1 TO THE HONORABLE SENATE:

2	The Committee on Natural Resources and Energy to which was referred
3	House Bill No. 595 entitled "An act relating to potable water supplies from
4	surface waters" respectfully reports that it has considered the same and
5	recommends that the Senate propose to the House that the bill be amended by
6	striking out Sec. 4 in its entirety and inserting in lieu thereof the following:
7	Sec. 4. 10 V.S.A. § 1283(b) is amended to read:
8	(b) Disbursements under this subsection may be made for emergency
9	purposes or to respond to other than emergency situations; provided, however,
10	that disbursements in response to an individual situation which is not an
11	emergency situation shall not exceed \$100,000.00 for costs attributable to each
12	of the subdivisions of this subsection, unless the Secretary has received the
13	approval of the General Assembly, or the Joint Fiscal Committee, in case the
14	General Assembly is not in session. Furthermore, the balance in the Fund shall
15	not be drawn below the amount of \$100,000.00, except in emergency
16	situations. If the balance of the Fund becomes insufficient to allow a proper
17	response to one or more emergencies that have occurred, the Secretary shall
18	appear before the Emergency Board, as soon as possible, and shall request that
19	necessary funds be provided. Within these limitations, disbursements from the
20	Fund may be made:

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1	(7) to pay costs of management oversight provided by the State for
2	investigation and cleanup efforts conducted by voluntary responsible parties
3	where those responsible parties have contributed monies to the Fund pursuant
4	to a written agreement under subsection (f) of this section;
5	* * *
6	Sec. 5. 10 V.S.A. § 6615c is added to read:
7	<u>§ 6615c. INFORMATION REQUESTS</u>
8	(a) The Secretary, upon reasonable notice, may require any person who has
9	or may have information relevant to any of the following to furnish all
10	information related to:
11	(1) The type, nature, and quantity of any commercial chemical product,
12	hazardous material, or waste that has been or is being used, generated, treated,
13	stored, or disposed of at a facility or transported to a facility.
14	(2) The nature or extent of a release or threatened release of a hazardous
15	material or waste from a facility.
16	(3) Financial information and information surrounding the corporate
17	structure, if any, of a person alleged to have caused or contributed to a release,
18	including information related to the ability of a person to pay for or to perform
19	<u>a cleanup.</u>
20	(b) A person who has received a request under subsection (a) of this section
21	shall, at the discretion of the Secretary, either:

1	(1) grant the Secretary access, at all reasonable times, to any facility,
2	establishment, place, property, or location to inspect and copy all documents or
3	records relating to information that was related to the request; or
4	(2) copy and furnish to the Secretary all such documents or records, at
5	the option and expense of the person.
6	(c) The Secretary may require any person who has or may have knowledge
7	of any information listed in subdivisions (a)(1) through (3) of this section to
8	appear at the offices of the Secretary and may take testimony and require the
9	production of records that relate to a release or threatened release of a
10	hazardous material.
11	(d) Any request for access or information under this section shall be served
12	personally or by certified mail.
13	(e) As used in this section, "information" means any written or recorded
14	information, including all documents, records, photographs, recordings, e-mail,
15	or correspondence.
16	Sec. 6. 10 V.S.A. § 6615d is added to read:
17	§ 6615d. NATURAL RESOURCE DAMAGES
18	The Secretary may assess damages to natural resources against any person
19	found to be liable under section 6615 of this title. The measure of damages
20	that may be assessed under this section include the cost of restoring injured
21	resources to their baseline condition, compensation for the interim loss of

1	injured resources pending recovery, and any reasonable costs of the Secretary
2	in determining the damage to a natural resource. As used in this section,
3	"natural resources" means public lands, fish, wildlife, biota, air, surface water,
4	groundwater, wetlands, and drinking water supplies.
5	Sec. 7. 10 V.S.A. § 8005(b) is amended to read:
6	(b) Access orders and information requests.
7	(1) A Superior Court judge shall issue an access order when access has
8	been refused and the investigator, by affidavit, describes the property to be
9	examined and identifies:
10	(A) a provision of a permit that authorizes the inspection; or
11	(B) the property as being scheduled for inspection in accordance with
12	a neutral inspection program adopted by the Secretary or the Natural Resources
13	Board; or
14	(C) facts providing reasonable grounds to believe that a violation
15	exists and that an examination of the specifically described property will be of
16	material aid in determining the existence of the violation.
17	(2) <u>A Superior Court shall issue an order requiring compliance with an</u>
18	information request submitted pursuant to section 6615c of this title when:
19	(A) the person served with the request fails to respond to the request
20	in the timeframe identified by the Secretary;

1	(B) the Secretary submits, by affidavit, facts providing reasonable
2	grounds that a release or threatened release has taken place; and
3	(C) the information will be of material aid in responding to the
4	release or threatened release.
5	(3) Issuance of an access order shall not negate the Secretary's authority
6	to initiate criminal proceedings in the same matter by referring the matter to
7	the Office of the Attorney General or a State's Attorney.
8	Sec. 8. EFFECTIVE DATE
9	This act shall take effect on passage.
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12	(Committee vote:)
13	
14	Senator
15	FOR THE COMMITTEE