1	S.70
2	Introduced by Senators Snelling, Baruth, and Lyons
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; property; wastewater systems;
6	conveyance
7	Statement of purpose of bill as introduced: This bill proposes to require a
8	seller or transferor of real property to provide the buyer or transferee notice of
9	the status of how sewage from the property is treated. Failure to provide the
10	required notice could subject the seller or transferor to liability for the cost of
11	bringing a wastewater treatment system on the property into compliance with
12	permitting requirements.
13 14	An act relating to requiring notice of wastewater treatment upon transfer of real property
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	Sec. 1. 10 V.S.A. § 1972 is amended to read:
17	§ 1972. DEFINITIONS
18	For the purposes of As used in this chapter:
19	(1) "Agency" means the agency of natural resources Agency of Natural
20	Resources.

BILL AS INTRODUCED 2015

1	(2) "Building or structure" means a building or structure whose use or
2	useful occupancy requires the construction or modification of a potable water
3	supply or wastewater system.
4	(3) "Campground" means any lot of land containing more than three
5	campsites occupied for vacation or recreational purposes by camping units,
6	such as: tents, yurts, tepees, lean-tos, camping cabins, and recreational
7	vehicles, including motor homes, folding camping trailers, conventional travel
8	trailers, fifth wheel travel trailers, truck campers, van campers, and conversion
9	vehicles designed and used for travel, recreation, and camping. There shall be
10	no distinction made between noncommercial (no charge, no service) and
11	commercial operations.
11 12	commercial operations.
12	* * *
12 13	* * * (5)(A) "Failed system" means a wastewater system that is functioning in
12 13 14	* * * (5)(A) "Failed system" means a wastewater system that is functioning in a manner:
12 13 14 15	 * * * (5)(A) "Failed system" means a wastewater system that is functioning in a manner: (i) that allows wastewater to be exposed to the open air, pool on
12 13 14 15 16	 *** (5)(A) "Failed system" means a wastewater system that is functioning in a manner: (i) that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a
12 13 14 15 16 17	 *** (5)(A) "Failed system" means a wastewater system that is functioning in a manner: (i) that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure, unless, in any of these instances, the approved design of

1	information has been posted on the agency of natural resources' Agency of
2	Natural Resources' website.
3	(B) Notwithstanding the provisions of subdivision (A) of this
4	subdivision (5), a system shall not be a failed system if:
5	(i) these <u>These</u> effects can be and are remedied solely by minor
6	repairs, including the repair of a broken pipe leading from a building or
7	structure to the septic tank, replacement of a cracked or broken septic tank, or
8	replacement of a broken pump or associated valves, switches and controls; or.
9	(ii) these <u>These</u> effects have lasted for only a brief period of time,
10	the cause of the failure has been determined to be an unusual and nonrecurring
11	event, and the system has recovered from the state of failure. Systems which
12	have recurring, continuing, or seasonal failures shall be considered to be failed
13	systems.
14	(C) If a project is served by multiple wastewater systems, the failure
15	of one system will not require the issuance of a permit or permit amendment
16	for any other system that is not in a state of failure.
17	(D) A wastewater system may be determined to be a failed system by
18	the completion of a site visit that identifies one or more of the conditions set
19	forth in subdivision (A)(i) of this subdivision (5).
20	* * *

BILL AS INTRODUCED 2015

1	(7) "Professional engineer" means an engineer licensed and in good
2	standing by the board of professional engineering Board of Professional
3	Engineering under 26 V.S.A. chapter 20 of Title 26.
4	(8) "Secretary" means the secretary of the agency of natural resources
5	Secretary of Natural Resources or a duly authorized representative of the
6	secretary Secretary. A duly authorized representative of the secretary
7	Secretary includes a municipality that has requested delegation, in writing, and
8	has been delegated the authority to implement provisions of this chapter in lieu
9	of the secretary <u>Secretary</u> .
10	* * *
11	(10) "Wastewater system" means any piping, pumping, treatment, or
12	disposal system used for the conveyance and treatment of sanitary waste or
13	used water, including, but not limited to, carriage water, shower and wash
14	water, sewage and process wastewater. This definition does not include any
15	internal piping or plumbing, except for mechanical systems, such as pump
16	stations and storage tanks or toilets, that are located inside a building or
17	structure and that are integral to the operation of a wastewater system. This
18	definition also does not include wastewater systems that are used exclusively
19	for the treatment and disposal of animal manure. In this chapter, "wastewater
20	system" refers to a soil-based disposal system of less than 6,500 gallons per
21	day, or a sewerage connection of any size.

1	(11) "Sewage" means sanitary waste or used water, including carriage
2	water and shower and wash water, from any building or structure or
3	campground. "Sewage" shall not mean process wastewater or stormwater.
4	Sec. 2. 10 V.S.A. § 1981 is added to read:
5	<u>§ 1981. NOTICE OF WASTEWATER SYSTEM TO BUYER</u>
6	(a) Prior to execution of an agreement for the transfer of real property on
7	which a building is located, the seller or transferor of the real property shall
8	provide the buyer or transferee with a notice regarding how sewage generated
9	on the property is managed. The notice shall include:
10	(1) a statement that the sewage from the property is conveyed by a
11	sewerage connection to a wastewater treatment plant; or
12	(2) a statement that the sewage from the property:
13	(A) is not conveyed to a wastewater treatment plant; and
14	(B) is conveyed to:
15	(i) a permitted wastewater system;
16	(ii) a permitted holding tank; or
17	(iii) an unpermitted wastewater system or other form
18	of disposition;
19	(3) the compliance status of the wastewater treatment system, if known
20	to the seller or transferor;

1	(4) whether a straight-pipe system exists on the property, if known to the
2	seller or transferor; and
3	(5) if possessed by the seller or transferor, a previous inspection report
4	for the wastewater system or holding tank seller.
5	(b) If a seller or transferor subject to the requirements of subsection (a) of
6	this section notifies a buyer or transferee under subdivision (a)(2)(B)(iii) that
7	sewage from the property is conveyed to an unpermitted wastewater system or
8	other form of disposition, the seller or transferor shall provide in the notice a
9	description of the system in use, including the location of the system on
10	the property.
11	(c) If a seller or transferor subject to the requirements of subsection (a) of
12	this section knows that an abandoned wastewater system is located on the
13	property, the seller or transferor shall include in the notice required by
14	subsection (a) a map showing the location of the abandoned wastewater
15	system.
16	(d) Except where the buyer or transferee and seller or transferor agree to
17	the contrary in writing before execution of the agreement for the transfer of the
18	property, a seller or transferor who fails to disclose the existence or known
19	status of a wastewater treatment system at the time of sale or transfer shall be
20	liable to the buyer or transferee for the cost to bring the wastewater treatment
21	system into compliance with the requirements of this chapter and the rules

- 1 <u>adopted under this chapter. A buyer or transferee shall commence an action</u>
- 2 for cost recovery under this section within two years of the date on which the
- 3 <u>buyer or transferee executed the agreement for transfer of the property on</u>
- 4 which the wastewater treatment system is located.
- 5 (e) The Secretary shall develop and make available on the Agency of
- 6 <u>Natural Resources' website a notice form for use in complying with the</u>
- 7 <u>requirements of this section.</u>
- 8 Sec. 3. EFFECTIVE DATE
- 9 This act shall take effect on July 1, 2015.