

1 S.211

2 Introduced by Senator Hartwell

3 Referred to Committee on Natural Resources and Energy

4 Date: January 7, 2014

5 Subject: Conservation and development; wastewater; holding tanks

6 Statement of purpose of bill as introduced: This bill proposes to permit public  
7 buildings to install sewage holding and pumpout tanks.

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

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

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

12 § 1972. DEFINITIONS

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

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

16 \* \* \*

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

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

20 (I) total coliform;

- 1 (II) nitrates;  
2 (III) nitrites;  
3 (IV) arsenic; or  
4 (V) uranium;

5 (ii) that the ~~secretary~~ Secretary affirmatively determines as not  
6 potable, due to the presence of a contaminated site, a leaking underground  
7 storage tank, or other known sources of groundwater contamination or  
8 naturally occurring contaminants, and that information has been posted on the  
9 ~~agency of natural resources'~~ Agency of Natural Resources' website; or

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

15 \* \* \*

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

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

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

5                                 \* \* \*

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

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

15                                 \* \* \*

16           (11) "Public building" means:

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

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

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

5           § 1979. HOLDING TANKS

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

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

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

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

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

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

21                                     \* \* \*

1 (f) Any permit issued for the use of a holding tank will require a designer  
2 to periodically inspect the tank, visible piping, and alarms. The designer shall  
3 submit a written report to the ~~secretary~~ Secretary detailing the results of the  
4 inspection and any repairs or changes in operation that are required. The  
5 report also shall detail the pumping history since the previous report, giving the  
6 dates of pumping and the volume of wastewater removed. The frequency of  
7 inspections and reports shall be stated in the permit issued for the use of the  
8 tank, but shall be no less frequent than once per year. The designer also shall  
9 inspect the water meter or meters and verify that they are installed, calibrated,  
10 and measuring all water that is discharged as wastewater. The designer shall  
11 read the meters and compare the metered flow to the pumping records. Any  
12 significant deviation shall be noted in the report and explained to the  
13 extent possible.

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

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on July 1, 2014.