

1 Introduced by
2 Referred to Committee on
3 Date:
4 Subject: Conservation and development; water resources; lake in crisis
5 Statement of purpose of bill as introduced: This bill proposes to authorize the
6 Secretary of Natural Resources to designate a lake as being in crisis. Upon
7 designation of a lake in crisis, the Secretary would be required to adopt an
8 emergency response plan to remediate the lake.

9 An act relating to State response to lakes in crisis

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

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

12 Subchapter 2a. Lake in Crisis

13 § 1310. DESIGNATION OF LAKE IN CRISIS

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

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

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

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

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

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

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

9 § 1311. STATE RESPONSE TO A LAKE IN CRISIS

10 (a) Emergency response plan. The Secretary shall issue an emergency
11 response plan for each lake designated in crisis. The emergency response plan
12 shall include proposed actions for remediating the lake and eliminating the
13 crisis conditions. The emergency response plan shall include an estimate of
14 the funding necessary to implement the response plan.

15 (b) Emergency orders.

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

20 (2) ANR shall review all agricultural practices in the watershed of the
21 lake in crisis, including application of nutrients according to a nutrient

1 management plan. If the source of pollution in the lake in crisis is phosphorus,
2 the Secretary shall issue an emergency order prohibiting agricultural practices
3 in the watershed that contribute phosphorus to the lake in crisis. ANR shall
4 compensate farmers in the watershed for economic losses directly attributable
5 to the emergency order.

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

17 (d) Agency cooperation and services. All other State agencies shall
18 cooperate with the Secretary in responding to the lake in crisis, and the
19 Secretary shall be entitled to seek financial, technical, and scientific input or
20 services from the Agency of Agriculture, Food and Markets, the Agency of
21 Transportation, or other necessary State agencies.

1 § 1312. PUBLIC HEARING; TRANSPARENCY

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

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

11 Sec. 2. LAKE CARMI; LAKE IN CRISIS

12 The General Assembly declares Lake Carmi as a lake in crisis under
13 10 V.S.A. chapter 47, subchapter 2a. The emergency response plan for Lake
14 Carmi shall include implementation of a phosphorus management plan that
15 incorporates requirements for aeration of Lake Carmi.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.