

S.213

Introduced by Senators Hardy and Watson

Referred to Committee on

Date:

Subject: Conservation and development; public water systems; smart meters;  
opt out

Statement of purpose of bill as introduced: This bill proposes to provide that if  
a public water system uses smart meters to measure water usage, the public  
water system shall notify the user of the proposed use of smart meters and  
allow the user to opt out of the use of the smart meter.

An act relating to the use of smart meters by public water systems

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

Sec. 1. 10 V.S.A. § 1671 is amended to read:

§ 1671. DEFINITIONS

As used in this chapter:

(1) “Drinking water” means noncarbonated water that is intended for  
human consumption or other consumer uses whether provided by a public  
water system or in a container, bottle, or package, or in bulk, including water  
used for production of ice, foodstuffs, or other products designed for human  
consumption.

1           (2) “Department” means the Department of Environmental  
2     Conservation.

3           (3) “Person” means any individual; partnership; company;  
4     corporation; cooperative; association; unincorporated association; joint  
5     venture; trust; the State of Vermont or any department, agency, subdivision,  
6     or municipality; the U.S. government or any department, agency, or  
7     subdivision; or any other legal or commercial entity.

8           (4) “Public water source” means any surface water or groundwater  
9     supply used as a source of drinking water for a public water system.

10          (5)(A) “Public water system” means any system, or combination of  
11     systems owned or controlled by a person, that provides drinking water through  
12     pipes or other constructed conveyances to the public and that:

13                 (i) has at least 15 service connections; or

14                 (ii) serves an average of at least 25 individuals for at least 60 days  
15     a year.

16          (B) “Public water system” ~~shall also mean~~ means any part of a piped  
17     system that does not provide drinking water, if use of such a part could affect  
18     the quality or quantity of the drinking water supplied by the system. “Public  
19     water system” ~~shall also mean~~ means a system that bottles drinking water for  
20     public distribution and sale.

(6) “Secretary” means the Secretary of Natural Resources or the Secretary’s designee.

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(14) “Smart meter” means a wired smart meter or a wireless smart meter.

(15) “Wired smart meter” means an advanced metering infrastructure device using a fixed wire for two-way communication between the device and a public water system.

(16) “Wireless smart meter” means an advanced metering infrastructure device using radio or other wireless means for two-way communication between the device and a public water system.

Sec. 2. 10 V.S.A. § 1675 is amended to read:

§ 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF  
REVOCATION

(a) Authority to issue, renew, or deny permit. The Secretary may issue, renew, or deny a public water system permit required by this chapter. As part of this authority, the Secretary may issue general operating permits for the operation of transient noncommunity water systems.

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(j) Smart meters; customer rights. If a public water system requires a user of the system to install a meter to measure usage, the public water system may

1 install a wireless smart meter on a user's premises, provided that the public  
2 water system:

3 (1) provides prior written notice to the user indicating that the meter will  
4 use radio or other wireless means for two-way communication between the  
5 meter and the public water system and informing the user of the user's rights  
6 under subdivisions (2) and (3) of this subsection;

7 (2) allows a user to choose not to have a wireless smart meter installed,  
8 provided that the public water system may charge the user for the cost of the  
9 alternative meter and any additional service charge required for the public  
10 water system to operate the alternative meter; and

11 (3) allows a user to require removal of a previously installed wireless  
12 smart meter for any reason and at an agreed-upon time, without incurring any  
13 charge for such removal.

14 (k) Cybersecurity measures. As a condition of a public water system  
15 issued under this chapter, the Secretary shall require a public water system  
16 using smart meters to demonstrate that the public water system has  
17 implemented and is administering cybersecurity measures to protect the  
18 computer infrastructure and data of the public water system from unauthorized  
19 access that could result in theft, damage, or disruption of service.

1     Sec. 3. DEVELOPMENT OF CYBERSECURITY MEASURES FOR  
2             PUBLIC WATER SYSTEMS; IMPLEMENTATION

3             (a) The Secretary of Natural Resources shall develop cybersecurity  
4             measures that all public water systems permitted under 10 V.S.A. chapter 56  
5             shall implement if the public water system is using smart meters to monitor  
6             customer usage. At a minimum, the cybersecurity measures shall be consistent  
7             with the cybersecurity actions recommended by the Vermont Rural Water  
8             Association.

9             (b) A public water system permitted under 10 V.S.A. chapter 56 shall have  
10            until July 1, 2027, to demonstrate to the Secretary of Natural Resources  
11            compliance with the cybersecurity requirements of 10 V.S.A. § 1675(k).

12     Sec. 4. EFFECTIVE DATE

13            This act shall take effect on passage.