

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.

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) “Untreated discharge” means:

14               (A) combined sewer overflows from a wastewater treatment facility;

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

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

1           (D) discharges from a wastewater treatment facility to separate storm  
2           sewer systems.

3           (10) “Wastewater treatment facility” means a treatment plant, collection  
4           system, pump station, and attendant facilities permitted by the Secretary for the  
5           purpose of treating sewage.

6           (b) Public alert. An operator of a wastewater treatment facility shall as  
7           soon as possible, but no longer than one hour from discovery of an untreated  
8           discharge from the wastewater treatment facility, post on a publicly accessible  
9           electronic network, mobile application, or other electronic media designated by  
10           the Secretary an alert informing the public of the untreated discharge and its  
11           location.

12           (c) Agency notification.

13           (1) An operator of a wastewater treatment facility shall within 12 hours  
14           from discovery of an untreated discharge from the wastewater treatment  
15           facility notify the Secretary and the local health officer of the municipality  
16           where the facility is located of the untreated discharge. The operator shall  
17           notify the Secretary through use of the Department of Environmental  
18           Conservation’s online event reporting system. If, for any reason, the online  
19           event reporting system is not operable, the operator shall notify the Secretary  
20           via telephone or e-mail.

1           (2) A notification required by this subsection shall include:

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

6           (B) Except for untreated discharges under subdivision (a)(9)(D) of  
7 this section, the date and approximate time the untreated discharge began.

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

13           (D) Except for untreated discharges under subdivision (a)(9)(D) of  
14 this section, 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 untreated discharge shall amend  
17 the report with the approximate total volume within three business days.

18           (E) The cause of the untreated discharge.

19           (F) The person reporting the untreated discharge.

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

21           (d) Notification of additional discharges. In addition to untreated  
22 discharges posted pursuant to subsection (c) of this section, the Secretary shall

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

11 (e) 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.

1           (2)(A) A municipality shall, within its jurisdiction or other geographic  
2           area specified by the Secretary, post temporary signs at public access areas  
3           downstream of:

4                   (i) untreated discharges under subdivisions (a)(9)(B)–(D) of this  
5           section; and

6                   (ii) other unpermitted discharges posted by the Secretary under  
7           subsection (d) of this section.

8                   (B) The signs shall warn of the potential threat to public health that  
9           may be posed by recreating in the waters due to the untreated or unpermitted  
10          discharge. The signs shall remain in place for 48 hours after the untreated or  
11          unpermitted discharge has stopped.

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

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

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

18          § 1222. CYANOBACTERIA MONITORING AND NOTIFICATION

19           (a) As used in this section:

20                   (1) "Cyanobacteria" means photosynthetic bacteria that have  
21          two photosystems, produce molecular oxygen, and use water as an

1 electron-donating substrate in photosynthesis, including microcystin, anatoxin,  
2 and cylindrospermopsin.

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

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

7 (c) The Department of Health shall maintain a publicly accessible Internet  
8 site that provides information concerning the presence of cyanobacteria in  
9 areas known to be used for recreation, including swimming or boating. Within  
10 one hour of a determination that the presence of cyanobacteria in a recreation  
11 area is a public health hazard, the Commissioner of Health shall conduct public  
12 outreach describing the area affected and the nature of the public health hazard  
13 in the area.

14 Sec. 4. EFFECTIVE DATES

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

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18  
19 (Committee vote: \_\_\_\_\_)

20 \_\_\_\_\_

21 Representative \_\_\_\_\_

22 FOR THE COMMITTEE