

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish and Wildlife to which was
3 referred House Bill No. 730 entitled “An act relating to State response to
4 waters in crisis” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. chapter 47, subchapter 2a is added to read:

8 Subchapter 2a. Lake in Crisis

9 § 1310. DESIGNATION OF LAKE IN CRISIS

10 (a) Designation. The Secretary shall designate a lake as in crisis if the lake
11 or segments of the lake have been listed as impaired and the Secretary
12 determines that the condition of the lake will cause one or more of the
13 following:

14 (1) a potential harm to the public health;

15 (2) a risk of damage to the environment or natural resources; or

16 (3) significant devaluation of the value of real property or other
17 significant negative economic effects.

18 (b) Sole authority. When a lake is declared in crisis, the Secretary shall
19 assume the sole authority for regulation of water quality requirements in the
20 watershed of the lake in crisis, including:

21 (1) agricultural water quality requirements under 6 V.S.A. chapter 215;

1 (2) compliance with water quality requirements for State roads under the
2 Transportation Separate Storm Sewer System (TS4) General Permit.

3 § 1311. STATE RESPONSE TO A LAKE IN CRISIS

4 (a) Emergency response plan. The Secretary shall issue an emergency
5 response plan for each lake designated in crisis. The emergency response plan
6 shall include proposed actions for remediating the lake and eliminating the
7 crisis conditions. The emergency response plan shall include an estimate of
8 the funding necessary to implement the response plan.

9 (b) Emergency orders.

10 (1) Upon designation of a lake in crisis under section 1310 of this title,
11 the Secretary is authorized to issue emergency orders regulating activity within
12 the watershed of the lake that contributes to the impairment or conditions of
13 the lake in crisis.

14 (2) ANR shall review all agricultural practices in the watershed of the
15 lake in crisis, including application of nutrients according to a nutrient
16 management plan. If the source of pollution in the lake in crisis is phosphorus,
17 the Secretary shall issue an emergency order prohibiting agricultural practices
18 in the watershed that contribute phosphorus to the lake in crisis. ANR shall
19 compensate farmers in the watershed for economic losses directly attributable
20 to the emergency order.

1 (c) Funding. Upon designation of a lake in crisis, the Secretary,
2 notwithstanding the requirement of 32 V.S.A. § 706, may transfer the transfer
3 balances of appropriations not to exceed \$50,000.00 made under any
4 appropriation act for the support of the Agency from one department or other
5 unit of the Agency to fund the response to the lake in crisis. The Secretary
6 shall within 15 days of the designation of the lake in crisis request from the
7 Secretary of Administration additional funds to implement the emergency
8 response plan for the lake in crisis. In the next subsequent budget submitted to
9 the General Assembly under 32 V.S.A. § 701, the Secretary of Administration
10 shall propose funding necessary to implement fully the emergency response
11 plan for the lake in crisis.

12 (d) Agency cooperation and services. All other State agencies shall
13 cooperate with the Secretary in responding to the lake in crisis, and the
14 Secretary shall be entitled to seek financial, technical, and scientific input or
15 services from the Agency of Agriculture, Food and Markets, the Agency of
16 Transportation, or other necessary State agencies.

17 § 1312. PUBLIC HEARING; TRANSPARENCY

18 (a) Public hearing. The Secretary shall hold at least one public hearing in
19 the watershed of the lake in crisis and shall provide an opportunity for public
20 notice and comment for any water quality program, project, or emergency
21 order proposed for implementation in the watershed of the lake in crisis.

1 (b) Records. To the extent authorized under State or federal law, records
2 produced or acquired by the Secretary in establishing a water quality program
3 or project in the watershed shall be subject to public inspection and copying
4 under the Public Records Act, including nutrient management plans of farms in
5 the watershed of the lake in crisis.

6 Sec. 2. LAKE CARMI; LAKE IN CRISIS

7 The General Assembly declares Lake Carmi as a lake in crisis under
8 10 V.S.A. chapter 47, subchapter 2a. The emergency response plan for Lake
9 Carmi shall include implementation of a phosphorus management plan that
10 incorporates requirements for aeration of Lake Carmi.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on passage.

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18 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE