

S.211

An act relating to permitting of sewage holding and pumpout tanks for public buildings

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

Sec. 1. 10 V.S.A. § 1972 is amended to read:

§ 1972. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

(1) "Agency" means the ~~agency of natural resources~~ Agency of Natural Resources.

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(4)(A) "Failed supply" means a potable water supply:

(i) that has been found to exceed the standard set by the ~~secretary~~ Secretary in rule for one or more of the following contaminants:

(I) total coliform;

(II) nitrates;

(III) nitrites;

(IV) arsenic; or

(V) uranium;

(ii) that the ~~secretary~~ Secretary affirmatively determines as not potable, due to the presence of a contaminated site, a leaking underground storage tank, or other known sources of groundwater contamination or

naturally occurring contaminants, and that information has been posted on the ~~agency of natural resources'~~ Agency of Natural Resources' website; or

(iii) the ~~secretary~~ Secretary affirmatively determines to be failed due to the supply providing an insufficient quantity of water to maintain the usual and customary uses of a building or structure or campground, and that information has been posted on the ~~agency of natural resources'~~ Agency of Natural Resources' website.

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(5)(A) "Failed system" means a wastewater system that is functioning in a manner:

(i) that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure, unless, in any of these instances, the approved design of the system specifically requires the system to function in such a manner; or

(ii) that results in a potable water supply being affirmatively determined by the ~~secretary~~ Secretary to be a failed supply, and that information has been posted on the ~~agency of natural resources'~~ Agency of Natural Resources' website.

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(7) "Professional engineer" means an engineer licensed and in good standing by the ~~board of professional engineering~~ Board of Professional Engineering under 26 V.S.A. chapter 20 of Title 26.

(8) "Secretary" means the ~~secretary~~ Secretary of ~~the agency of natural resources~~ Natural Resources or a duly authorized representative of the ~~secretary~~ Secretary. A duly authorized representative of the ~~secretary~~ Secretary includes a municipality that has requested delegation, in writing, and has been delegated the authority to implement provisions of this chapter in lieu of the ~~secretary~~ Secretary.

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(11) "Public building" means:

(A) a building owned or occupied by the State of Vermont, a county, a municipality, a village, or any public entity, including a school or fire district; or

(B) a building owned by a charitable, religious, or nonprofit organization that is regularly used by 15 or more persons per week, measured by weekly average over the most recent 12-week period.

Sec. 2. 10 V.S.A. § 1979 is amended to read:

§ 1979. HOLDING TANKS

(a) The ~~secretary~~ 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~~ public buildings;

(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~~ a public building, if the existing wastewater system has failed, or is expected to fail, and in either instance, if there is no other cost-feasible alternative.

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(f) 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~~ 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. 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) 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.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.