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S.75

Introduced by Senators Rodgers, Ayer, Balint, Branagan, Bray, Campion, and
Degree

Referred to Committee on Natural Resources and Energy

Date: February 7, 2017

Subject: Conservation and development; aquatic nuisance control; bottom
barriers; boat wash

Statement of purpose of bill as introduced: This bill would prohibit the
transport of additional aquatic plants and aquatic nuisance species to or from
waters of the State. The bill also would require visual inspection of vehicles,
vessels, personal watercraft, seaplanes, trailers, and other equipment for
aquatic plants and aquatic nuisance species when leaving a water of the State.
The bill also would require a boat or personal watercraft to be cleaned in a
boat wash prior to launching in a lake or pond if a public boat wash facility is
located at the lake or pond and the boat or personal watercraft is being
transported from another water. The bill would allow for enforcement of the
prohibition on transport of aquatic plants and aquatic nuisance species in both
the Judicial Bureau and the Environmental Division of the Superior Court.

An act relating to aquatic nuisance species control

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

2 ~~Sec. 1. 10 V.S.A. § 1452 is amended to read:~~

3 § 1452. DEFINITIONS

4 As used in this chapter:

5 (1) "~~Agency~~" means the ~~agency of natural resources~~ Agency of Natural
6 Resources.

7 (2) "Aquatic nuisance" means undesirable or excessive substances or
8 populations that interfere with the recreational potential or aquatic habitat of a
9 body of water. Aquatic nuisances include rooted aquatic plants and animal and
10 algal populations.

11 (3) "Aquatic plant" means a plant that naturally grows in water,
12 saturated soils, or seasonally saturated soils, including algae and submerged,
13 floating-leafed, floating, or emergent plants.

14 (4) "Biological controls" ~~mean~~ means multi-cellular organisms.

15 (5) "~~Board~~" means the ~~water resources panel of the natural resources~~
16 ~~board~~. [Repealed.]

17 * * *

18 (9) "Secretary" means the ~~secretary of natural resources~~ Secretary of
19 Natural Resources.

20 (10) "Water resources" means the waters and the values inherent or
21 ~~potential in waters and their uses.~~

1 ~~(11) "Waters" means all rivers, streams, creeks, brooks, reservoirs,~~
2 ponds, lakes, and springs and all bodies of surface waters, artificial or natural,
3 which ~~that~~ are contained within, flow through, or border upon the state State or
4 any portion of it.

5 (12) "Baitbox" means a receptacle, not exceeding 25 cubic feet in
6 volume, used for holding or keeping baitfish alive for personal use.

7 (13) "Live well" means a well for keeping fish alive in a vessel by
8 allowing water to circulate through the well.

9 (14) "Personal watercraft" shall have the same meaning as set forth in
10 23 V.S.A. § 3302.

11 (15) "Transport" means moving motor vehicles, vessels, personal
12 watercraft, seaplanes, trailers, and other equipment over land, but does not
13 include movement within the immediate area required for loading and
14 preparing vehicles, vessels, personal watercraft, seaplanes, trailers, and other
15 equipment prior to movement into or away from a body of water.

16 (16) "Vessel" means every description of watercraft used or capable of
17 being used as a means of transportation on water.

18 Sec. 2. 10 V.S.A. § 1454 is amended to read:

19 § 1454. TRANSPORT OF AQUATIC PLANTS AND AQUATIC
20 NUISANCE SPECIES

21 ~~(a)(1) No person shall transport an aquatic plant or aquatic plant part, zebra~~

1 ~~mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), Asian~~
2 ~~clam (*Corbicula fluminea*), fishhook waterflea (*Cercopagis pengoi*), rusty~~
3 ~~crayfish (*Orconectes rusticus*), spiny waterflea (*Bythotrephes longimanus*), or~~
4 other aquatic nuisance species identified by the Secretary by rule to or from
5 any Vermont waters ~~on the outside of a vehicle, boat, personal watercraft,~~
6 ~~trailer, or other equipment.~~ This section shall not restrict proper harvesting or
7 other control activities undertaken for the purpose of eliminating or controlling
8 the growth or propagation of aquatic plants, zebra mussels, quagga mussels,
9 ~~Asian clam, fishhook waterflea, rusty crayfish, spiny waterflea, or other~~
10 aquatic nuisance species.

11 (2) When leaving a water of the State and prior to transport, vehicles,
12 vessels, personal watercraft, seaplanes, trailers, and other equipment shall be
13 visually inspected for aquatic plants, aquatic plant parts, zebra mussels, quagga
14 mussels, Asian clam, fishhook waterflea, rusty crayfish, spiny waterflea, and
15 other aquatic nuisance species identified by the Secretary by rule, and if any
16 aquatic nuisance species is identified, it shall be removed.

17 (b) Prior to launching a boat or personal watercraft in a lake or pond, a
18 person shall wash the boat or personal watercraft in a boat wash facility if:

19 (1) a boat wash facility is located at the lake or pond;

20 (2) the boat or personal watercraft is being transported from another

21 water, and

1 ~~(3) the boat wash facility is available for public use.~~

2 ~~(c) The Secretary may grant exceptions to persons to allow the transport of~~
3 ~~aquatic plants, zebra mussels, quagga mussels, Asian clam, fishhook waterflea,~~
4 ~~rusty crayfish, spiny waterflea, or other aquatic nuisance species for scientific~~
5 ~~or purposes, educational purposes, or other purposes specifically authorized by~~
6 ~~the Secretary. When granting exceptions allowing the transport of aquatic~~
7 ~~plants, zebra mussels, quagga mussels, or other aquatic nuisance species under~~
8 ~~this subsection, the Secretary shall take into consideration both the value of the~~
9 ~~scientific or educational purpose and the risk to Vermont surface waters posed~~
10 ~~by the transport and ultimate use of the specimens. A letter from the Secretary~~
11 ~~authorizing the transport must accompany the specimens during transport.~~

12 ~~(e)(d) A Pursuant to 4 V.S.A. § 1102, a violation of this section may be~~
13 ~~brought in the Judicial Bureau by any law enforcement officer, as that term is~~
14 ~~defined in 23 V.S.A. § 3302(2), or, pursuant to chapter 201 of this title, a~~
15 ~~violation of this section may be brought in the Environmental Division of the~~
16 ~~Superior Court. ~~When a violation is brought by an enforcement officer other~~~~
17 ~~than an environmental enforcement officer employed by the Agency of Natural~~
18 ~~Resources, the enforcement officer shall submit to the Secretary a copy of the~~
19 ~~citation for purposes of compliance with the public participation requirements~~
20 ~~of section 8020 of this title. If a violation is brought before one body, the~~
21 ~~same violation shall not be brought before the other body.~~

1 ~~Sec. 9. 10 V.S.A. § 1455 is amended to read.~~

2 § 1455. AQUATIC NUISANCE CONTROL PERMIT

3 (a) ~~No person may~~ shall use pesticides, chemicals other than pesticides,
4 biological controls, bottom barriers, structural barriers, structural controls, or
5 powered mechanical devices in waters of the State to control nuisance aquatic
6 plants, insects, or other aquatic nuisances, including lamprey, unless that
7 person has been issued a permit by the ~~secretary~~ Secretary.

8 (b) Notwithstanding other requirements set forth in chapter 47 of this title
9 to the contrary, the Secretary may issue permits under this section.

10 (c) Persons desiring a permit under this section shall make application to
11 the Secretary on a form prescribed by the Secretary.

12 (d) The Secretary shall issue a permit for the use of pesticides in waters of
13 the State for the control of nuisance aquatic plants, insects, or other aquatic
14 life, including lamprey, when the applicant demonstrates and the Secretary
15 finds:

16 (1) there is no reasonable nonchemical alternative available;

17 (2) there is acceptable risk to the nontarget environment;

18 (3) there is negligible risk to public health;

19 (4) a long-range management plan has been developed ~~which that~~
20 incorporates a schedule of pesticide minimization; and

21 ~~(5) there is a public benefit to be achieved from the application of a~~

1 ~~pesticide or, in the case of a pond located entirely on a landowner's property,~~
2 ~~there is no undue adverse effect upon the public good.~~

3 (e) A landowner applying to use a pesticide on a pond located entirely on
4 the landowner's property is exempt from the requirement of subdivision (d)(4)
5 of this section.

6 (f) The Secretary shall issue a permit for the control of aquatic nuisances
7 by biological controls, bottom barriers, structural barriers, structural controls,
8 powered mechanical devices, or chemicals other than pesticides when the
9 Secretary finds:

- 10 (1) there is acceptable risk to the nontarget environment;
11 (2) there is negligible risk to public health; and
12 (3) there is either benefit to or no undue adverse effect upon the
13 public good.

14 (g) The use of bottom barriers, structural barriers, structural controls,
15 powered mechanical devices, and copper compounds as an algaecide in waters
16 with a surface area of one acre or less located entirely on a person's property
17 and with an outlet where the flow can be controlled for at least three days is
18 exempt from the permit requirements of this section.

19 * * *

20 (i) An aquatic nuisance control permit issued under this section shall:

21 ~~(1) specify Specify in writing the Secretary's findings under subsection~~

1 ~~(d) or (f) of this section;~~

2 ~~(2) specify Specify the location, manner, nature, and frequency of the~~
3 ~~permitted activity;~~

4 ~~(3) contain Contain additional conditions, requirements, and restrictions~~
5 ~~as the Secretary deems necessary to preserve and protect the quality of the~~
6 ~~receiving waters, to protect the public health, and to minimize the impact on~~
7 ~~the nontarget environment. ~~Such conditions~~ Conditions may include~~
8 ~~requirements concerning recording, reporting, and monitoring;~~

9 ~~(4) be Be valid for the period of time specified in the permit, not to~~
10 ~~exceed five years for chemical control, and not to exceed ten years for~~
11 ~~nonchemical control.~~

12 ~~(j) An aquatic nuisance control permit issued under this chapter may be~~
13 ~~renewed from time to time upon application to the Secretary. The process of~~
14 ~~permit renewal will be consistent with the requirements of this section.~~

15 * * *

16 ~~(l) No permit shall be required under this section for mosquito control~~
17 ~~activities that are regulated by the Agency of Agriculture, Food and Markets,~~
18 ~~provided that:~~

19 ~~(1) Prior to authorizing the use of larvicides or pupacides in waters of~~
20 ~~the State, the Secretary of Agriculture, Food and Markets shall designate~~
21 ~~acceptable control products and methods for their use and issue permits~~

1 pursuant to 6 V.S.A. § 1083(a)(5); and

2 (2) [Repealed.]

3 (m) The Secretary may issue general permits for the use of nonchemical
4 aquatic nuisance control activities, provided that the Secretary makes the
5 findings required in subsection (f) of this section. A general permit issued
6 under this subsection is not required to specify the exact location or the
7 frequency of the permitted activity.

8 (n) The Secretary shall not require a permit under this section for the use of
9 up to 15 bottom barriers on a lake, provided that:

10 (1) the bottom barriers are managed and controlled by a lake
11 association; and

12 (2) each bottom barrier shall be of no greater size than 14 feet
13 by 14 feet.

14 Sec. 4. 4 V.S.A. § 1102(b) is amended to read:

15 (b) The Judicial Bureau shall have jurisdiction of the following matters:

16 * * *

17 (27) Violations of 10 V.S.A. § 1454(a) relating to the transport of
18 aquatic plants and aquatic nuisance species.

19 Sec. 5. 4 V.S.A. § 1107 is amended to read:

20 § 1107. APPEALS

21 (a) A decision of the hearing officer may be appealed to the Criminal

1 ~~Division of the Superior Court, except for a decision in a proceeding under~~
2 ~~subdivision 1102(b)(27) of this title. The proceeding before the Criminal~~
3 ~~Division of the Superior Court shall be on the record, or at the option of the~~
4 ~~defendant, de novo. The defendant shall have the right to trial by jury. An~~
5 ~~appeal shall stay payment of a penalty and the imposition of points.~~

6 * * *

7 (e) A decision of the hearing officer in a proceeding under subdivision
8 1102(b)(27) of this title may be appealed to the Environmental Division of the
9 Superior Court created under chapter 27 of this title. The proceedings before
10 the Environmental Division shall be on the record. The defendant shall not
11 have a right to a jury trial. An attorney from the Agency of Natural Resources
12 shall represent the State in the appeal. An appeal shall stay the payment of a
13 penalty. No appeal as of right exists to the Supreme Court. On motion made
14 to the Supreme Court by a party, the Supreme Court may allow an appeal to be
15 taken to it from the Environmental Division of the Superior Court.

16 Sec. 6. 23 V.S.A. § 3317(b) is amended to read:

17 (b) A person who violates a requirement under 10 V.S.A. § 1454 shall be
18 subject to enforcement under 10 V.S.A. chapter 201 or a fine under this
19 chapter, provided that the person shall be assessed a penalty or fine of not
20 more than \$1,000.00 for each violation. A person who violates a rule adopted
21 ~~under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A.~~

1 ~~chapter 201, provided that the person shall be assessed a penalty of not more~~
2 ~~than \$300.00 for each violation. A person who violates any of the following~~
3 ~~sections of this title shall be subject to a penalty of not more than \$300.00 for~~
4 ~~each violation:~~

5 § 3306(e) marine toilet

6 § 3312a operation of personal watercraft

7 Sec. 7. EFFECTIVE DATE

8 ~~This act shall take effect on July 1, 2017.~~

~~Sec. 1. 10 V.S.A. § 1452 is amended to read:~~

~~§ 1452. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Agency" means the agency of natural resources Agency of Natural Resources.~~

~~(2) "Aquatic nuisance" means undesirable or excessive substances or populations that interfere with the recreational potential or aquatic habitat of a body of water, including rooted aquatic plants and animal and algal populations. Aquatic nuisances include rooted aquatic plants and animal and algal populations zebra mussels (Dreissena polymorpha), quagga mussels (Dreissena bugensis), Asian clam (Corbicula fluminea), fishhook waterflea (Cercopagis pengoi), rusty crayfish (Orconectes rusticus), spiny waterflea (Bythotrephes longimanus), or other species identified by the Secretary by rule.~~

~~(3) "Aquatic plant" means a plant that naturally grows in water, saturated soils, or seasonally saturated soils, including algae and submerged, floating-leafed, floating, or emergent plants.~~

~~(4) "Biological controls" ~~mean~~ means multi-cellular organisms.~~

~~(5) "Board" means the water resources panel of the natural resources board. [Repealed.]~~

~~***~~

~~(9) "Secretary" means the secretary of natural resources Secretary of Natural Resources.~~

(10) "Water resources" means the waters and the values inherent or potential in waters and their uses.

(11) "Waters" means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, and springs and all bodies of surface waters, artificial or natural, which that are contained within, flow through, or border upon the state State or any portion of it.

(12) "Baitbox" means a receptacle, not exceeding 25 cubic feet in volume, used for holding or keeping baitfish alive for personal use.

(13) "Live well" means a well for keeping fish alive in a vessel by allowing water to circulate through the well.

(14) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(15) "Bilge area" means the area in a vessel below a height of four inches measured from the lowest point in the vessel where water can collect when the vessel is in its static floating position.

(16) "Decontaminate" means a process used to kill, destroy, or remove aquatic nuisance species and other organic material that may be present in or on a vessel, motor vehicle transporting the vessel, trailer, or other equipment. Decontamination may include washing a vessel, motor vehicle transporting the vessel, trailer, or other equipment with water at a sufficient temperature to kill or remove aquatic nuisance species.

(17) "Lake association" means a lake protection organization registered with the Secretary of Natural Resources on a form provided by the Secretary.

(18) "Marina" means a property, other than a public access or landing area regulated under section 4145 of this title, on the shoreline of a water of the State that contains a dock, basin, or ramp that at no cost or for remuneration, provides to the public secure moorings or access to the water.

(19) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including a snowmobile, motorcycle, all-terrain vehicle, farm tractor, or tracked vehicle.

(20) "Personal watercraft" shall have the same meaning as set forth in 23 V.S.A. § 3302.

(21) "Transport" means to move motor vehicles, vessels, personal watercraft, seaplanes, trailers, and other equipment over land, but does not include movement within the immediate area required for loading and preparing vehicles, vessels, personal watercraft, seaplanes, trailers, and other

~~equipment prior to movement into or away from a body of water.~~

~~(22) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft.~~

~~Sec. 2. 10 V.S.A. § 1454 is amended to read:~~

~~§ 1454. TRANSPORT OF AQUATIC PLANTS AND AQUATIC NUISANCE SPECIES~~

~~(a) No Transport of aquatic nuisance species; prohibition. A person shall not transport an aquatic plant or aquatic plant part, zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), or other aquatic nuisance species identified by the Secretary by rule to or from any Vermont waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment water. This section shall not restrict:~~

~~(1) proper harvesting or other control activities undertaken for the purpose of eliminating or controlling the growth or propagation of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species; or~~

~~(2) proper collection of water samples for the purpose of water quality monitoring.~~

~~(b) Inspection of vessel entering or leaving water. A person transporting a vessel to or from a water shall, prior to launching the vessel and upon leaving a water, inspect the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment, and shall remove any aquatic plants, aquatic plant parts, and aquatic nuisance species.~~

~~(c) Aquatic nuisance species inspection station. A person transporting a vessel to or from a water shall, prior to launching the vessel and upon leaving a water, have the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment inspected and decontaminated at an approved aquatic nuisance species inspection station if:~~

~~(1) an aquatic nuisance species inspection station is maintained at the area where the vessel is entering or leaving the water;~~

~~(2) the aquatic nuisance species inspection station is open; and~~

~~(3) an individual operating the aquatic nuisance species inspection station identifies the vessel for inspection or decontamination.~~

~~(d) Draining of vessel; transport.~~

~~(1) When leaving a water of the State and prior to transport away from the area where the vessel left the water, a person operating a vessel shall drain~~

~~the vessel, vehicle transporting the vessel, trailer, and other equipment of water, including water in live wells, ballast tanks, and bilge areas. A person is not required to drain baitboxes or vehicles and trailers specifically designed and used for water hauling. A person operating a vessel shall drain the vessel, vehicle transporting the vessel, trailer, and other equipment of water in a manner to avoid a discharge to the water of the State. This subdivision does not authorize a person to discharge waste, as defined in section 1251 of this title, to waters of the State. A person shall dispose of waste in the manner required by law.~~

~~(2) When a person transports a vessel, the person shall remove or open the drain plugs, ballers, valves, and other devices that are used to control the draining of water from ballast tanks, bilge areas, and live wells of the vessel, vehicle transporting the vessel, trailer, and other equipment, except for vehicles and trailers specifically designed and used for water hauling and emergency response vehicles and equipment.~~

~~(e) Exceptions to transport prohibition. The Secretary may grant exceptions to persons to allow the transport of aquatic plants, zebra mussels, quagga mussels, aquatic plant parts, or other aquatic nuisance species for scientific or purposes, educational purposes, or other purposes specifically authorized by the Secretary. When granting exceptions allowing the transport of aquatic plants, aquatic plant parts, or aquatic nuisance species under this subsection, the Secretary shall take into consideration both the value of the scientific or educational purpose and the risk to Vermont surface waters posed by the transport and ultimate use of the specimens. A letter from the Secretary authorizing the transport must accompany the specimens during transport.~~

~~(e)(f) Signage; access areas and marinas. Signage shall be posted at all public access and landing areas regulated under section 4145 of this title and at all marinas regarding the requirements of subsections (a)-(d) of this section relating to aquatic nuisance transport and inspection and decontamination of vessels, motor vehicles transporting vessels, trailers, or other equipment. The Secretary shall provide marinas with the signs required under this section.~~

~~(g) Violations. Pursuant to 4 V.S.A. § 1102, a violation of this section may be brought in the Judicial Bureau by any law enforcement officer, as that term is defined in 23 V.S.A. § 3302(2), or, pursuant to section 8007 or 8008 of this title, a violation of this section may be brought in the Environmental Division of the Superior Court. When a violation is brought by an enforcement officer other than an environmental enforcement officer employed by the Agency of Natural Resources, the enforcement officer shall submit to the Secretary a copy of the citation for purposes of compliance with the public participation requirements of section 8020 of this title. If a violation is~~

~~brought in one body, the same violation shall not be brought in the other body.~~

~~Sec. 3. 10 V.S.A. § 1455 is amended to read:~~

~~§ 1455. AQUATIC NUISANCE CONTROL PERMIT~~

~~(a) No A person ~~may~~ shall not use pesticides, chemicals other than pesticides, biological controls, bottom barriers, structural barriers, structural controls, or powered mechanical devices in waters of the State to control nuisance aquatic plants, insects, or other aquatic nuisances, including lamprey, unless that person has been issued a permit by the ~~secretary~~ Secretary.~~

~~(b) Notwithstanding other requirements set forth in chapter 47 of this title to the contrary, the Secretary may issue permits under this section.~~

~~(c) Persons desiring a permit under this section shall make application to the Secretary on a form prescribed by the Secretary.~~

~~(d) The Secretary shall issue a permit for the use of pesticides in waters of the State for the control of nuisance aquatic plants, insects, or other aquatic life, including lamprey, when the applicant demonstrates and the Secretary finds:~~

~~(1) there is no reasonable nonchemical alternative available;~~

~~(2) there is acceptable risk to the nontarget environment;~~

~~(3) there is negligible risk to public health;~~

~~(4) a long-range management plan has been developed ~~which~~ that incorporates a schedule of pesticide minimization; and~~

~~(5) there is a public benefit to be achieved from the application of a pesticide or, in the case of a pond located entirely on a landowner's property, there is no undue adverse effect upon the public good.~~

~~(e) A landowner applying to use a pesticide on a pond located entirely on the landowner's property is exempt from the requirement of subdivision (d)(4) of this section.~~

~~(f) The Secretary shall issue a permit for the control of aquatic nuisances by biological controls, bottom barriers, structural barriers, structural controls, powered mechanical devices, or chemicals other than pesticides when the Secretary finds:~~

~~(1) there is acceptable risk to the nontarget environment;~~

~~(2) there is negligible risk to public health; and~~

~~(3) there is either benefit to or no undue adverse effect upon the~~

~~public good~~

~~(g) The use of bottom barriers, structural barriers, structural controls, powered mechanical devices, and copper compounds as an algaecide in waters with a surface area of one acre or less located entirely on a person's property and with an outlet where the flow can be controlled for at least three days is exempt from the permit requirements of this section.~~

~~***~~

~~(i) An aquatic nuisance control permit issued under this section shall:~~

~~(1) ~~specify~~ Specify in writing the Secretary's findings under subsection (d) or (f) of this section;~~

~~(2) ~~specify~~ Specify the location, manner, nature, and frequency of the permitted activity;~~

~~(3) ~~contain~~ Contain additional conditions, requirements, and restrictions as the Secretary deems necessary to preserve and protect the quality of the receiving waters, to protect the public health, and to minimize the impact on the nontarget environment. ~~Such conditions~~ Conditions may include requirements concerning recording, reporting, and monitoring;~~

~~(4) ~~be~~ Be valid for the period of time specified in the permit, not to exceed five years for chemical control and not to exceed ten years for nonchemical control.~~

~~(j) An aquatic nuisance control permit issued under this chapter may be renewed from time to time upon application to the Secretary. The process of permit renewal will be consistent with the requirements of this section.~~

~~***~~

~~(l) No permit shall be required under this section for mosquito control activities that are regulated by the Agency of Agriculture, Food and Markets, provided that:~~

~~(1) Prior to authorizing the use of larvicides or pupacides in waters of the State, the Secretary of Agriculture, Food and Markets shall designate acceptable control products and methods for their use and issue permits pursuant to 6 V.S.A. § 1083(a)(5); and~~

~~(2) [Repealed.]~~

~~(m) The Secretary may issue general permits for the use of nonchemical aquatic nuisance control activities, provided that the Secretary makes the findings required in subsection (f) of this section. A general permit issued under this subsection is not required to specify the exact location of the~~

~~frequency of the permitted activity;~~

~~(n) The Secretary shall not require a permit under this section for the use of up to 15 bottom barriers on an inland lake to control aquatic nuisance species, provided that:~~

~~(1) the bottom barriers are managed and controlled by a lake association;~~

~~(2) each bottom barrier shall be of no greater size than 14 feet by 14 feet;~~

~~(3) the bottom barriers are not installed: in an area where they create a hazard to public health; or in area where they unreasonably impede boating or navigation;~~

~~(4) the lake association notifies the Secretary of the use of the barriers within three days of placement in a water; and~~

~~(5) the Secretary may require the removal of the bottom barriers upon a determination that the barriers pose a threat to a threatened or endangered species.~~

~~Sec. 4. 10 V.S.A. § 1461 is added to read:~~

~~§ 1461. AQUATIC NUISANCE INSPECTION STATIONS; TRAINING PROGRAM~~

~~(a) The Secretary of Natural Resources shall establish a training program regarding how to conduct inspection of vessels, motor vehicles, trailers, and other equipment for the presence of aquatic plants, aquatic plant parts, and aquatic nuisance species. The training program shall include online training, recorded material, training manuals, or other material that allows a person to complete training remotely.~~

~~(b) The Secretary of Natural Resources shall establish a training program regarding how to decontaminate vessels, motor vehicles, trailers, and other equipment to prevent the spread of aquatic plants, aquatic plant parts, and aquatic nuisance species.~~

~~(c) In order to establish an aquatic nuisance species inspection station for the purposes of the vessel inspection and decontamination requirements of subsection 1454(c) of this title, a lake association, municipality, or the Commissioner of Environmental Conservation shall apply to the Secretary for approval. As a condition of approval, a representative of an lake association or municipality shall complete the training programs established under subsections (a) and (b) of this section. A lake association or municipality seeking to operate an aquatic nuisance species inspection station shall~~

~~Designate a representative to complete the training programs established under subsections (a) and (b) of this section.~~

~~(d) A lake association or municipality approved to operate an aquatic nuisance species inspection station under subsection (b) of this section shall provide persons who will operate the aquatic nuisance species inspection station with training materials furnished by the Secretary regarding how to conduct inspection of vessels, motor vehicles, trailers, and other equipment for the presence of aquatic plants, aquatic plant parts, and aquatic nuisance species.~~

~~Sec. 5. 4 V.S.A. § 1102(b) is amended to read:~~

~~(b) The Judicial Bureau shall have jurisdiction of the following matters:~~

~~* * *~~

~~(27) Violations of 10 V.S.A. § 1454(a)-(d) relating to the transport of aquatic plants and aquatic nuisance species.~~

~~Sec. 6. 23 V.S.A. § 3317(b) is amended to read:~~

~~(b) A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. chapter 201 § 8007 or 8008 or a fine under this chapter, provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:~~

~~§ 3306(e) marine toilet~~

~~§ 3312a operation of personal watercraft~~

~~Sec. 7. AQUATIC NUISANCE CONTROL GENERAL PERMIT~~

~~On or before February 1, 2018, the Secretary of Natural Resources shall issue a general permit for aquatic nuisance control activities. The general permit shall allow for nonchemical aquatic nuisance control activities and any other management or control measures that the Secretary considers appropriate and for which the Secretary has general permit authority under 10 V.S.A. chapter 50. The general permit shall authorize rapid response activities that an individual or lake association may take to control aquatic nuisance species. The provisions of 10 V.S.A. § 1456(a) and (c)-(f) related to the rapid response permits for aquatic nuisance control shall apply to the rapid response activities authorized in the permit required under this section.~~

~~Sec. 8. ANR PUBLIC OUTREACH REGARDING AQUATIC NUISANCE
SPECIES TRANSPORT AND INSPECTION REQUIREMENTS~~

~~Beginning on July 1, 2017, the Secretary of Natural Resources shall provide education and outreach to the public regarding the transport and inspection requirements in 10 V.S.A chapter 50 for the reduction of the spread of aquatic nuisance species. The education and outreach shall include a notification in the Department of Fish and Wildlife guides to hunting and fishing in Vermont regarding the aquatic nuisance transport prohibition and the requirements to inspect vessels for aquatic nuisance species when entering or leaving a water.~~

~~Sec. 9. ANR REPORT; AQUATIC NUISANCE TRANSPORT; LAKE
CHAMPLAIN~~

~~(a) On or before November 15, 2017, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish and Wildlife a report regarding how to control the transport of aquatic nuisances to and from Lake Champlain. The report shall include:~~

~~(1) an inventory of the boat decontamination facilities or other aquatic nuisance control measures currently employed at boat launches, marinas, or other areas on Lake Champlain;~~

~~(2) a summary of whether the current measures to control aquatic nuisance transport to and from Lake Champlain are adequate;~~

~~(3) a proposal for siting boat decontamination facilities or other comparable aquatic nuisance control measures at boat launches, marinas, or other areas on Lake Champlain, including where proposed facilities or other aquatic nuisance control measures would be located;~~

~~(4) a summary of how proposed boat decontamination facilities or comparable aquatic nuisance control measures would be staffed, including whether staff would possess sufficient authority to inspect a vessel entering or leaving Lake Champlain in order to require boat decontamination or another aquatic nuisance control measure;~~

~~(5) an estimate of the cost to implement proposed boat decontamination facilities or other aquatic nuisance control measures on Lake Champlain; and~~

~~(6) a recommendation of whether and how vessels leaving Lake Champlain should be quarantined from entering other waters of the State for a defined time period or until a specific condition is satisfied;~~

~~(7) draft legislation that the Secretary determines is necessary to implement any boat decontamination facility or other aquatic nuisance control measure proposed in the report.~~

~~(b) As used in this section, "aquatic nuisance" and "bessel" shall have the same meanings as set forth in 10 V.S.A. § 1452.~~

Sec. 10. REPEAL

~~10 V.S.A. § 1455(n) (bottom barriers for aquatic nuisance control) shall be repealed on March 1, 2018.~~

Sec. 11. EFFECTIVE DATE

~~This act shall take effect on passage.~~

Sec. 1. 10 V.S.A. § 1452 is amended to read:

§ 1452. DEFINITIONS

As used in this chapter:

(1) "Agency" means the ~~agency of natural resources~~ Agency of Natural Resources.

(2) "Aquatic nuisance" means ~~undesirable or excessive substances or populations that interfere with the recreational potential or aquatic habitat of a body of water, including rooted aquatic plants and animal and algal populations.~~ Aquatic nuisances include rooted aquatic plants and animal and algal populations zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), Asian clam (*Corbicula fluminea*), fishhook waterflea (*Cercopagis pengoi*), rusty crayfish (*Orconectes rusticus*), spiny waterflea (*Bythotrephes longimanus*), or other species identified by the Secretary by rule.

(3) "Aquatic plant" means a plant that naturally grows in water, saturated soils, or seasonally saturated soils, including algae and submerged, floating-leafed, floating, or emergent plants.

(4) "Biological controls" ~~mean~~ means multi-cellular organisms.

(5) "Board" ~~means the water resources panel of the natural resources board.~~ [Repealed.]

* * *

(9) "Secretary" means the ~~secretary of natural resources~~ Secretary of Natural Resources.

(10) "Water resources" means the waters and the values inherent or potential in waters and their uses.

(11) "Waters" means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, and springs and all bodies of surface waters, artificial or natural, ~~which that~~ that are contained within, flow through, or border upon the state State or any portion of it.

(12) "Baitbox" means a receptacle, not exceeding 25 cubic feet in volume, used for holding or keeping baitfish alive for personal use.

(13) "Live well" means a well for keeping fish alive in a vessel by allowing water to circulate through the well.

(14) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(15) "Bilge area" means the lowest point in the vessel where water can collect when the vessel is in its static floating position.

(16) "Decontaminate" means a process used to kill, destroy, or remove aquatic nuisance species and other organic material that may be present in or on a vessel, motor vehicle transporting the vessel, trailer, or other equipment. Decontamination may include washing a vessel, motor vehicle transporting the vessel, trailer, or other equipment with water at a sufficiently high temperature to kill or remove aquatic nuisance species.

(17) "Lake association" means a lake protection organization registered with the Secretary of Natural Resources on a form provided by the Secretary.

(18) "Marina" means a property, other than a public access or landing area regulated under section 4145 of this title, on the shoreline of a water of the State that contains a dock, basin, or ramp that, at no cost or for remuneration, provides to the public secure moorings or vessel access to the water.

(19) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including a snowmobile, motorcycle, all-terrain vehicle, farm tractor, or tracked vehicle.

(20) "Personal watercraft" shall have the same meaning as set forth in 23 V.S.A. § 3302.

(21) "Transport" means to move motor vehicles, vessels, personal watercraft, seaplanes, trailers, and other equipment over land, but does not include movement within the immediate area required for loading and preparing vehicles, vessels, personal watercraft, seaplanes, trailers, and other equipment prior to movement into or away from a body of water.

(22) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft.

Sec. 2. 10 V.S.A. § 1454 is amended to read:

§ 1454. TRANSPORT OF AQUATIC PLANTS AND AQUATIC
NUISANCE SPECIES

~~(a) No transport of aquatic nuisance species; prohibition. A person shall not transport an aquatic plant or aquatic plant part, zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), or other aquatic nuisance species identified by the Secretary by rule to or from any Vermont waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment water. This section shall not restrict:~~

~~(1) proper harvesting or other control activities undertaken for the purpose of eliminating or controlling the growth or propagation of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species; or~~

~~(2) proper collection of water samples for the purpose of water quality monitoring.~~

~~(b) Inspection of vessel entering or leaving water. A person transporting a vessel to or from a water shall, prior to launching the vessel and upon leaving a water, inspect the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment, and shall remove and properly dispose of any aquatic plants, aquatic plant parts, and aquatic nuisance species.~~

~~(c) No-cost boat wash; aquatic nuisance species inspection station. It shall be a violation of this section for a person transporting a vessel to or from a water to not have the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment inspected and decontaminated at an approved aquatic nuisance species inspection station prior to launching the vessel and upon leaving a water if:~~

~~(1) an aquatic nuisance species inspection station is maintained at the area where the vessel is entering or leaving the water;~~

~~(2) the aquatic nuisance species inspection station is open; and~~

~~(3) an individual operating the aquatic nuisance species inspection station identifies the vessel for inspection or decontamination.~~

~~(d) Draining of vessel; transport.~~

~~(1)(A) When leaving a water of the State and prior to transport away from the area where the vessel left the water, a person operating a vessel shall drain the vessel, trailer, and other equipment of water, including water in live wells, ballast tanks, and bilge areas. A person is not required to drain:~~

~~(i) baitboxes when authorized under 10 App. V.S.A. § 122(5) to transport bait in a baitbox away from a water; or~~

(ii) vehicles and trailers specifically designed and used for water hauling.

(B) A person operating a vessel shall drain the vessel, trailer, and other equipment of water in a manner to avoid a discharge to the water of the State. This subdivision (d)(1) does not authorize a person to discharge waste, as defined in section 1251 of this title, to waters of the State. A person shall dispose of waste in the manner required by law.

(2) When a person transports a vessel, the person shall remove or open the drain plugs, bailers, valves, and other devices that are used to control the draining of water from ballast tanks, bilge areas, and live wells of the vessel, trailer, and other equipment, except for vehicles and trailers specifically designed and used for water hauling and emergency response vehicles and equipment.

(e) Presumption of compliance; Aquatic nuisance species inspection station. A person transporting a vessel to or from a water will be presumed to have not violated subsections (a), (b), and (d) of this section if, upon launching a vessel and upon leaving a water, the vessel is decontaminated at an approved aquatic nuisance inspection station. If staff of an approved aquatic nuisance inspection station observe a violation of subsection (a), (b), or (d) of this section, staff shall notify the person transporting the vessel.

(f) Exceptions to transport prohibition. The Secretary may grant exceptions to persons to allow the transport of aquatic plants, zebra mussels, quagga mussels, aquatic plant parts, or other aquatic nuisance species for scientific or purposes, educational purposes, or other purposes specifically authorized by the Secretary. When granting exceptions allowing the transport of aquatic plants, aquatic plant parts, or aquatic nuisance species under this subsection, the Secretary shall take into consideration both the value of the scientific or educational purpose and the risk to Vermont surface waters posed by the transport and ultimate use of the specimens. A letter from the Secretary authorizing the transport must accompany the specimens during transport.

(e)(g) Signage; access areas and marinas. Signage shall be posted at all public access and landing areas regulated under section 4145 of this title and at all marinas regarding the requirements of subsections (a)–(d) of this section relating to aquatic nuisance transport and inspection and decontamination of vessels, motor vehicles transporting vessels, trailers, or other equipment. The Secretary shall provide marinas with the signs required under this section.

(h) Violations. Pursuant to 4 V.S.A. § 1102, a violation of this section may be brought in the Judicial Bureau by any law enforcement officer, as that term is defined in 23 V.S.A. § 3302(2), or, pursuant to section 8007 or 8008 of

this title, a violation of this section may be brought in the Environmental Division of the Superior Court. When a violation is brought by an enforcement officer other than an environmental enforcement officer employed by the Agency of Natural Resources, the enforcement officer shall submit to the Secretary a copy of the citation for purposes of compliance with the public participation requirements of section 8020 of this title. If a violation of this section is adjudicated in the Judicial Bureau or the Environmental Division, the violation shall not be addressed or adjudicated a second time in the other court.

Sec. 3. 10 V.S.A. § 1455(a) is amended to read:

(a) No A person may shall not use pesticides, chemicals other than pesticides, biological controls, bottom barriers, structural barriers, structural controls, or powered mechanical devices in waters of the State to control nuisance aquatic plants, insects, or other aquatic nuisances, including lamprey, unless that person has been issued a permit by the secretary Secretary.

Sec. 4. 10 V.S.A. § 1461 is added to read:

§ 1461. AQUATIC NUISANCE INSPECTION STATIONS; TRAINING PROGRAM

(a) The Secretary of Natural Resources shall establish a training program regarding how to conduct inspection of vessels, motor vehicles, trailers, and other equipment for the presence of aquatic plants, aquatic plant parts, and aquatic nuisance species. The training program shall include online training, recorded material, training manuals, or other material that allows a person to complete training remotely.

(b) The Secretary of Natural Resources shall establish a training program regarding how to decontaminate vessels, motor vehicles, trailers, and other equipment to prevent the spread of aquatic plants, aquatic plant parts, and aquatic nuisance species. The training program shall instruct participants regarding how to address noncompliance with the requirements of section 1454 of this title, including how:

(1) operators of the inspection station do not have authority to board a vessel unless authorized by the vessel owner; and

(2) operators of the inspection station do not have law enforcement authority to mandate compliance with the requirements of section 1454 of this title.

(c) In order to establish an aquatic nuisance species inspection station for the purposes of the vessel inspection and decontamination requirements of

subsection 1454(c) of this title, a lake association, municipality, or the Commissioner of Environmental Conservation shall apply to the Secretary for approval. As a condition of approval, a representative of a lake association or municipality shall complete the training programs established under subsections (a) and (b) of this section. A lake association or municipality seeking to operate an aquatic nuisance species inspection station shall designate a representative to complete the training programs established under subsections (a) and (b) of this section.

(d) A lake association or municipality approved to operate an aquatic nuisance species inspection station under subsection (c) of this section shall provide persons who will operate the aquatic nuisance species inspection station with training materials furnished by the Secretary regarding how to conduct the inspection and decontamination of vessels, motor vehicles, trailers, and other equipment for the presence of aquatic plants, aquatic plant parts, and aquatic nuisance species.

(e) The Secretary may adopt rules under section 1460 of this title to implement the training requirements of this section, including an annual schedule of available training.

Sec. 5. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(27) Violations of 10 V.S.A. § 1454(a)–(d) relating to the transport of aquatic plants and aquatic nuisance species.

Sec. 6. 23 V.S.A. § 3317(b) is amended to read:

(b) A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. ~~chapter 201~~ § 8007 or 8008 or a fine under this chapter, provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:

§ 3306(e) marine toilet

§ 3312a operation of personal watercraft

Sec. 7. USE OF BOTTOM BARRIERS WITHOUT PERMIT

(a) The Secretary of Natural Resources shall not require an aquatic nuisance control permit under 10 V.S.A. § 1455 for the use of up to 15 bottom barriers on an inland lake to control nonnative aquatic nuisance species, provided that:

(1) the bottom barriers are managed and controlled by a lake association;

(2) each bottom barrier shall be of no greater size than 14 feet by 14 feet;

(3) the bottom barriers are not installed in an area where they:

(A) create a hazard to public health; or

(B) unreasonably impede boating or navigation;

(4) the lake association notifies the Secretary of the use of the barriers:

(A) three days prior to placement of the barriers in a water if the Secretary has identified the water as containing threatened or endangered species; or

(B) on the day the barriers are placed in the water if the Secretary has not identified the water as containing threatened or endangered species; and

(5) the Secretary may require the removal of the bottom barriers upon a determination that the barriers pose a threat to a threatened or endangered species.

(b) The Secretary of Natural Resources shall designate an e-mail address, telephone number, or other publicly available method by which a lake association may provide the notice required by this section seven days a week.

Sec. 8. REPEAL; BOTTOM BARRIERS

Sec. 7 of this act (bottom barriers for aquatic nuisance control) shall be repealed on March 1, 2018.

Sec. 9. AQUATIC NUISANCE CONTROL GENERAL PERMIT

On or before February 1, 2018, the Secretary of Natural Resources shall issue a general permit for aquatic nuisance control activities. The general permit shall allow for nonchemical aquatic nuisance control activities and any other management or control measures that the Secretary considers appropriate and for which the Secretary has general permit authority under 10 V.S.A. chapter 50. The general permit shall authorize rapid response activities that an individual or lake association may take to control aquatic nuisance

species. The provisions of 10 V.S.A. § 1456(a) and (c)–(f) related to the rapid response permits for aquatic nuisance control shall apply to the rapid response activities authorized in the permit required under this section.

Sec. 10. ANR PUBLIC OUTREACH REGARDING AQUATIC NUISANCE SPECIES TRANSPORT AND INSPECTION REQUIREMENTS

Beginning on July 1, 2017, the Secretary of Natural Resources shall provide education and outreach to the public regarding the transport and inspection requirements in 10 V.S.A chapter 50 for the reduction of the spread of aquatic nuisance species. The education and outreach shall include a notification in the Department of Fish and Wildlife guides to hunting and fishing in Vermont regarding the aquatic nuisance transport prohibition and the requirements to inspect vessels for aquatic nuisance species when entering or leaving a water.

Sec. 11. ANR REPORT; AQUATIC NUISANCE TRANSPORT; LAKE CHAMPLAIN

(a) On or before November 15, 2017, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish and Wildlife a report regarding how to control the transport of aquatic nuisances to and from Lake Champlain. The report shall include:

(1) an inventory of the boat decontamination facilities or other aquatic nuisance control measures currently employed at boat launches, marinas, or other areas on Lake Champlain;

(2) a summary of whether the current measures to control aquatic nuisance transport to and from Lake Champlain are adequate;

(3) a proposal for siting boat decontamination facilities or other comparable aquatic nuisance control measures at boat launches, marinas, or other areas on Lake Champlain, including where proposed facilities or other aquatic nuisance control measures would be located;

(4) a summary of how proposed boat decontamination facilities or comparable aquatic nuisance control measures would be staffed, including whether staff would possess sufficient authority to inspect a vessel entering or leaving Lake Champlain in order to require boat decontamination or another aquatic nuisance control measure;

(5) an estimate of the cost to implement proposed boat decontamination facilities or other aquatic nuisance control measures on Lake Champlain; and

(6) a recommendation of whether and how vessels leaving Lake Champlain should be quarantined from entering other waters of the State for a defined time period or until a specific condition is satisfied; and

(7) draft legislation that the Secretary determines is necessary to implement any boat decontamination facility or other aquatic nuisance control measure proposed in the report.

(b) As used in this section, “aquatic nuisance” and “vessel” shall have the same meanings as set forth in 10 V.S.A. § 1452.

Sec. 12. 10 V.S.A. § 1264b is amended to read:

§ 1264b. STORMWATER-IMPAIRED WATERS RESTORATION
STORMWATER FUND

(a) A fund to be known as the stormwater-impaired waters restoration fund Stormwater Fund is created in the state treasury State Treasury to be expended by the secretary of natural resources Secretary of Natural Resources. The fund Fund shall be administered by the secretary of natural resources through the facilities engineering division Secretary of Natural Resources. The fund Fund shall consist of:

(1) Stormwater stormwater impact fees paid by permittees in order to meet applicable permitting standards for the discharges of regulated stormwater runoff to the stormwater-impaired waters of the state State and Lake Champlain and waters that contribute to the impairment of Lake Champlain;

(2) Such such sums as may be appropriated or transferred to the fund Fund by the general assembly, the state emergency board, or the joint fiscal committee General Assembly, the State Emergency Board, or the Joint Fiscal Committee during such times when the general assembly General Assembly is not in session;

(3) Principal principal and interest received from the repayment of loans made from the fund Fund;

(4) Private private gifts, bequests, and donations made to the state State for any of the purposes for which the fund Fund was established; and

(5) Other other funds from any public or private source intended for use for any of the purposes for which the fund Fund has been established.

(b) The fund Fund shall maintain separate accounts for each stormwater-impaired water and each phosphorus-impaired lake segment of Lake Champlain and the monies in each account may only be used to fund offsets in the designated water. Offsets shall be designed to reduce the sediment load, phosphorus load, or hydrologic impact of regulated stormwater runoff in stormwater-impaired waters the receiving water. All balances in the fund Fund at the end of any fiscal year shall be carried forward and remain a part of the fund Fund. Interest earned by the fund Fund shall be deposited into the

~~fund~~ Fund.

~~(c) The facilities—engineering—division Secretary may authorize disbursements from the fund Fund to offsets that meet the requirements of the rule adopted pursuant to subsection 1264a(e) 1264(f) of this title. The public funds used to capitalize the stormwater-impaired waters restoration fund Fund shall:~~

~~(1) Be be disbursed only to an offset that is owned or operated by a municipality or a governmental subdivision, agency, or instrumentality; and~~

~~(2) Be be disbursed only to reimburse a municipality or a governmental subdivision, agency, or instrumentality for those funds provided by the municipality or governmental subdivision, agency, or instrumentality to complete or construct an offset.~~

~~(d) A municipality or governmental subdivision, agency, or instrumentality may, on an annual basis, reserve capacity in an offset that the municipality or governmental subdivision, agency, or instrumentality operates or owns and that meets the requirements of subsection 1264a(e) the rule adopted pursuant to subsection 1264(f) of this title. A municipality or governmental subdivision, agency, or instrumentality reserving offset capacity shall inform the secretary of natural resources Secretary of the offset capacity for which the offset will not receive disbursements from the stormwater-impaired waters restoration fund Fund for nonmunicipal discharges. A municipality that reserves capacity as an offset may receive disbursements from the fund to mitigate the uncontrolled sediment load or hydrologic impact in discharges for which the municipality is issued a permit for the discharge of regulated stormwater runoff under subdivision 1264a(b)(1) of this title.~~

~~(e) Eligible persons may apply for a grant from the fund Fund to design and implement an offset. The fund Fund may be used to match other public and private sources of funding for such projects. The funds may also be used to match federal funds otherwise available to capitalize the fund created by 24 V.S.A. § 4753(a)(8).~~

~~(f) A discharger that pays a stormwater impact fee to the stormwater-impaired waters restoration fund under section 1264a of this title Fund in order to receive a permit for the discharge of regulated stormwater runoff may receive reimbursement of that fee if the discharger fails to discharge under the stormwater discharge permit, if the discharger notifies the secretary Secretary of the abandonment of the discharge permit, and if the secretary Secretary determines that unobligated monies for reimbursement remain in the stormwater-impaired restoration fund Fund.~~

Sec. 13. REPEAL; INTERIM STORMWATER PERMITTING

10 V.S.A. § 1264a(e) (interim stormwater permitting authority) is repealed.

Sec. 14. EFFECTIVE DATES

(a) This section and Secs. 1–11 (aquatic nuisance species control) shall take effect on passage.

(b) Secs. 12 and 13 (stormwater management) shall take effect on July 1, 2017.