From: Byrne, Emily
Sent: Thursday, March 31, 2016 9:35 AM
To: Lafrance, Tracy
Cc: Aronowitz, Jason
Subject: RE: Legislative items - money bills

Categories: PFOA

How does this look?

-

Department of Environmental Conservation – language needed to provide emergency assistance to communities to mediate PFOA drinking water contamination

Due to the recent discovery of PFOA water contamination in North Bennington, Bennington, and Pownal, Administration requests that the spending cap from the Environmental contingency fund be lifted for expenses related to remediation at these sites. The legislature has authorized previous requests to lift this cap, both in Act No. 65 of 2008, for the Pownal site, and in the current Budget Bill, H.875 Sec. 709, for the Elizabeth Mine Superfund Site. The Administration requests that the following language be included in H.875 with an effective date on passage so that the Department of Environmental Conservation can use the funds right away.

Sec. E.709.1. AUTHORIZATION FOR EXPENDITURE RELATED TO PFOA DRINKING WATER CONTAMINATION IN NORTH BENNINGTON, BENNINGTON, AND POWNAL

(a) Notwithstanding the $100,000 limitation on the expenditure of funds from the environmental contingency fund established pursuant to 10 V.S.A. § 1283, the secretary of the agency of natural resources may expend funds to accomplish activities authorized under 10 V.S.A. § 1283(b)(9) to address PFOA drinking water contamination in North Bennington, Bennington, and Pownal.

Additionally, the Administration would like the population cap on the Vermont Drinking Water Planning Loan Fund lifted. The current statute that governs the use of the fund, 24 V.S.A. § 4753(a)(5) limits the use of the fund to town under 10,000 people, and has not be updated since 1997. Given the needs of the communities following the discovery of PFOA in private and public drinking water, the Administration requests the addition of the language below to remove the population threshold, effective on passage.

Sec. E.709.2 24 V.S.A. § 4753(a)(5) is amended to read:

(a) There is hereby established a series of special funds to be known as:

***

(5) The Vermont Drinking Water Planning Loan Fund which shall be used to provide loans to municipalities and privately owned, nonprofit community water systems, ~~with populations of less than 10,000,~~ for conducting feasibility studies and for the preparation of preliminary engineering planning studies and final engineering plans and specifications for improvements to public water systems in order to comply with State and federal standards and to protect public health. The Secretary may forgive up to $50,000.00 of the unpaid balance of a loan made from the Vermont Drinking Water Planning Loan Fund to municipalities after project construction is substantially completed. The Secretary shall establish amounts, eligibility, policies, and procedures for loan forgiveness in the annual State Intended Use Plan (IUP) with public review and comment prior to finalization and submission to the U.S. Environmental Protection Agency.

***

Emily
O: (802) 828-6458
C: (802) 477-2304

From: Lafrance, Tracy
Sent: Thursday, March 31, 2016 9:14 AM
To: Byrne, Emily <Emily.Byrne@vermont.gov>

Cc: Aronowitz, Jason <Jason.Aronowitz@vermont.gov>
Subject: RE: Legislative items - money bills

We are looking to remove the cap.

From: Byrne, Emily
Sent: Thursday, March 31, 2016 8:41 AM
To: Lafrance, Tracy <Tracy.LaFrance@vermont.gov>
Cc: Aronowitz, Jason <Jason.Aronowitz@vermont.gov>
Subject: RE: Legislative items - money bills

Quick clarification question – are we asking to remove the cap on the water loan fund or are we raising the cap?

Emily
O: (802) 828-6458
C: (802) 477-2304

From: Lafrance, Tracy
Sent: Thursday, March 31, 2016 8:11 AM
To: Byrne, Emily <Emily.Byrne@vermont.gov>
Cc: Aronowitz, Jason <Jason.Aronowitz@vermont.gov>
Subject: RE: Legislative items - money bills

Great thanks –

One final question (I think). Is it okay for us to mention these requests in our testimony this afternoon letting them know that these two things will be forthcoming from the Administration?

From: Byrne, Emily
Sent: Thursday, March 31, 2016 7:43 AM
To: Lafrance, Tracy <Tracy.LaFrance@vermont.gov>
Cc: Aronowitz, Jason <Jason.Aronowitz@vermont.gov>
Subject: RE: Legislative items - money bills

To Senate appropriations (with a cc to all the money chairs, the leadership, and JFO)

Emily
O: (802) 828-6458
C: (802) 477-2304

From: Lafrance, Tracy
Sent: Thursday, March 31, 2016 7:38 AM
To: Byrne, Emily <Emily.Byrne@vermont.gov>
Cc: Aronowitz, Jason <Jason.Aronowitz@vermont.gov>
Subject: Re: Legislative items - money bills

Where is it that your letter goes? Rebecca asked me and I realized I don't know?

Sent from my iPhone

On Mar 31, 2016, at 7:36 AM, Byrne, Emily <Emily.Byrne@vermont.gov> wrote:

> Perfect thanks!

We will put 1&2 in our letter; 3&4 go directly to committee/JFO

Emily
O: (802) 828-6458
C: (802) 477-2304

From: Lafrance, Tracy
Sent: Wednesday, March 30, 2016 3:28 PM
To: Byrne, Emily <Emily.Byrne@vermont.gov>; Aronowitz, Jason <Jason.Aronowitz@vermont.gov>
Subject: FW: Legislative items - money bills

From: Ellis, Rebecca
Sent: Tuesday, March 29, 2016 8:26 PM
To: Martin, Trey <Trey.Martin@vermont.gov>
Cc: Schuren, Alyssa <Alyssa.Schuren@vermont.gov>; Pallito, Joanna <Joanna.Pallito@vermont.gov>; Lafrance, Tracy <Tracy.LaFrance@vermont.gov>; Duggan, Jen <Jen.Duggan@vermont.gov>; Chapman, Matt <Matt.Chapman@vermont.gov>; Desch, George <George.Desch@vermont.gov>
Subject: Legislative items - money bills

Hi Trey:
DEC has four money-related items that we would like to see added in the Senate. Tracy LaFrance has forwarded these requests to Emily Byrne in AoA for approval. If you have some time on Wednesday, it would be great to discuss strategy. I have highlighted issues for discussion, along with proposed legislative language.
Thank you for your help!
Rebecca

1. ECF Cap – Lift the $100,000 cap for Bennington, North Bennington and Pownal	H.875 Appropriations Bill Senate Appropriations 3/31 Alyssa and Joanna will be in Appropriations; could request?
2. Vermont Drinking Water Planning Loan Fund – Remove the cap on population (10,000 pop.) so that Bennington will be eligible for drinking water loans	H.878 Capital Adjustment Bill Senate Institutions Need someone to move this forward?
3. Indirect discharge non-sewage fee – Reinstate the indirect discharge non-sewage fee so that certain industries (like breweries) do not have to pay higher indirect discharge sewage fee. The indirect discharge non-sewage fee was mistakenly struck in last year's fee bill. Note effective date of 2015.	H.872 Fee Bill Senate Finance Need someone to move this forward?
4. Onsite loan program – For FY17 only, remove mandate to transfer $275,000 to onsite loan program so that the funds can be used for drinking water program without dipping into General Fund. Full name of this fund is Vermont Wastewater and Potable Water Revolving Loan Fund.	H.875 Appropriations Bill Senate Appropriations 3/31 Alyssa and Joanna will be in Appropriations; could request?

Environmental Contingency Fund

Sec. XXX. Notwithstanding the $100,000 limitation on the expenditure of funds from the environmental contingency fund established pursuant to 10 V.S.A. § 1283, the secretary of the agency of natural resources may expend funds to accomplish activities authorized under 10 V.S.A. § 1283(b)(9) to address PFOA drinking water contamination in North Bennington, Bennington, and Pownal.

The Legislature has considered and authorized similar requests in the past for some of our Superfund sites under somewhat similar circumstances. See 2008, No. 65 (Pownal Site) and currently the Elizabeth Mine Superfund Site in the FY17 Appropriations Bill (H.875) Section E.709.

Vermont Drinking Water Planning Loan Fund

24 V.S.A. §4753(a)(5). The Vermont Drinking Water Planning Loan Fund which shall be used to provide loans to municipalities and privately owned, nonprofit community water systems, ~~with populations of less than 10,000,~~ for conducting feasibility studies and for the preparation of preliminary engineering planning studies and final engineering plans and specifications for improvements to public water systems in order to comply with State and federal standards and to protect public health. The Secretary may forgive up to $50,000.00 of the unpaid balance of a loan made from the Vermont Drinking Water Planning Loan Fund to municipalities after project construction is substantially completed. The Secretary shall establish amounts, eligibility, policies, and procedures for loan forgiveness in the annual State Intended Use Plan (IUP) with public review and comment prior to finalization and submission to the U.S. Environmental Protection Agency.

Indirect Discharge, Non-sewage fee

Sec. 1. 3 V.S.A. § 2822(j) is amended to read:

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

** * **

(2) For discharge permits issued under 10 V.S.A. chapter 47 and orders issued under 10 V.S.A. § 1272, an administrative processing fee of $240.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III) and (V) of this subsection:

(A) Application review fee.

** * **

(iv) Indirect discharge or underground injection control, excluding stormwater discharges.

(I) Indirect discharge, sewage.

(aa) Individual permit: original application; amendment for increased flows; amendment for modification or replacement of system:
$1,755.00 plus $0.08 per gallon of design capacity above 6,500 gpd.

(II) Indirect discharge, non-sewage.

(aa) Individual permit: original application; amendment for increased flows; amendment for modification or replacement of system:
$0.06 per gallon of design capacity; minimum $400.00.

(III) Underground injection; ~~original~~ individual permit; amendment for increased flows; amendment for modification or replacement of system.

(aa) For applications where the discharge meets groundwater enforcement standards at the point of discharge:
$500.00 and $0.10 for each gallon per day over 2,000 gallons per day.

(bb) For applications where the discharge meets groundwater enforcement standards at the point of compliance:
$1,500.00 and $0.20 for each gallon per day over 2,000 gallons per day.

** * **

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

Vermont Wastewater and Potable Water Revolving Loan Fund

E.7_____. Notwithstanding 24 V.S.A. §4753(a)(10), in FY17 the Secretary shall deposit into the Vermont Wastewater and Potable Water Revolving Loan Fund up to $275,000 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4), provided that any funds not deposited shall be used for administration of Title 24, chapter 120, governing Special Revolving Loan Funds.

Explanation: Current statutory language in 24 V.S.A. §4753(a)(10) requires a transfer of $275,000 annually to the Vermont Wastewater and Potable Water Revolving Loan Fund. This provision authorizes DEC in FY17 to use fee revenues for administrative costs of the drinking water loan program.

<image001.jpg>

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