

1 H.84

2 Introduced by Representatives Sims of Craftsbury, Labor of Morgan,
3 LaBounty of Lyndon, Troiano of Stannard, and Williams of
4 Granby

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; water pollution control; indirect
8 discharges; wastewater systems

9 Statement of purpose of bill as introduced: This bill proposes to clarify how
10 indirect discharges of wastewater in the State are permitted, including
11 compliance with the Vermont Water Quality Standards and the Agency of
12 Natural Resources' pending Antidegradation Implementation Rule.

13 An act relating to the permitting of indirect discharges

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

15 Sec. 1. FINDINGS

16 The General Assembly finds that:

17 (1) the federal Clean Water Act requires states to adopt an
18 antidegradation policy and requirements for implementation of the policy;

19 (2) the Agency of Natural Resources (ANR) has initiated rulemaking for
20 the Antidegradation Implementation Rule;

1 (3) the ANR Antidegradation Implementation Rule shall ensure that the
2 level of water quality necessary to support uses of State waters shall be
3 maintained, and waters shall be managed to minimize risk to existing and
4 designated uses of State waters;

5 (4) the ANR Antidegradation Implementation Rule shall also clarify
6 how proposed new discharges to State waters will be reviewed and permitted
7 by ANR; and

8 (5) consequently, certain statutory limitations on uses within a
9 watershed, such as the limit on indirect discharges within a Class A watershed,
10 can be repealed or clarified to allow activities that comply with the
11 Antidegradation Implementation Rule.

12 Sec. 2. 10 V.S.A. § 1259(d) is amended to read:

13 (d) No person shall cause a discharge of wastes into Class A waters
14 classified as Class A waters before July 1, 2023, except for on-site disposal of
15 sewage wastewater from systems with a capacity of 1,000 gallons per day
16 (gpd); or less, that are either exempt from or comply with the environmental
17 protection rules requirements of chapter 64 of this title, or existing systems,
18 which shall require a permit according to the provisions of subsection 1263(f)
19 of this title. For all other waters, the on-site disposal of wastewater from a
20 system with a capacity of less than 6,500 gallons per day within a Class A or
21 Class B water shall be regulated under chapter 64 of this title. The on-site

1 disposal of sewage from a system with a capacity of 6,500 gallons or more per
2 day shall require an individual permit according to the requirements of
3 subsection 1263(f) of this title.

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

5 (f) Existing indirect discharges to the waters of the State from on-site
6 disposal of sewage from systems with a capacity of 6,500 gallons or more per
7 day shall comply with and be subject to the provisions of this chapter, and shall
8 obtain the required permit, ~~no~~ not later than July 1, 1991. Notwithstanding the
9 requirements of subsections 1259(d) and (e) of this title, the Secretary shall
10 grant a permit for an existing or new indirect discharge to the waters of the
11 State for on-site disposal of sewage unless ~~he or she~~ the Secretary finds that the
12 discharge violates the water quality standards. Existing indirect discharges
13 from on-site sewage disposal systems of less than 6,500 gpd capacity shall not
14 require a permit under this chapter.

15 Sec. 4. EFFECTIVE DATES

16 (a) This section and Sec. 1 (findings) shall take effect on passage.

17 (b) Secs. 2 and 3 (indirect discharge) shall take effect on the effective date
18 of the Agency of Natural Resources' Antidegradation Implementation Rule.