

**H.595: An Act Relating to Potable Water Supplies; Comparison of House and Senate Proposals**

Section #	Senate Proposal of Amendment	Section #	House Proposal of Amendment
Secs. 1-3 Potable Water Supply from Surface Water Source	<ul style="list-style-type: none"> <li>• Same as House Proposal</li> </ul>	Secs. 1-3 Potable Water Supply from Surface Water Source	<ul style="list-style-type: none"> <li>• Same as Senate Proposal</li> </ul>
Secs. 4-6 Groundwater Source Testing	<ul style="list-style-type: none"> <li>• Requires testing of new groundwater sources for specified contaminants</li> </ul>	Sec. 4 TAC Recommendations on Groundwater testing	<ul style="list-style-type: none"> <li>• Struck Senate Proposal to require groundwater testing.</li> <li>• Requires the Technical Advisory Committee on Wastewater Systems and Potable Water Supplies to report to General Assembly regarding whether and how to test groundwater sources for contamination.</li> </ul>
Sec. 7 Environmental Contingency Fund	<ul style="list-style-type: none"> <li>• Amended Environmental Contingency Fund to authorize disbursements to pay costs of: <ul style="list-style-type: none"> <li>➤ pay costs of investigation and cleanup conducted by voluntary responsible parties without requiring the party to have contributed to the Fund.</li> </ul> </li> </ul>	Sec. 5 Environmental Contingency Fund	<ul style="list-style-type: none"> <li>• Amended Environmental Contingency Fund to authorize disbursements to pay costs of: <ul style="list-style-type: none"> <li>➤ investigation and cleanup conducted by voluntary responsible parties without requiring the party to have contributed to the Fund.</li> <li>➤ oversight of assessment of a natural resource damaged by a release of a hazardous material</li> <li>➤ oversight or restoration to a natural resource damages by a hazardous material release.</li> </ul> </li> </ul>
Sec. 8 Information Requests	<ul style="list-style-type: none"> <li>• Authorizes ANR, prior to initiation of litigation, to require a person who may be liable for a hazardous material release to furnish certain information.</li> <li>• Provides a person shall respond within 10 days</li> </ul>	Sec. 6 Information Requests	<ul style="list-style-type: none"> <li>• Authorizes ANR, prior to initiation of litigation, to require a person who may be liable for a hazardous material release to furnish certain information.</li> <li>• Provides that a person shall respond within 30 days of receiving a request, unless there is an imminent threat or emergency, then the response is within 10 days.</li> </ul>
	[Same as Sec. 11 of Senate Proposal]	Sec. 7 ANR Enforcement of Information Requests	<ul style="list-style-type: none"> <li>• Amends ANR enforcement authority to authorize enforcement of information requests.</li> </ul>

Section #	Senate Proposal of Amendment	Section #	House Proposal of Amendment
<p>Sec. 9 Natural Resource Damages; Liability; Rulemaking</p>	<ul style="list-style-type: none"> <li>• Authorizes ANR to assess against a person liable for a hazardous material release damages for injury, destruction, or loss of natural resources.</li> <li>• ANR shall adopt rules to implement the NRD authority.</li> <li>• The rules shall include a methodology for assessment and value of natural resources, including requirements for preassessment, damage assessment, and post-damages assessment.</li> <li>• A person who identified the nature and degree of NRD in a permit application and who is operating under the terms of a permit would not be subject to natural resources damages.</li> </ul>	<p>Sec. 8 Natural Resource Damages; Liability; Rulemaking</p>	<ul style="list-style-type: none"> <li>• Authorizes ANR to assess against a person liable for a hazardous material release damages for injury, destruction, or loss of natural resources.</li> <li>• ANR shall adopt rules to implement the NRD authority.</li> <li>• The rules shall include a methodology for assessment and value of natural resources, including requirements for preassessment, damage assessment, and post-damages assessment.</li> <li>• A person who identified the nature and degree of NRD in a permit application and who is operating under the terms of a permit would not be subject to natural resources damages.</li> <li>• Adds definitions of “services” “acquisition of equivalent replacement”</li> <li>• Strikes authority to seek NRD for threatened releases.</li> <li>• ANR shall not be able to double recover for NRD.</li> <li>• Establishes a 6 year statute of limitations for NRD actions.</li> <li>• Provides that there shall be no recovery under the section for NRD damages that occurred prior to enactment.</li> <li>• Collected NRD are deposited in Environmental Contingency Fund.</li> </ul>
<p>Sec. 10 NRD Rulemaking</p>	<ul style="list-style-type: none"> <li>• ANR shall consult with interested parties in adoption of the NRD rules.</li> <li>• ANR shall commence the NRD rules by January 1, 2017.</li> <li>• ANR shall adopt NRD rules by November 1, 2017.</li> <li>• By February 1, 2017, ANR shall submit draft NRD rules to legislature.</li> </ul>	<p>Sec. 9 NRD Rulemaking</p>	<ul style="list-style-type: none"> <li>• ANR shall consult with interested parties and parties with expertise in NRD assessments and valuation in adoption of the NRD rules.</li> <li>• ANR shall convene a working group for consultation by July 1, 2016.</li> <li>• By February 1, 2017, ANR shall submit draft NRD rules to legislature.</li> <li>• ANR shall commence the NRD rules by July 1, 2017 and shall conclude rulemaking by March 1, 2018.</li> <li>• ANR shall not seek NRD under 10 VSA 6615d until rules are adopted.</li> </ul>
<p>Sec. 11 ANR Enforcement of Information Requests</p>	<ul style="list-style-type: none"> <li>• Amends ANR enforcement authority to authorize enforcement of information requests.</li> </ul>		<p>[Same as Sec. 7 of House Proposal]</p>

Section #	Senate Proposal of Amendment	Section #	House Proposal of Amendment
<p>Sec. 12 ANR Working Group on Toxic Chemical Use</p>	<ul style="list-style-type: none"> <li>• Requires ANR to establish a working group of interested parties and parties with expertise in the field of toxic chemicals to develop recommendations for how to improve the ability of the State to:               <ul style="list-style-type: none"> <li>○ prevent exposure of citizens and communities to toxic chemicals, hazardous materials, or haz. waste;</li> <li>○ identify and regulate use of currently unregulated toxic chemicals or hazardous materials; and</li> <li>○ inform communities and citizens of potential exposure to toxic chemicals, including contaminated groundwater, public drinking water systems, and private potable water supplies.</li> </ul> </li> </ul>	<p>Sec. 10 ANR Working Group on Toxic Chemical Use</p>	<ul style="list-style-type: none"> <li>• Requires ANR to establish a working group of interested parties and parties with expertise in the field of toxic chemicals to develop recommendations for how to improve the ability of the State to:               <ul style="list-style-type: none"> <li>○ prevent exposure of citizens and communities to toxic chemicals, hazardous materials, or haz. waste;</li> <li>○ identify and regulate use of currently unregulated toxic chemicals or hazardous materials; and</li> <li>○ inform communities and citizens of potential exposure to toxic chemicals, including contaminated groundwater, public drinking water systems, and private potable water supplies.</li> </ul> </li> <li>• Duties of the Working Group are entirely different in House proposal, but similar in intent to Senate proposal.</li> </ul>
	<p>[No comparable section in Senate Proposal]</p>	<p>Sec. 11 Chemicals of High Concern to Children</p>	<ul style="list-style-type: none"> <li>• Extends until January 1, 2017, the initial deadline by which a manufacturer of a children’s product containing a chemical of high concern must report to the Department of Health.</li> </ul>
	<p>[No comparable section in Senate Proposal]</p>	<p>Sec. 12 ANR Basin Planning; Natural Resource Conservation Council</p>	<ul style="list-style-type: none"> <li>• Adds natural resource conservation council as an entity that ANR shall contract with in developing basin plans.</li> </ul>
	<p>[No comparable section in Senate Proposal]</p>	<p>Sec. 13</p>	<ul style="list-style-type: none"> <li>• Requires the Secretary of Administration to amend the Standard State Provisions for Contracts and Grants, referred to as Attachment C, to require any applicant for a State-funded grant to certify that the applicant is in good standing with ANR and the Agency of Agriculture.</li> </ul>
<p>Sec. 13</p>	<ul style="list-style-type: none"> <li>• Effective Dates. Most of the bill takes effect on passage, except for groundwater testing and surface water permitting.</li> </ul>	<p>Sec. 14</p>	<ul style="list-style-type: none"> <li>• Effective Dates. Most of the bill takes effect on passage, except for water quality certification of State grants and surface water permitting.</li> </ul>