

Sec. 5a. 10 V.S.A. § 1278 is added to read:

§ 1278. OPERATION, MANAGEMENT, AND EMERGENCY RESPONSE

PLANS FOR POLLUTION ABATEMENT FACILITIES

(a) Findings. The general assembly finds that the state shall protect Vermont's lakes, rivers, and streams from pollution by implementing programs to prevent sewage spills to Vermont waters and by requiring emergency planning to limit the damage from spills which do occur.

(b) Planning requirement. Effective July 1, 2007, the secretary of natural resources shall, upon renewal of a permit issued under section 1263 of this title, require a pollution abatement facility, as that term is defined in section 1571 of this title, to prepare and implement an operation, management, and emergency response plan for each permitted facility. An operation, management, and emergency response plan shall include the following:

(1) Identification of those elements of the facility, including collection systems that are determined to be prone to failure based on installation, age, design, or other relevant factors.

(2) Identification of those elements of the facility identified under subdivision (1) of this subsection which, if one or more failed, would result in a significant release of untreated or partially treated sewage to surface waters of the state.

(3) A requirement that the elements identified in subdivision (2) of this subsection shall be inspected in accordance with a schedule approved by the secretary of natural resources.

(4) An emergency contingency plan to reduce the volume of a detected spill and to mitigate the effect of such a spill on public health and the environment.

(c) The secretary of natural resources shall post publicly notice of an illegal discharge that may pose a threat to human health or the environment on its website within 24 hours of the agency's receipt of notification of the discharge.

(d) Rulemaking. The secretary may adopt rules implementing this section.

Sec. 5b. 10 V.S.A. § 1263(d) is amended to read:

(d) A discharge permit shall:

(1) specify the manner, nature, volume, and frequency of the discharge permitted and contain terms and conditions consistent with subsection (c) of this section;

(2) require proper operation and maintenance of any pollution abatement facility necessary in the treatment or processing of the waste by qualified personnel in accordance with standards established by the secretary. The secretary may require operators to be certified under a program established by the secretary. The secretary may require a laboratory quality assurance sample program to insure qualifications of laboratory analysts;

(3) contain an operation, management, and emergency response plan when required under section 1278 of this title and additional conditions, requirements, and restrictions as the secretary deems necessary to preserve and protect the quality of the receiving waters, including but not limited to

requirements concerning recording, reporting, monitoring, and inspection of the operation and maintenance of waste treatment facilities and waste collection systems; and

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