

1 H.345

2 Introduced by Representatives Page of Newport City, Higley of Lowell, Labor
3 of Morgan, Marcotte of Coventry, Smith of Derby, and
4 Williams of Granby

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; water pollution control; lake in crisis;
8 Lake Memphremagog

9 Statement of purpose of bill as introduced: This bill proposes to declare Lake
10 Memphremagog a lake in crisis and eliminate the criteria of declining real
11 property value in the municipality in which the lake is located for the lake in
12 crisis designation.

13 An act relating to lakes in crisis and requirements for designation

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

15 Sec. 1. FINDINGS

16 The General Assembly finds that:

17 (1) Lake Memphremagog is of integral importance to Vermont and
18 Quebec as the lake:

1 (A) is the largest body of water in northeastern Vermont and
2 southeastern Quebec;

3 (B) provides over 175,000 people with drinking water; and

4 (C) is an important economic driver in northeastern Vermont and
5 southeastern Canada, drawing people and resources for its beautiful landscapes
6 and numerous recreational opportunities.

7 (2) Phosphorus runoff is causing or contributing to excessive algal
8 biomass in Lake Memphremagog, impairing the swimming and aesthetic uses
9 of the lake.

10 (3) Phosphorus runoff to Lake Memphremagog is contributing to the
11 more frequent cyanobacteria outbreaks in the lake, which pose threats to public
12 health and natural resources.

13 (4) Vermont must take responsibility for the impairments to Lake
14 Memphremagog as:

15 (A) more than 100 permanent or intermittent tributaries feed Lake
16 Memphremagog, with 71 percent of the watershed located in Vermont; and

17 (B) water quality models indicate that Vermont watersheds contribute
18 a significant majority of the annual phosphorus loading to the lake with
19 116,216 pounds of the total annual load of 151,314 pounds of phosphorus
20 originating in Vermont.

1 (5) Vermont has drafted and begun implementation of a Total Maximum
2 Daily Load plan to address impairment of Lake Memphremagog, and the
3 Agency of Natural Resources has committed to improving water quality in the
4 lake, but more action, attention, and funding is necessary to improve the health
5 of Lake Memphremagog as soon as possible.

6 (6) The General Assembly should declare Lake Memphremagog a lake
7 in crisis and dedicate additional time, money, and action to improve the lake's
8 water quality as soon as possible to avoid continued threats to the natural
9 resources, drinking water, recreation, and economic benefits provided by the
10 lake.

11 Sec. 2. DECLARATION; LAKE MEMPHREMAGOG; LAKE IN CRISIS

12 Notwithstanding 10 V.S.A. § 1310, the General Assembly declares Lake
13 Memphremagog as a lake in crisis under 10 V.S.A. chapter 47, subchapter 2A.
14 The crisis response plan for Lake Memphremagog shall include controls limits
15 on discharges of effluent to tributaries of the lake.

16 Sec. 3. 10 V.S.A. § 1310 is amended to read:

17 § 1310. DESIGNATION OF LAKE IN CRISIS

18 (a) The Secretary of Natural Resources (Secretary) shall review whether a
19 lake in the State should be designated as a lake in crisis upon the Secretary's
20 own motion or upon petition of 15 or more persons or a selectboard of a
21 municipality in which the lake or a portion of the lake is located.

1 (b) The Secretary shall designate a lake as a lake in crisis if, after review
2 under subsection (a) of this section, the Secretary determines that:

3 (1) the lake or segments of the lake have been listed as impaired; and

4 (2) the condition of the lake will cause:

5 (A) a potential harm to the public health; and

6 (B) a risk of damage to the environment or natural resources; ~~and.~~

7 (3) ~~a municipality in which the lake or a portion of the lake is located~~
8 ~~has reduced the valuation of real property due to the condition of the lake.~~

9 [Repealed.]

10 Sec. 4. 10 V.S.A. § 1311(c) is amended to read:

11 (c) Term of designation. A lake shall remain designated as in crisis under
12 this section until the Secretary determines that the lake no longer satisfies the
13 criteria for designation under subsection 1310(b) of this ~~section~~ title.

14 Sec. 5. EFFECTIVE DATES

15 (a) This section and Secs. 1 and 2 (declaration of Lake Memphremagog)
16 shall take effect on passage.

17 (b) Secs. 3 and 4 (criteria for lake in crisis designation) shall take effect on
18 July 1, 2023.