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H.701

Introduced by Representative Conquest of Newbury

Referred to Committee on

Date:

Subject: Conservation and development; natural resources; land use; Act 250
applications; Department of Environmental Conservation permits

Statement of purpose of bill as introduced: This bill proposes to direct the
Natural Resources Board to revise its application form and guidance
documents so that an applicant may submit an application using a minimum of
third party professional or expert assistance in order to reduce costs. The bill
also proposes to allow potential applicants for permits administered by the
Department of Environmental Conservation (DEC) to rely on representations
made by permit specialists concerning which DEC permits are required.

An act relating to environmental permits

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

Sec. 1. 10 V.S.A. § 6083 is amended to read:

§ 6083. APPLICATIONS

(a) An application for a permit shall be filed with the District Commission
as prescribed by the rules of the Board ~~and~~.

1 (1) The application shall contain at least the following documents and
2 information:

3 ~~(1)(A)~~ The the applicant's name, address, and the address of each of
4 the applicant's offices in this State, and, where the applicant is not an
5 individual, municipality or State agency, the form, date, and place of formation
6 of the applicant.;

7 ~~(2)(B)~~ Four four copies of a plan of the proposed development or
8 subdivision showing the intended use of the land, the proposed improvements,
9 the details of the project, and any other information required by this chapter, or
10 the rules adopted under this chapter.;

11 ~~(3)(C)~~ The the fee prescribed by section 6083a of this title.;

12 ~~(4)(D)~~ Certification certification of filing of notice as set forth in
13 6084 of this title.

14 (2) The rules shall require application using a form prescribed by the
15 Board. In adopting rules, forms, and guidance concerning applications for a
16 permit, the Board shall strive to enable an applicant to submit an application
17 using a minimum of third party professional or expert assistance. The goal is
18 to reduce application costs to the extent possible consistent with the
19 requirements of this chapter. The Board shall review its application form and
20 associated guidance documents periodically to determine changes that should
21 be made to achieve this goal.

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Sec. 2. APPLICATION FORM; REVISION

On or before January 1, 2018, the Natural Resources Board shall conduct and complete a process to review and revise its form for permit applications under 10 V.S.A. chapter 151 in order to meet Sec. 1 of this act, 10 V.S.A. § 6083(a)(2). In conducting this process, the Board shall provide notice and opportunity to comment to developers, municipal and regional planning commissions, environmental and business advocacy organizations, its district coordinators, other State agencies, and members of the public. The Board shall provide this notice on its website, through community and statewide Internet forums and media, and through direct notice to the greatest extent possible.

Sec. 3. 3 V.S.A. § 2873 is amended to read:

§ 2873. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

(a) The Department of Environmental Conservation is created within the Agency of Natural Resources. The Department is the successor to and continuation of the Department of Water Resources and Environmental Engineering, and shall administer the Water Resources Programs contained in Title 10; air pollution control and abatement as provided in 10 V.S.A. chapter 23; waste disposal as provided in 10 V.S.A. chapter 159; and subdivision and trailer and tent sites as provided in subsection (c) of this section.

1 * * *

2 (h) Each permit specialist retained by the Department shall have the
3 expertise and authority to determine whether a proposed facility, action, or
4 activity requires a permit, certificate, or other approval under the provisions
5 listed in 10 V.S.A. § 8503 that enable or govern programs administered by the
6 Department. A specialist shall make this determination when requested by a
7 potential applicant for the facility, action, or activity. In making such a
8 determination, the specialist shall consult as needed with applicable program
9 staff, who shall respond promptly to the specialist. The specialist may issue
10 his or her determination in the form of a project review sheet. Issuance of a
11 determination by a permit specialist under this subsection shall constitute an
12 act or decision of the Secretary under 10 V.S.A. chapter 220 (consolidated
13 environmental appeals). In the absence of a timely appeal pursuant to that
14 chapter, the determination shall bind the Agency.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2016.