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H.392

Introduced by Representatives Helm of Fair Haven, Canfield of Fair Haven,  
McCoy of Poultney, and Terenzini of Rutland Town

Referred to Committee on

Date:

Subject: Conservation and development; appropriations; Clean Water Fund;  
funding municipal water quality programs

Statement of purpose of bill as introduced: This bill proposes to require that  
the Clean Water Board's annual recommendations of appropriations shall  
include a recommendation that at least 25 percent of the funds deposited into  
the Clean Water Fund shall be available to municipalities to fund or reimburse  
municipal costs of complying with the water quality requirements of a total  
maximum daily load plan, the water quality requirements of 2015 Acts and  
Resolves No. 64, or the requirements of the Agency's Combined Sewer  
Overflow Rule.

An act relating to funding municipal implementation of required water  
quality programs

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

2 Sec. 1. 10 V.S.A. § 1389 is amended to read:

3 § 1389. CLEAN WATER BOARD

4 (a) Creation.

5 (1) There is created the Clean Water Board that shall:

6 (A) be responsible and accountable for planning, coordinating, and  
7 financing of the remediation, improvement, and protection of the quality of  
8 State waters;

9 (B) recommend to the Secretary of Administration expenditures:

10 (i) appropriations from the Clean Water Fund; and

11 (ii) clean water projects to be funded by capital appropriations.

12 (2) The Clean Water Board shall be attached to the Agency of  
13 Administration for administrative purposes.

14 \* \* \*

15 (d) Powers and duties of the Clean Water Board. The Clean Water Board  
16 shall have the following powers and authority:

17 (1) The Clean Water Board shall recommend to the Secretary of  
18 Administration the appropriate allocation of funds from the Clean Water Fund  
19 for the purposes of developing the State budget required to be submitted to the  
20 General Assembly under 32 V.S.A. § 306. The recommendations of the Board  
21 annually shall include a recommendation that at least 25 percent of the funds

1 deposited into the Clean Water Fund shall be available to municipalities to  
2 fund or reimburse municipal costs of complying with the water quality  
3 requirements of a total maximum daily load plan, the requirements of 2015  
4 Acts and Resolves No. 64, or the requirements of the Agency's Combined  
5 Sewer Overflow Rule. All recommendations from the Board should be  
6 intended to achieve the greatest water quality gain for the investment. The  
7 recommendations of the Clean Water Board shall be open to inspection and  
8 copying under the Public Records Act, and the Clean Water Board shall submit  
9 to the Senate Committees on Appropriations, on Finance, on Agriculture, and  
10 on Natural Resources and Energy and the House Committees on  
11 Appropriations, on Ways and Means, on Agriculture and Forestry, and on  
12 Natural Resources, Fish, and Wildlife a copy of any recommendations  
13 provided to the Governor.

14 \* \* \*

15 (e) Priorities.

16 (1) In making recommendations under subsection (d) of this section  
17 regarding the appropriate allocation of funds from the Clean Water Fund, the  
18 Board shall prioritize:

19 (A) funding to programs and projects that address sources of water  
20 pollution in waters listed as impaired on the list of waters established by  
21 33 U.S.C. § 1313(d);

1 (B) funding to projects that address sources of water pollution  
2 identified as a significant contributor of water quality pollution, including  
3 financial assistance to grant recipients at the initiation of a funded project;

4 (C) funding to programs or projects that address or repair riparian  
5 conditions that increase the risk of flooding or pose a threat to life or property;

6 (D) assistance required for State ~~and municipal~~ compliance with  
7 stormwater requirements for highways and roads;

8 \* \* \*

9 (H) funding to municipalities ~~for the establishment and operation of~~  
10 ~~stormwater utilities~~ to fund or reimburse municipal costs of complying with the  
11 water quality requirements of a total maximum daily load plan, the  
12 requirements of 2015 Acts and Resolves No. 64, or the requirements of the  
13 Agency's Combined Sewer Overflow Rule; and

14 (I) investment in watershed basin planning, water quality project  
15 identification screening, water quality project evaluation, and conceptual plan  
16 development of water quality projects.

17 (2) In developing its recommendations under subsection (d) of this  
18 section regarding the appropriate allocation of funds from the Clean Water  
19 Fund, the Clean Water Board shall, ~~during the first three years of its existence~~  
20 ~~and~~ within the priorities established under subdivision (1) of this subsection  
21 ~~(e)~~, prioritize awards or assistance to municipalities for municipal compliance

1 with the water quality requirements of a total maximum daily load plan, the  
2 requirements of 2015 Acts and Resolves No. 64, or the requirements of the  
3 Agency's Combined Sewer Overflow Rule and to municipalities for the  
4 establishment and operation of stormwater utilities.

5 (3) In developing its recommendations under subsection (d) of this  
6 section regarding the appropriate allocation of funds from the Clean Water  
7 Fund, the Board shall, after satisfaction of the priorities established under  
8 subdivision (1) of this subsection (~~e~~), attempt to provide investment in all  
9 watersheds of the State based on the needs identified in watershed basin plans.

10 \* \* \*

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on passage.