1	H.299
2	Introduced by Representatives Cina of Burlington, McCullough of Williston,
3	and Vyhovsky of Essex
4	Referred to Committee on
5	Date:
6	Subject: Conservation and development; agriculture; real property; solid
7	waste; water quality; drinking water; septage; cyanobacteria; notice
8	Statement of purpose of bill as introduced: This bill proposes to require a
9	person permitted by the Secretary of Agriculture, Food and Markets to apply
10	pesticides in a right of way to provide public notice of the application. This
11	bill also proposes to require all public water supply system permittees to
12	publicly display their most recent results from monitoring or sampling.
13	Additionally, this bill would require all public water supply systems, including
14	restaurants, schools, hospitals, and gas stations, that are not in compliance to
15	display notice of their results and notice of noncompliance at each public
16	entrance. This bill also proposes to require the Department of Health, at least
17	every other day, to conduct or arrange for monitoring for the presence
18	cyanobacteria in every State or municipal recreation area where the public can
19	come into contact with waters of the State. This bill would also require public
20	notice of the land application of biosolids or septage. In addition, this bill
21	proposes to require the seller of real property to disclose to the buyer prior to

## BILL AS INTRODUCED 2021

the conveyance whether a water within a five mile radius of the property tested
positive for cyanobacteria in the five years prior to the conveyance.

3 4	An act relating to requiring public notice of environmental activities or public health conditions
5	It is hereby enacted by the General Assembly of the State of Vermont:
6	* * * Pesticide Application in Right-of-Way; Notice * * *
7	Sec. 1. 6 V.S.A. § 1114 is added to read:
8	<u>§ 1114. NOTICE OF APPLICATION; RIGHT-OF-WAY PERMIT</u>
9	A person permitted by the Secretary under this chapter or rules adopted
10	under this chapter to apply a pesticide in a right-of-way shall provide public
11	notice in the municipality or municipalities of the pesticide to be applied and
12	the date, time, and location of the application of the pesticide. The person shall
13	provide the public notice:
14	(1) for at least 45 days beginning not less than 25 days prior to
15	application and ending no sooner than 20 days after application;
16	(2) by television or radio announcement that is broadcast in the
17	municipality or municipalities in which application will occur;
18	(3) by publishing notice of the application in a newspaper that is
19	circulated in the municipality or municipalities in which application will occur;

1	(4) by publishing notice of the application on at least two Internet news
2	sites; and
3	(5) by posting notice of the application on the person's Internet website
4	or any social media account maintained by the person.
5	* * * Public Water System; Notice of Noncompliance * * *
6	Sec. 2. 10 V.S.A. § 1675 is amended to read:
7	§ 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF
8	REVOCATION
9	* * *
10	(j) Public notice requirement. In addition to the federal public notice
11	requirements under 42 U.S.C. § 300g-3(c), the permittee of a public water
12	supply system shall prominently display in public view at all times the most
13	current drinking water quality monitoring report for the system.
14	(1) In addition to the general requirement, all public water systems shall
15	display notice within five feet of each public entrance and between five feet
16	and seven feet from the floor where it can be read at a distance of one foot
17	away whenever the permittee of a public water supply system:
18	(A) is not in compliance with this chapter or with regulations adopted
19	to comply with the national primary drinking water regulations;
20	(B) fails to perform public water system monitoring as required by
21	State and federal drinking water standards;

1	(C) is subject to a variance granted for an inability to meet a
2	maximum contaminant level requirement;
3	(D) is subject to an exemption; or
4	(E) fails to comply with the requirements prescribed by a variance or
5	exemption.
6	(2) All public water systems shall be subject to subdivision (1) of this
7	subsection until the permittee has demonstrated compliance with State and
8	federal drinking water standards in the permittee's most current drinking water
9	quality monitoring report.
10	* * * Notice of Land Application of Biosolids and Septage * * *
11	Sec. 3. 10 V.S.A. § 6610 is added to read:
12	§ 6610. NOTICE OF LAND APPLICATION OF BIOSOLIDS AND
13	<u>SEPTAGE</u>
14	(a) Definitions. As used in this section:
15	(1) "Biosolids" means sewage sludge that has been treated for the
16	reduction of pathogens and that meets applicable requirements for contaminant
17	concentrations, vector attraction reduction, and pathogen densities.
18	(2) "Septage" means the liquid and solid materials pumped from a septic
19	tank or cesspool during cleaning.
20	(3) "Sludge" or "sewage sludge" means any solid, semisolid, or liquid
21	generated from a municipal, commercial, or industrial wastewater treatment

1	plant or process, water supply treatment plant, or air pollution control facility,
2	or any other waste having similar characteristics and effects.
3	(b) Notice. A person permitted under this chapter to land apply biosolids
4	or septage shall provide public notice of the date, time, and location of the land
5	application. The person shall provide the public notice:
6	(1) at least 48 hours before land application;
7	(2) by television or radio announcement that is broadcast in the
8	municipality in which land application will occur;
9	(3) by publishing notice of the land application in a newspaper that is
10	circulated in the municipality in which land application will occur;
11	(4) by publishing notice of the land application on at least two Internet
12	news sites; and
13	(5) by posting notice of the land application on the person's Internet
14	website or any social media account maintained by the person.
15	* * * Cyanobacteria Monitoring; Notice * * *
16	Sec. 4. 18 V.S.A. § 1222 is amended to read:
17	§ 1222. CYANOBACTERIA MONITORING AND NOTIFICATION
18	(a) As used in this section:
19	(1) "Cyanobacteria" means photosynthetic bacteria that have two
20	photosystems, produce molecular oxygen, and use water as an electron-

1	donating substrate in photosynthesis, including microcystis, anabaena, and
2	aphanizomenon.
3	(2) "Waters" shall have has the same meaning as used in 10 V.S.A.
4	§ 1251.
5	(b) The Commissioner of Health, in consultation with the Secretary of
б	Natural Resources, shall coordinate efforts to monitor the presence of
7	cyanobacteria in the waters of the State.
8	(c) The Department of Health shall maintain a publicly accessible Internet
9	site that provides information concerning the presence of cyanobacteria in
10	areas known to be used for recreation, including swimming or boating. Within
11	one hour of a determination that the presence of cyanobacteria in a recreation
12	area is a public health hazard, the Commissioner of Health shall conduct public
13	outreach describing the area affected and the nature of the public health hazard
14	in the area.
15	(d) At least every other day, the Department of Health shall conduct or
16	arrange for monitoring for the presence of cyanobacteria in every State or
17	municipal recreation area where the public can come into contact with waters
18	of the State.
19	* * * Real Property; Disclosure of Cyanobacteria * * *
20	Sec. 5. 27 V.S.A. § 617 is added to read:
21	§ 617. DISCLOSURE OF CYANOBACTERIA PRESENCE

1	(a) As used in this section:
2	(1) "Cyanobacteria" means photosynthetic bacteria that have two
3	photosystems, produce molecular oxygen, and use water as an electron-
4	donating substrate in photosynthesis, including microcystis, anabaena, and
5	aphanizomenon.
6	(2) "Waters" has the same meaning as used in 10 V.S.A. § 1251.
7	(b) Disclosure of cyanobacteria presence. For a contract for the
8	conveyance of real property, the seller prior to conveyance shall provide the
9	buyer with a disclosure form notifying the buyer if any water located within a
10	five mile radius of the real property tested positive for cyanobacteria in the
11	five years preceding the date of conveyance. The disclosure form shall include
12	the name of the water that tested positive for cyanobacteria and the date when
13	the water tested positive.
14	(c) Penalty; liability. Liability for failure to provide the disclosure form
15	required by this section shall be a civil penalty, imposed by the Department of
16	Health under 18 V.S.A. chapter 3, of not less than \$25.00 and not more than
17	\$250.00 for each violation.
18	* * * Effective Dates * * *
19	Sec. 6. EFFECTIVE DATES
20	(a) This section and Secs. 1 (pesticide application), 2 (public water
21	systems), and 4 (cyanobacteria monitoring) shall take effect on passage.

- 1 (b) Sec. 3 (land application of biosolids and septage) shall take effect
- 2 <u>January 1, 2022.</u>
- 3 (c) Sec. 5 (notice of cyanobacteria outbreak on conveyance) shall take
- 4 <u>effect July 1, 2021.</u>