An act relating to the use of chloramine as a disinfectant in public water systems

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

Sec. 1. 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.

(b) Avoidance of public health hazard or risk. A public water system permit shall be issued or renewed only upon a finding by the secretary,
included in the permit, that operation of the system will comply with the standards adopted under this chapter and will not constitute a public health hazard or a significant public health risk.

   (1) In making this finding for the issuance of a permit for a new public water source, the secretary shall consider the probable effects of existing and likely future land use practices, including the effects of the uses of agricultural lands, that may affect the quantity or quality of the water associated with any proposed public water source, and whether such practices are likely to constitute a public health hazard relating to such source. The secretary shall not issue a permit for a new public water source if he or she determines that such existing or likely future land use practices are likely to constitute such a public health hazard.

   (2) In making this finding for the issuance of a permit for the addition of a new type of disinfectant, the secretary shall, after consultation with the department of health, consider the likely effects on health from the use of the new type of disinfectant. The secretary shall not issue a permit for a new or existing public water system if he or she determines that the use of a new type of disinfectant will result in a health effect that is likely to constitute a public health hazard.

   (c) Notice and hearing.

* * *
(2) The secretary shall give notice to the public of each application by a public community system for the addition of a new type of disinfectant by publication in a newspaper of general circulation for the area containing the proposed system and by causing a notice to be posted in the clerk's office for the municipality in which the system is located. The secretary shall also give notice to appropriate state agencies. The secretary shall provide an opportunity for written comment and shall, upon request, provide for a public hearing on the application before ruling on the application. The secretary may require the applicant to submit additional information which the secretary considers necessary in order to support the findings required in subsection (b) of this section, and may refuse to grant a permit until the information is furnished and evaluated. The secretary may also consult with the commissioner of health, as necessary, in making decisions regarding health issues raised by the application. The commissioner's response, if any, shall be part of the public record for the application.

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Sec. 2. 10 V.S.A. § 1678a is added to read:

§ 1678a. PROHIBITION ON USE OF CHLORAMINE AS A DISINFECTION CHEMICAL

Beginning July 1, 2009, no person shall use chloramine as a disinfection chemical in any public water system or in any plumbing providing drinking
water which is connected to a public water system.

Sec. 3. REPEAL

10 V.S.A. § 1678a (prohibition on use of chloramine) shall be repealed December 31, 2011.