

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.

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

~~(k) A retail business may place up to three picnic tables outdoors within the~~  
~~bounds of its property without being required to obtain any state or local~~  
~~permit or permit amendment otherwise required under this chapter.~~

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.

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

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

3                   (i) prohibit the initiation of construction under a zoning permit  
4 unless and until a wastewater and potable water supply permit is issued under  
5 ~~10 V.S.A.~~ chapter 64 of Title 10; or

6                   (ii) establish an application process for a zoning or subdivision  
7 permit, under which an applicant may submit a permit application for  
8 municipal review, and the municipality may condition the issuance of a final  
9 permit upon issuance of a wastewater and potable water supply permit under  
10 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 ~~bylaw~~ 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.

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

13           (a) On or before July 1, 2010, the governor shall reconvene the technical  
14 advisory committee required under 10 V.S.A. § 1978 to advise the secretary of  
15 natural resources on the technical standards and proven technologies regarding

1 potable water supply and wastewater systems. Members of the technical  
2 advisory committee shall be appointed or reappointed as required under  
3 10 V.S.A. § 1978(e)(2).

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

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

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

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

21 Sec. 4. EFFECTIVE DATE

1        This act shall take effect upon passage.