

**Vermont Agency of Natural Resources, Department of Environmental Conservation**  
**Senate Natural Resources & Energy, S.75**  
**Thursday, March 2, 2017**

A. The Department of Environmental Conservation strongly supports the changes to the enforcement provisions submitted to the Committee by the Judicial Bureau.

B. The Department proposes that the Committee remove the boat wash requirement, currently included under Sec. 2 of the bill, 10 V.S.A. § 1454(b). Instead, the Department proposes a boat draining requirement to be added as 10 V.S.A. § 1454(a)(3) and (4), as follows:

(3) When leaving a water of the State and prior to transport, vehicles, vessels, personal watercraft, seaplanes, trailers, and other equipment shall be drained of water, including water in live wells, ballast tanks, and bilge areas. Draining shall not be required for baitboxes and for vehicles and trailers specifically designed and used for water hauling. Draining shall be conducted away from the water so as to avoid discharge to the water. This section does not authorize the discharge of any wastes, as defined in section 1251 of this title, to waters of the State. All wastes shall be disposed of as otherwise required by law.

(4) When vehicles, vessels, personal watercraft, seaplanes, trailers, and other equipment, except for vehicles and trailers specifically designed and used for water hauling and emergency response vehicles and equipment, are in transport: drain plugs, bailers, valves, and other devices that are used to control the draining of water from ballast tanks, bilge areas, and live wells shall be removed or open.

C. The Department proposes that the Committee remove the exemption from permitting for bottom barriers, currently included under Sec. 3 of the bill, 10 V.S.A. § 1455(n). Instead, the Department proposes including a requirement under session law for the Department to adopt a nonchemical aquatic nuisance control general permit by December 31, 2017:

Sec. ?. NONCHEMICAL AQUATIC NUISANCE CONTROL GENERAL PERMIT

The Secretary shall issue a general permit under 10 V.S.A. 1455(m) for the use of nonchemical aquatic nuisance control activities by December 31, 2017.