

H.28

An act relating to temporary wastewater system permits

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

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

§ 1979. HOLDING TANKS

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

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

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

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

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

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

(c) A holding tank may also be used when an emergency holding tank permit is issued.

(1) For the purposes of this subsection, “emergency” means unanticipated damage to or destruction of a dwelling unit, which makes the dwelling unit temporarily uninhabitable.

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

(A) A professional engineer or a designer licensed pursuant to department rules determines that there is no feasible means of connecting the temporary dwelling unit to an existing wastewater system permitted under section 1937 of this title;

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

(C) The building or structure that is under construction was made uninhabitable by an emergency.

(3) Unless extended by the secretary, an emergency holding tank permit issued under subsection (c) of this section shall be issued for no more than 180 days. The secretary may extend an emergency holding tank permit by 30-day intervals if the secretary determines that the building or structure which is under construction will not be completed within the time frame of the initial temporary permit.

(4) At the expiration of an emergency holding tank permit issued under

this subsection or at the end of a permit extension pursuant to subsection (d) of this section, the temporary holding tank shall be removed or fully permitted pursuant to section 1937 of this title.

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

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

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

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

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

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

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

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

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

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

~~(f)~~(g) Any permit issued for the use of a holding tank will require a designer to periodically inspect the tank, visible piping, and alarms. The designer shall submit a written report to the secretary detailing the results of the inspection and any repairs or changes in operation that are required. The report also shall detail the pumping history since the previous report, giving the dates of pumping and the volume of wastewater removed. The frequency of inspections and reports shall be stated in the permit issued for the use of the tank, but shall be no less frequent than once per year for permits issued under subsections (a) and (b) of this section and once every 180 days for permits issued under subsection (c) of this section. The designer also shall inspect the water meter or meters and verify that they are installed, calibrated, and measuring all water that is discharged as wastewater. The designer shall read the meters and compare the metered flow to the pumping records. Any

significant deviation shall be noted in the report and explained to the extent possible.

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