

1 H.35

2 Representative Browning of Arlington moves that the bill be amended as
3 follows:

4 First: In Sec. 33, 10 V.S.A. § 1264, by striking out subdivision (c)(6) in its
5 entirety and inserting in lieu thereof the following:

6 (6)(A) In accordance with the schedule established under subdivision
7 (g)(2) of this section, a municipality shall not discharge stormwater from a
8 municipal road without first obtaining:

9 (i) an individual permit;

10 (ii) coverage under a municipal road general permit; or

11 (iii) coverage under a municipal separate stormsewer system

12 permit that implements the technical standards and criteria established by the
13 Secretary for stormwater improvements of municipal roads.

14 (B) As used in this subdivision, “municipality” means a city, town, or
15 village located in a watershed listed as impaired by the Agency of Natural
16 Resources under 33 U.S.C. § 1313 due to phosphorus, nutrients, or sediment.

17 and by striking out subdivision (g)(2)(D) in its entirety and inserting in lieu
18 thereof the following:

19 (D) As used in this subdivision (g)(2), “municipality” means a city,
20 town, or village located in a watershed listed as impaired by the Agency of

1 Natural Resources under 33 U.S.C. § 1313 due to phosphorus, nutrients, or
2 sediment.

3 Second: In Sec. 41, 3 V.S.A. § 2822, by striking out subsection (i) in its
4 entirety and inserting in lieu thereof the following:

5 (i) The Secretary shall not process an application for which the applicable
6 fee has not been paid unless the Secretary specifies that the fee may be paid at
7 a different time or unless the person applying for the permit is exempt from the
8 permit fee requirements pursuant to 32 V.S.A. § 710. ~~In addition, the persons~~
9 ~~who are exempt under 32 V.S.A. § 710 are also exempt from the application~~
10 ~~fees for stormwater operating permits specified in subdivisions (j)(2)(A)(iii)(I)~~
11 ~~and (II) of this section if they otherwise meet the requirements of 32 V.S.A.~~
12 ~~§ 710.~~ Municipalities that are not located in a watershed listed by the Agency
13 of Natural Resources under 33 U.S.C. § 1313 as impaired due to phosphorus,
14 nutrients, or sediment shall be exempt from the payment of fees under this
15 section except for those fees prescribed in subdivisions (j)(1), (2), (7), (8), (14),
16 and (15) of this section for which a municipality may recover its costs by
17 charging a user fee to those who use the permitted services. Municipalities
18 that are located in a watershed listed by the Agency of Natural Resources
19 under 33 U.S.C. § 1313 as impaired due to phosphorus, nutrients, or sediment
20 shall pay fees prescribed in subdivisions (j)(2), (10), (11), and (26), except that
21 a municipality shall also be exempt from those fees for ~~orphan~~ stormwater

1 systems ~~prescribed in subdivisions (j)(2)(A)(iii) and (2)(B)(iv)(I) or (II) of this~~
2 ~~section when the municipality agrees to become an applicant or co-applicant~~
3 ~~for an orphan stormwater system under 10 V.S.A. § 1264e~~ for which a
4 municipality has assumed full legal responsibility under 10 V.S.A. § 1264.

5 Third: By striking Sec. 42 in its entirety and inserting in lieu thereof the
6 following:

7 Sec. 42. 32 V.S.A. § 710 is amended to read:

8 § 710. PAYMENT OF STATE AGENCY FEES

9 (a) Notwithstanding any other provision of law, the Agency of
10 Transportation, any cooperating municipalities, and their contractors or agents
11 shall be exempt from the payment of fee charges for reviews, inspections, or
12 nonoperating permits issued by the Department of Public Safety, a District
13 Environmental Commission, and the Agency of Natural Resources for any
14 projects undertaken by or for the Agency and any cooperating municipalities
15 for which all or a portion of the funds are authorized by a legislatively
16 approved transportation construction, rehabilitation, or paving program within
17 a general appropriation act introduced pursuant to section 701 of this title,
18 except that the Agency of Transportation, any cooperating municipality located
19 in a watershed listed by the Agency of Natural Resources under 33 U.S.C.
20 § 1313 as impaired due to phosphorus, nutrients, or sediment, and their

1 contractors or agents shall pay the fees established under 3 V.S.A.

2 § 2822(j)(2)(A)(iii), (j)(10), (j)(11), and (j)(26).

3 (b) Notwithstanding any other provision of law, no fees shall be charged
4 for reviews, inspections, or nonoperating permits issued by the Department of
5 Public Safety, a District Environmental Commission, and the Agency of
6 Natural Resources for:

7 (1) Any project undertaken by the Department of Buildings and General
8 Services, the Agency of Natural Resources or the Agency of Transportation
9 which is authorized or funded in whole or in part by the capital construction
10 act introduced pursuant to section 701a of this title, except for those fees
11 established under 3 V.S.A. § 2822(j)(2)(A)(iii), (j)(10), (j)(11), and (j)(26).

12 (2) Any project undertaken by a municipality, which is funded in whole
13 or in part by a grant or loan from the Agency of Natural Resources or the
14 Agency of Transportation financed by an appropriation of a capital
15 construction act introduced pursuant to section 701a of this title, except that a
16 municipality located in a watershed impaired due to phosphorus, nutrients, or
17 sediment shall pay the fees established under 3 V.S.A. § 2822(j)(2)(A)(iii),
18 (j)(7)(A) and (B), (j)(10), (j)(11), and (j)(26). However, all such fees shall be
19 paid for reviews, inspections, or permits required by municipal solid waste
20 facilities developed by a solid waste district which serves, or is expected to

- 1 serve, in whole or in part, parties located outside its own district boundaries
- 2 pursuant to 10 V.S.A. chapter 159.