrades are required, those sites with rocky terrain and little topsoil will require more innovative, advanced technology solutions at generally higher cost than conventional septic tank/leach field approaches.

The following events will either trigger an inspection of a wastewater disposal system or require confirmation of a satisfactory inspection conducted within the past three years. Depending on the results of the inspection, a repair or an upgrade may be required. Inspection procedures are outlined in a later section of this policy.

Wastewater System Inspection Required

- Signs of wastewater system failure, such as odors, seepage, pooling on ground surface, discharge directly to surface water, backup to dwelling, or generally functioning in a manner that presents a threat to human health.
- Renovations that require an [LPC building permit](#).
 - When the renovation will result in an increase in the load on the wastewater system (e.g., adds one or more bedrooms or changes the function of existing rooms so as to increase the number of bedrooms).
 - When the renovation will not increase the load on the wastewater system, but the existing wastewater system has not been upgraded or inspected by a Vermont-

certified site tech B within the past three years.

- Conversion from seasonal to year-round. The only leases eligible for conversion to year-round status are those currently in seasonal right-to-convert status.
- Drilling of a well. There is currently a moratorium on drilling new wells at Long Point.

Wastewater System Inspection or Confirmation of a Satisfactory Inspection within the Past Three Years Required

- Lease renewal.
- Sale or transfer of ownership, including transfer to a trust or LLC (unless transferred to a spouse or existing co-leaseholder, whereupon no inspection is required).

Procedures When Conditions Prevent an Adequate Wastewater System Inspection

There may be conditions that prevent an adequate and timely inspection. These include a conventional system that has remained dormant for a year or more due to lack of occupancy, or frozen or flooded ground. In this situation, the sale or transfer of a dwelling or a building-permit application that requires an inspection can still proceed, and a “conditional” occupancy will be allowed. However an adequate wastewater system inspection must be conducted at a later date once the system is fully operational (i.e., when the septic tank is full and the distribution field is in use). This inspection must be conducted by a Vermont-certified site tech B within the next full Long Point season (May 1 through October 31). Should the system fail, occupancy will no longer be allowed until the problem is remedied.

It is recommended that sale or transfer contracts include a provision addressing who is responsible for the cost of a future inspection and any necessary repairs.

If there are extenuating circumstances not covered or foreseen by the above provisions, the Wastewater Committee and LPC Board will work with the parties to facili-

tate successful resolution of the building permit or dwelling sale or transfer to provide for an effective wastewater system that complies with governmental requirements and LPC policy.

Regulations

The State of Vermont water and wastewater rules of 2007 require that all wastewater must be combined into a minimum of a 1,000-gallon tank with discharge to a leach field or distribution field designed to manage wastewater flows. These rules outlaw piping directly to a crack in the rock, using a drum, or diverting gray water from a sink, shower, dishwasher, or washing machine to a separate discharge system. They also put in place rules for flood zone locations.

New construction, renovations, and wastewater system repairs must comply with these State-mandated regulations.

A Vermont-certified site tech B or a professional engineer, hereafter referred to as “designer,” must be engaged by a Long Point leaseholder in order to make and design changes to the discharge system from the septic tank or last distribution box that enters into a leach field (or distribution field in the case of advanced technology systems).

The leaseholder must also obtain a State permit. As the landowner, LPC must approve and cosign the permit application before submission to the State. On State approval, the leaseholder must register the permit with the Town Clerk’s office in Ferrisburgh.

What 2007 State Rules Mean for Long Point

The 2007 regulations apply to Long Point in the following ways:

- A wastewater system failure that is temporary and non-recurring and that can be corrected by a Long Point leaseholder does not require a State of Vermont permit. One that can be corrected by minor repairs and replacements or by replacement of a septic tank or distribution box before the leach field does not require a State permit. All other wastewater system failures that

require entering the leach field area will require a State of Vermont permit.

- All major repairs, upgrades, or new designs of wastewater systems must meet approved minimum State of Vermont standards, or receive a best-fix exception from the Office of the Agency of Natural Resources. This includes exterior showers or sinks. All effluent from such exterior facilities must be piped into the wastewater treatment system. In addition, these exterior facilities must include coverings and surrounding land pitch to prevent rain and rainwater run-off from entering the wastewater treatment system.
- Unless the designer submits justification to the State, there will be no best-fix exceptions in connection with construction of new residences, major renovations to existing residences, system failure, or changes from seasonal to year-round use. All must meet minimum State of Vermont standards. Major renovations consist of rebuilds, a change in footprint, addition of one or more bedrooms, or changing internal areas for sleeping use.
- Most Long Point lots and buildings cannot meet minimum State of Vermont standards for conventional septic/leach field designs due to small lot size, rocky terrain, and limited topsoil. However recent advanced technology systems have received State approval and provide additional options with more flexibility for such constrained lots. Unfortunately, these are generally more expensive. Information on these alternative systems can be obtained from designers. Examples include Septi-Tech Wastewater Treatment and Bio-Microbics FAST.
- The Long Point leaseholder is responsible for performing tests and maintaining a record of tests and service work as required by the State. For example, for the advanced technology systems mentioned above, the State of Vermont requires a valid maintenance contract with a minimum contract length of two years. A copy of the contract and an annual inspection report must be submitted to the appropriate State Regional Environmental office (Regional Office Program Manager, Wastewater Management Division, Agency of Natural Resources, 103 Main St., Sewing Building, Waterbury VT 05761-0405). Usually the maintenance contract engineer will do this on behalf of the leaseholder, but the leaseholder is responsible for ensuring the

appropriate documents are forwarded to the State. A copy of the maintenance contract should also be sent to LPC as the landowner (addressed to the LPC Secretary).

- The procedures for procuring a wastewater permit at Long Point are provided below. The leaseholder is responsible for submitting copies of all paper work to the LPC Secretary. This includes letters from the designer to the State, advanced technology system approval, State permit requests, State permit and Town Hall registering, prints of design, and any other letters for the system. Electronic copies are preferred when possible. The Long Point leaseholder is responsible for all costs associated with copying and distribution.

Complaint Resolution

Once a complaint of wastewater system failure has been received, LPC will investigate the matter. If repair or upgrade action appears necessary to correct damage, odor, or seepage that could present a threat to human health, the leaseholder will be requested to correct the problem and to notify LPC of the intended corrective action. Corrective action of a temporary or non-recurring event or one with minor repairs and replacements does not need a State of Vermont permit. In all other situations, the leaseholder is required to engage a designer and to obtain a State of Vermont permit.

Once the design plan is approved, it is the responsibility of the leaseholder to follow through with the following design, inspection, and sign-off procedures.

Design, Inspection, and Sign-off Procedures

- A system will require inspection on signs of failure.
- Inspections of properly operating septic tank/leach field systems are considered valid for three years when considering lease renewal and sale or transfer of ownership of a dwelling.
- A system requiring a tank or replacement tank, digging of a leach field, or preparations for a new leach field must have LPC approval whether or not State approval is required.
- The design of a repair or new system must be submitted to the LPC Board Secretary. A completed [Inspection of](#)

[Wastewater Disposal System form \(LPC-2\)](#) and inspector's cover letter, if available, must be part of the request for approval.

- Installations are to be performed under the direction of a designer, who will inspect, sign off on completion, and provide as-built drawings of the work to the leaseholder.
- The leaseholder shall submit a set of as-built drawings to the LPC Board Secretary.
- The LPC Secretary must be notified by the leaseholder of the start date for installation. LPC reserves the right to inspect and sign off on the installation.
- The leaseholder is responsible for any permits required by the Town of Ferrisburgh and the State of Vermont.

Sale or Transfer of a Dwelling

Prior to the sale or transfer of a dwelling on an LPC-leased lot, the wastewater treatment system must pass an inspection, unless conditions are such that an adequate inspection cannot be made. (See earlier section entitled *Procedures When Conditions Prevent an Adequate Wastewater System Inspection.*)

Assuming there is no visible failure and the system is working, a satisfactory inspection during the past three years is considered acceptable for septic tank/leach field systems. For advanced technology systems, a current annual inspection report is acceptable for the processor only, and an inspection by a designer is needed for the total system.

If the wastewater treatment system must be repaired or upgraded, the work must be completed prior to occupancy by the new owners. The LPC Board may allow the financial closing of the property prior to the repair or upgrade. However, it must be clear in the closing document that the new owner cannot occupy the property until the repair or upgrade is successfully completed and inspected by a designer and the final inspection letter with an as-built design is submitted to the LPC Secretary.

If the inspection report recommends repairs or upgrade within the best fit of the lot and terrain, then either the current leaseholder or the buyer must hire a designer to design a repaired or upgraded system and submit the plan to the LPC Board. If approved, the work should proceed as soon as practical. If the system was working at the time of sale, the LPC Board

may allow the new owner to occupy the camp until work interrupts the use of the wastewater disposal system. If the system has failed at the time of closing, no occupancy will be allowed until the system is repaired or replaced.

LPC is required by State law to issue a resale certificate at the time of a completed [Intent to Transfer Property \(LPC-1a\)](#) for seasonal property or LPC-1b for year-round property). Both are available from the LPC Secretary; LPC-1a is also available at www.longpointcorp.com. This certificate states that the wastewater system is the responsibility of the owner of the dwelling and is used at the owner's risk. LPC does not certify the waste disposal system or take responsibility for its function or safety. LPC requires that the system be inspected by a State-certified professional engineer or site tech B upon renovation, lease renewal, or sale, and that the system must not have failed and must pose no potential pollution hazard

Consequences of Refusal to Comply

All LPC leases require compliance with LPC policies and by-laws. Therefore, a leaseholder *must* take action upon notification by LPC that an inspection of a potentially problematic wastewater treatment system is necessary. Also, the State of Vermont imposes requirements jointly on the leaseholder and on LPC as the landowner. Hence, failure by a leaseholder to comply with wastewater regulations or to correct wastewater system failures has potential implications for LPC as a whole. If corrected early, many wastewater system failures can be fixed with minor repair or replacements and do not require State of Vermont involvement. However, if left unattended, a problem can reach a point that requires a State permit.

Failure of the leaseholder to engage a designer to inspect the system and to correct the problem within a reasonable time will result in a default of the lease and could ultimately lead to termination of occupancy.

The following are examples of actions and time frames considered reasonable for enforcing correction of a wastewater system failure situation under normal circumstances:

- If no inspection by a designer is received within four weeks of written leaseholder notification, and no letter is received

detailing progress, then the leaseholder's access to occupy the property will be denied.

- If no action to complete an inspection and correct the potential pollution hazard is taken within eight weeks of written notification of a potential wastewater treatment system problem, the LPC Board will hire a designer to complete the inspection and submit the inspection report, recommendations for correction, and the bill to the leaseholder. Access to occupancy of the leased property will be banned until the appropriate corrective action is taken and a final successful inspection of the work is completed by a designer, submitted to the LPC Board, and the LPC is reimbursed for the cost of the initial inspection and corrective recommendations.

- If there is still no response from the leaseholder six months from the initial written notification of a problem, occupancy will continue to be banned and a lien will be placed on the dwelling until the costs of the initial inspection are reimbursed to LPC and the appropriate corrective action is taken and successfully inspected upon completion.

Procedures for Procuring a Wastewater Permit at Long Point

- Complete a [Request for a Building Permit \(LPC-4\)](#). This is available at www.longpointcorp.com or from the LPC Secretary. Send the completed form to the LPC Secretary with the \$50 fee.

- Work with a Vermont-certified site tech B or professional engineer to design a system suitable for your Long Point location. If you have any questions, contact the LPC Wastewater Committee Chair.

- Submit the wastewater plans and design to the LPC Secretary.

- As the landowner and joint applicant with the leaseholder, the LPC Board must approve the plans and also cosign the State permit application.

- Once the system is approved by the LPC Board, the leaseholder must work with the design professional to apply to the State of Vermont for the permit. The design professional is the only State-accepted person who can initiate the permit process.

- The completed permit application, with all attachments, must be emailed to the LPC Secretary at longpoint@gmavt.net.

Or the application can be mailed to P.O. Box 58, North Ferrisburgh VT 05473.

- When the permit application is approved by the Board, the leaseholder should then sign the fully completed State permit application and send it to the LPC Secretary at P.O. Box 58, North Ferrisburgh VT 05473, for co-signing on behalf of LPC. A check to the State of Vermont for any necessary fees should be included.

- LPC will mail the complete application to the State of Vermont Regional Office.

- After the State approves the permit, copies of the approved permit will be sent by the State to the leaseholder and to LPC.

- The leaseholder must register the State permit at the Ferrisburgh Town Clerk's office. This will entail obtaining both a date of filing (via a Ferrisburgh stamp on the State permit) and a notice of permit recording. Copies of each must be provided to LPC.