

DEC Proposed Technical Corrections

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Proposed Changes

- Dam Safety Program
- Salvage Yard Program
- Special Environmental Revolving Loan Fund
- Clean Water Reporting
- ANR Enforcement Practices
- Procedural Requirements for Stormwater Permits
- Notice Requirements for Failed Potable Water Supplies
- Petroleum Cleanup Fund Assistance Program

Dam Safety Program

- Challenge:
 - Act 161 (2018) required two rulemakings by the Dam Safety Program. Because of significant workload challenges along with the ramp up in Agency Dam Safety work as part of the FY22 budget (\$5m), we do not believe we will meet the second rulemaking deadline and would like to see it extended.
- Proposed Solution:
 1. Postpone from 2023 to 2025 the date of the Dam Registration Program legislative report.
 2. Postpone from 2022 to 2024 the implementation deadline for rules relating to dam design standards.

Salvage Yard Program

- Challenge:
 - Unregistered salvage yards have become an increasing problem around the state. We often struggle to close them down because of the cost of vehicle removal. Current statute doesn't allow for a mobile car crusher to come and address closure for unregistered salvage yards.
- Proposed Solution:
 1. Allow a salvage yard that lacks a certificate of registration to operate a mobile vehicle crusher in order to close the salvage yard.

Special Environmental Revolving Loan Fund

- Challenge:
 - Ongoing need for funding to support the planning and construction of clean water projects in the state to meet TMDL targets and support clean water infrastructure in the State. Private access to loan funding is also set to sunset on June 30, 2023.
- Proposed Solution:
 1. Amend the requirements for eligibility and award of assistance under the Special Environmental Revolving Loan Fund programs.
 2. Allow for the use of federal EPA Pollution Control Revolving Funds to recapitalize state loan funds (Wastewater and Potable Water Revolving Loan Fund) and contribute to administrative costs.
 3. Repeal Sunset of private access to funding.

Clean Water Reporting

- Challenge:
 - Reporting requirements are inconsistent with the Vermont Clean Water Initiative Annual Performance Report requirements, and don't allow time to assess the grant programs slated to go into effect in 2023.
- Proposed Solution:
 1. Amend the dates of certain clean water reports
 - a) Postpone from 2023 to 2024 the deadline for a summary of grant program administration
 - b) Postpone from 2022 to 2024 the deadline for recommendations on a mechanism to allow the purchase of water quality credits

ANR Enforcement Practices

- Challenge:
 - Fines are assessed at inconsistent rates across programs.
- Proposed Solution:
 1. Remove penalties enumerated within the statute and set fines in accordance with 10 V.S.A. Chapter 201, for consistency.

Procedural Requirements:

- Challenge:
 - Construction General Permit authorizations issued in order to address imminent threat to life or property should be subject to streamlined notice processes.
- Proposed Solution:
 1. Amend the default notice requirements for Construction General permit authorizations issued for emergency construction activities.

Potable Water Supply

- Challenge:
 - Duplicative noticing requirements resulting in unnecessary posting to the Agency website.
- Proposed Solution:
 1. Amend the requirements for posting notice of certain failed potable water supplies. Potable water supply permits are filed in the land records so the status of any permitted potable water supply can be determined through a title search. All issued water supply permits are also available to view on the Agency's website, so the status of any permit can be found using the Agency's Wastewater permit search tool.

Petroleum Cleanup Assistance Fund

- Challenge:
 - Funding caps for Aboveground Storage Tank (AST) releases have not been increased since 1998. Tank-replacement assistance grants have similarly not been increased consistent with inflation. Additional changes are needed to provide low-income Vermonters with access to assistance to replace AST and UST heating systems with advanced wood heat and heat pump systems, consistent with Vermont's Climate Action Plan.
- Proposed Solution:
 1. Raise the cap on assistance for AST releases from \$25,000 to \$50,000, and raise limits on tank replacement assistance grants for low-income Vermonters in response to inflationary pressure.
 2. Increase coverage under the PCF for cleaning up spills of petroleum from non-tank sources where the responsible party is either unknown, or unwilling or unable to act, reducing demand on the Environmental Contingency Fund.
 3. Amends the statute to allow the replacement of a heating fuel system with an advanced wood heat or heat pump system.