

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 An act relating to requiring notice of wastewater treatment upon transfer of
14 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.

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~~ These 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~~ These 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 * * *

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 § 1981. NOTICE OF WASTEWATER SYSTEM TO BUYER

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 adopted under this chapter. A buyer or transferee shall commence an action
2 for cost recovery under this section within two years of the date on which the
3 buyer or transferee executed the agreement for transfer of the property on
4 which the wastewater treatment system is located.

5 (e) The Secretary shall develop and make available on the Agency of
6 Natural Resources' website a notice form for use in complying with the
7 requirements of this section.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2015.