

1 H.422

2 Introduced by Representatives Masland of Thetford, Branagan of Georgia,

3 Holcombe of Norwich, and Olson of Starksboro

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; solid waste; landfills; groundwater

7 monitoring; laboratory testing

8 Statement of purpose of bill as introduced: This bill proposes to require the  
9 Secretary of Natural Resources to require the testing of groundwater samples at  
10 the State Agricultural and Environmental Laboratory (State Laboratory) when  
11 sampling occurs at a site where hazardous materials were released. Testing at  
12 the State Laboratory would not be required if the State Laboratory lacks the  
13 ability to conduct the necessary testing, or, when approved by the Secretary of  
14 Natural Resources, testing at a private laboratory would result in significant  
15 costs savings to the State or the owner of the contaminated site.

16 An act relating to testing of groundwater samples from contaminated sites at  
17 the State Agricultural and Environmental Laboratory

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

19 Sec. 1. FINDINGS

20 The General Assembly finds that:

1           (1) groundwater testing in proximity to sites contaminated by hazardous  
2           materials is critically important to protecting public and private water supply  
3           sources;

4           (2) high-quality laboratory analysis of water samples from groundwater  
5           monitoring wells at contaminated sites must be a mandatory component of  
6           oversight of the monitoring of contaminated sites;

7           (3) at contaminated sites where a post closure fund is available to pay  
8           for groundwater monitoring, it is in the best interests of the State and the entity  
9           responsible for the site to keep the cost of groundwater testing low so as to  
10          ensure that the cost of groundwater monitoring will not exhaust funding  
11          available from the post closure fund;

12          (4) using the State Agricultural and Environmental Laboratory (State  
13          Laboratory) to conduct the testing of groundwater samples from contaminated  
14          sites assists in keeping monitoring costs lower than if testing of samples  
15          occurred at private laboratories;

16          (5) the State and all water users that might be affected by contamination  
17          in their drinking water supply will benefit from timely, affordable, and  
18          accurate groundwater testing data; and

19          (6) the State, through the Agency of Natural Resources, should require  
20          and facilitate the testing of groundwater samples from contaminated sites at the  
21          State Laboratory in order to allow for the lowest cost possible for testing.

1 Sec. 2. 10 V.S.A. § 6608 is amended to read:

2 § 6608. RECORDS; REPORTS; MONITORING

3 (a) For purposes of implementation of this chapter, the Secretary shall  
4 adopt, and revise as appropriate, rules that prescribe:

5 (1) the establishment and maintenance of such records;

6 (2) the making of such reports;

7 (3) the taking of such samples, and the performing of such tests or  
8 analyses;

9 (4) the installing, calibrating, using, and maintaining of such monitoring  
10 equipment or methods; and

11 (5) the providing of such other information as may be necessary.

12 \* \* \*

13 (g) When the Secretary under this chapter requires groundwater monitoring  
14 of a site where hazardous materials were released, the Secretary shall require  
15 that the testing of groundwater samples from the contaminated site occurs at  
16 the State Agricultural and Environmental Laboratory unless:

17 (1) the State Agricultural and Environmental Laboratory lacks the  
18 ability to conduct the necessary testing; or

19 (2) testing at a private laboratory would result in significant costs  
20 savings to the State or the owner of the contaminated site, as approved by the  
21 Secretary.

- 1      Sec. 3. EFFECTIVE DATE
- 2      This act shall take effect on passage.