



March 20, 1985

LEGISLATURE HITS STRIDE IN 1985 SESSION

85/2

After two months of groundbreaking, the Vermont Legislature is steadily marking up bills as the priorities of both legislators and new administration appointments emerge. Property tax reform, state-aid to education, the legal drinking age, ERA, the minimum wage, and environmental legislation are all making headlines as the lawmaking pace quickens in Montpelier. A long list of environmentally-related bills has been introduced but the ones likely to reach the Governor's desk maybe few.

VNRC has testified already on legislation relating to underground storage tanks, a state superfund for toxic wastes, groundwater law, a new pesticides monitoring program and pristine streams. Now is the time for VNRC members to contact their senators and representatives to lend your support for the following bills which, at this point, stand the best chance of passage in 1985.

Bills on the active list which VNRC supports:

H.65 - Underground storage tanks

Reported as a Committee Bill by the House Natural Res. Committee, H.65 would enact new regulations for certain classes of underground storage tanks holding 1100 gallons or more. All tanks over 1100 gals. would be inventoried for leak detection. Tanks containing commercial and industrial motor fuels or other hazardous substances would have to follow specific testing and permit procedures. Home and farm tanks would only report their location. H.65 is currently in the House Ways & Means Committee and will go to Appropriations before a final floor vote. VNRC's testimony encouraged permitting for new and old tanks, a public notification process for leak detection, and recommendations for financial responsibility of tank owners. There is a comparable bill in the Senate Energy & Natural Resources Committee, (S.38) which has seen testimony but has not been reported out of committee.

H.212 - Hazardous waste "mini-superfund" bill

Would provide money for emergency clean-up of hazardous waste spills through a tax on hazardous waste generators. The bill would also expand the existing environmental contingency fund and give the state more legal authority to enforce liability for spills and cleanup actions. Reported also as a Committee Bill from the House Nat. Res. Committee, H.212 will go to Ways & Means and Appropriations before final action by the House. VNRC advocated specific language regarding fund disbursements, notification of emergency spills, liability for responsible parties, and inclusion of incentives for responsible party cleanup.

H.130 - Groundwater rights

Passed unanimously by the House N.R. Committee, this bill would replace the current groundwater doctrine of "absolute ownership" for one of "correlative rights" which recognizes groundwater as a shared resource. In essence, the bill allows a private right-of-action for those who feel their groundwater has been unfairly depleted or polluted. The bill emphasizes the concept of "reasonable use" for determining groundwater allocation and liability for contamination. The House is expected to forward H.130 to the Senate this week. In testimony VNRC noted the importance of the bill's non-regulatory approach, the vulnerability of groundwater users under the current law, and the consistency this bill would provide with state policies.

H.305 - Pesticide monitoring

Submitted by the Dept. of Agriculture, H.305 would initiate a new pesticides monitoring program through higher registration fees on pesticides used in Vermont. The program would gather information about pesticide practices, their impact on groundwater and soils, and provide recommendations to farmers for any necessary changes in application. VNRC provided supporting testimony stating, "With more information on how these chemicals interact with the environment we can encourage their responsible use and avoid such catastrophes as the EDB problem in Connecticut."

H.23 - Community right-to-know

Manufacturers and distributors of toxic substances would be required to notify local fire departments and provide information about the safe use and health hazards of their chemicals.

The following 3 minor bills will help make Act 250 more effective in the future:

H.29 - Local filing of land use permits

Would require particular conditions of Act 250 permits to be filed with the local town clerk along with a fee to be determined by the Environmental Board. The intent is to give both the town and public better access to the terms of any land use permits in their community. H.29 passed the House N.R. Committee unanimously.

H.80 - Civil enforcement of Act 250

Passed quickly by the House, this bill would expand the authority of the Environmental Board to enforce Act 250 permits through civil enforcement powers, with civil penalties of up to \$10,000 per violation.

Two bills originating in the Senate Energy & Natural Resources Committee which VNRC strongly endorses are:

S.11 - Groundwater protection

Creates a new chapter in the state water pollution regulations by the introduction of a classification system to manage and protect groundwater. The bill would authorize specific protection of high quality drinking-source aquifers. S.11 was voted 6-0 favorably by the Senate E. & N.R. Comm.

Other prominent bills which are under consideration but missed the crossover deadline:

S.42 - "Pristine streams"

Requests designations of 25 rivers to remain in their natural state. While VNRC strongly supports the concept of rivers conservation, the Council testified that the bill's "wilderness" orientation was too narrow in scope for Vermont rivers and that local landowners' interests were not adequately represented.

S.80 - Regional Planning

This bill is a significant attempt to alleviate the "growth management problem" through the requirement of strong regional plans and local capital budgeting to anticipate the effects of large-scale, regionally significant developments.

S.61 - Small power producer rate structure

Currently in the Senate Finance Committee, S.61 is designed to codify a more favorable rate structure than currently exists for small power producers. Both the Public Service Board and Department have reservations about the bill which the sponsors are now working to amend.

H.295- Act 250, Master plans

Viewed as the companion bill to S.80 in confronting the growth issue, H.295 focuses on the existing Act 250 process by requiring master plans for large multi-phased developments and environmental "capacity" studies to facilitate more expeditious Act 250 decisions.

H.338- Current Use Tax Program Moratorium

Proposes a moratorium on enrollments in the Current Use Tax Program for farm and forest land. VNRC instead favors continuation of this valuable program and full funding as requested in the Administration budget.

S.69 - "Townscape bill"

Would combine several elements of existing law to help towns preserve the natural and man-made features of the "classic" rural Vermont town.

CONGRATULATIONS! With your help, 152 towns in Vermont passed an acid rain resolution at town meetings statewide. The results were heard in Washington and conveyed to the Canadian government prior to President Reagan's recent visit.

H.299 - Act 250 decision removal

Would disallow decisions made on Act 250 permits at the district commission level to be "removed" to the Superior Court. At times, where Act 250 decisions have been contested, developers have attempted to remove the case to a higher court, rather than the Environmental Board, to get a favorable ruling. A recent Superior Court decision has set the stage for passage of this bill by determining that such cases constitutionally belong before the Environmental Board. H.299 received a favorable 10-1 vote in the House Nat. Res. Committee.

CALL VNRC FOR MORE INFO ABOUT ANY OF THE BILLS LISTED IN THIS BULLETIN - 223-2328.

Vermont Natural Resources Council
7 Main Street
Montpelier, Vermont 05602

Non-Profit Org.
U.S. Postage
Paid
Montpelier, Vt.
Permit No. 285



March 20, 1985
85/2

UNIVERSITY OF VERMONT
BAILEY LIB. SERLS DEPT
BURLINGTON
VT 05405