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1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife and Water Resources to which was
3 referred House Bill No. 674 entitled “An act relating to public notice of
4 wastewater discharges” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. chapter 47, subchapter 1A is added to read:

8 Subchapter 1A. Notification of Sewage and Wastewater Discharges

9 § 1295. NOTIFICATION OF SEWAGE AND WASTEWATER

10 DISCHARGES

11 (a) Definitions. Notwithstanding the application of the definitions in
12 section 1251 to the chapter as a whole, as used in this subchapter:

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

16 (2) “Combined sewer overflow” means an untreated or partially treated
17 discharge to waters of the State from a combined sewer system outfall that
18 results from a wet weather storm event.

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

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

3 (5) “Sanitary sewer system” means a collection system that conveys
4 sewage and groundwater entering the collection system through inflow and
5 infiltration to a wastewater treatment facility.

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

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

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

13 (9) “Wastewater treatment facility” means a treatment plant, collection
14 system, pump station, and attendant facilities permitted by the Secretary for the
15 purpose of treating sewage.

16 (b) Notice.

17 (1) The permitted operator of a wastewater treatment facility shall notify
18 the Secretary and the public under subdivision (2) of this subsection of:

19 (A) combined sewer overflows from the wastewater treatment
20 facility;

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

4 (C) upsets or bypasses around or within the wastewater treatment
5 facility during dry or wet weather conditions that are due to factors unrelated to
6 a wet weather storm event and that result in a discharge of sewage that has not
7 been fully treated to waters of the State; and

8 (D) discharges from the wastewater treatment facility to separate
9 storm sewer systems.

10 (2) An operator of a wastewater treatment facility required to report
11 under subdivision (1) of this subsection immediately ? shall:

12 (A) Notify the Secretary and the local health officer of the
13 municipality where the facility is located of the discharge or overflow. The
14 operator shall notify the Secretary through use of the Department of
15 Environmental Conservation’s online event reporting system. If, for any
16 reason, the online system is not operable, the operator shall notify the
17 Secretary via telephone or e-mail.

18 (B) Post notice of the discharge or overflow on a publicly accessible
19 electronic network, Internet site, mobile application, or other electronic media
20 designated by the Secretary.

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1 (3) A notice required by this section shall include:

2 (A) The specific location of each discharge or overflow, including
3 the body of water affected. For combined sewer overflows, the specific
4 location of each discharge means each outfall that has discharged during a wet
5 weather storm event.

6 (B) Except for discharges under subdivision (1)(D) of this
7 subsection (b), the date and approximate time the discharge or overflow began.

8 (C) The date and approximate time the discharge or overflow ended.
9 If the discharge is still ongoing at the time of reporting, the entity reporting the
10 discharge shall amend the report with the date and approximate time the
11 discharge or overflow ended within three business days of the discharge
12 ending.

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

19 (E) The cause of the discharge or overflow.

20 (F) The person reporting the discharge or overflow.

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

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1 (c) Notice by the Secretary. Except for discharges posted pursuant to
2 subdivisions (b)(1)–(3) of this section, the Secretary shall post notice of
3 unpermitted discharges or overflows to waters of the State that may pose a
4 threat to human health or the environment and that are identified by the
5 Secretary. The Secretary’s notice shall include the information required under
6 subdivision (b)(4) of this section and shall be posted on the Secretary’s online
7 event reporting system no later than four hours from the detection of a
8 discharge, except that if the discharge is detected between the hours of 9:00
9 p.m. and 5:00 a.m., the Secretary shall post the notice no later than 10:00 a.m.
10 of that morning. The Secretary’s notice shall identify the potential threat to the
11 public health that may be posed by recreating in the waters where the
12 unpermitted discharge occurred.

13 (d) Signage.

14 (1) Each combined sewer overflow outfall shall be marked with a
15 permanent sign that identifies the outfall and warns of the potential threat to
16 public health that may be posed by recreating in the waters at the outfall or
17 downstream of the outfall during or after a wet weather storm event. The
18 Secretary shall provide each municipality with a combined sewer overflow two
19 signs for each outfall within the municipality. A municipality shall
20 periodically inspect and maintain each sign marking a combined sewer

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1 overflow outfall and shall replace a sign if it is destroyed, removed, or no
2 longer legible.

3 (2)(A) A municipality shall post temporary signs at public access areas
4 downstream of:

5 (i) overflows from sanitary sewers and combined sewer systems
6 during dry weather flows;

7 (ii) upsets or bypasses within wastewater treatment facilities
8 during dry or wet weather conditions, which are due to factors unrelated to a
9 wet weather storm event and that result in a discharge of sewage that has not
10 been fully treated to a water of the State;

11 (iii) discharges of domestic, commercial, or industrial wastewater
12 to separate storm sewer systems; and

13 (iv) other unpermitted discharges to waters of the State posted by
14 the Secretary under subsection (c) of this section.

15 (B) The signs shall warn of the potential threat to public health that
16 may be posed by recreating in the waters due to the discharge or overflow.

17 The signs shall remain in place for 48 hours after the discharge or overflow has
18 stopped.

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

20 (e) ~~Notice of certain discharges. The secretary of natural resources shall~~
21 ~~post publicly notice of an illegal discharge that may pose a threat to human~~

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1 ~~health or the environment on its website within 24 hours of the agency's~~
2 ~~receipt of notification of the discharge. [Repealed.]~~

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

4 § 1222. CYANOBACTERIA MONITORING AND NOTIFICATION

5 (a) As used in this section:

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

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

11 (b) The Commissioner of Health, in consultation with the Secretary of
12 Natural Resources, shall coordinate efforts to monitor the presence of
13 cyanobacteria in the waters of the State.

14 (c) The Department of Health shall maintain a publicly accessible Internet
15 site that provides information concerning the presence of cyanobacteria in
16 areas known to be used for recreation, including swimming or boating. If the
17 presence of cyanobacteria in a recreation area is deemed to be a public health
18 hazard, the Commissioner of Health shall conduct public outreach describing
19 the area affected and the nature of the public health hazard in the area.

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1 Sec. 4. EFFECTIVE DATES

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

4

5

6 (Committee vote: _____)

7

8

Representative _____

9

FOR THE COMMITTEE