

1 S.215

2 Introduced by Senator Snelling

3 Referred to Committee on Natural Resources and Energy

4 Date: January 7, 2014

5 Subject: Conservation and development; water resources; water quality

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Secretary of Natural Resources to submit to the General Assembly specific
8 recommendations for administering, implementing, and financing water quality
9 improvement in Vermont.

10 An act relating to administering, implementing, and financing water quality
11 improvement in Vermont

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

13 Sec. 1. AGENCY OF NATURAL RESOURCES RECOMMENDATIONS
14 FOR ADMINISTERING, IMPLEMENTING, AND FINANCING
15 WATER QUALITY IMPROVEMENT

16 (a) Findings. The General Assembly finds and declares:

17 (1) Clean water is a key factor in Vermont's quality of life.

18 (2) Preserving, protecting, and restoring the water quality of surface
19 waters are necessary for the clean water, recreation, economic opportunity,
20 wildlife habitat, and ecological value that such waters provide.

1 (3) The State currently is subject to multiple requirements to respond to,
2 remediate, and prevent water quality problems, including implementation of a
3 total maximum daily load (TMDL) plan for Lake Champlain; a pending
4 TMDL for the Connecticut River; a pending TMDL for Lake Memphremagog;
5 and implementation of 15 TMDLs for stormwater-impaired waters throughout
6 the State.

7 (4) All waters of the State are at risk of pollution or impairment, and
8 under State and federal law, Vermont is required to prevent impairment or
9 degradation of these waters. In 2007, the General Assembly required the
10 Agency of Natural Resources to adopt by July 2008 rules implementing
11 anti-degradation in the State, but the rules have not yet been adopted.

12 (5) Responding to the multiple water quality requirements to which the
13 State is subject requires a long-term work plan to identify and prioritize
14 necessary State action to improve water quality, but the State currently lacks
15 such a plan.

16 (6) Significant financial resources will also be required to respond
17 adequately to the multiple water quality requirements in the State, but the State
18 currently lacks the funding necessary to respond adequately and in a timely
19 way to the demands for remediation and water quality protection.

20 (7) To address how the State should pursue the implementation,
21 administration, and financing of water quality programs in Vermont, the

1 General Assembly enacted 2012 Acts and Resolves No. 138 (Act 138), which
2 required the Secretary of Natural Resources to report to the General Assembly
3 regarding how the State should fund statewide and localized water quality
4 remediation and conservation efforts.

5 (8) Specifically, the Act 138 report required the Secretary of Natural
6 Resources to recommend:

7 (A) funding sources or a funding mechanism or mechanisms for
8 ongoing water quality efforts in the State; and

9 (B) how to design, implement, and administer water quality programs
10 in the State.

11 (9) The Secretary of Natural Resources submitted the Act 138 report to
12 the Vermont General Assembly on January 13, 2012. However, the Act 138
13 report did not include recommendations from the Secretary of Natural
14 Resources. Instead, the Act 138 report listed: 19 categories of water quality
15 needs, each with multiple proposed necessary actions; 16 possible financial
16 tools for generating additional revenue for water quality; and eight options for
17 administering a statewide water quality program.

18 (10) After receipt of the Act 138 report, the General Assembly faced the
19 task of sifting through variations or permutations of the multiple actions,
20 financial tools, and administration options available for water quality programs

1 in the State; a task the General Assembly intended to avoid when it required
2 the Secretary of Natural Resources to issue the Act 138 report.

3 (b) Purpose. The purpose of this act is to require the Agency of Natural
4 Resources, as the State agency with expertise in the water quality science,
5 environmental response, environmental remediation, and administration of
6 environmental and natural resources programs, to provide the General
7 Assembly with specific, detailed recommendations for strategic investments,
8 the implementation of which is necessary in the next five to 10 years in order
9 to preserve, protect, and remediate existing water quality problems while also
10 preventing future impairment or degradation of State waters.

11 (c) Report. On or before April 15, ~~2013~~ 2014, the Secretary of Natural
12 Resources shall submit to the Senate Committee on Natural Resources and
13 Energy, the House Committee on Fish, Wildlife and Water Resources, and the
14 Senate and House Committees on Appropriations a report that provides
15 specific recommendations for administering, implementing, and financing
16 water quality improvement in Vermont. The report shall:

17 (1) Identify five priority actions that the State must address in the next
18 10 years in order to improve water quality in the State, including a summary of
19 the water quality benefit of each action, why the identified actions are
20 necessary, and why they should be prioritized over other actions.

1 (2) Recommend at least two proposals for financing water quality
2 improvement programs in the State. The recommended financing options
3 should be sufficient to fund implementation of the five priority actions
4 identified in subdivision (1) of this subsection. The report shall include an
5 estimate of the amount of revenue that each recommended financing proposal
6 would generate.

7 (3) Summarize how the Agency of Natural Resources will administer,
8 implement, and oversee implementation of the five priority actions identified
9 in subdivision (1) of this subsection, including:

10 (A) how the Agency will restructure itself or reassign staff to assure
11 completion of the priority actions; and

12 (B) how the Agency will respond to and work collaboratively with
13 the public in implementing the five priority actions.

14 (4) Recommend a specific process by which water quality priorities, in
15 addition to those identified in subdivision (1) of this subsection, will be
16 addressed and financed.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on passage.