

1 H.382

2 Introduced by Representative Rogers of Waterville

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; wastewater treatment systems;
6 ecologically sustainable sanitation

7 Statement of purpose of bill as introduced: This bill proposes to create a
8 working group to study alternative wastewater treatment systems.

9 An act relating to establishing a working group on ecologically sustainable
10 sanitation

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

12 Sec. 1. FINDINGS

13 The General Assembly finds that:

14 (1) Fifty-five percent of Vermont homes use onsite wastewater systems,
15 commonly referred to as septic systems, which is the highest percentage of
16 homes of any state in the country. By comparison, the national average is
17 around 20 percent of homes. Across the State, aging septic systems are
18 increasingly experiencing stress and failure, which has been exacerbated by
19 increased usage during the COVID-19 pandemic as well as by increased
20 precipitation. Septic system failures or capacity limitations can result in

1 untreated septage being discharged to the environment, posing a public health
2 risk by contaminating drinking water sources. Septic system failures can be
3 difficult to address due to the high cost of new or upgraded systems or site
4 constraints.

5 (2) In addition to these challenges onsite, septage management has
6 become increasingly problematic in Vermont. In 2019, over 39 million gallons
7 of septage were pumped from Vermont septic systems, 87.5 percent of which
8 was hauled to wastewater treatment facilities. These facilities have limited
9 capacity to receive septage, which is a growing cause for concern.

10 Additionally, septage pumped from tanks across the State must often be
11 transported large distances to wastewater treatment facilities that can accept
12 this material, resulting in emissions related to transportation.

13 (3) The problems with onsite wastewater systems and septage
14 management in Vermont result in a need to explore alternative wastewater
15 treatment systems. According to the 2019 Annual Report of the Technical
16 Advisory Committee on Wastewater System and Potable Water Supply Rules,
17 “the [Department of Environmental Conservation] does support Vermont
18 based research to determine if the new Rules understate the soil absorption
19 capacity of some Vermont based soils or if there are methods for wastewater
20 treatment/disposal not currently allowed that should be approved. The
21 University of Vermont is a resource that might be able to perform this

1 research.” Ecological sanitation should be considered as one method that can
2 address these challenges.

3 (4) Ecological sanitation practices have potential to promote
4 sustainability in Vermont, including possibly transforming waste into a
5 biosolid that is capable of meeting federal and State criteria for use on farms,
6 enabling compact village development goals often hindered by current
7 wastewater requirements, and fostering climate resilience. Additionally, many
8 Vermonters are already independently seeking low impact lifestyles, including
9 affordable, ecological, and sustainable sanitation practices, with particular
10 interest in composting toilet systems.

11 Sec. 2. SUSTAINABLE SANITATION WORKING GROUP; REPORT

12 (a) Creation. The Secretary of Natural Resources shall convene the
13 Sustainable Sanitation Working Group to study sanitation systems that could
14 be approved as alternatives to onsite wastewater treatment systems.

15 (b) Membership. The Working Group shall be composed of the following
16 11 members:

17 (1) an individual from the interagency Village Wastewater Initiative
18 Committee, appointed by the Commissioner of Environmental Conservation;

19 (2) an individual from the Technical Advisory Committee established by
20 2002 Acts and Resolves No. 133, Sec. 1, appointed by a majority vote of the
21 Technical Advisory Committee;

1 (3) an individual from the Rich Earth Institute, appointed by the
2 Executive Director of the Rich Earth Institute;

3 (4) an individual from Nutrient Networks, appointed by a majority vote
4 of the Board of Directors of Nutrient Networks;

5 (5) an individual from the Department of Plant and Soil Science at the
6 University of Vermont, appointed by the Chair of the Department of Plant and
7 Soil Science at the University of Vermont;

8 (6) an individual from the Composting Association of Vermont,
9 appointed by the Director of the Composting Association of Vermont;

10 (7) an individual who has completed the University of Vermont
11 Extension Master Composter Program, appointed by the Statewide Outreach
12 and Education Coordinator for the University of Vermont Extension
13 Community Horticulture Program;

14 (8) an individual with experience working to attain a legal pathway for
15 alternative toileting and low impact living in Vermont, appointed by the
16 Speaker of the House;

17 (9) an individual with experience working to attain a legal pathway for
18 alternative toileting and low impact living in Vermont, appointed by the
19 Committee on Committees;

20 (10) an individual of the WE-Stand Technical Committee of the
21 International Association of Plumbing and Mechanical Officials, appointed by

1 the Chair of the Non-Traditional Toilet Task Group of the International
2 Association of Plumbing and Mechanical Officials; and

3 (11) an individual who is a Vermont engineer or hydrogeologist who
4 works with development of sustainable sanitation approaches, appointed by the
5 President of the American Council of Engineering Companies of Vermont.

6 (c) Powers and duties. The Working Group shall study ecologically
7 sustainable sanitation systems and shall complete the following tasks:

8 (1) provide recommended definitions of “eco-sanitation” and
9 “composting toilet system” and explanations of various alternative wastewater
10 treatment system types;

11 (2) provide an overview of existing and reasonably available pertinent
12 scientific research and data relating to the safety and efficacy of various eco-
13 sanitation and composting toilet systems; and

14 (3) recommend approval pathways to the General Assembly and the
15 Department of Environmental Conservation to support Vermonters seeking
16 simple, affordable, ecological, and sustainable sanitation practices, while
17 ensuring environmental and public health concerns are examined and
18 protected.

19 (d) Assistance. The Working Group shall have the administrative,
20 technical, and legal assistance of the Agency of Natural Resources.

1 (e) Report. On or before January 15, 2022, the Working Group shall
2 submit a written report to the House Committee on Natural Resources, Fish,
3 and Wildlife and to the Senate Committee on Natural Resources and Energy
4 with its findings and any recommendations for legislative action.

5 (f) Meetings.

6 (1) The Secretary of the Agency of Natural Resources shall call the first
7 meeting of the Working Group to occur on or after July 1, 2021.

8 (2) The Working Group shall select a chair from among its members at
9 the first meeting.

10 (3) A majority of the membership shall constitute a quorum.

11 (4) Notwithstanding 1 V.S.A. § 172, an action may be taken by the
12 Working Group with the assent of a majority of the members attending and
13 voting, assuming a quorum.

14 (5) The Working Group shall meet up to eight times.

15 (6) The Working Group shall cease to exist on February 15, 2022.

16 (g) Compensation and reimbursement. Members of the Working Group
17 shall be entitled to per diem compensation and reimbursement of expenses as
18 permitted under 32 V.S.A. § 1010 for not more than eight meetings. These
19 payments shall be made from monies appropriated to the Agency of Natural
20 Resources.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.