

1 S.123

2 Representative ____ moves that the House propose to the Senate that the
3 bill be amended as follows:

4 First: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 1 (general
5 provisions), in 10 V.S.A. § 7703 (rules; additional notice or procedures), in
6 subsection (a) (rules), in subdivision (2) (complex projects; preapplication
7 process), by striking out subdivisions (A) and (B) and inserting in lieu thereof
8 new subdivisions (A) and (B) to read:

9 (A) Written notice of an informational meeting under this section is sent to
10 the owner of the land where the project is located if the applicant is not the
11 owner; the municipality in which the project is located; the municipal and
12 regional planning commissions for any municipality in which the project is
13 located; if the project site is located on a boundary, any Vermont municipality
14 adjacent to that boundary and the municipal and regional planning
15 commissions for that municipality; and each adjoining property owner. **At the**
16 **time this written notice is sent, the Secretary also shall post the notice to**
17 **the environmental notice bulletin.**

18 (B) The notice to adjoining property owners informs them of how
19 they can continue to receive notices and information **through the**
20 **environmental notice bulletin** concerning the project as it is reviewed by the
21 Secretary.

1 Second: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 1 (general
2 provisions), after 10 V.S.A. § 7704, by inserting 10 V.S.A. § 7705 to read:

3 § 7705. TIME, HOW COMPUTED

4 In this chapter:

5 (1) When time is to be reckoned from a day, date, or an act done, the
6 day, date, or day when the act is done shall not be included in the computation.

7 (2) Computation of a time period shall use calendar days, except that the
8 computation of a period less than 11 days shall use business days.

9 Third: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
10 procedures), in 10 V.S.A. § 7111 (permit procedures; standard provisions), in
11 subsection (a) (notice through the environmental notice bulletin), in
12 subdivision (2), by striking out subdivisions (E) through (G) and inserting in
13 lieu thereof new subdivisions (E), (F), and (G) to read:

14 (E) the length of the period for submitting written comments and the
15 process for submitting those comments, if applicable, and notice of the
16 requirement to submit comments during that period **or at a public meeting in**
17 **order to appeal under chapter 220 of this title;**

18 (F) the process for requesting a public meeting, if applicable;

19 (G) when a public meeting has been scheduled, the time, date, and
20 location of the **meeting** and a brief description of the nature and purpose of
21 the hearing;

1 Fourth: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
2 procedures), in 10 V.S.A. § 7711 (permit procedures; standard provisions), by
3 striking out subsection (f) (draft decisions) and inserting in lieu thereof a new
4 subsection (f) to read:

5 (f) Draft decisions. When this chapter requires the Secretary to post a draft
6 decision or draft general permit to the environmental notice bulletin, the
7 Secretary shall post to the bulletin the draft decision or draft general permit and
8 all documents on which the Secretary relied in issuing the draft. This post
9 shall include instructions on how to inspect and how to request a copy of each
10 other document that is part of the administrative record of the draft decision or
11 permit.

12 Fifth: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
13 procedures), in 10 V.S.A. § 7712 (Type 1 procedures), by striking out
14 subsection (e) (public meeting) and inserting in lieu thereof a new subsection
15 (e) to read:

16 (e) Public meeting. On or before the end of the comment period, any
17 person may request a public meeting on the draft decision or draft general
18 permit issued under this section. **The Secretary shall hold a public meeting**
19 **whenever any person files a written request for such a meeting. The**
20 **Secretary otherwise may hold a public meeting at his or her discretion.**
21 The Secretary shall provide at least 30 days' notice of the public meeting

1 through the environmental notice bulletin. If the notice of the public meeting
2 is not issued at the same time as the draft decision or draft general permit, the
3 Secretary also shall provide notice of the public meeting in the same manner as
4 required for the draft decision or permit under subdivision (c) of this section.

5 Sixth: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
6 procedures), in 10 V.S.A. § 7713 (Type 2 procedures), by striking out
7 subsections (a) (purpose; scope), (b) (notice of application), (c) notice of draft
8 decision; comment period), and (d) (public meeting) and inserting in lieu
9 thereof new subsections (a), (b), (c), and (d) to read:

10 (a) Purpose; scope.

11 (1) The purpose of this section is to establish the public notice and
12 comment requirements that the Department must follow when considering
13 applications for individual permits, except for individual permits specifically
14 listed in other sections of this subchapter, and when considering other permits
15 listed in this section.

16 (2) The procedures under this section shall be known as Type 2
17 Procedures. This section governs an application for each of the following:

18 (A) an individual permit issued pursuant to the Secretary's authority
19 under this title and 29 V.S.A. chapter 11, except for permits governed by
20 sections 7712 and 7714–7716 of this chapter;

21 (B) a wetland determination under section 914 of this title;

1 **(C) an individual shoreland permit under chapter 49A of this**
2 **title;**

3 (D) a public water system source permit under section 1675 of
4 this title;

5 (E) a provisional certification issued under section 6605d of this
6 title; and

7 (F) a corrective action plan under section 6648 of this title.

8 (b) Notice of application.

9 (1) The applicant shall provide notice of the application to adjoining
10 property owners.

11 **(A) For public water system source protection areas, the applicant**
12 **also shall provide notice to all property owners located in:**

13 (i) zones 1 and 2 of the source protection area for a public
14 community water system source; and

15 (ii) the source protection area for a public nontransient
16 noncommunity water system source.

17 **(B) For an individual shoreland permit under chapter 49A:**

18 **(i) The notice to adjoining property owners shall be to the**
19 **adjoining property owners on the terrestrial boundary of the shoreland.**

20 **(ii) This chapter does not require notice to owners of property**
21 **across the lake as defined in that chapter.**

1 (2) The Secretary shall provide notice of an administratively complete
2 application through the environmental notice bulletin.

3 (c) Notice of draft decision; comment period. The Secretary shall provide
4 notice of a draft decision through the environmental notice bulletin and shall
5 post the draft decision to the bulletin. The Secretary shall provide a public
6 comment period.

7 (d) Public meeting. The Secretary shall hold a public meeting whenever
8 any person files a written request for such a meeting. The Secretary
9 otherwise may hold a public meeting at his or her discretion.

10 Seventh: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
11 procedures), in 10 V.S.A. § 7714 (Type 3 procedures), in subdivision (a)
12 (purpose; scope), in subdivision 2, in subdivision (C), by striking out
13 subdivision (i) (individual shoreland permit) and renumbering the remaining
14 subdivisions to be numerically correct, and by striking out subsection (d) and
15 in inserting in lieu thereof a new subsection (d) to read:

16 (d) Public meeting. The Secretary shall hold a public meeting whenever
17 any person files a written request for such a meeting. The Secretary
18 otherwise may hold a public meeting at his or her discretion.