

Sec. X. 10 V.S.A. § 1283a is added to read:

§ 1283a. CONTAMINANTS OF EMERGING CONCERN SPECIAL FUND

(a) The Contaminants of Emerging Concern Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 to provide grants to public water systems responding to or remediating emerging contaminants in a public water supply. The Secretary of Natural Resources shall administer the Fund and may make disbursements from the Fund for the following costs:

(1) investigation of an actual or threatened impact to or contamination of natural resources or public assets presented by an emerging contaminant;

(2) reimbursement to any person for:

(A) expenditures made to provide alternative water supplies or to take other emergency measures deemed necessary by the Secretary to protect human health from emerging contaminants; or

(B) expenditures by a public asset to pay for the treatment or disposal of an emerging contaminant;

(3) payment of the costs of oversight or conducting assessment of a natural resource where injury has resulted or is likely to result from of an emerging contaminant; or

(4) payment of the costs of oversight or conducting restoration, replacement, or rehabilitation of a natural resource injured by an emerging contaminant.

(b) The Secretary may bring an action under this section or other available State and federal laws to enforce the obligation to repay the Fund.

(c) As used in this section:

(1) “Emerging contaminant” means:

(A) a hazardous material as defined in subdivision 6602(16) of this title;

(B) any constituent for which the Department of Health has established a health advisory; or

(C) any constituent that the Secretary determines is an imminent and substantial endangerment to human health, natural resources, or public assets.

(2) “Natural resources” means fish, wildlife, biota, air, surface water, groundwater, wetlands, drinking water supplies, or State-held public lands.

(3) “Public asset” means:

(A) any wastewater treatment facility permitted under chapter 47 of this title;

(B) any public water system or noncommunity system permitted under chapter 56 of this title;

(C) any potable water supply permitted under chapter 64 of this title; or

(D) any facility for the disposal of solid waste permitted under chapter 159, provided that the facility did not know that the waste was an emerging contaminant at the time of disposal.

(4) “Secretary” shall mean Secretary of Natural Resources.

(d) Nothing in this section shall be construed to preclude, supplant, or limit any other statutory or common-law rights or remedies.