

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 House Bill No. 833 entitled “An act relating to the interbasin transfer of  
4 surface waters” respectfully reports that it has considered the same and  
5 recommends that the Senate propose to the House that the bill be amended as  
6 follows:

7 First: In Sec. 1, Surface Waters Diversions and Transfers Study Group;  
8 report, in subsection (c), by striking out subdivision (3) in its entirety and  
9 inserting in lieu thereof the following:

10 (3) identify whether the State of Vermont should develop and  
11 implement a statewide permitting or other regulatory regime for diversions or  
12 other transfers of surface water, including:

13 (A) the scale or size of a watershed subject to regulation;

14 (B) how a permitting program would comply with the Vermont water  
15 quality standards;

16 (C) how or if the permitting program should address the impact of a  
17 diversion on groundwater; and

18 (D) how to address reducing the demands for water through water  
19 recycling, reuse, and efficiency measures.

1        Second: In Sec. 1, Surface Waters Diversions and Transfers Study Group;  
2        report, in subsection (e), by striking out “January 15” where it appears and  
3        inserting in lieu thereof December 15

4        Third: In Sec. 1, Surface Waters Diversions and Transfers Study Group;  
5        report, in subdivision (f)(4), by striking out “2021” where it appears and  
6        inserting in lieu thereof 2022

7        Fourth: By striking out Sec. 2, effective date, in its entirety and inserting in  
8        lieu thereof the following:

9        Sec. 2. 10 V.S.A. § 1979(b) is amended to read:

10        (b)(1) The Secretary shall approve the use of sewage holding and pumpout  
11        tanks for existing or proposed buildings or structures that are owned by a  
12        charitable, religious, or nonprofit organization when he or she determines that:

13                (A) the plan for construction and operation of the holding tank will  
14        not result in a public health hazard or environmental damage;

15                (B) a designer demonstrates that an economically feasible means of  
16        meeting current standards is significantly more costly than the construction and  
17        operation of sewage holding and pumpout tanks, based on a projected 20-year  
18        life of the project; and

19                (C) the design flows do not exceed 600 gallons per day or the  
20        existing or proposed building or structure shall not be used to host events on  
21        more than 28 days in any calendar year.

1           (2) ~~Before constructing a holding tank permitted under this subsection,~~  
2           ~~the applicant shall post a bond or other financial surety sufficient to finance~~  
3           ~~maintenance of the holding tank for the life of the system, which shall be at~~  
4           ~~least 20 years. [Repealed.]~~

5           (3)(A) A permit issued under this subsection shall run with the land for  
6           the duration of the permit and shall apply to all subsequent owners of the  
7           property being served by the holding tank regardless of whether the owner is a  
8           charitable, religious, or nonprofit organization.

9           (B) All permit conditions, ~~including the financial surety requirement~~  
10          ~~of subdivision (2) of this subsection (b)~~, shall apply to a subsequent owner.

11          (C) A subsequent owner shall not increase the design flows of the  
12          holding and pumpout tank system without approval from the Secretary.

13          Sec. 3. EFFECTIVE DATE

14          This act shall take effect on passage.

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

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Senator \_\_\_\_\_

FOR THE COMMITTEE