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H.211

Introduced by Representatives Deen of Westminster, McCullough of
Williston, Ode of Burlington, and Sullivan of Burlington

Referred to Committee on

Date:

Subject: Conservation and development; public water supply; water resources

Statement of purpose of bill as introduced: This bill proposes to require public water systems to provide notice of drinking water quality violations. The bill also requires monitoring of cyanobacteria outbreaks in the State to be conducted between June 1 and November 1 annually. The bill requires pollution abatement facilities to implement electronic or automatic reporting. In addition, the bill would require the Secretary of Natural Resources to submit to the General Assembly a strategy for reducing the land application of septage and sludge in the State.

An act relating to the water resources and water supplies of the State

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

2 * * * Drinking Water Quality Violation; Notification * * *

3 Sec. 1. 10 V.S.A. § 1686 is added to read:

4 § 1686. NOTIFICATION OF DRINKING WATER QUALITY VIOLATION

5 (a) Standard language. On or before July 1, 2017, the Secretary shall adopt
6 by procedure standard health effects language to be provided to the public by a
7 public water system when the public water system violates a drinking water
8 quality standard or requirement adopted under subsection 1672(b) of this title.
9 The required standard health effects language shall be based on the type or
10 severity of a violation.

11 (b) Public alert. Beginning on July 1, 2017, an operator of a public water
12 system shall as soon as possible, but no longer than one hour from discovery of
13 a violation of a drinking water quality standard or requirement adopted under
14 subsection 1672(b) of this title, post on a publicly accessible electronic
15 network, a mobile application, or other electronic media designated by the
16 Secretary an alert informing the public of the drinking water quality violation
17 and its location, except that if the operator or his or her delegate does not have
18 telephone or Internet service at the location where he or she is working to
19 control or stop the drinking water quality violation, the operator or delegate
20 may delay posting the alert, provided that the alert shall be posted no later than
21 four hours from discovery of the drinking water quality violation. The public

1 alert shall include the standard health effects language adopted by the
2 Secretary under subsection (a) of this title for the type or severity of the
3 drinking water quality violation.

4 (c) Agency notification. An operator of a public water system shall, within
5 12 hours from discovery of a drinking water quality violation, notify the
6 Secretary and the local health officer of the municipality or municipalities
7 served by the public water system. The operator shall notify the Secretary
8 through use of the Department of Environmental Conservation's online event
9 reporting system. If, for any reason, the online event reporting system is not
10 operable, the operator shall notify the Secretary via telephone or e-mail.

11 (d) Content of notification. A notification required under subsection (c) of
12 this section shall include:

13 (1) The specific location of each violation.

14 (2) The nature of the violation.

15 (3) The date and approximate time the violation began.

16 (4) The date and approximate time the violation ended. If the violation
17 is still ongoing at the time of reporting, within three business days of the
18 violation's ending, the entity reporting the violation shall amend the report
19 with the date and approximate time the violation ended.

20 (5) The cause of the violation.

21 (6) The person reporting the violation.

1 (7) Any other information deemed necessary by the Secretary.

2 * * * Cyanobacteria Monitoring Dates * * *

3 Sec. 2. 18 V.S.A. § 1222 is amended to read:

4 § 1222. CYANOBACTERIA MONITORING AND NOTIFICATION

5 (a) As used in this section:

6 (1) “Cyanobacteria” means photosynthetic bacteria that have two
7 photosystems, produce molecular oxygen, and use water as an
8 electron-donating substrate in photosynthesis, including microcystis, anabaena,
9 and aphanizomenon.

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. The Commissioner shall conduct
14 cyanobacteria monitoring or shall collect monitoring data for cyanobacteria in
15 the waters of the State between June 1 and November 1 annually.

16 (c) The Department of Health shall maintain a publicly accessible Internet
17 site that provides information concerning the presence of cyanobacteria in
18 areas known to be used for recreation, including swimming or boating. Within
19 one hour of a determination that the presence of cyanobacteria in a recreation
20 area is a public health hazard, the Commissioner of Health shall conduct public

1 outreach describing the area affected and the nature of the public health hazard
2 in the area.

3 * * *

4 * * * Electronic Monitoring Pollution Abatement Facilities * * *

5 Sec. 3. 10 V.S.A. § 1263(d) is amended to read:

6 (d) A discharge permit shall:

7 (1) Specify the manner, nature, volume, and frequency of the discharge
8 permitted and contain terms and conditions consistent with subsection (c) of
9 this section.

10 (2) Require proper operation and maintenance of any pollution
11 abatement facility necessary in the treatment or processing of the waste by
12 qualified personnel in accordance with standards established by the Secretary
13 and the Director of the Office of Professional Regulation. The Secretary may
14 require that a pollution abatement facility be operated by persons licensed
15 under 26 V.S.A. chapter 97 and may prescribe the class of license required.
16 The Secretary may require a laboratory quality assurance sample program to
17 ensure qualifications of laboratory analysts.

18 (3) Contain an operation, management, and emergency response plan
19 when required under section 1278 of this title and additional conditions,
20 requirements, and restrictions as the Secretary deems necessary to preserve and
21 protect the quality of the receiving waters, including requirements concerning

1 recording, reporting, monitoring, and inspection of the operation and
2 maintenance of waste treatment facilities and waste collection systems.

3 (4) Be valid for the period of time specified therein, not to exceed five
4 years.

5 (5) Require a pollution abatement facility to install and operate
6 electronic or automatic equipment to monitor the facility for unpermitted
7 discharges and other violations of this chapter and the rules adopted under this
8 chapter.

9 Sec. 4. IMPLEMENTATION OF ELECTRONIC MONITORING AT

10 POLLUTION ABATEMENT FACILITIES

11 The Secretary shall require all pollution abatement facilities in the State to
12 install and operate the electronic or automatic monitoring equipment required
13 under 10 V.S.A. § 1263(d) upon renewal of the facility's discharge permit or
14 January 1, 2019, whichever occurs first.

15 * * * Strategy for Phase Out of Land Application of Septage * * *

16 Sec. 5. AGENCY OF NATURAL RESOURCES STRATEGY FOR

17 PHASE OUT OF LAND APPLICATION OF SEPTAGE

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

19 (1) "Septage" means the liquid and solid materials pumped from a septic
20 tank or cesspool during cleaning.

1 (2) “Sludge” means any solid, semisolid, or liquid generated from a
2 municipal, commercial, or industrial wastewater treatment plant or process,
3 water supply treatment plant, or air pollution control facility or any other such
4 waste having similar characteristics and effects.

5 (b) Findings. The General Assembly finds that:

6 (1) 2015 Acts and Resolves No. 64 (Act 64), Sec. 34 required the
7 Secretary of Natural Resources (Secretary) to report to the General Assembly
8 regarding the land application of septage and sludge in the State.

9 (2) The General Assembly required the Secretary, in the Act 64 Report
10 to analyze the feasibility of treating or disposing of septage or sludge in a
11 manner, other than land application, that is at least as protective of
12 groundwater or water quality as land application of septage or sludge.

13 (3) The Secretary of Natural Resources submitted a Report on the
14 Management of Wastewater Treatment Sludge and Septage in Vermont
15 (Sludge and Septage Treatment Report) to the General Assembly on
16 January 16, 2016.

17 (4) The Sludge and Septage Report acknowledged that land application
18 of sludge and septage poses an increased risk to water resources from nutrient
19 runoff or leaching, poses risk of runoff of emerging contaminants of concern,
20 and potentially exposes humans and livestock to disease-causing pathogens.

1 (5) The Secretary concluded in the Sludge and Septage Treatment
2 Report that all of the alternative methods to land application of septage or
3 sludge are technically feasible for use in Vermont, provided that not all
4 available management strategies would be practical, appropriate, or
5 cost-effective.

6 (6) The Secretary concluded in the Sludge and Septage Report that the
7 true challenge with determining the most appropriate method for treatment of
8 septage and sludge is to determine the most appropriate treatment technique
9 that affords the greatest overall protection of the environment and human
10 health and safety.

11 (7) Considering the environmental and health risks of land application
12 of septage and sludge, the State should develop a cost-effective strategy to
13 phase out of the land application of septage and sludge in a manner that
14 increases protection of the environment and human health and safety.

15 (c) Strategy required. On or before January 15, 2018, the Secretary of
16 Natural Resources shall submit to the House Committees on Natural
17 Resources, Fish and Wildlife and on Agriculture and Forestry and the Senate
18 Committees on Natural Resources and Energy and on Agriculture a strategy
19 for reducing or eliminating land application of sewage or septage in the State.
20 The strategy shall include:

21 (1) recommended alternatives to land application of sewage or septage;

