

1 H.164

2 Introduced by Representative Burke of Brattleboro

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 of this chapter, as  
6           used in this 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.

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.

17          (b) The Secretary shall approve the use of a low-impact disposal system for  
18          a structure when the Secretary 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 (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, 2023