

1 H.779

2 Introduced by Committee on Fish, Wildlife and Water Resources

3 Date:

4 Subject: Conservation and development; potable water supply and wastewater  
5 permits; notification

6 Statement of purpose: This bill proposes to require an applicant for a potable  
7 water supply or wastewater system permit to notify affected landowners when  
8 isolation distances from the proposed water supply or wastewater system  
9 extend onto property other than the property for which the permit is sought.

10 The bill also authorizes a municipality to adopt an application process for a  
11 zoning or subdivision permit under which the municipality may condition the  
12 issuance of the final permit upon issuance of a wastewater and potable water  
13 supply permit. In addition, the bill would require the governor to reconvene  
14 the technical advisory committee to recommend a standard for the installation  
15 of potable water supplies or wastewater systems with isolation distances that  
16 extend onto property other than the property on which the system is located.

17 An act relating to potable water supply and wastewater system permits

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

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

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

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

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

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

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

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

13               (i) prohibit the initiation of construction under a zoning permit  
14       unless and until a wastewater and potable water supply permit is issued under  
15       ~~10 V.S.A.~~ chapter 64 of Title 10; or

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

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

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

8           (a) On or before July 1, 2010, the governor shall reconvene the technical  
9           advisory committee required under 10 V.S.A. § 1978 to advise the secretary of  
10           natural resources on the technical standards and proven technologies regarding  
11           potable water supply and wastewater systems. Members of the technical  
12           advisory committee shall be appointed or reappointed as required under  
13           10 V.S.A. § 1978(e)(2).

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

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

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

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

10       Sec. 4. EFFECTIVE DATE

11       This act shall take effect upon passage.