Permitting of Wastewater Holding Tanks

A. 2019 Acts & Resolves No. 64, Sec. 20

Sec. 20. 10 V.S.A. § 1979(b) is amended to read:

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

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

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

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

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

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

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

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

B. 10 V.S.A. § 1979. Holding Tanks

§ 1979. Holding tanks

(a) The Secretary shall approve the use of sewage holding and pumpout tanks when he or she determines that:

(1) the existing or proposed buildings or structures to be served by the holding tank are publicly owned;

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

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

(4) the design flows do not exceed 600 gallons per day.

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

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

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

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

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

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

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

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

(c) A holding tank may also be used for a project that is eligible for a variance under section 1973 of this title, whether or not the project is publicly owned, if the existing wastewater system has failed, or is expected to fail, and in either instance, if there is no other cost-feasible alternative.

(d) When a holding tank is proposed for use, a designer shall submit all information necessary to demonstrate that the holding tank will comply with the following requirements:

(1) The holding tank shall be capable of holding at least 14 days of the design flow from the building.

(2) The tank shall be constructed of durable materials that are appropriate for the site conditions and the nature of the sewage to be stored.

(3) The tank shall be watertight, including any piping connected to the tank and all access structures connected to the tank. The tank shall be leakage tested prior to being placed in service.

(4) The tank shall be designed to protect against floatation when the tank is empty, such as when it is pumped.

(5) The tank shall be equipped with audio and visual alarms that are triggered when the tank is filled to 75 percent of its design capacity.

(6) The tank shall be located so that it can be reached by tank pumping vehicles at all times when the structure is occupied.

(7) The analysis supports a claim under subdivision (a)(3) of this section.

(e) The permit application shall specify the method and expected frequency of pumping.

(f) Any building or structure served by a holding tank shall have a water meter, or meters, installed that measures all water that will be discharged as wastewater from the building or structure.

(g) Any permit issued for the use of a holding tank will require a designer to periodically inspect the tank, visible piping, and alarms. The designer shall submit a written report to the Secretary detailing the results of the inspection and any repairs or changes in operation that are required. The report also shall detail the pumping history since the previous report, giving the dates of pumping and the volume of wastewater removed. The frequency of inspections and reports shall be stated in the permit issued for the use of the tank, but shall be no less frequent than once per year. The designer also shall inspect the water meter or meters and verify that they are installed, calibrated, and measuring all water that is discharged as wastewater. The designer shall read the meters and compare the metered flow to the pumping records. Any significant deviation shall be noted in the report and explained to the extent possible.

(h) The owner of a holding tank shall maintain a valid contract with a licensed wastewater hauler at all times. The contract shall require the licensed wastewater hauler to provide written notice of dates of pumping and volume of wastewater pumped. Copies of all such notices shall be submitted with the written inspection reports.

C. ANR Potable Water Supply and Wastewater Systems Rule § 1-928

§ 1-928 Holding Tanks

(a) The Secretary shall approve the use of holding and pump out tanks as a wastewater system serving a building or structure in lieu of a soil-based wastewater system or sanitary sewer service line that conveys wastewater to a wastewater treatment facility or indirect discharge system when all of the following requirements are met:

(1) The building or structure:

(A) is existing or proposed and is publicly owned; or

(B) is existing and owned by a charitable, religious, or nonprofit organization.

(2) The plan for construction and operation of the holding and pump out tank shall not result in a public health hazard or environmental damage.

(3) A designer demonstrates that an economically feasible means of meeting current standards is significantly costlier than wastewater holding and pump out tanks, based on a projected 20-year life of the project.

(4) The design flows do not exceed 600 gallons per day.

(5) If the building or structure is owned by a charitable, religious, or nonprofit organization, the applicant agrees to post a bond or other financial surety, prior to construction of the holding and pump out tank, sufficient to finance maintenance of the holding and pump out tank for the life of the system which shall be at least 20 years.

(b) The Secretary may approve the use of holding and pump out tanks as a wastewater system serving a building or structure or campground in lieu of a soil-based wastewater system or sanitary sewer service line that conveys wastewater to a wastewater treatment facility or indirect discharge system when all of the wastewater to be treated does not, and is unlikely in the future to, contain pathogens. In reaching this determination the Secretary shall consider:

(1) the nature of the wastewater;

(2) the ultimate point of disposal of the wastewater; and

(3) the risks associated with the failure of the system to operate, or to be operated, as permitted.

(c) The Secretary may approve a holding and pump out tank as a wastewater system serving a building or structure in lieu of a soil-based wastewater system or sanitary sewer service line that conveys wastewater to a wastewater treatment facility or indirect discharge system, whether or not the building or structure is publicly owned, when:

(1) the building or structure is served by an existing wastewater system that has failed, or is expected to fail;

(2) there is no other cost feasible alternative; and

(3) a variance is sought and granted pursuant to § 1-802 from all technical standards in this Subchapter and Subchapter 10 that would otherwise apply.

(d) The Secretary shall approve the use of a marine holding and pump out tank as a wastewater system, where it is not feasible to discharge the contents of marine wastewater holding and pump out tanks to a soil-based wastewater system or to a sanitary sewer service line that conveys wastewater to a wastewater treatment facility or indirect discharge system.

(e) A holding and pump out tank shall:

(1) be capable of holding at least 14 days of the expected flow from the building or structure or campground;

(2) be constructed of durable materials that are appropriate for the site conditions and the nature of the wastewater to be stored;

(3) be watertight, and any piping connected to the tank, and all access structures connected to the tank shall be watertight;

(4) prior to being placed in service, be tested for watertightness using the same method as identified in § 1-1010;

(5) be designed to protect against floatation when the tank is empty, such as when it is pumped;

(6) be equipped with audio and visual alarms that are triggered when the tank is filled to 75 percent of its design capacity; and

(7) be located so that it can be reached by tank pumping vehicles at all times when the building or structure or campground is occupied.

(f) Any building or structure or campground served by a holding and pump out tank, other than a marine holding and pump out tank, shall have a water meter, or meters, installed hat measures all water that will be discharged as wastewater from the building or structure or campground.

(g) A permit issued for the use of a holding and pump out tank shall require a designer to periodically inspect the tank, visible piping, and alarms and meet the following requirements:

(1) A designer shall submit a written report to the Secretary detailing the results of the inspection and any repairs or changes in operation that are required.

(2) The report shall also detail the pumping history since the previous report, giving the dates of pumping and the volume of wastewater removed.

(3) The frequency of inspections and reports shall be stated in the permit issued for the use of the tank, but shall be no less frequent than once per year.

(4) Unless permitting a marine holding and pump out tank, the designer shall also inspect the water meter or meters and verify that they are installed, calibrated, and measuring all water that is discharged as wastewater.

(5) Unless permitting a marine holding and pump out tank, the designer shall read the meters and compare the metered flow to the pumping records.

(6) Any significant deviation shall be noted in the report and explained to the extent possible.

(h) A permit authorizing a holding and pump out tank as a wastewater system pursuant to Section (a) shall not run with the land, unless it is issued to a charitable, religious, or non-profit organization.

(1) When a permit is issued to a charitable, religious, or non-profit organization it shall apply to all subsequent owners of the property being served by the holding tank for the duration of the permit regardless of whether the owner is a charitable, religious, or non-profit organization.

(A) A subsequent owner shall not increase the design flow of the holding and pump out tank system, or, take any other action which requires the issuance of a permit or permit amendment without seeking a permit or permit amendment.

(B) All permit conditions, including the financial surety requirement of Subsection (a)(5), shall apply to a subsequent owner.

(i) A permit authorizing a holding and pump out tank as a wastewater system under a provision of this Section shall require the owner of a holding and pump out tank to maintain a valid contract with a licensed wastewater hauler at all times.

(1) The contract shall require the licensed wastewater hauler to provide written notice of dates of pumping and volume of wastewater pumped.

(2) Copies of all such notices shall be submitted with the written inspection reports.

D. 2001 Acts & Resolves No. 133, Sec. 15(l)

(l) Holding tanks.

(1) Shrewsbury Library. Notwithstanding the requirements established in 10 V.S.A. § 1979(a)(1) and (3), the Shrewsbury Library shall be eligible for a permit under that section if it otherwise qualifies under that section. This eligibility shall apply as long as the building is used for a public purpose.

(2) Oakhill Children's Center. Notwithstanding the requirements established in 10 V.S.A. § 1979(a)(1) and (3), the property in the Town of Pownal to be used by the Oakhill Children's Center (currently under contract with Story Communications) shall be eligible for a permit under that section if it otherwise qualifies under that section. This eligibility shall apply, provided the building is used for a day care and children's center, and provided the water supply meets the existing regulations for public water supply. Any permit so issued shall terminate upon the availability of the Pownal municipal sewer system.