

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: H.650 _____
Fund

Name of Bill: Act Relating to Ecosystem and Water Quality Improvement

Who introduced this bill? Rep. Deen

Author of Bill Review: Padraic Monks _____

Agency/Dept. Reviewing Bill: ANR/DEC/WSMD/Storm

Date of Bill Review: 4/28/14

Status (check one): ☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both bodies ☐ Fiscal

Recommended Position:

☐ Support ☐ Oppose ☐ Remain Neutral ☒ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

The bill proposes to create a fund to be administered by ANR to allow municipalities to pay into the fund and have ANR/DEC implement specific stormwater permit (i.e. MS4 Permit) monitoring requirements.

2. Is there a need for this bill? *Please explain why or why not.* Yes. Municipalities regulated under the

Municipal Separate Storm Sewer System Permit (MS4 Permit) have stream flow and precipitation monitoring requirements. These municipalities would like to be able to pay DEC to perform this monitoring since municipalities do not have expertise in monitoring. DEC does not currently have this authority to accept these payments.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The Watershed Management Division's Stormwater Program and Monitoring Assessment and Planning Program (MAPP), and the DEC Business Office, will see increased demand on staff resources in administering contracts to have 3rd parties implement the monitoring, presuming this is the model used. In the first year of such programs, it could require roughly 0.3 FTE, dropping down to 0.1 FTE after start-up of the program.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? There are no known implications of this bill for other departments in state government.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *(for example: public, municipalities, organizations, business, regulated entities, etc.)*

This bill creates no new requirements, but would assist municipalities subject to monitoring requirements under the MS4 permit. It would alleviate the obligation for individual municipalities to conduct monitoring either individually or with other municipalities. This would help these municipalities since they have no experience with monitoring.

Please return this bill review as a Microsoft Word document to Laura.Gray@state.vt.us

6. Other Stakeholders:

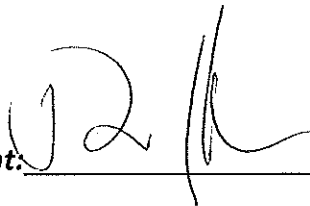
6.1 Who else is likely to support the proposal and why? The Vermont League of Cities and Towns is likely to support the bill since it will assist these municipalities in meeting their monitoring obligations under the MS4 permit. Local legislators are also likely to support the bill. The affected public in these municipalities would likely support this bill because it assists their municipalities which are subject to multiple, costly requirements under the MS4 permit.

6.2 Who else is likely to oppose the proposal and why? Other entities may see this as an opportunity to seek a similar arrangement for other instream monitoring requirements placed on municipalities, such as wastewater treatment facilities. These entities may not oppose the bill per-se, but may question whether they should also be included in this type of arrangement.

7. Rationale for recommendation: *Justify recommendation stated above.* The affected municipalities have made it clear that they believe this would be helpful to them in fulfilling their monitoring requirements under the MS4 permit. The bill could also help ensure higher quality data by having a single entity (DEC) responsible for oversight.

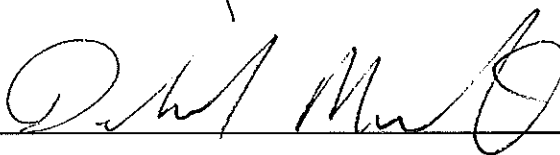
8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.* (Page 1, lines 9 & 1) and throughout: the bill should state the funds will be used for monitoring requirements only. The Stormwater Program does not support taking on support of MS4 "educational or other requirements". Municipalities have only asked DEC for help with monitoring for which they lack the expertise. Also, p.3. line 15, and throughout: the MOU should not require demonstration of how water quality will be improved: monitoring does not directly improve, or affect, water quality. Instead, it should state that the MOU shall demonstrate how it fulfills a required monitoring project.

Commissioner has reviewed this document:



Date: 4/28/14

Secretary has reviewed this document:



Date: 4/28/14