

1 H.70

2 Introduced by Representatives Burke of Brattleboro and Rogers of Waterville

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; potable water supply and wastewater
6 systems; low-impact wastewater systems

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 use of low-impact wastewater systems designed to manage and treat
9 wastewater from plumbing fixtures supplied by hand-carried or hand-pumped
10 water.

11 An act relating to the permitting of low-impact wastewater systems

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

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

15 (1) Though Vermonters have expansive freedom to build their
16 residences as they desire, current Vermont statute and rules mandate only one
17 option of potable water supply and wastewater system for all detached single
18 family owner-occupied residences not connected to municipal water or sewer.

19 (2) Current authorized potable water supply and wastewater systems are
20 costly, complex, excessive for low-impact dwellings, and have a large

1 environmental impact in terms of land disturbance and materials and
2 machinery used.

3 (3) Many Vermont residents currently are thriving with very low-impact
4 and very low-cost homes like yurts and rustic cabins. These residences often
5 have very low water use due to the source being hand-carried or hand-pumped,
6 there being minimal water-using fixtures, and the use of various types of
7 waterless toilets.

8 (4) Other states allow homeowners the right to choose their water source
9 and authorize alternative wastewater systems that are sized for the low-impact
10 scale of water supply, are much smaller, have less environmental impact, and
11 are less expensive than conventional wastewater systems.

12 (5) People want to pursue low-impact lifestyles, and many people want
13 to move to Vermont to do so, and potable water supply and wastewater law
14 should be amended to facilitate pursuit of low-impact lifestyles by allowing a
15 low-impact alternative wastewater system that will protect the public health
16 and the environment.

17 Sec. 2. 10 V.S.A. § 1974 is amended to read:

18 § 1974. EXEMPTIONS

19 Notwithstanding any other requirements of this chapter, the following
20 projects and actions are exempt:

21 * * *

1 (9) Potable water supplies for structures operating a low-impact disposal
2 system permitted under section 1983 of this title.

3 Sec. 3. 10 V.S.A. § 1983 is added to read:

4 § 1983. LOW-IMPACT DISPOSAL SYSTEMS

5 (a) In addition to the definitions set forth in section 1972, as used in this
6 section:

7 (1) “Alternative toilet” means a waterless device located inside a
8 structure that is designed to treat or store sanitary waste and that includes a
9 holding tank to store the sanitary waste treated or stored by use of the device.
10 “Alternative toilet” includes a composting toilet, incinerating toilet, or vault
11 privy. “Alternative toilet” shall not mean a temporary portable toilet.

12 (2) “Low-impact disposal system” means a wastewater system that is
13 designed only to manage and treat wastewater from plumbing fixtures supplied
14 by hand-carried or hand-pumped water and that does not treat sanitary waste.

15 (3) “Sanitary waste” means wastewater consisting of liquid or solid
16 waste originating solely from humans and human activities.

17 (b) The Secretary shall approve the use of a low-impact disposal system for
18 a structure when he or she determines that:

19 (1) the structure shall be used solely for residential use;

20 (2) not more than three plumbing fixtures shall supply wastewater to the
21 low-impact disposal system;

1 (3) the design flow for a low-impact disposal system shall be not more
2 than 25 gallons of wastewater from all plumbing fixtures per day; and

3 (4) the structure to be served by the low-impact disposal system shall
4 use an alternative toilet approved by the Secretary.

5 (c) An applicant for a low-impact disposal system permit shall not be
6 required to identify a replacement area on the property where the low-impact
7 disposal system will be located.

8 (d) When the Secretary issues a low-impact disposal system permit under
9 this section, the Secretary shall not require a separate permit for the alternative
10 toilet in the structure served by the permitted low-impact disposal system.

11 Sec. 4. 3 V.S.A. § 2822(j) is amended to read:

12 (j) In accordance with subsection (i) of this section, the following fees are
13 established for permits, licenses, certifications, approvals, registrations, orders,
14 and other actions taken by the Agency of Natural Resources.

15 * * *

16 (4) For potable water supply and wastewater permits issued under
17 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater
18 system, including a sewerage connection; and a potable water supply,
19 including a connection to a public water supply:

1 (A) Original applications, or major amendments for a project with the
2 following proposed design flows. In calculating the fee, the highest proposed
3 design flow whether wastewater or water shall be used:

4 (i) design flows 560 gpd or less: \$306.25 per application;

5 (ii) design flows greater than 560 and less than or equal to
6 2,000 gpd: \$870.00 per application;

7 (iii) design flows greater than 2,000 and less than or equal to
8 6,500 gpd: \$3,000.00 per application;

9 (iv) design flows greater than 6,500 and less than or equal to
10 10,000 gpd: \$7,500.00 per application;

11 (v) design flows greater than 10,000 gpd: \$13,500.00 per
12 application.

13 (B) Minor amendments: \$150.00.

14 (C) Minor projects: \$270.00.

15 As used in this subdivision (j)(4)(C), “minor project” means a project
16 that meets the following: there is an increase in design flow but no
17 construction is required; there is no increase in design flow, but construction is
18 required, excluding replacement potable water supplies and wastewater
19 systems; or there is no increase in design flow and no construction is required,
20 excluding applications that contain designs that require technical review.

1 (D) Notwithstanding the other provisions of this subdivision, when a
2 project is located in a Vermont neighborhood, as designated under 24 V.S.A.
3 chapter 76A, the fee shall be ~~no~~ not more than \$50.00 in situations in which the
4 application has received an allocation for sewer capacity from an approved
5 municipal system. This limitation shall not apply in the case of fees charged as
6 part of a duly delegated municipal program.

7 (E) Low-impact disposal systems: \$100.00.

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on July 1, 2021.