

1 H.28

2 Introduced by Representative O'Donnell of Vernon

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; wastewater systems; temporary
6 permits

7 Statement of purpose: This bill proposes to create a temporary wastewater
8 storage permit for temporary dwelling units which cannot be connected to
9 permitted wastewater systems.

10 An act relating to temporary wastewater system permits

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

12 Sec. 1. 10 V.S.A. § 1979 is amended to read:

13 § 1979. HOLDING TANKS

14 (a) The secretary shall approve the use of sewage holding and pumpout
15 tanks when he or she determines that:

16 (1) the existing or proposed buildings or structures to be served by the
17 holding tank are publicly owned;

18 (2) the plan for construction and operation of the holding tank will not
19 result in a public health hazard or environmental damage;

1 (3) a designer demonstrates that an economically feasible means of
2 meeting current standards is significantly more costly than sewage holding and
3 pumpout tanks, based on a projected 20-year life of the project; and

4 (4) the design flows do not exceed 600 gallons per day.

5 (b) A holding tank may also be used for a project that is eligible for a
6 variance under section 1973 of this title, whether or not the project is publicly
7 owned, if the existing wastewater system has failed, or is expected to fail, and
8 in either instance, if there is no other cost-feasible alternative.

9 (c) A holding tank may also be used when a temporary holding tank permit
10 is issued.

11 (1) The secretary may permit a temporary holding tank for a temporary
12 dwelling unit located on the same property as a building or structure that is
13 under construction if:

14 (A) A professional engineer determines that there is no feasible
15 means of connecting the temporary dwelling unit to an existing wastewater
16 system permitted under section 1937 of this chapter; and

17 (B) The secretary determines that a temporary holding tank will not
18 result in a public health hazard or environmental damage.

19 (2) Unless extended by the secretary, a temporary holding tank permit
20 issued under subsection (c) of this section shall be issued for no more than 180
21 days. The secretary may extend a temporary holding tank permit by 30-day

1 intervals if the secretary determines that the building or structure which is
2 under construction will not be completed within the time frame of the initial
3 temporary permit.

4 (3) At the expiration of a temporary holding tank permit issued under
5 this subsection or at the end of a permit extension pursuant to subsection (d) of
6 this section, the temporary holding tank shall be removed or fully permitted
7 pursuant to section 1937 of this title.

8 ~~(e)~~(d) When a holding tank is proposed for use, a designer shall submit all
9 information necessary to demonstrate that the holding tank will comply with
10 the following requirements:

11 (1) the holding tank shall be capable of holding at least 14 days of the
12 expected flow from the building or structure to which it is attached, whether
13 permanent or temporary;

14 (2) the tank shall be constructed of durable materials that are appropriate
15 for the site conditions and the nature of the sewage to be stored;

16 (3) the tank shall be watertight, including any piping connected to the
17 tank and all access structures connected to the tank. The tank shall be leakage
18 tested prior to being placed in service;

19 (4) the tank shall be designed to protect against floatation when the tank
20 is empty, such as when it is pumped;

1 (5) the tank shall be equipped with audio and visual alarms that are
2 triggered when the tank is filled to 75 percent of its design capacity;

3 (6) the tank shall be located so that it can be reached by tank pumping
4 vehicles at all times when the building or structure to which it is attached is
5 occupied; and

6 (7) with respect to tanks permitted under only subsections (a) and (b) of
7 this section, the analysis supports a claim under subdivision (a)(3) of this
8 section.

9 ~~(d)~~(e) The permit application shall specify the method and expected
10 frequency of pumping.

11 ~~(e)~~(f) Any building or structure served by a holding tank shall have a water
12 meter, or meters, installed that measures all water that will be discharged as
13 wastewater from the building or structure.

14 ~~(f)~~(g) Any permit issued for the use of a holding tank will require a
15 designer to periodically inspect the tank, visible piping, and alarms. The
16 designer shall submit a written report to the secretary detailing the results of
17 the inspection and any repairs or changes in operation that are required. The
18 report also shall detail the pumping history since the previous report, giving the
19 dates of pumping and the volume of wastewater removed. The frequency of
20 inspections and reports shall be stated in the permit issued for the use of the
21 tank, but shall be no less frequent than once per year for permits issued under

1 subsections (a) and (b) of this section and once every 180 days for permits
2 issued under subsection (c) of this section. The designer also shall inspect the
3 water meter or meters and verify that they are installed, calibrated, and
4 measuring all water that is discharged as wastewater. The designer shall read
5 the meters and compare the metered flow to the pumping records. Any
6 significant deviation shall be noted in the report and explained to the extent
7 possible.

8 ~~(g)~~(h) The owner of a holding tank shall maintain a valid contract with a
9 licensed wastewater hauler at all times. The contract shall require the licensed
10 wastewater hauler to provide written notice of dates of pumping and volume of
11 wastewater pumped. Copies of all such notices shall be submitted with the
12 written inspection reports.