

1 H.769

2 Introduced by Committee on Ways and Means

3 Date:

4 Subject: Executive branch fees

5 Statement of purpose: This bill proposes to adjust department of
6 environmental conservation fees.

7 An act relating to department of environmental conservation fees

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

9 * * * Department of environmental conservation * * *

10 * * * Environmental permits * * *

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

12 § 2822. BUDGET AND REPORT; POWERS

13 * * *

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 ~~of Title 10~~:

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

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

13 (i) Base fee schedule

14 (I) Application for permit to construct or
15 modify source

16 (aa) Major stationary source ~~\$ 12,500.00~~ \$ 15,000.00

17 (bb) Nonmajor stationary source ~~\$ 1,000.00~~ \$ 2,000.00

18 (II) Amendments

19 Change in business name, division name

20 or plant name; mailing address; or

21 company stock designation; or other

1	administrative amendments	\$ 100.00 <u>\$ 150.00</u>
2	(ii) Supplementary fee schedule for nonmajor	
3	stationary sources	
4	(I) Engineering review	\$ 1,750.00 <u>\$ 2,000.00</u>
5	(II) Air quality impact analysis	
6	Review refined modeling	\$ 1,250.00 <u>\$ 2,000.00</u>
7	(III) Observe and review source emission	
8	testing	\$ 1,750.00 <u>\$ 2,000.00</u>
9	(IV) Audit performance of continuous	
10	emissions monitors	\$ 1,750.00 <u>\$ 2,000.00</u>
11	(V) Audit performance of ambient air	
12	monitoring	\$ 1,750.00 <u>\$ 2,000.00</u>
13	(VI) Implement public comment requirement	\$ 500.00 <u>\$ 500.00</u>
14	(B) Any person required to register an air contaminant source under	
15	10 V.S.A. § 555(c) shall submit an annual registration fee in accordance with	
16	the following registration fee schedule, where the sum of a source's emissions	
17	of the following air contaminants is greater than five tons per year: sulfur	
18	dioxide, particulate matter, carbon monoxide, nitrogen oxides, and	
19	hydrocarbons:	
20	Registration: \$0.024 <u>\$0.0335</u> per pound of emissions of any of these	
21	contaminants. Where the sum of a source's emission of these contaminants is	

1 greater than ten tons per year, provided that a plant producing renewable
2 energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding
3 \$64,000.00:

4 Base registration fee ~~\$1,000.00~~ \$1,500.00; and ~~\$0.024~~ \$0.0335 per
5 pound of emissions of any of these contaminants.

6 (2) For discharge permits issued under 10 V.S.A. chapter 47 ~~of Title 10~~
7 and orders issued under 10 V.S.A. § 1272, an administrative processing fee of
8 ~~\$100.00~~ \$120.00 shall be paid at the time of application for a discharge permit
9 in addition to any application review fee and any annual operating fee, except
10 for permit applications under subdivisions (2)(A)(iii)(III), ~~(IV)~~, and (V) of this
11 subsection:

12 (A) Application review fee.

13 * * *

14 (iii) Stormwater discharges.

15 (I) Individual operating permit ~~\$360.00~~ \$430.00 per acre
16 or application to operate impervious area;
17 under general operating minimum ~~\$180.00~~ \$220.00
18 permit for collected per application.
19 stormwater runoff
20 which is discharged to
21 Class B waters: original

1 application; amendment
2 for increased flows;
3 amendment for change
4 in treatment process.

5 (II) Individual operating permit ~~\$1,170.00~~ \$1,400.00 per
6 or application to operate acre impervious area;
7 under general operating minimum ~~\$1,170.00~~
8 permit for collected \$1,400.00 per application.
9 stormwater runoff which is
10 discharged to Class A
11 waters; original
12 application; amendment for
13 increased flows;
14 amendment for change in
15 treatment process.

16 (III) Individual permit or
17 application to operate under
18 general permit for
19 construction activities;
20 original application;
21 amendment for increased

- 1 acreage.
- 2 (aa) Projects with low risk ~~\$36.00~~ \$50.00 per project;
- 3 to waters of the state. original application.
- 4 (bb) Projects with moderate ~~\$300.00~~ \$360.00 per
- 5 risk to waters project original application.
- 6 of the state.
- 7 (cc) Projects that require an ~~\$600.00~~ \$720.00 per
- 8 individual permit. project original application.
- 9 (IV) Individual permit or ~~\$180.00~~ \$220.00 per
- 10 application to operate facility.
- 11 under general permit
- 12 for stormwater runoff
- 13 associated with industrial
- 14 activities with specified
- 15 SIC codes; original
- 16 application; amendment
- 17 for change in activities.
- 18 (V) Individual permit or ~~\$1,000.00~~ \$1,200.00 per
- 19 application to operate system.
- 20 under general permit
- 21 for stormwater runoff

1 associated with municipal
2 separate storm sewer systems;
3 original application;
4 amendment for change
5 in activities.

6 (VI) Individual operating permit or application to operate under
7 a general permit for a residually designated stormwater discharge original
8 application; amendment; for increased flows amendment; for change in
9 treatment process.

10 (aa) For discharges to Class B water; \$430.00 per acre of
11 impervious area, minimum \$220.00.

12 (bb) For discharges to Class A water; \$1,400.00 per acre of
13 impervious area, minimum \$1,400.00.

14 (VII) Renewal, transfer, or \$0.00
15 minor amendment of
16 individual permit or
17 approval under general permit.

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

21 * * *

- 1 (II) Nonsewage.
- 2 (aa) Individual permit: \$0.06 per gallon design
- 3 original application; capacity; minimum ~~\$235.00~~
- 4 amendment for increased \$400.00 per application.
- 5 flows; amendment for
- 6 modification or replacement
- 7 of system.
- 8 (bb) Renewal, transfer or \$0.00
- 9 minor amendment of individual permit.
- 10 (cc) General permit \$0.00.
- 11 (B) Annual operating fee.
- 12 (i) Industrial, noncontact \$0.001 per gallon design
- 13 cooling water and capacity. \$150.00
- 14 thermal discharges. minimum; maximum
- 15 ~~\$105,000.00.~~ \$210,000.00
- 16 * * *
- 17 (iv) Stormwater
- 18 * * *
- 19 (II) Individual operating permit ~~\$66.00~~ \$80.00 per acre
- 20 or approval under general impervious area;
- 21 operating permit for ~~\$60.00~~ \$80.00 minimum.

1 collected stormwater runoff
2 which is discharged to
3 Class B waters.

4 (III) Individual permit or ~~\$66.00~~ \$80.00 per facility.
5 approval under general
6 permit for stormwater
7 runoff from industrial
8 facilities with
9 specified SIC codes.

10 (IV) Individual permit or ~~\$66.00~~ \$80.00 per system.
11 application to operate
12 under general permit for
13 stormwater runoff
14 associated with municipal separate
15 storm sewer systems.

16 (V) Individual permit or approval under general permit for
17 residually designated stormwater discharges.

18 (aa) For discharges to Class A water; \$255.00 per acre of
19 impervious area, minimum \$255.00.

20 (bb) For discharges to Class B water; \$80.00 per acre of
21 impervious area, minimum \$80.00.

1 (v) Indirect discharge or underground
2 injection control,
3 excluding stormwater discharges:

4 * * *

5 (II) Nonsewage

6 (aa) Individual permit \$0.013 per gallon of design
7 capacity. ~~\$100.00~~ \$250.00
8 minimum; maximum
9 \$5,500.00.

10 * * *

11 (4) For potable water supply and wastewater permits issued under
12 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater
13 system, including a sewerage connection; and a potable water supply,
14 including a connection to a public water supply:

15 (A) ~~Subdivision of land~~

16 ~~(i) Original application; major amendments.~~

17 ~~(1) Municipal or private \$0.25 per gallon per lot of~~
18 ~~sewerage system and public design flow of potable~~
19 ~~water supply. water or wastewater,~~
20 ~~whichever is greater.~~
21 ~~Minimum per lot \$105.00.~~

1 both potable water and
2 wastewater are being
3 constructed.
4 New or replacement systems:
5 (I) Municipal or private \$0.25 per gallon
6 sewerage system and of design flow of potable
7 public water supply. water or wastewater,
8 whichever is greater.
9 Minimum per application
10 \$105.00. Maximum per
11 application \$15,000.00.
12 (II) All other projects. \$0.50 per gallon of design
13 flow of potable water or
14 wastewater, whichever is
15 greater. Minimum per
16 application \$210.00.
17 Maximum per application
18 \$15,000.00.
19 (ii) Original application or
20 major amendment when
21 either potable water

1 ~~or wastewater, but not~~
2 ~~both, is being constructed.~~
3 ~~New or replacement systems.~~
4 ~~(i) Municipal or private \$0.15 per gallon per~~
5 ~~sewerage system and public application of design flow.~~
6 ~~water supply. Minimum per application~~
7 ~~\$105.00. Maximum per~~
8 ~~application \$15,000.00.~~
9 ~~(ii) All other projects. \$0.30 per gallon of design~~
10 ~~flow. Minimum per~~
11 ~~application \$210.00.~~
12 ~~Maximum per application~~
13 ~~\$15,000.00.~~
14 ~~(iii) Original application or~~
15 ~~major amendment when~~
16 ~~design flow of potable water~~
17 ~~or wastewater is increased~~
18 ~~but no construction is required.~~
19 ~~(i) Municipal or private \$0.25 per gallon of~~
20 ~~sewerage system and increased design flow of~~
21 ~~public water supply. potable water or~~

1 wastewater, whichever is
2 greater. ~~Minimum per~~
3 ~~application \$67.50.~~
4 Maximum per application
5 \$15,000.00.
6 (H) ~~All other projects.~~ \$0.50 per gallon of
7 increased design flow of
8 potable water or
9 wastewater, whichever is
10 greater. ~~Minimum per~~
11 ~~application \$135.00.~~
12 Maximum per application
13 \$15,000.00.
14 (iv) Minor amendments. ~~\$50.00~~ \$100.00.

15 (C) Special fees

16 * * *

17 (iv) ~~Original application or~~ \$35.00 per lot.
18 amendment for subdivision of
19 land where the lot or lots
20 subject to the fee are owned or
21 will be owned by the applicant or

1 a person related to the applicant by
2 blood, civil marriage, or civil union.
3 If the lot or lots are subsequently
4 transferred within a period of two years to
5 an individual who is not related by
6 blood, civil marriage, or civil union
7 to the owner of the lot or lots, the full
8 fee for the lots that were created shall
9 be paid. (I) Minor projects: \$180.00.

10 (II) As used in this subdivision (j)(4)(C)(iv), “minor project”
11 means a project that meets the following: there is an increase in design flow
12 but no construction is required; there is no increase in design flow, but
13 construction is required, excluding replacement potable water supplies and
14 wastewater systems; or there is no increase in design flow and no construction
15 is required, excluding applications that contain designs that require technical
16 review.

17 (D) Notwithstanding the other provisions of this subdivision:
18 (i) ~~when a wastewater system is subject to the fee provisions of~~
19 ~~this subdivision and subdivision (j)(2)(A)(iv)(I) of this section, only the higher~~
20 ~~of the two fees shall be assessed;~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(G) insignificant waste management \$100.00 per event.
event approvals

(7) For public water supply and bottled water permits and approvals issued under 10 V.S.A. chapter 56 of ~~Title 10~~ and interim groundwater withdrawal permits and approvals issued under 10 V.S.A. chapter 48 of ~~Title 10~~:

(A) For public water supply construction permit applications:
~~\$275.00~~ \$375.00 per application plus \$0.0055 per gallon of design capacity.
Amendments ~~\$110.00~~ \$150.00 per application.

(B) For water treatment plant applications, except those applications submitted by a municipality as defined in 1 V.S.A. § 126 or a consolidated water district established under 24 V.S.A. § 3342: \$0.003 per gallon of design capacity. Amendments ~~\$110.00~~ \$150.00 per application.

(C) For source permit applications:

- (i) Community water systems: ~~\$615.00~~ \$945.00 per source.
- (ii) Transient noncommunity: ~~\$250.00~~ \$385.00 per source.
- (iii) Nontransient, noncommunity: ~~\$500.00~~ \$770.00 per source.
- (iv) Amendments. ~~\$110.00~~ \$150.00 per application.

(D) For public water supplies and bottled water facilities, annually:

- (i) Transient noncommunity: ~~\$45.00~~ \$50.00

1 (8) For public water system operator certifications issued under
2 10 V.S.A. § 1674:

3 Class IA and IB \$40.00 per initial certificate or renewal. Fee is
4 waived for operators who are permittees under
5 the transient noncommunity water system
6 general permit.

7 All Other Classes \$70.00 per initial certificate or renewal

8 (A) For class IA and IB operators: \$45.00 per initial certificate or
9 renewal. Operators who are also permittees under the transient noncommunity
10 water system general permit are not subject to this fee.

11 (B) For all other classes: \$80.00 per initial certificate or renewal.

12 (9)(A) For a solid waste hauler permits issued under 10 V.S.A. § 6607a
13 \$35.00; an annual operating fee of \$50.00 per vehicle used, by the commercial
14 hauler that is permitted, for transporting waste. This fee shall be submitted
15 with the permit application and each year thereafter for the duration of the
16 permit, at the time of the filing of the annual statement required by 10 V.S.A.
17 § 6605f(m).

18 (B) For a hazardous waste hauler permits issued under 10 V.S.A.
19 § 6607a: \$100.00; an annual operating fee of \$125.00 per vehicle used, by the
20 commercial hauler that is permitted, for transporting waste. This fee shall be
21 submitted with the permit application and each year thereafter for the duration

1 of the permit, at the time of the filing of the annual statement required by
2 ~~10 V.S.A. § 6605f(m).~~

3 * * *

4 (16) For underground storage tank permits issued under 10 V.S.A.
5 chapter 59:

6 ~~\$100.00~~ \$125.00 per

7 tank per year.

8 * * *

9 (21) ~~For site technician certifications issued under 3 V.S.A. § 2827(f)~~

10 For class A and B designer licenses issued under 10 V.S.A. § 1975:

11 (A) ~~Type A site technicians~~ Class A:

12 (i) original application ~~\$100.00~~ \$150.00

13 (ii) renewal application ~~\$40.00~~ \$50.00 per year.

14 (iii) provisional license \$50.00.

15 (B) ~~Type B site technicians~~ Class B:

16 (i) original application ~~\$40.00~~ \$75.00

17 (ii) renewal application ~~\$40.00~~ \$50.00 per year.

18 (iii) provisional license \$50.00.

19 (C) Renewal late fee. The following fees shall be charged in addition
20 to the renewal fees established in subdivisions (A) and (B) of this
21 subdivision (21):

1 assessed for emissions resulting from the combustion of any fuels, except solid
2 waste, in fuel burning or manufacturing process equipment.

3 (1) Contaminants which cause short-term irritant effects — ~~\$0.008~~
4 \$0.012 per pound of emissions;

5 (2) Contaminants which cause chronic systemic toxicity (low potency)
6 — ~~\$0.015~~ \$0.0225 per pound of emissions;

7 (3) Contaminants which cause chronic systemic toxicity (high potency)
8 — ~~\$0.02~~ \$0.03 per pound of emissions;

9 (4) Contaminants known or suspected to cause cancer (low potency) —
10 ~~\$0.55~~ \$0.825 per pound of emissions;

11 (5) Contaminants known or suspected to cause cancer (high potency) —
12 ~~\$10.00~~ \$15.00 per pound of emissions.

13 (l) Commencing with registration year 1993 and for each year thereafter,
14 any person required to pay a fee to register an air contaminant source under
15 10 V.S.A. § 555(c) in addition shall pay the following fees for emissions of
16 hazardous air contaminants resulting from the combustion of any of the
17 following fuels in fuel burning or manufacturing process equipment.

18 (1) Coal — ~~\$0.43~~ \$0.645 per ton burned;

19 (2)(A) Wood — ~~\$0.103~~ \$0.155 per ton burned; or

20 (B) Wood burned with an operational electrostatic precipitator and
21 NO_x reduction technologies — ~~\$0.025~~ \$0.0375 per ton burned;

- 1 (3) No. 6 grade fuel oil — ~~\$0.0005~~ \$0.00075 per gallon burned;
- 2 (4) No. 4 grade fuel oil — ~~\$0.0004~~ \$0.0006 per gallon burned;
- 3 (5) No. 2 grade fuel oil — ~~\$0.0002~~ \$0.0003 per gallon burned;
- 4 (6) Liquid propane gas — ~~\$0.0002~~ \$0.0003 per gallon burned;
- 5 (7) Natural gas — ~~0.87~~ \$1.305 per million cubic feet burned.

6 * * *

7 Sec. 2. 10 V.S.A. § 1922 is amended to read:

8 § 1922. DEFINITIONS

9 For purposes of this chapter:

10 * * *

11 (16) “Acceptable piping” means:

12 (A) double-wall pressurized piping; or

13 (B) single-wall piping that operates under suction, is pitched evenly
14 uphill from the tank top, and has only one check valve which is located at the
15 dispenser, fuel burner, generator, or other piping termination point.

16 (17) “Double-wall tank system” means an underground storage tank
17 system consisting of a double-wall tank and acceptable piping.

18 (18) “Combination tank system” means an underground storage tank
19 system consisting of a single-wall tank and acceptable piping.

20 (19) “Single-wall tank system” means an underground storage tank
21 system consisting of a single-wall tank and single-wall pressurized piping.

1 Sec. 3. 10 V.S.A. § 1943 is amended to read:

2 § 1943. PETROLEUM TANK ASSESSMENT

3 (a) Each owner of a category one tank used for storage of petroleum
4 products shall remit to the secretary on October 1 of each year ~~beginning~~
5 ~~October 1, 1988,~~ \$100.00 per double-wall tank system; \$150.00 per
6 combination tank system; and \$200.00 per single-wall tank system, which shall
7 be deposited to the petroleum cleanup fund established by section 1941 of this
8 title, except that:

9 (1) ~~The fee shall be \$50.00 per tank for~~ For retail gasoline outlets that
10 sell less than 40,000 gallons of motor fuel per month, the fee shall be:

11 (A) \$75.00 per double-wall tank system;

12 (B) \$125.00 per combination tank system; and

13 (C) \$175.00 per single-wall tank system.

14 (2) The fee shall be reduced by 50 percent if the owner or permittee
15 provides to the satisfaction of the secretary evidence of financial responsibility
16 to allow the taking of corrective action in the amount of \$100,000.00 per
17 occurrence and the compensation of third parties for bodily injury and property
18 damage in the amount of \$300,000.00 per occurrence.

19 (3) The fee shall be relieved if the owner provides to the satisfaction of
20 the secretary, evidence of financial responsibility to allow the taking of

1 corrective action and the compensation of third parties for bodily injury and
2 property damage each in the amount of \$1,000,000.00 per occurrence.

3 (4) The fee for retail motor fuel outlets selling 20,000 gallons or less per
4 month shall not exceed \$100.00 per year for all double-wall tanks at a single
5 location and shall not exceed \$300.00 for all combination tank systems at a
6 single location. This cap shall not apply to a retail motor fuel outlet utilizing a
7 single-wall tank system.

8 (5) ~~The fee shall be \$50.00 per tank for~~ For any municipality that uses
9 an annual average of less than an annual average of 40,000 gallons of motor
10 fuel per month, provided that all of the tanks of that municipality meet the
11 requirements of this chapter, the fee shall be:

12 (A) \$50.00 per double-wall tank system;

13 (B) \$100.00 per combination tank system; and

14 (C) \$150.00 per single-wall tank system.

15 (b) For purposes of this section, an occurrence is an accident, including
16 continuous or repeated exposure to conditions, which results in the release of
17 petroleum from one or more underground storage tanks at the same site.

18 (c) This tank assessment shall terminate on July 1, 2014.

19 (d) The secretary shall establish forms and procedures for the payment of
20 the petroleum tank assessment, including a notice of the obligation 30 days

1 prior to being due. Failure to receive notice shall not waive the payment
2 obligation.

3 Sec. 4. PETROLEUM ADVISORY COMMITTEE REPORT

4 In the 2013 report of the petroleum cleanup advisory committee, the
5 committee shall make recommendations on how to reduce risks to the fund
6 posed by an aboveground or underground storage tank. In making its
7 recommendation, the committee shall consider:

8 (1) Appropriate tank assessment fees for single-wall and combination
9 underground storage tanks.

10 (2) Appropriate deductibles when there is a release from a single-wall or
11 combination underground storage tank.

12 (3) A time line laying out a process to remove single-wall and
13 combination underground storage tanks from service.

14 (4) For tank system owners that have low throughputs or limited income
15 from their underground storage tank system, the use of grants or negative
16 interest loans for the upgrade of those systems.

17 Sec. 5. 10 V.S.A. § 6628 is amended to read:

18 § 6628. PLAN, PLAN SUMMARY AND PERFORMANCE REPORT

19 REVIEW

20 * * *

1 (j) Fees shall be submitted annually on March 31st. Fees shall be
2 submitted to the secretary and deposited into the hazardous waste management
3 account of the waste management assistance fund established under section
4 6618 of this title. Fees shall be computed according to the following:

5 (1) ~~\$300.00~~ \$350.00 per toxic chemical identified pursuant to
6 subdivision 6629(c)(4) of this title.

7 (2) ~~\$300.00~~ \$350.00 per hazardous waste stream identified pursuant to
8 subdivision 6629(c)(3) of this title.

9 (3) Up to a maximum amount of:

10 (A) ~~\$1,500.00~~ \$1,750.00 per plan; for Class A generators.

11 (B) ~~\$300.00~~ \$350.00 per plan for Class B generators.

12 (C) ~~\$1,500.00~~ \$1,750.00 per plan for large users.

13 (D) ~~\$3,000.00~~ \$3,500.00 per plan for Class A generators that are
14 large users.

15 (E) ~~\$900.00~~ \$1,050.00 per plan for Class B generators that are large
16 users.

17 Sec. 6. 10 V.S.A. § 7553 is amended to read:

18 § 7553. SALE OF COVERED ELECTRONIC DEVICES;

19 MANUFACTURER REGISTRATION

20 * * *

21 (h) Implementation fee.

1 (1) ~~For the program year of~~ Beginning July 1, 2011, ~~through June 30,~~
2 ~~2012,~~ each manufacturer that seeks coverage under the standard plan shall pay
3 to the secretary an implementation fee that shall be assessed on a quarterly
4 basis and that shall be determined by multiplying the manufacturer's market
5 share by the prior quarter's cost of implementing the electronic waste
6 collection and recycling program adopted under the standard plan. For
7 purposes of this section, the electronic waste and recycling program includes
8 collection, transportation, recycling, and the reasonable cost of contract
9 administration.

10 (2) ~~Beginning with the program year starting July 1, 2012, a proposed~~
11 ~~methodology for calculating the implementation fee for manufacturers seeking~~
12 ~~coverage under the standard plan shall be included in the executive branch fee~~
13 ~~report and approved by the general assembly according to the requirements of~~
14 ~~subchapter 6 of chapter 7 of Title 32.~~

15 (3) The fee collected under this subsection shall be deposited into the
16 electronic waste collection and recycling account of the waste management
17 assistance fund.

18 (4)(3) At the end of each program year, the secretary shall review the
19 total costs of collection and recycling for the program year and shall
20 reapportion the implementation fee assessed under this subsection to accurately

1 reflect the actual cost of the program and the manufacturer's market share of
2 covered electronic devices sold in the state during the program year.

3 * * *

4 Sec. 7. FORMAT CHANGES AND ADJUSTMENTS TO THE AGENCY
5 OF NATURAL RESOURCES FEES

6 The legislative council may, in consultation with the agency of natural
7 resources, modify the format of the fees established by 3 V.S.A. § 2822. In
8 making the modifications, the legislative council may make changes to the
9 sections that do not affect the amount or scope of a fee. The legislative council
10 may make changes to improve the readability of the proposed fees. Prior to
11 codification of the reformatted fees, copies shall be presented to the house
12 committee on ways and means and the senate committee on finance.

13 * * * Natural resources board * * *

14 * * * Act 250 fees * * *

15 Sec. 8. 10 V.S.A. § 6083a is amended to read:

16 § 6083a. ACT 250 FEES

17 (a) All applicants for a land use permit under section 6086 of this title shall
18 be directly responsible for the costs involved in the publication of notice in a
19 newspaper of general circulation in the area of the proposed development or
20 subdivision and the costs incurred in recording any permit or permit
21 amendment in the land records. In addition, applicants shall be subject to the

1 following fees for the purpose of compensating the state of Vermont for the
2 direct and indirect costs incurred with respect to the administration of the
3 Act 250 program:

4 * * *

5 (4) For projects involving the extraction of earth resources, including
6 but not limited to sand, gravel, peat, topsoil, crushed stone, or quarried
7 material, a fee as determined under subdivision (1) of this subsection or a fee
8 equivalent to the rate of ~~\$0.20~~ \$0.02 per cubic yard of ~~maximum estimated~~
9 ~~annual extraction~~ the total volume of earth resources to be extracted over the
10 life of the permit, whichever is greater. Extracted material that is not sold or
11 does not otherwise enter the commercial marketplace shall not be subject to the
12 fee. The fee assessed under this subdivision for an amendment to a permit
13 shall be based solely upon any additional volume of earth resources to be
14 extracted under the amendment.

15 * * *

16 * * * Vermont web portal * * *

17 Sec. 9. 22 V.S.A. § 953 is amended to read:

18 § 953. VERMONT WEB PORTAL BOARD; DUTIES

19 * * *

20 (c) ~~Any charges created or changed by the board shall be approved as~~
21 ~~follows:~~

1 ~~(1) All such charges shall be submitted to the governor who shall send a~~
2 ~~copy of the approval or rejection to the joint fiscal committee through the joint~~
3 ~~fiscal office together with the following information with respect to those~~
4 ~~items:~~

5 ~~(A) the costs, direct and indirect, for the present and future years~~
6 ~~related to the charge;~~

7 ~~(B) the department or program which will utilize the charge;~~

8 ~~(C) a brief statement of purpose;~~

9 ~~(D) the impact on existing programs if the charge is not accepted.~~

10 ~~(2) The governor's approval shall be final unless within 30 days of~~
11 ~~receipt of the information a member of the joint fiscal committee requests the~~
12 ~~charge be placed on the agenda of the joint fiscal committee or, when the~~
13 ~~general assembly is in session, be held for legislative approval. In the event of~~
14 ~~such request, the charge shall not be accepted until approved by the joint fiscal~~
15 ~~committee or the legislature. During the legislative session, the joint fiscal~~
16 ~~committee shall file a notice with the house clerk and senate secretary for~~
17 ~~publication in the respective calendars of any charge approval requests that are~~
18 ~~submitted by the administration~~ Beginning July 1, 2012, any charges or fees
19 proposed to be created or changed by the board shall be submitted annually for
20 approval with the consolidated executive branch fee report and request

1 pursuant to 32 V.S.A. § 605. Any charges or fees created by the board prior to
2 July 1, 2012 shall remain in effect.

3 Sec. 10. DEPARTMENT OF INFORMATION AND INNOVATION
4 REPORT

5 The department of information and innovation shall report to the house
6 committee on ways and means and the senate committee on finance by
7 January 15, 2013 regarding the Vermont web portal. The report shall include
8 an analysis of whether the Vermont web portal fee structure is appropriate and
9 whether there are more cost-effective ways for the state to contract for web
10 portal services. The report shall include any recommended changes to the web
11 portal business model.

12 * * * Wastewater supply and potable water supply loan program * * *

13 Sec. 11. TRANSFER OF FUNDS TO WASTEWATER SUPPLY AND
14 POTABLE WATER SUPPLY LOAN PROGRAM

15 The amount of \$275,000.00 from the fees collected pursuant to 3 V.S.A.
16 § 2822(j)(4) shall be deposited annually in the fund established in 24 V.S.A.
17 § 4753a(c) to provide loans for the repair of failed wastewater supply systems
18 and potable water supply systems.