

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.299

Introduced by Representatives Cina of Burlington, McCullough of Williston,
and Vyhovsky of Essex

Referred to Committee on

Date:

Subject: Conservation and development; agriculture; real property; solid
waste; water quality; drinking water; septage; cyanobacteria; notice

Statement of purpose of bill as introduced: This bill proposes to require a
person permitted by the Secretary of Agriculture, Food and Markets to apply
pesticides in a right of way to provide public notice of the application. This
bill also proposes to require all public water supply system permittees to
publicly display their most recent results from monitoring or sampling.

Additionally, this bill would require all public water supply systems, including
restaurants, schools, hospitals, and gas stations, that are not in compliance to
display notice of their results and notice of noncompliance at each public
entrance. This bill also proposes to require the Department of Health, at least
every other day, to conduct or arrange for monitoring for the presence
cyanobacteria in every State or municipal recreation area where the public can
come into contact with waters of the State. This bill would also require public
notice of the land application of biosolids or septage. In addition, this bill
proposes to require the seller of real property to disclose to the buyer prior to

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

3 An act relating to requiring public notice of environmental activities or
4 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 § 1114. NOTICE OF APPLICATION; RIGHT-OF-WAY PERMIT

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 (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 SEPTAGE

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