

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife and Water Resources to which was  
3 referred Senate Bill No. 211 entitled “An act relating to permitting of sewage  
4 holding and pumpout tanks for public buildings” respectfully reports that it has  
5 considered the same and recommends that the House propose to the Senate that  
6 the bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

8 \* \* \* Sewage Holding and Pumpout Tanks for Public Buildings \* \* \*

9 Sec. 1. 10 V.S.A. § 1979 is amended to read:

10 § 1979. HOLDING TANKS

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

13 (1) the existing or proposed buildings or structures to be served by the  
14 holding tank are publicly owned;

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

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

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

1        (b)(1) The Secretary shall approve the use of sewage holding and pumpout  
2        tanks for existing buildings or structures that are owned by a charitable,  
3        religious, or nonprofit organization when he or she determines that:

4                (A) the plan for construction and operation of the holding tank will  
5        not result in a public health hazard or environmental damage;

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

9                (C) the design flows do not exceed 600 gallons per day.

10              (2) Before constructing a holding tank permitted under this subsection,  
11        the applicant shall post a bond or other financial surety sufficient to finance  
12        maintenance of the holding tank for the life of the system, which shall be at  
13        least 20 years.

14              (3) Any permit issued under this subsection shall require periodic  
15        reports to the Secretary on maintenance and pumpout of the permitted tank.

16        The permit shall set the frequency of the reporting period.

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

1        ~~(e)~~(d) When a holding tank is proposed for use, a designer shall submit all  
2 information necessary to demonstrate that the holding tank will comply with  
3 the following requirements:

4            (1)(A) ~~the~~ The holding tank for a publicly owned building shall be  
5 capable of holding at least 14 days of the expected flow from the building;

6            (B) The holding tank for a building owned by a charitable, religious,  
7 or nonprofit organization shall be capable of holding at least 30 days of the  
8 expected flow from the building.

9            (2) ~~the~~ The tank shall be constructed of durable materials that are  
10 appropriate for the site conditions and the nature of the sewage to be stored;

11           (3) ~~the~~ The tank shall be watertight, including any piping connected to  
12 the tank and all access structures connected to the tank. The tank shall be  
13 leakage tested prior to being placed in service;

14           (4) ~~the~~ The tank shall be designed to protect against floatation when the  
15 tank is empty, such as when it is pumped;

16           (5) ~~the~~ The tank shall be equipped with audio and visual alarms that are  
17 triggered when the tank is filled to 75 percent of its design capacity;

18           (6) ~~the~~ The tank shall be located so that it can be reached by tank  
19 pumping vehicles at all times when the structure is occupied; ~~and~~.

20           (7) ~~the~~ The analysis supports a claim under subdivision (a)(3) of this  
21 section.

1       ~~(d)~~(e) The permit application shall specify the method and expected  
2 frequency of pumping.

3       ~~(e)~~(f) Any building or structure served by a holding tank shall have a water  
4 meter, or meters, installed that measures all water that will be discharged as  
5 wastewater from the building or structure.

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

19       ~~(g)~~(h) The owner of a holding tank shall maintain a valid contract with a  
20 licensed wastewater hauler at all times. The contract shall require the licensed  
21 wastewater hauler to provide written notice of dates of pumping and volume of

1 wastewater pumped. Copies of all such notices shall be submitted with the  
2 written inspection reports.

3 \* \* \* Municipal Wastewater Connection Certification \* \* \*

4 Sec. 2. 10 V.S.A. § 1973(k) is added to read:

5 (k)(1) Notwithstanding the requirements of subsections (d) and (e) of this  
6 section, the Secretary shall issue a permit for a new or modified connection to  
7 a water main and a sewer main or indirect discharge system from a building or  
8 structure upon submission of an application under subsection (b) of this section  
9 that consists solely of a connection certification from an approved  
10 municipality. An approved municipality may certify connections if the  
11 municipality owns both the water main and sewer main or indirect discharge  
12 system allocating the capacity needed to accommodate the new or modified  
13 connection. The Secretary shall adopt rules regarding:

14 (A) the process for approval of municipalities to certify  
15 connections; and

16 (B) the required contents of a municipal connection certification.

17 (2) This subsection shall not apply if the Secretary finds one of the  
18 following:

19 (A) The Secretary has prohibited the municipality that submitted the  
20 certification from issuing new connection certifications due to a lack of  
21 capacity.

1           (B) As a result of an audit of the municipal certifications performed  
2           on a random basis or in response to a complaint, the system is not designed in  
3           accordance with the rules adopted under this chapter.

4           Sec. 3. WASTEWATER RULES; AMENDMENT

5           On or before June 1, 2015, the Agency of Natural Resources shall amend its  
6           form under 10 V.S.A. § 1973 and its rules under 10 V.S.A. § 1978 to conform  
7           to the provisions of Sec. 2 of this act.

8           Sec. 4. 10 V.S.A. § 1973(f) is amended to read:

9           (f)(4) The Secretary shall give deference to a certification by a licensed  
10          designer with respect to the engineering design or judgment exercised by the  
11          designer in order to minimize agency review of certified designs. Nothing in  
12          this section shall limit the responsibility of the licensed designer to comply  
13          with all standards and rules, or the authority of the Secretary to review and  
14          comment on design aspects of an application or to enforce agency rules with  
15          respect to the design or the design certification.

16          ~~(2) The Secretary shall issue a permit for a new or modified connection~~  
17          ~~to a water main and a sewer main or indirect discharge system from a building~~  
18          ~~or structure in a designated downtown development district upon submission~~  
19          ~~of an application under subsection (b) of this section that consists solely of the~~  
20          ~~certification of a licensed designer, in accordance with subsection (d) of this~~  
21          ~~section, and a letter from the owner of the water main and sewer main or~~

1 ~~indirect discharge system allocating the capacity needed to accommodate the~~  
2 ~~new or modified connection. However, this subdivision (2) shall not apply if~~  
3 ~~the Secretary finds one of the following:~~

4 ~~(A) The Secretary has prohibited the system that submitted the~~  
5 ~~allocation letter from issuing new allocation letters due to a lack of capacity.~~

6 ~~(B) As a result of an audit of the application performed on a random~~  
7 ~~basis or in response to a complaint, the system is not designed in accordance~~  
8 ~~with the rules adopted under this chapter.~~

9 \* \* \* Effective Dates \* \* \*

10 Sec. 5. EFFECTIVE DATES

11 (a) This section and Secs. 1–3 shall take effect on July 1, 2014.

12 (b) Sec. 4 shall take effect on December 1, 2015.

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14  
15 (Committee vote: \_\_\_\_\_)

16 \_\_\_\_\_

17 Representative \_\_\_\_\_

18 FOR THE COMMITTEE