

1 H.337

2 Introduced by Representatives Smith of New Haven, Graham of
3 Williamstown, Higley of Lowell, Lawrence of Lyndon, and
4 Parent of St. Albans Town

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; agriculture; air quality; methane
8 digesters; fees

9 Statement of purpose of bill as introduced: This bill proposes to exempt an air
10 contaminant source from the air emission fees when the source of the
11 emissions is the anaerobic digestion of agricultural products, agricultural
12 by-products, agricultural waste, or food waste.

13 An act relating to exempting methane digesters from air emissions fees

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

15 Sec. 1. 3 V.S.A. § 2822 is amended to read:

16 § 2822. BUDGET AND REPORT; POWERS

17 * * *

18 (i) The Secretary shall not process an application for which the applicable
19 fee has not been paid unless the Secretary specifies that the fee may be paid at
20 a different time or unless the person applying for the permit is exempt from the

1 permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be
2 exempt from the payment of fees under this section except for those fees
3 prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for
4 which a municipality may recover its costs by charging a user fee to those who
5 use the permitted services. Municipalities shall pay fees prescribed in
6 subdivisions (j)(2), (10), (11), (12), and (26), except that a municipality shall
7 also be exempt from those fees for stormwater systems prescribed in
8 subdivision (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II), or (V) of this
9 section for which a municipality has assumed full legal responsibility under
10 10 V.S.A. § 1264. An air contaminant source shall be exempt from the fees
11 required under subdivisions (j)(1)(A) and (B) when the source of the emissions
12 is the anaerobic digestion of agricultural products, agricultural by-products,
13 agricultural waste, or food waste.

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

17 (1) For air pollution control permits or registrations issued under
18 10 V.S.A. chapter 23:

19 (A) Any persons subject to the provisions of 10 V.S.A. § 556 shall
20 submit with each permit application or with each request for a permit
21 amendment, a base service fee in accordance with the base fee schedule in

1 subdivision (i) of this subdivision (1)(A). Prior to taking final action under
2 10 V.S.A. § 556 on any application for a permit for a nonmajor stationary
3 source or on any request for an amendment of a permit for such a source, the
4 Secretary shall assess each applicant for any additional fees due to the Agency,
5 assessed in accordance with the base fee schedule and the supplementary fee
6 schedule in subdivision (ii) of this subdivision (1)(A). The applicant shall
7 submit any fees so assessed to the Secretary prior to issuance of the final
8 permit, notwithstanding the provisions of subsection (i) of this section. The
9 base fee schedule and the supplementary fee schedule are applicable to all
10 applications on which the Secretary makes a final decision on or after the date
11 on which this section is operative.

- 12 (i) Base fee schedule
 - 13 (I) Application for permit to construct
 - 14 or modify source
 - 15 (aa) Major stationary source \$ 15,000.00
 - 16 (bb) Nonmajor stationary source \$ 2,000.00
 - 17 (II) Amendments
 - 18 Change in business name, division name,
 - 19 or plant name; mailing address; or
 - 20 company stock designation; or other
 - 21 administrative amendments \$ 150.00

- 1 (ii) Supplementary fee schedule for nonmajor
2 stationary sources
- | | |
|--|-------------|
| 3 (I) Engineering review | \$ 2,000.00 |
| 4 (II) Air quality impact analysis | |
| 5 Review refined modeling | \$ 2,000.00 |
| 6 (III) Observe and review source emission | |
| 7 testing | \$ 2,000.00 |
| 8 (IV) Audit performance of continuous | |
| 9 emissions monitors | \$ 2,000.00 |
| 10 (V) Audit performance of ambient air | |
| 11 monitoring | \$ 2,000.00 |
| 12 (VI) Implement public comment | |
| 13 requirement | \$ 500.00 |
- 14 (B) Annual registration. Any person required to register an air
15 contaminant source under 10 V.S.A. § 555(c) shall annually pay the following:
- 16 (i) A base fee where the sum of a source's emissions of sulfur
17 dioxide, particulate matter, carbon monoxide, nitrogen oxides, and
18 hydrocarbons is:
- 19 (I) ten tons or greater: \$1,500.00;
20 (II) less than ten tons but greater than or equal to five tons:
21 \$1,000.00; and

1 (III) less than five tons: \$500.00.

2 (ii) Where the sum of a source's emissions of sulfur dioxide,
3 particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons is
4 greater than or equal to five tons: an annual registration fee that is \$0.0335 per
5 pound of such emissions except that a plant producing renewable energy as
6 defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00.

7 * * *

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.