

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: S.211 Name of Bill: Sewage Holding and Pumpout Tanks for Public Buildings

Agency/Dept.: ANR/Env. Cons.

Author of Bill Review: Ernest Christianson

Date of Bill Review: 5-13-14

Status of Bill (check one):

☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both bodies ☐ Fiscal

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

Section 1 of the bill pertains to sewage holding tanks. Present Rules restricts the use of holding tanks to buildings owned by a municipality and with design flows of 600 gpd or less when no other economical method for disposal of wastewater is possible. Section 1 expands the use of a holding tank to non-profit, charitable, and religious organizations when the design flows for the building are 600 gpd or less, the owner of the building provides a bond sufficient for the maintenance of the holding tank for the life of its use, and allows the buildings, once permitted, to be conveyed with their holding tanks to someone who is not a municipality or non-profit, charitable, or religious organization. Section 2 requires the Agency of Natural Resources to submit a report to the 2015 House Committee on Fish, Wildlife and Natural Resources and the Senate Committee on Natural Resources with recommendations on improving the process for municipal delegation of the WW Program; streamlining permitting under Section 1973 including the use of partial delegation; and creating a plan to deliver outreach and education to municipalities for connection of existing buildings to a sewer at the time of construction as provided by Section 1-304(a)(14) of the Rules.

2. Is there a need for this bill? *Please explain why or why not.* We are aware that there is at least one church in VT that cannot build a permittable wastewater system due to the extremely poor soils and small lot size. there are undoubtedly more organizations with buildings that have similar site restrictions. This bill will allow them to have conventional toilets while still protecting public health and the environment. Preparing a report addressing the requirements of the new Section 2 will give the Program an opportunity to re-evaluate those parts of the Rules that control municipal delegation of the program.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

There will likely be an increase in application fees since some existing or proposed buildings may qualify for the use of a holding tank when site limitations prevented any other type of wastewater disposal. Potentially there will be increase demands on staff for monitoring annual reports, compliance efforts for lack of submitting annual reports, and potential enforcement action against a landowner for the lack of completing the annual reports. The Department feels there will be relatively few requests for holding tanks so we can absorb any programmatic implications.

Please return this bill review as a Microsoft Word document to Laura.Gray@state.vt.us

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? None at this time.
5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *(for example: public, municipalities, organizations, business, regulated entities, etc.)*
This bill was supported, in part, by the League of Cities and Towns.

6. Other Stakeholders:

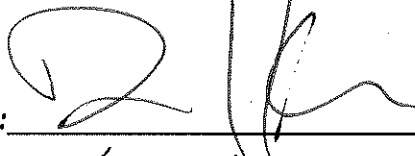
6.1 Who else is likely to support the proposal and why? Charitable, non-profit, and religious organizations especially who own existing buildings on lots that cannot have a wastewater system that otherwise complies with the Rules.

6.2 Who else is likely to oppose the proposal and why? None at this time.

7. Rationale for recommendation: *Justify recommendation stated above.* The Department decided to support the bill with the addition of the bond or other financial surity to finance the maintenance costs for the life of the holding tank. This relieved the primary concern that surfacing or improper disposal of the contents of the holding tank may occur due to yearly expenses to have the tank inspected, pumped, and serviced.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*
None.

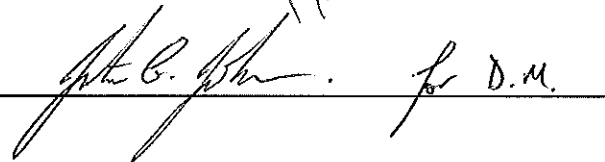
Commissioner has reviewed this document:



Date:

5/14/14

Secretary has reviewed this document:



Date:

5/15/2014