

1 S.212

2 Representative Greer of Bennington moves that the House propose to the
3 Senate that the report of the Committee on Environment be amend by inserting
4 a new section to be Sec. 4a to read as follows:

5 Sec. 4a. TECHNICAL ADVISORY COMMITTEE REPORT ON
6 EXTENSION OF ISOLATION DISTANCES ONTO
7 NEIGHBORING PROPERTY

8 (a) The Secretary of Natural Resources shall reconvene the Technical
9 Advisory Committee (TAC) created under 10 V.S.A. § 1978(e) to review
10 authority under State statute and rule that allows the isolation distances for
11 potable water supplies and wastewater systems to extend onto neighboring
12 property. The TAC shall:

13 (1) summarize the purpose of allowing isolation distances for potable
14 water supplies and wastewater systems to extend onto neighboring property
15 and how isolation distances can limit the use of or encumber neighboring
16 property;

17 (2) evaluate whether State law should continue to allow isolation
18 distances for potable water supplies and wastewater systems to extend onto
19 neighboring property;

1 (3) if the TAC concludes that State law should continue to allow
2 isolation distances for potable water supplies and wastewater systems to extend
3 onto neighboring property:

4 (A) the basis for the conclusion;

5 (B) an explanation why alternatives that do not encumber the
6 property of others would not be feasible; and

7 (C) a recommendation whether owners of potable water supplies or
8 wastewater systems that encumber neighboring property with isolation
9 distances should be required to compensate the owner of the encumbered
10 property for lost value or for the use of the encumbered property; and

11 (4) if the TAC concludes that State law should not continue to allow
12 isolation distances for potable water supplies and wastewater systems to extend
13 onto neighboring property:

14 (A) how State statute or rules should be amended to eliminate
15 authority for isolation distances to extend onto neighboring property; and

16 (B) whether and how existing permits that allow extension of
17 isolation distances onto neighboring property can be amended to remove
18 authority for isolation distances to extend onto neighboring property.

19 (b) On or before January 1, 2027, the TAC shall submit a report of its
20 findings under subsection (a) of this section to the House Committee on
21 Environment and the Senate Committee on Natural Resources and Energy.