

No. 75. An act relating to miscellaneous revisions to the air pollution statutes.

(H.248)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. [Deleted.]

Sec. 2. 10 V.S.A. § 584 is amended to read:

§ 584. INEFFICIENT OUTDOOR WOOD-FIRED BOILER CHANGE-OUT PROGRAM; RETIREMENT

(a) At the earliest feasible date, the ~~secretary~~ Secretary shall create and put into effect a change-out program within the ~~air pollution control division~~ Air Pollution Control Division of the ~~department of environmental conservation~~ Department of Environmental Conservation to purchase the retirement of inefficient, high emission outdoor wood-fired boilers (OWB) that will be replaced with OWBs or other heating appliances with substantially lower emissions and higher fuel efficiency.

(b) The ~~secretary~~ Secretary shall fund this program using ~~at least \$500,000.00 of the funds available to the state~~ State of Vermont for environmental mitigation projects under the consent decree approved on or about October 9, 2007, in the case of United States, et al. v. American Elec. Power Service Corp., et al., Civil Actions No. C2-99-1182, C2-99-1250, C2-04-1098, C2-05-360 (the AEP consent decree). The ~~secretary~~ Secretary may add to this funding such additional ~~moneys~~ monies as may be

appropriated to the program authorized under this section or otherwise may be available by grant, contribution, or donation.

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Sec. 3. 10 V.S.A. § 563 is amended to read:

§ 563. CONFIDENTIAL RECORDS; PENALTY

(a) Confidential records. ~~Any records or other information furnished to or obtained by the secretary concerning one or more air contaminant sources, which records or information, as certified by the owner or operator, relate to production or sales figures or to processes or production unique to the owner or operator or which would tend to affect adversely the competitive position of the owner or operator, shall be only for the confidential use of the secretary in the administration of this chapter, unless the owner or operator shall expressly agree to their publication or availability to the general public. Nothing herein shall be construed to prevent the use of the records or information by the secretary in compiling or publishing analyses of summaries relating to the general condition of the outdoor atmosphere: provided that the analyses or summaries do not identify any owner or operator or reveal any information otherwise confidential under this section.~~ The Secretary shall not withhold emissions data and emission monitoring data from public inspection or review. The Secretary shall keep confidential any record or other information furnished to or obtained by the Secretary concerning an air contaminant source, other

than emissions data and emission monitoring data, that qualifies as a trade secret pursuant to 1 V.S.A. § 317(c)(9).

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Sec. 4. 10 V.S.A. § 556a is amended to read:

§ 556a. OPERATING PERMITS

(a) Upon a date specified in the rules adopted by the ~~secretary~~ Secretary to implement this section, it shall be unlawful for any person to operate an air contaminant source that has allowable emissions of more than 10 tons per year of all contaminants, excluding greenhouse gases, except in compliance with a permit issued by the ~~secretary~~ Secretary under this section. The ~~secretary~~ Secretary may require that air contaminant sources with allowable emissions of 10 tons or less per year obtain such a permit, upon determining that the toxicity and quantity of hazardous air contaminants emitted may adversely affect susceptible populations, or if deemed appropriate based on an evaluation of the requirements of the federal Clean Air Act.

* * *

(f) If an application for a permit renewal has been submitted to the ~~secretary~~ Secretary ~~12~~ six months prior to the termination of the permit, and any additional information requested by the secretary has been submitted in a timely manner, but the ~~secretary~~ Secretary has failed to issue or deny the renewal permit before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied. In the

event of a conflict between this subsection and 3 V.S.A. § 814(b), the provisions of this section shall govern.

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Sec. 5. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

* * *

(26) 10 V.S.A. chapter 168, relating to the collection and disposal of primary batteries; ~~and~~

(27) 10 V.S.A. chapter 123, relating to threatened and endangered species; and

(28) 30 V.S.A. § 255, relating to regional coordination to reduce greenhouse gases.

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Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

Date Governor signed bill: April 19, 2016