

1 H.424

2 Introduced by Representative Botzow of Pownal

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; public water supply; consecutive
6 public water systems

7 Statement of purpose of bill as introduced: This bill proposes to provide that a
8 public water system that meets the criteria for a consecutive public water
9 system, as determined by the Secretary of Natural Resources, shall be exempt
10 from the public water supply permitting and testing requirements.

11 An act relating to consecutive public water systems

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

13 Sec. 1. 10 V.S.A. § 1671 is amended to read:

14 § 1671. DEFINITIONS

15 As used in this chapter:

16 (1) "Drinking water" means noncarbonated water that is intended for
17 human consumption or other consumer uses whether provided by a public
18 water system or in a container, bottle, or package or in bulk, including water
19 used for production of ice, foodstuffs, or other products designed for human
20 consumption.

1 (2) “Department” means the ~~department of environmental conservation~~
2 Department of Environmental Conservation.

3 (3) “Person” means any individual, partnership, company, corporation,
4 cooperative, association, unincorporated association, joint venture, trust, the
5 ~~state~~ State of Vermont or any department, agency, subdivision, or
6 municipality, the United States government or any department, agency, or
7 subdivision, or any other legal or commercial entity.

8 (4) “Public water source” means any surface water or groundwater
9 supply used as a source of drinking water for a public water system.

10 (5)(A) “Public water system” means any system, or combination of
11 systems owned or controlled by a person, which provides drinking water
12 through pipes or other constructed conveyances to the public and which:

13 (i) has at least 15 service connections; or

14 (ii) serves an average of at least 25 individuals for at least 60 days
15 a year.

16 (B) Public water system shall also mean any part of a piped system
17 which does not provide drinking water, if use of such a part could affect the
18 quality or quantity of the drinking water supplied by the system. Public water
19 system shall also mean a system which bottles drinking water for public
20 distribution and sale.

1 performance standards, including the requirements of the Safe Drinking Water
2 Act, 42 U.S.C. section 300f et seq., as amended.

3 (14) “Consecutive public water system” means a public water system
4 that receives all of its finished water from one or more supplying water
5 systems and that meets the criteria set forth in subsection 1675a(a) of this title.

6 Sec. 2. 10 V.S.A. § 1675a is amended to read:

7 § 1675a. PERMITTING EXEMPTION

8 (a) ~~The requirements of this chapter and the rules adopted under this~~
9 ~~chapter, except the construction permitting requirements, shall not apply to a~~
10 ~~public water system that~~ The Secretary, in response to a petition or on his or
11 her own motion, but no less than once every 10 years, shall review each public
12 water system in the State to determine if it is a consecutive public water
13 system. The Secretary shall determine that a public water system is a
14 consecutive public water system if it:

15 (1) Consists only of distribution and storage facilities and does not have
16 any collection and treatment facilities;

17 (2) Obtains all of its water from, but is not owned or operated by, a
18 public water system to which this chapter applies;

19 (3) Does not engage in the sale of water to any person. ~~For purposes of~~
20 As used in this section and in 30 V.S.A. § 203(3), a “sale” of water does not
21 occur when:

1 (A) the rate charged to the consumer by the receiving water system is
2 the same as the rate charged by the public water system for supplying water to
3 the receiving water system; and

4 (B) the receiving water system follows the uniform water and sewer
5 disconnect requirements of 24 V.S.A. chapter 129 ~~of Title 24~~, except that
6 24 V.S.A. § 5147 shall not apply and appeals shall be governed by the
7 Vermont Rules of Civil Procedure;

8 (4) Is not a carrier which conveys passengers in interstate commerce;

9 (5) Serves less than 500 persons; and

10 (6) Is served by a public water system ~~that certifies to the secretary that~~
11 for which the Secretary determines the following:

12 (A) The receiving public water system is responsible for the repair
13 and maintenance of their own water system unless otherwise agreed to by the
14 wholesale system; and

15 (B) The public water system supplying water to the receiving water
16 system is responsible for:

17 (i) including the receiving public water system in its water quality
18 sampling plans;

19 (ii) providing consumer confidence reports to the receiving
20 system's users; and

1 (iii) issuing public notice to the receiving system's users if a
2 violation of a drinking water contaminant standard exists or if the secretary
3 determines that a condition exists that may present a risk to public health.

4 (b) ~~The water system supplying water to the receiving water system is~~
5 ~~responsible for the requirements contained in subdivision (a)(6)(B) of this~~
6 ~~section until 180 days after the water system supplying water to the receiving~~
7 ~~water system files a notice with the secretary of natural resources and the~~
8 ~~receiving system of its intent to withdraw from any obligation made under~~
9 ~~subdivision (a)(6)(B) of this section~~ If under subsection (a) of this section, the
10 Secretary determines that a public water system is a consecutive public water
11 system, the consecutive public water system shall be exempt from the
12 requirements of this chapter and the rules adopted thereunder and the
13 supplying system shall thereafter be responsible for the compliance of the
14 consecutive public water system with the requirements of this chapter and the
15 rules adopted thereunder.

16 (c) Notwithstanding the exemption contained in subsection ~~(a)~~(b) of this
17 section, the ~~secretary of natural resources~~ Secretary of Natural Resources may
18 take any reasonable steps that are necessary to abate a public health threat at a
19 public water system that is otherwise exempt.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2013.