

1 Sec. X. 10 V.S.A. § 1263 is amended to read:

2 § 1263. DISCHARGE PERMITS

3 (a) Any person who intends to discharge waste into the waters of the State
4 or who intends to discharge into an injection well or who intends to discharge
5 into any publicly owned treatment works any waste that interferes with, passes
6 through without treatment, or is otherwise incompatible with that works or
7 would have a substantial adverse effect on that works or on water quality, or is
8 required to apply for a CAFO permit, shall make application to the Secretary
9 for a discharge permit. Application shall be made on a form prescribed by the
10 Secretary. An applicant shall pay an application fee in accordance with 3
11 V.S.A. § 2822.

12 (b)(1) The Secretary may [delegate to?] enter a memorandum of
13 understanding with the owner of a POTW to regulate pretreatment discharges
14 to the POTW. A memorandum of understanding entered into by the Secretary
15 under this subsection shall authorize the owner of the POTW to regulate and
16 enforce pretreatment discharges to the POTW consistent with the authority set
17 forth in 40 C.F.R. part 40, including the establishment of applicable civil,
18 criminal, or administrative penalties for violation of pretreatment standards or
19 requirements. The owner of a POTW that the Secretary enters a memorandum
20 of understanding with under this subsection may, as part of the agreement, set

1 application fees and other fees necessary for the regulation of a pretreatment
2 discharge to the POTW.

3 (2) As used in this subsection:

4 (A) “Publicly owned treatment works” or “POTW” has the same
5 meaning as in 40 C.F.R. § 403.3(r).

6 (B) “Pretreatment” means the reduction of the amount of pollutants,
7 the elimination of pollutants, or the alteration of the nature of pollutant
8 properties in wastewater prior to or in lieu of discharging or otherwise
9 introducing pollutants into a POTW. Pretreatment includes those processes or
10 technologies authorized under 40 C.F.R. § 403.3(s).

11 (C) “Pretreatment discharge” means the introduction of pollutants
12 into a POTW from any non-domestic source regulated under 33 U.S.C.
13 § 1317(b), (c), or (d).

14 (c) When an application is filed under this section, the Secretary shall
15 proceed in accordance with chapter 170 of this title. The Secretary may require
16 any applicant to submit any additional information that the Secretary considers
17 necessary, before issuing a permit application completeness determination. The
18 Secretary may take appropriate steps to secure compliance, refuse to grant a
19 permit, or permission to discharge under the terms of a general permit, until the
20 information is furnished and evaluated.

1 ~~(c)~~(d) If the Secretary determines that the proposed discharge will not
2 reduce the quality of the receiving waters below the classification established
3 for them and will not violate any applicable provisions of State or federal laws
4 or regulations, he or she shall issue a permit containing terms and conditions as
5 may be necessary to carry out the purposes of this chapter and of applicable
6 federal law. Those terms and conditions may include providing for specific
7 effluent limitations and levels of treatment technology; monitoring, recording,
8 reporting standards; entry and inspection authority for State and federal
9 officials; reporting of new pollutants and substantial changes in volume or
10 character of discharges to waste treatment systems or waters of the State;
11 pretreatment standards before discharge to waste treatment facilities or waters
12 of the State; and toxic effluent standards or prohibitions.

13 ~~(d)~~(e) A discharge permit shall:

14 (1) Specify the manner, nature, volume, and frequency of the discharge
15 permitted and contain terms and conditions consistent with subsection (c) of
16 this section.

17 (2) Require proper operation and maintenance of any pollution
18 abatement facility necessary in the treatment or processing of the waste by
19 qualified personnel in accordance with standards established by the Secretary
20 and the Director of the Office of Professional Regulation. The Secretary may
21 require that a pollution abatement facility be operated by persons licensed

1 under 26 V.S.A. chapter 99 and may prescribe the class of license required.

2 The Secretary may require a laboratory quality assurance sample program to
3 ensure qualifications of laboratory analysts.

4 (3) Contain an operation, management, and emergency response plan
5 when required under section 1278 of this title and additional conditions,
6 requirements, and restrictions as the Secretary deems necessary to preserve and
7 protect the quality of the receiving waters, including requirements concerning
8 recording, reporting, monitoring, and inspection of the operation and
9 maintenance of waste treatment facilities and waste collection systems.

10 (4) Be valid for the period of time specified therein, not to exceed five
11 years.

12 ~~(e)~~(f) A discharge permit may be renewed from time to time upon
13 application to the Secretary. A renewal permit filing requirement for
14 reissuance shall be determined by the Secretary and may range from a simple
15 written request for reissuance to the submission of all information required by
16 the initial application. A renewal permit shall be issued following all
17 determinations and procedures required for initial permit application.

18 ~~(f)~~(g) Existing indirect discharges to the waters of the State from on-site
19 disposal of sewage shall comply with and be subject to the provisions of this
20 chapter, and shall obtain the required permit, no later than July 1, 1991.

21 Notwithstanding the requirements of subsections 1259(d) and (e) of this title,

1 the Secretary shall grant a permit for an existing indirect discharge to the
2 waters of the State for on-site disposal of sewage unless he or she finds that the
3 discharge violates the water quality standards. Existing indirect discharges
4 from on-site sewage disposal systems of less than 6,500 gpd capacity shall not
5 require a permit.

6 ~~(g)~~(h) Any person who owns or operates a concentrated animal feeding
7 operation that requires a permit under the federal National Pollutant Discharge
8 Elimination System permit regulations or the VPDES CAFO Rules shall
9 submit an application to the Secretary for a discharge permit and pay the
10 required fees specified in 3 V.S.A. § 2822. Not later than December 15, 2025,
11 the Secretary shall amend and issue the CAFO General Permit and Notice of
12 Intent. Not later than July 1, 2026, the Secretary shall issue a CAFO
13 application and an individual CAFO permit. The Secretary may request any
14 additional information from a farm as necessary to process a permit and
15 administer the CAFO program. The Secretary may direct a farm to apply for an
16 individual or general permit in accordance with the procedural requirements of
17 subsection (b) of this section.

18 ~~(h)~~(i) A large CAFO shall not be required to have a CAFO permit unless
19 one of the following conditions are met:

- 20 (1) wastes are discharged into waters via a point source;

1 (2) wastes are discharged directly into waters that originate outside or
2 pass over, across, or through the facility or otherwise come into direct contact
3 with the animals confined in the operation; or

4 (3) a precipitation-related discharge of manure, litter, or process
5 wastewater from land areas under the control of a LFO has occurred that was
6 not in accordance with site-specific nutrient management practices that ensure
7 appropriate agricultural utilization of the nutrients in the manure, litter, or
8 process wastewater, as determined by the Secretary.

9 ~~(i)~~(j) The Secretary shall require nutrient management plans for all CAFOs
10 and shall include the plans in the permits for public comment in accordance
11 with the process set forth in chapter 170 of this title. The Secretary may
12 amend a permit in accordance with chapter 170 of this title or revoke a permit
13 in accordance with 3 V.S.A. § 814.

14 ~~(j)~~(k) Once a CAFO is covered under a CAFO permit, the farm shall be
15 covered for the five-year duration of the permit. A farm covered by a CAFO
16 permit shall renew the permit in accordance with its terms, unless the farm
17 wants to opt out and can demonstrate it is not discharging and shall
18 accordingly comply with the federal CWA and the Vermont CAFO rules.

19 Sec. Y. CONTINGENT EFFECTIVE DATE

20 Sec. X (municipal pretreatment authority) shall take effect upon the U.S.
21 Environmental Protection Agency notifying the Secretary of Natural Resources

1 that the Agency of Natural Resources is authorized to delegate pretreatment
2 authority to municipalities under the Modification to National Pollutant
3 Discharge Elimination System Memorandum of Agreement Between the State
4 of Vermont and the U.S. Environmental Protection Agency, Region 1, March
5 16, 1982.