

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.25 Name of Bill: Natural Burial Grounds

Agency/ Dept: ANR/DEC Author of Bill Review: Christine Thompson

Date of Bill Review: 2/3/2015 Related Bills and Key Players: _____

Status of Bill: (check one): Upon Introduction _____ As passed by 1st body _____ As passed by both

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.* As written, the bill enables a landowner to designate his/her property for use as a natural burial ground and establishes requirements in regards to natural burial grounds.
2. **Is there a need for this bill?** *Please explain why or why not.* Yes, because VT state statutes are currently silent in regards to the risk that the burial of human remains in cemeteries and natural burial grounds presents to potable and public drinking water supplies.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**

The bill as written does not present any fiscal implications for DEC.

Programmatically, there are concerns regarding potential impacts that new or expanding cemeteries and natural burial grounds may have on nearby potable wells and public water supplies (note: if a cemetery/natural burial ground only contains cremated remains, we do not have these concerns):

- a) Potable water supply sources and transient non-community public water system sources: The current Wastewater System and Potable Water Supply Rules (WW Rules) do not contain any required isolation distance between a potable water source and the property line of a cemetery or the boundary line of a natural burial ground. Due to concerns over potential bacterial and viral contamination, we believe that the bill should contain such isolation distances. We are proposing language (attached) that could be included in the bill to address this concern. The language's proposed isolation distances are supported by a study on recommended well shields done by, Bruce Douglas, a well-respected hydrogeologist, who is a former DEC employee.
- b) For community public water system sources and non-transient non-community public water system sources, such as schools and small businesses: the VT Water Supply Rule requires water sources to have a "source protection area" that varies in size based on the type of the water system. These source protection areas are mapped and can be identified by accessing the ANR atlas on the web. The Rule requires public water systems to maintain source protection plans that describe the measures that have been and may be taken to protect the system's source. Given the concerns of the Department of Health in regards to the risk of viral and bacterial contamination of the groundwater by buried decaying bodies, we

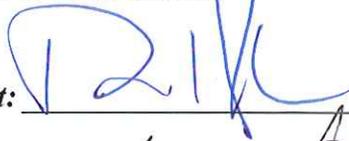
Please return this bill review as a Microsoft Word document to laura.gray@state.vt.us and jessica.mishaan@state.vt.us

believe that new/expanding cemeteries and natural burial grounds should not be allowed in certain portions of the source protection area for these types of public water systems. We are proposing language (attached) that could be included in the bill to address this concern.

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?** The Department of Health, which oversees death certificates and internments, will have some concerns about this bill which will be covered in their blue sheet.
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) Town offices will need to spend additional time recording natural burial ground locations and the land use restrictions into the land records.
6. **Other Stakeholders:**
- 6.1 **Who else is likely to support the proposal and why?** Existing cemeteries owners who may feel that natural burial grounds should need to adhere to many of the same requirements that they must meet (i.e. a level playing field).
- 6.2 **Who else is likely to oppose the proposal and why?** Neighbors of proposed natural burial grounds due to concerns over reduced property values and the restriction of where they could place a drilled or shallow well on their property. Owners of natural burial grounds may oppose because they do not want to be held to additional requirements.
7. **Rationale for recommendation:** *Justify recommendation stated above.* The recommendation is being made because there is a concern about potential bacterial/viral/chemical contamination of potable and public water sources from the burial of unembalmed and embalmed human remains. This bill, if modified, could implement restrictions that would reduce the risk of such contamination.
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. See the attached.*

9. **Gubernatorial appointments to board or commission?**

Commissioner has reviewed this document:



Date:

2/4/15

Secretary has reviewed this document:



Date:

2-5-15

H.025 Attachment

POTENTIAL AMENDMENT TO H.25 – 2/3/15

Sec. X. § 5324 Siting Requirements

(a) The boundaries of a new or expanded cemetery or natural burial ground shall be located:

- (1) no less than 200 feet up gradient of a groundwater source that is drilled into bedrock or into a confined and unconsolidated aquifer that is part of a potable water supply or transient non-community public water system source;
- (2) no less than 500 feet up gradient from any other groundwater source that is part of a potable water supply or transient non-community public water system;
- (3) no less than 150 feet cross or down gradient from any groundwater source that is part of a potable water supply or transient non-community public water system;
- (4) outside zone one or two of the source protection area for a public community water system; and
- (5) outside the source protection area for a non-transient non-community public water system.