No. 145. An act relating to potable water supply and wastewater system permits.

(H.779)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 1973(j) is added to read:

(j)(1) When an applicant for a permit under this section proposes a water supply or wastewater system with isolation distances that extend onto property other than the property for which the permit is sought, the permit applicant shall send a copy of the complete permit application, including any plans, to any landowner affected by the proposed isolation distances no later than the date that the permit application is submitted to the secretary.

(2) If, during the course of the secretary's review of an application for a permit under this section, the location of a water supply or wastewater system permit is revised and the isolation distances of the revised system extend onto property other than the property for which the permit is sought, the permit applicant shall provide a copy of any revised plan to any landowner affected by the isolation distances.

(3) If, after a permit has been issued under this section, a water supply or wastewater system is not installed according to the permitted plan and the record drawings submitted under subsection (e) of this section indicate that the isolation distances of the as-built system extend onto property other than the property on which the as-built system is located, the permittee shall provide a

copy of the record drawings to any landowner affected by the isolation distances.

(4) A permit applicant or permittee subject to the requirements of subdivisions (1) through (3) of this subsection shall certify to the secretary that the notice and information required by this subsection have been sent to affected landowners and shall include in the certification the name and address of all affected landowners. If the secretary approves a permit application under this section, the permit shall not be issued to a permit applicant subject to the requirements of subdivisions (1) and (2) of this subsection until seven calendar days after the permit applicant certifies to the secretary that the notice required under this subsection has been sent to affected landowners.

Sec. 1a. 18 V.S.A. chapter 85, subchapter 6 is added to read:

Subchapter 6. Temporary Outdoor Seating

§ 4465. LIMITED FOOD ESTABLISHMENTS; TEMPORARY OUTDOOR SEATING

A food establishment that prepares and serves food for off premises uses may provide temporary outdoor seating for up to 16 persons from May 1 to October 31 without providing patron toilet or handwashing facilities.

Sec. 2. 24 V.S.A. § 4414(13) is amended to read:

(13)(A) Wastewater and potable water supply systems. A municipality may adopt bylaws that:

(i) prohibit the initiation of construction under a zoning permit unless and until a wastewater and potable water supply permit is issued under ~~10 V.S.A.~~ chapter 64 of Title 10; or

(ii) establish an application process for a zoning or subdivision permit, under which an applicant may submit a permit application for municipal review, and the municipality may condition the issuance of a final permit upon issuance of a wastewater and potable water supply permit under chapter 64 of Title 10.

(B) For purposes of an appeal of a permit issued under a bylaw adopted under this subdivision (13), the appealable decision of the municipality shall be the issuance or denial of a final zoning or subdivision permit and not the requirement to condition issuance of a permit on issuance of a wastewater and potable water supply permit under chapter 64 of Title 10.

Sec. 3. WASTEWATER AND POTABLE WATER SUPPLY TECHNICAL ADVISORY COMMITTEE

(a) On or before July 1, 2010, the governor shall reconvene the technical advisory committee required under 10 V.S.A. § 1978 to advise the secretary of natural resources on the technical standards and proven technologies regarding potable water supply and wastewater systems. Members of the technical advisory committee shall be appointed or reappointed as required under 10 V.S.A. § 1978(e)(2).

(b) On or before January 15, 2011, the technical advisory committee shall report to the house committee on fish, wildlife and water resources and the house and senate committees on natural resources and energy with a recommended technical standard for the installation of potable water supplies or wastewater systems with installation distances that extend onto property other than the property on which the system is located. In developing the technical standard required under this subdivision, the technical advisory committee shall:

(1) Review alternatives that minimize the potential extension of potable water supply or wastewater system isolation distances onto property other than property on which the system is located;

(2) Review alternatives such as easements or other land conveyances that require additional criteria or conditions in order for a potable water supply or wastewater system isolation distance to extend onto property other than the property on which the system is located; and

(3) Ensure that the recommended technical standards are sufficient to protect public health and the environment.

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: June 1, 2010