

1 H.650

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation; water resources; stormwater; monitoring

6 Statement of purpose of bill as introduced: This bill proposes to establish an
7 Ecosystem Restoration and Water Quality Improvement Special Fund under
8 which the Agency of Natural Resources would be authorized to provide
9 assistance to municipalities in fulfilling the monitoring, education, and other
10 requirements of the Municipal Separate Storm Sewer Systems (MS4) permit
11 program.

12 An act relating to establishing the Ecosystem Restoration and Water Quality
13 Improvement Special Fund

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

15 ~~Sec. 1. 10 V.S.A. § 1264d is added to read:~~

16 ~~§ 1264d. ECOSYSTEM RESTORATION AND WATER QUALITY~~

17 ~~IMPROVEMENT SPECIAL FUND~~

18 ~~(a) Purpose. The federal and State requirements for the permitting of~~

19 ~~Municipal Separate Storm Sewer Systems (MS4) require certain communities~~

20 ~~to collect water flow and precipitation data at monitoring stations on~~

1 ~~stormwater impaired waters in order to demonstrate compliance with~~
2 stormwater Total Maximum Daily Load allocations. The costs, equipment,
3 and expertise to conduct monitoring can be prohibitive to individual
4 communities. The establishment of the Ecosystem Restoration and Water
5 Quality Improvement Special Fund is intended to ensure municipal compliance
6 with the monitoring requirements for MS4 communities while reducing the
7 fiscal and other pressures on these communities.

8 (b) Creation of fund; purpose. There is created an Ecosystem Restoration
9 and Water Quality Improvement Special Fund, to be managed in accordance
10 with the requirements of 32 V.S.A. chapter 7, subchapter 5, and to be
11 administered by the Secretary of Natural Resources. The Ecosystem
12 Restoration and Water Quality Improvement Special Fund shall be used to
13 provide assistance to municipalities in fulfilling the monitoring, education, and
14 other requirements of the MS4 permitting program. The Secretary is
15 authorized to collect monies for the Fund and to make disbursements from the
16 Fund directly related to the Secretary's oversight of monitoring required under
17 the MS4 program.

18 (c) Participation by municipalities.

19 (1) A municipality may through a memorandum of understanding
20 (MOU) with the Secretary of Natural Resources agree to contribute to the
21 Ecosystem Restoration and Water Quality Improvement Special Fund to

1 ~~perform the monitoring and other data collection that a municipality is required~~
2 to conduct under the MS4 permitting program. Under the MOU, a
3 municipality shall commit to contribute to the Fund the municipalities share of
4 funding required by the Agency of Natural Resources to perform MS4
5 monitoring and provide oversight and administration. Memoranda of
6 understanding shall serve to coordinate funding and work among various
7 entities, including municipalities, nongovernmental organizations, and the
8 State, with the objective of improving water quality.

9 (2) At a minimum, each memorandum of understanding developed
10 under this section shall contain the following:

11 (A) the purpose of the memorandum of understanding;

12 (B) a description of the work to be performed under the
13 memorandum of understanding;

14 (C) a description of how the coordinated work proposed under the
15 memorandum of understanding will improve water quality;

16 (D) the entities eligible to participate under the memorandum of
17 understanding; and

18 (E) the amount of required contribution by the entity, based on a
19 funding formula developed in consultation with entities eligible to participate
20 in the program.

1 ~~(3) A memorandum of understanding developed under this section shall~~
2 ~~be posted on the Agency website and subject to a comment period of not less~~
3 ~~than 30 days.~~

4 ~~(4) All participating entities, and the Agency, shall sign any final~~
5 ~~memoranda of understanding.~~

6 ~~(d) Fund proceeds.~~

7 ~~(1) The Ecosystem Restoration and Water Quality Improvement Special~~
8 ~~Fund Deposits shall consist of:~~

9 ~~(A) payment of costs by participating MS4 communities;~~

10 ~~(B) monies appropriated by the General Assembly; and~~

11 ~~(C) any other source, public or private.~~

12 ~~(2) Unexpended balances and interest earned on the Fund shall be~~
13 ~~retained in the Fund for use in accordance with the purposes of the Fund.~~

14 ~~(e) Fund accounts; expenditures.~~

15 ~~(1) The Secretary shall maintain separate accounts within the Ecosystem~~
16 ~~Restoration and Water Quality Improvement Special Fund for each~~
17 ~~memorandum of understanding. The Secretary may establish within the Fund~~
18 ~~an account for the purpose of conducting education and outreach related to~~
19 ~~improvements to water quality.~~

20 ~~(2) Expenditures from an account shall be limited to the purposes~~
21 ~~established by the memorandum of understanding associated with that account.~~

1 ~~The Secretary is prohibited from disbursing funds on behalf of an entity that~~
2 ~~failed to contribute its assigned allocation pursuant to the funding formula~~
3 ~~established by the Secretary or for any purpose not associated with that~~
4 ~~account.~~

5 Sec. 2. EFFECTIVE DATE

6 ~~This act shall take effect on July 1, 2014.~~

Sec. 1. 10 V.S.A. § 1264d is added to read:

§ 1264d. ECOSYSTEM RESTORATION AND WATER QUALITY

IMPROVEMENT SPECIAL FUND

(a) Purpose. The federal and State requirements for the permitting of Municipal Separate Storm Sewer Systems (MS4) require certain communities to collect water flow and precipitation data at monitoring stations on stormwater-impaired waters in order to demonstrate compliance with stormwater Total Maximum Daily Load allocations. The costs, equipment, and expertise to conduct monitoring can be prohibitive to individual communities. The establishment of the Ecosystem Restoration and Water Quality Improvement Special Fund is intended to ensure municipal compliance with the monitoring requirements for MS4 communities while reducing the fiscal and other pressures on these communities.

(b) Creation of fund; purpose. There is created an Ecosystem Restoration and Water Quality Improvement Special Fund, to be managed in accordance

with the requirements of 32 V.S.A. chapter 7, subchapter 5, and to be administered by the Secretary of Natural Resources. The Ecosystem Restoration and Water Quality Improvement Special Fund shall be used to provide assistance to municipalities in fulfilling the monitoring, education, and other requirements of the MS4 permitting program. The Secretary is authorized to collect monies for the Fund and to make disbursements from the Fund directly related to the Secretary's oversight of monitoring required under the MS4 program.

(c) Participation by municipalities.

(1) A municipality may through a memorandum of understanding (MOU) with the Secretary of Natural Resources agree to contribute to the Ecosystem Restoration and Water Quality Improvement Special Fund to perform the monitoring and other data collection that a municipality is required to conduct under the MS4 permitting program. Under the MOU, a municipality shall commit to contribute to the Fund the municipality's share of funding required by the Agency of Natural Resources to perform MS4 monitoring and provide oversight and administration. Memoranda of understanding shall serve to coordinate funding and work among municipalities, the State, and any entity contracted with or by a municipality or the State for the purposes of improving water quality.

(2) At a minimum, each memorandum of understanding developed under this section shall contain the following:

(A) the purpose of the memorandum of understanding;

(B) a description of the work to be performed under the memorandum of understanding;

(C) a description of how the coordinated work proposed under the memorandum of understanding will improve water quality;

(D) the entities eligible to participate under the memorandum of understanding; and

(E) the amount of required contribution by the entity, based on a funding formula developed in consultation with entities eligible to participate in the program.

(3) A memorandum of understanding developed under this section shall be posted on the Agency website and subject to a comment period of not less than 30 days.

(4) All participating entities, and the Agency, shall sign any final memoranda of understanding.

(d) Fund proceeds.

(1) The Ecosystem Restoration and Water Quality Improvement Special Fund Deposits shall consist of:

(A) payment of costs by participating MS4 communities;

(B) monies appropriated by the General Assembly; and

(C) any other source, public or private.

(2) Unexpended balances and interest earned on the Fund shall be retained in the Fund for use in accordance with the purposes of the Fund.

(e) Fund accounts; expenditures.

(1) The Secretary shall maintain separate accounts within the Ecosystem Restoration and Water Quality Improvement Special Fund for each memorandum of understanding. The Secretary may establish within the Fund an account for the purpose of conducting education and outreach related to improvements to water quality.

(2) Expenditures from an account shall be limited to the purposes established by the memorandum of understanding associated with that account. The Secretary is prohibited from disbursing funds on behalf of an entity that failed to contribute its assigned allocation pursuant to the funding formula established by the Secretary or for any purpose not associated with that account.

~~Sec. 2. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2014.~~

Sec. 2. 2014 Acts and Resolves No. 97, Sec. 1(c) is amended to read:

(c) Report. On or before ~~April 15~~ November 15, 2014, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources

and Energy, the House Committee on Fish, Wildlife and Water Resources, and the Senate and House Committees on Appropriations a report that provides specific recommendations for administering, implementing, and financing water quality improvement in Vermont. The report shall:

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Sec. 3. EFFECTIVE DATES

(a) This section and Sec. 2 (ANR report) shall take effect on passage.

(b) Sec. 1 (Ecosystem Restoration and Water Quality Improvement Special Fund) shall take effect on July 1, 2014.