

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
<p align="center">Secs. 1-3 Potable Water Supply from Surface Water Source</p>	<ul style="list-style-type: none"> • Same as House Proposal 	<p align="center">Secs. 1-3 Potable Water Supply from Surface Water Source</p>	<ul style="list-style-type: none"> • Same as Senate Proposal
<p align="center">Secs. 4-6 Groundwater Source Testing</p>	<ul style="list-style-type: none"> • Requires testing of new groundwater sources for specified contaminants 	<p align="center">Sec. 4 TAC Recommendations on Groundwater testing</p>	<ul style="list-style-type: none"> • Struck Senate Proposal to require groundwater testing. • 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.
<p align="center">Sec. 7 Environmental Contingency Fund</p>	<ul style="list-style-type: none"> • Amended Environmental Contingency Fund to authorize disbursements to pay costs of: <ul style="list-style-type: none"> ➤ pay costs of investigation and cleanup conducted by voluntary responsible parties without requiring the party to have contributed to the Fund. 	<p align="center">Sec. 5 Environmental Contingency Fund</p>	<ul style="list-style-type: none"> • Amended Environmental Contingency Fund to authorize disbursements to pay costs of: <ul style="list-style-type: none"> ➤ investigation and cleanup conducted by voluntary responsible parties without requiring the party to have contributed to the Fund. ➤ oversight of assessment of a natural resource damaged by a release of a hazardous material ➤ oversight or restoration to a natural resource damages by a hazardous material release.
<p align="center">Sec. 8 Information Requests</p>	<ul style="list-style-type: none"> • Authorizes ANR, prior to initiation of litigation, to require a person who may be liable for a hazardous material release to furnish certain information. • Provides a person shall respond within 10 days 	<p align="center">Sec. 6 Information Requests</p>	<ul style="list-style-type: none"> • Authorizes ANR, prior to initiation of litigation, to require a person who may be liable for a hazardous material release to furnish certain information. • 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.
	<p align="center">[Same as Sec. 11 of Senate Proposal]</p>	<p align="center">Sec. 7 ANR Enforcement of Information Requests</p>	<ul style="list-style-type: none"> • Amends ANR enforcement authority to authorize enforcement of information requests.

Section #	Senate Proposal of Amendment	Section #	House Proposal of Amendment
<p style="text-align: center;">Sec. 9 Natural Resource Damages; Liability; Rulemaking</p>	<ul style="list-style-type: none"> • Authorizes ANR to assess against a person liable for a hazardous material release damages for injury, destruction, or loss of natural resources. • ANR shall adopt rules to implement the NRD authority. • The rules shall include a methodology for assessment and value of natural resources, including requirements for preassessment, damage assessment, and post-damages assessment. • 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. 	<p style="text-align: center;">Sec. 8 Natural Resource Damages; Liability; Rulemaking</p>	<ul style="list-style-type: none"> • Authorizes ANR to assess against a person liable for a hazardous material release damages for injury, destruction, or loss of natural resources. • ANR shall adopt rules to implement the NRD authority. • The rules shall include a methodology for assessment and value of natural resources, including requirements for preassessment, damage assessment, and post-damages assessment. • 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. • Adds definitions of “services” “acquisition of equivalent replacement” • Strikes authority to seek NRD for threatened releases. • ANR shall not be able to double recover for NRD. • Establishes a 6 year statute of limitations for NRD actions. • Provides that there shall be no recovery under the section for NRD damages that occurred prior to enactment. • Collected NRD are deposited in Environmental Contingency Fund.
<p style="text-align: center;">Sec. 10 NRD Rulemaking</p>	<ul style="list-style-type: none"> • ANR shall consult with interested parties in adoption of the NRD rules. • ANR shall commence the NRD rules by January 1, 2017. • ANR shall adopt NRD rules by November 1, 2017. • By February 1, 2017, ANR shall submit draft NRD rules to legislature. 	<p style="text-align: center;">Sec. 9 NRD Rulemaking</p>	<ul style="list-style-type: none"> • ANR shall consult with interested parties and parties with expertise in NRD assessments and valuation in adoption of the NRD rules. • ANR shall convene a working group for consultation by July 1, 2016. • By February 1, 2017, ANR shall submit draft NRD rules to legislature. • ANR shall commence the NRD rules by July 1, 2017 and shall conclude rulemaking by March 1, 2018. • ANR shall not seek NRD under 10 VSA 6615d until rules are adopted.
<p style="text-align: center;">Sec. 11 ANR Enforcement of Information Requests</p>	<ul style="list-style-type: none"> • Amends ANR enforcement authority to authorize enforcement of information requests. 		<p style="text-align: center;">[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"> • 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"> ○ prevent exposure of citizens and communities to toxic chemicals, hazardous materials, or haz. waste; ○ identify and regulate use of currently unregulated toxic chemicals or hazardous materials; and ○ inform communities and citizens of potential exposure to toxic chemicals, including contaminated groundwater, public drinking water systems, and private potable water supplies. 	<p>Sec. 10 ANR Working Group on Toxic Chemical Use</p>	<ul style="list-style-type: none"> • 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"> ○ prevent exposure of citizens and communities to toxic chemicals, hazardous materials, or haz. waste; ○ identify and regulate use of currently unregulated toxic chemicals or hazardous materials; and ○ inform communities and citizens of potential exposure to toxic chemicals, including contaminated groundwater, public drinking water systems, and private potable water supplies. • Duties of the Working Group are entirely different in House proposal, but similar in intent to Senate proposal.
	<p>[No comparable section in Senate Proposal]</p>	<p>Sec. 11 Chemicals of High Concern to Children</p>	<ul style="list-style-type: none"> • 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.
	<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"> • Adds natural resource conservation council as an entity that ANR shall contract with in developing basin plans.
	<p>[No comparable section in Senate Proposal]</p>	<p>Sec. 13</p>	<ul style="list-style-type: none"> • 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.
<p>Sec. 13</p>	<ul style="list-style-type: none"> • Effective Dates. Most of the bill takes effect on passage, except for groundwater testing and surface water permitting. 	<p>Sec. 14</p>	<ul style="list-style-type: none"> • Effective Dates. Most of the bill takes effect on passage, except for water quality certification of State grants and surface water permitting.