

1 H.470

2 Introduced by Representative Shaw of Pittsford

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; conservation; water supply; discontinuance

6 Statement of purpose: This bill proposes to prohibit the discontinuance of a  
7 public water system until all discontinued customers have obtained an  
8 alternative drinking water supply.

9 An act relating to discontinuance of a public water system

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

11 Sec. 1. 24 V.S.A. § 3412 is amended to read:

12 § 3412. NOTICE; HEARING; REPORT; JUDGMENT

13 (a) The commissioners shall appoint a time and place for hearing and shall  
14 give at least 12 days' notice thereof to the clerk of the municipality and to all  
15 persons and municipalities owning or interested in the highways or lands.

16 When they have completed their inquiries, they shall make report to the court.

17 Upon hearing, the court may accept or reject the report in whole or in part, and,  
18 by its order, may establish, alter or discontinue such water mains, drains,  
19 sewers, or sewer outlets, in whole or in part, may render judgment for such

1 damages as may be sustained, may tax costs as appears just, and may issue  
2 execution for such damages and costs.

3 (b) If under subsection (a) of this section a court orders discontinuance of a  
4 public water system, as that term is defined in 10 V.S.A. § 1671(5), or if  
5 discontinuance is agreed to after court ordered arbitration, the public water  
6 system shall not discontinue service to a customer until the agency of natural  
7 resources notifies the system that all discontinued customers have obtained an  
8 alternative drinking water source through issuance of a potable water supply  
9 permit or through agreement for water services from another water system.

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

11 (i) Permitting of new water system formed after discontinuance. The  
12 secretary shall not issue an operating permit under this section to a proposed  
13 public water system that formed as a result of the discontinuance of a public  
14 water system under 24 V.S.A. § 3412 if:

15 (1) the proposed public water system services an area originally serviced  
16 by the discontinued public water system; and

17 (2) the secretary has not notified the discontinued public water system  
18 under 24 V.S.A. § 3412(b) that all discontinued customers have obtained an  
19 alternative water supply.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on passage.