

Our town has issued local septic permits for a number of years. We understand that as of July 1, 2007 our local septic ordinance will be superseded by the state's new septic regulations. After July 1, can our septic officer conduct inspections and issue certificates of compliance for systems that she permitted before July 1? Likewise, can she enforce a local permit or permit condition that was approved prior to July 1, 2007?

The law provides that, beginning July 1, 2007, provisions of municipal septic ordinances and zoning bylaws that regulate wastewater systems will be superseded by new state septic regulations. However, permits issued under those ordinances will remain in effect until supplanted by another permit issued under the new state regulations. 10 V.S.A. § 1976(b), (e).

As you recognize, this presents a conundrum: Local septic officers derive their existence and authority solely from local septic ordinances. If a local septic ordinance is superseded, it follows that there can be no local septic officer – and no local authority – to conduct inspections, issue certificates of compliance, or undertake enforcement actions for septic permits issued prior to July 1, 2007.

Since the Vermont Agency of Natural Resources will not be taking over administration and enforcement of local septic permits issued prior to July 1, 2007, local septic officers will still be needed for the foreseeable future. Until this statutory ambiguity is addressed, it is best to assume that the local septic officer will continue to function and have authority with respect to local septic permits issued prior to July 1, 2007.

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