

Department of Environmental Conservation

Comments on S.260, HNR&W Proposal of Amendment ([4/11/2018 version 1.3](#))

Section 2: Clean Water Working Group: recommend changing appointments to the following:

- Speaker (2 appointees) (hospitality, agriculture)
- Committee on Committees (2 appointees) (watershed organization, financial expert)
- VLCT (2 municipal appointees)
- Governor (4 appointees, including ANR, AAFM, Tax & business representative)

Section 3-5: Occupancy Surcharge.

- Strike these sections

Section 6: Clean Water Fund Board

- Two municipal appointees should be appointed by VLCT (not House/Senate)

Section 7: Water Quality Block Grants

- Strike (b)(2): Capital appropriations cannot support these activities (capacity building, identifying projects, etc.), which will make block grants ineligible for capital funding
- Generally, this section will impede block grants rather than enable them.
- Recommend striking section 7. H.559 §8 is better.

Section 8: Lakes in Crisis

- 10 VSA 1311(a)(1) Possible unconstitutional delegation of authority; scope of agency's authority is overly broad. Recommend striking (a)(1).
- 10 VSA 1312(a) Replace "lake in crisis order" with an administrative order pursuant to 10 VSA § 8008
- 10 VSA 1312(b) Unnecessary if using administrative order procedure in 10 VSA § 8008; strike.
- 10 VSA 1314(b)(2) Environmental Contingency Fund is not appropriate source of funding; strike.