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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 operator of a wastewater treatment facility shall notify the
18 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 shall immediately, and in no case more
12 than 15 minutes from discovery:

13 (A) Post notice of the discharge on a Secretary-designated, publicly
14 accessible electronic network, Internet site, mobile application, or other
15 electronic media.

16 (B) Notify the Secretary and the local health officer of the
17 municipality where the facility is located of the discharge. The operator shall
18 notify the Secretary through use of the Department of Environmental
19 Conservation's online event reporting system. If, for any reason, the online
20 system is not operable, the operator shall notify the Secretary via telephone or
21 e-mail.

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

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

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

8 (C) The date and approximate time the discharge ended. If the
9 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 ended within three business days of the discharge ending.

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

17 (E) The cause of the discharge.

18 (F) The person reporting the discharge.

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

20 (c) Notice by the Secretary. Except for discharges posted pursuant to
21 subdivisions (b)(1)–(3) of this section, the Secretary shall post notice of

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

11 (d) Signage.

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

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

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

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

9 (iii) discharges from a wastewater treatment facility to separate
10 storm sewer systems; and

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

13 (B) The signs shall warn of the potential threat to public health that
14 may be posed by recreating in the waters due to the discharge. The signs shall
15 remain in place for 24 hours after the abatement of the public health risk posed
16 by the water.

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

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

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

2 § 1222. CYANOBACTERIA MONITORING AND NOTIFICATION

3 (a) As used in this section:

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

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

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

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

19 Sec. 4. EFFECTIVE DATES

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

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3 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE