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Introduced by Representatives Lanpher of Vergennes, Keenan of

St. Albans City, Connor of Fairfield, and Ram of Burlington

Referred to Committee on

Date:

Subject: Conservation and development; water pollution control; public notice
of discharges

Statement of purpose of bill as introduced: This bill proposes to require the operator of a wastewater treatment facility to notify the Secretary of Natural Resources and local health officers within defined time limits of: combined sewer overflows; overflows from sanitary sewers and combined sewer systems; upsets or bypasses around or within the wastewater treatment facility during dry or wet weather conditions; and discharges of domestic, commercial, or industrial wastewater from the wastewater treatment facility to separate storm sewer systems. The Secretary of Natural Resources would be required to post, within defined time limits, notice of unpermitted discharges to waters of the State that may pose a threat to human health or the environment. In addition, the bill proposes to require the Commissioner of Health to issue a daily press release to Vermont news media regarding whether cyanobacteria have been identified in any water of the State at a level that could constitute a public health hazard.

1 An act relating to public notice of wastewater discharges

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

3 Sec. 1. 10 V.S.A. § 1285 is added to read:

4 § 1285. NOTIFICATION OF SEWAGE AND WASTEWATER

5 DISCHARGES

6 (a) Definitions. As used in this section:

7 (1) “Collection system” means pipelines or conduits, pumping stations,
8 force mains, and all other facilities used to collect or conduct sewage or
9 stormwater, or both sewage and stormwater.

10 (2) “Combined sewer overflow” means a discharge to waters of the
11 State from a combined sewer system outfall that results from a wet weather
12 storm event.

13 (3) “Combined sewer system” means a collection system that was
14 designed to convey sewage and stormwater through the same network of pipes
15 to a treatment plant.

16 (4) “Dry weather flow” means flow in a sanitary sewer or combined
17 sewer system during periods of dry weather.

18 (5) “Pollution abatement facility” shall have the same meaning as in
19 section 1571 of this title.

1 (6) “Sanitary sewer” means a collection system that conveys sewage and
2 groundwater entering the collection system through infiltration to a wastewater
3 treatment plant.

4 (7) “Separate storm sewer system” means a collection system that is
5 designed to discharge stormwater and groundwater entering the collection
6 system through inflow and infiltration to surface waters.

7 (8) “Sewage” means domestic, commercial, and industrial wastewater
8 conveyed by a collection system.

9 (9) “Stormwater” means precipitation and snowmelt that does not
10 infiltrate into soil, including material dissolved or suspended in it.

11 (10) “Wastewater treatment facility” means a pollution abatement
12 facility, including the treatment plant, collection system, and pump stations,
13 permitted by the Secretary for the purpose of treating sewage.

14 (b) Notice.

15 (1) The permitted operator of a wastewater treatment facility shall
16 provide notice to the Secretary of:

17 (A) combined sewer overflows from the wastewater treatment
18 facility;

19 (B) overflows from sanitary sewers and combined sewer systems that
20 are part of the wastewater treatment facility during dry weather flows, which
21 result in a discharge to waters of the State;

1 (C) upsets or bypasses around or within the wastewater treatment
2 facility during dry or wet weather conditions that are due to factors unrelated to
3 a wet weather storm event and that result in a discharge to waters of the
4 State; and

5 (D) discharges of domestic, commercial, or industrial wastewater
6 from the wastewater treatment facility to separate storm sewer systems.

7 (2) An operator of a wastewater treatment facility required to report
8 under subdivision (1) of this subsection shall report to the Secretary and the
9 local health officer of the municipality where the facility is located as soon as
10 possible, but no later than four hours from the detection of an overflow or
11 discharge, except that if the overflow or discharge is detected between the
12 hours of 9:00 p.m. and 5:00 a.m., the operator shall provide notice no later than
13 10:00 a.m. of that morning.

14 (3) The operator shall notify the Secretary through use of the
15 Department of Environmental Conservation's online event reporting system.
16 If, for any reason, the online system is not operable, the operator shall notify
17 the Secretary via telephone or e-mail.

18 (4) A notice required by this section shall include:

19 (A) The specific location of each discharge or overflow, including
20 the body of water affected. For combined sewer overflows, the specific

1 location of each discharge means each outfall that has discharged during a wet
2 weather storm event.

3 (B) Except for discharges under subdivision (1)(D) of this
4 subsection (b), the date and approximate time the discharge began.

5 (C) The date and approximate time the discharge ended. If the
6 discharge is still ongoing at the time of reporting, the entity reporting the
7 discharge shall amend the report with the date and approximate time the
8 discharge ended within three business days of the discharge ending.

9 (D) Except for discharges under subdivision (1)(D) of this
10 subsection (b), the approximate total volume of sewage and, if applicable,
11 stormwater that was released. If the approximate total volume is unknown at
12 the time of reporting, the entity reporting the discharge shall amend the report
13 with the approximate total volume within three business days.

14 (E) The cause of the discharge.

15 (F) The person reporting the discharge.

16 (G) Any other information deemed necessary by the Secretary.

17 (c) Notice by the Secretary. Except for discharges posted pursuant to
18 subdivisions (b)(1)-(3) of this section, the Secretary shall post notice of
19 unpermitted discharges to waters of the State that may pose a threat to human
20 health or the environment and that are identified by the Secretary. The
21 Secretary's notice shall include the information required under subdivision

1 (b)(4) of this section and shall be posted on the Secretary's online event
2 reporting system no later than four hours from the detection of a discharge,
3 except that if the discharge is detected between the hours of 9:00 p.m. and
4 5:00 a.m., the Secretary shall post the notice no later than 10:00 a.m. of that
5 morning.

6 (d) Signage.

7 (1) Each combined sewer overflow outfall shall be marked with a
8 permanent sign that identifies the outfall and warns of the potential threat to
9 public health that may be posed by recreating in the waters at the outfall or
10 downstream of the outfall during or after a wet weather storm event. The
11 Secretary shall provide each municipality with a combined sewer overflow two
12 signs for each outfall within the municipality. A municipality shall
13 periodically inspect and maintain each sign marking a combined sewer
14 overflow outfall and shall replace a sign if it is destroyed, removed, or no
15 longer legible.

16 (2)(A) A municipality shall post temporary signs at public access areas
17 downstream of overflows from sanitary sewers and combined sewer systems
18 during:

19 (i) dry weather flows;

1 (ii) upsets or bypasses within wastewater treatment facilities
2 during dry or wet weather conditions, which are due to factors unrelated to a
3 wet weather storm event; and

4 (iii) discharges of domestic, commercial, or industrial wastewater
5 to separate storm sewer systems.

6 (B) The signs shall warn of the potential threat to public health that
7 may be posed by recreating in the waters due to the discharge. The signs shall
8 remain in place until the discharge has stopped and the local health officer has
9 determined that the threat to public health has passed.

10 Sec. 2. 10 V.S.A. § 1278(e) is amended to read:

11 ~~(e) Notice of certain discharges. The secretary of natural resources shall~~
12 ~~post publicly notice of an illegal discharge that may pose a threat to human~~
13 ~~health or the environment on its website within 24 hours of the agency's~~
14 ~~receipt of notification of the discharge. [Repealed.]~~

15 Sec. 3. 18 V.S.A. § 1222 is added to read:

16 § 1222. CYANOBACTERIA MONITORING AND NOTIFICATION

17 (a) As used in this section:

18 (1) "Cyanobacteria" means photosynthetic bacteria that have
19 two photosystems, produce molecular oxygen, and use water as an
20 electron-donating substrate in photosynthesis, including microcystin, anatoxin,
21 and cylindrospermopsin.

1 (2) “Waters” shall have the same meaning as used in 10 V.S.A. § 1251.

2 (b) On or before January 1, 2017, the Commissioner of Health, after
3 consultation with the Secretary of Natural Resources, shall establish a program
4 that coordinates all efforts to monitor the presence of cyanobacteria in the
5 waters of the State.

6 (c) Beginning on January 1, 2017, the Commissioner of Health shall issue
7 daily press releases to Vermont news media regarding whether cyanobacteria
8 have been identified in any water of the State at a level that could constitute a
9 public health hazard. The Commissioner of Health shall post each press
10 release to the website of the Department of Health.

11 Sec. 4. EFFECTIVE DATES

12 This act shall take effect on passage, except that Sec. 3 (cyanobacteria
13 monitoring) shall take effect on July 1, 2016.