

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Ways and Means to which was referred House Bill No. 35
3 entitled “An act relating to improving the quality of State waters” respectfully
4 reports that it has considered the same and recommends that the report of the
5 House Committee on Agriculture and Forest Products be further amended as
6 follows:

7 First: In Sec. 3, in 6 V.S.A. § 4871, by adding a subsection (h) to read:

8 (h) Fees.

9 (1) A person required to submit a certification under this section shall
10 submit to the Secretary the following annual operating fee:

11 (A) \$250.00 for farms that house less than 100 mature dairy
12 animals; and

13 (B) \$500.00 for farms that house 100 to 199 mature dairy animals.

14 (2) The fees collected under this section shall be deposited in the
15 Agricultural Water Quality Special Fund under section 4803 of this title.

16 Second: In Sec. 6, 6 V.S.A. § 4803, by striking out subsection (a) in its
17 entirety and inserting in lieu thereof the following:

18 (a) There is created an Agricultural Water Quality Special Fund to be
19 administered by the Secretary of Agriculture, Food and Markets. Fees
20 collected under this chapter, including fees for permits or certifications issued
21 under this chapter, shall be deposited in the Fund.

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(e) A person required to obtain a permit or coverage under this section shall submit an annual operating fee of \$1,500.00 to the Secretary. The fees collected under this section shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title.

Sec. 9. 6 V.S.A. § 324(b) is amended to read:

(b) A person shall not distribute in this State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of ~~\$85.00~~ \$100.00 per product. ~~The~~ Of the registration fees collected, \$85.00 of each collected fee, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. Of the registration fees collected, \$15.00 of each collected fee shall be deposited in the Agricultural Water Quality Special Fund created under section 4803 of this title. If the Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

1 Fourth: By striking out Secs. 11 and 12 in their entirety and inserting in
2 lieu thereof the following:

3 Sec. 11. 6 V.S.A. § 366 is amended to read:

4 § 366. TONNAGE FEES

5 (a) There shall be paid annually to the ~~secretary~~ Secretary for all fertilizers
6 distributed to a nonregistrant consumer in this ~~state~~ State an annual ~~inspection~~
7 fee at a rate of \$0.25 cents per ton.

8 (b) Persons distributing fertilizer shall report annually by January 15 for the
9 previous year ending December 31 to the ~~secretary~~ Secretary revealing the
10 amounts of each grade of fertilizer and the form in which the fertilizer was
11 distributed within this ~~state~~ State. Each report shall be accompanied with
12 payment and written permission allowing the ~~secretary~~ Secretary to examine
13 the person's books for the purpose of verifying tonnage reports.

14 (c) No information concerning tonnage sales furnished to the ~~secretary~~
15 Secretary under this section shall be disclosed in such a way as to divulge the
16 details of the business operation to any person unless it is necessary for the
17 enforcement of the provisions of this chapter.

18 (d) ~~A \$50.00 minimum tonnage fee shall be assessed on all distributors~~
19 ~~who distribute fertilizers in this state.~~ [Repealed.]

20 (e) Agricultural limes, including agricultural lime mixed with wood ash,
21 are exempt from the tonnage fees required in this section.

1 (f) Lime and wood ash mixtures may be registered as agricultural liming
2 materials and guaranteed for potassium or potash provided that the wood ash
3 totals less than 50 percent of the mixture.

4 (g) All fees collected under subsection (a) of this section shall be deposited
5 in the revolving fund created by section 364(e) of this title and used in
6 accordance with its provisions.

7 (h) There shall be paid annually to the Secretary for all fertilizers
8 distributed to a nonregistrant consumer in this State an annual fee at a rate of
9 \$30.00 per ton on nonagricultural fertilizer for the purpose of supporting
10 agricultural water quality programs in Vermont.

11 (1) Persons distributing fertilizer shall report annually on or before
12 January 15 for the previous year ending December 31 to the Secretary
13 revealing the amounts of each grade of fertilizer and the form in which the
14 fertilizer was distributed within this State. Each report shall be accompanied
15 with payment of the fees under this section and written permission allowing
16 the Secretary to examine the person's books for the purpose of verifying
17 tonnage reports.

18 (2) No information concerning tonnage sales furnished to the Secretary
19 under this section shall be disclosed in such a way as to divulge the details of
20 the business operation to any person unless it is necessary for the enforcement
21 of the provisions of this chapter.

1 (3) A \$150.00 minimum tonnage fee shall be assessed on all distributors
2 who distribute nonagricultural fertilizers in this State.

3 (4) Agricultural limes, including agricultural lime mixed with wood ash,
4 are exempt from the tonnage fees required under this subsection.

5 (5) All fees collected under this subsection shall be deposited in the
6 Agricultural Water Quality Special Fund created under section 4803 of this
7 title.

8 Sec. 12. 6 V.S.A. § 918 is amended to read:

9 § 918. REGISTRATION

10 (a) Every economic poison which is distributed, sold, or offered for sale
11 within this State or delivered for transportation or transported in intrastate
12 commerce or between points within this State through any point outside this
13 State shall be registered in the Office of the Secretary, and such registration
14 shall be renewed annually; provided, that products which have the same
15 formula, are manufactured by the same person, the labeling of which contains
16 the same claims, and the labels of which bear a designation identifying the
17 product as the same economic poison may be registered as a single economic
18 poison; and additional names and labels shall be added by supplement
19 statements during the current period of registration. It is further provided that
20 any economic poison imported into this State, which is subject to the
21 provisions of any federal act providing for the registration of economic poisons

1 and which has been duly registered under the provisions of this chapter, may,
2 in the discretion of the Secretary, be exempted from registration under this
3 chapter, when sold or distributed in the unbroken immediate container in
4 which it was originally shipped. The registrant shall file with the Secretary a
5 statement including:

6 (1) The name and address of the registrant and the name and address of
7 the person whose name will appear on the label, if other than the registrant.

8 (2) The name of the economic poison.

9 (3) A complete copy of the labeling accompanying the economic poison
10 and a statement of all claims to be made for it, including directions for use.

11 (4) If requested by the Secretary, a full description of the tests made and
12 the results thereof upon which the claims are based. In the case of renewal of
13 registration, a statement shall be required only with respect to information
14 which is different from that furnished when the economic poison was
15 registered or last re-registered.

16 (b) The registrant shall pay an annual fee of ~~\$110.00~~ \$125.00 for each
17 product registered, and \$110.00 of that amount shall be deposited in the special
18 fund created in section 929 of this title, of which \$5.00 from each product
19 registration shall be used for an educational program related to the proper
20 purchase, application, and disposal of household pesticides, and \$5.00 from
21 each product registration shall be used to collect and dispose of obsolete and

1 unwanted pesticides. Of the registration fees collected under this subsection,
2 \$15.00 of the amount collected shall be deposited in the Agricultural Water
3 Quality Special Fund created under section 4803 of this title. The annual
4 registration year shall be from December 1 to November 30 of the following
5 year.

6 * * *

7 Fifth: By striking out Secs. 22–24 in their entirety and inserting in lieu
8 thereof the following:

9 * * * Use Value Appraisal; Compliance with

10 Accepted Agricultural Practices * * *

11 Sec. 22. 32 V.S.A. § 3756(i) is amended to read:

12 (i)(1) The Director shall remove from use value appraisal an entire parcel
13 of managed ~~forest land~~ forestland and notify the owner ~~in accordance with the~~
14 ~~procedure in subsection (b) of this section~~ when the ~~Department~~ Commissioner
15 of Forests, Parks and Recreation has not received a management activity report
16 or has received an adverse inspection report, unless the lack of conformance
17 consists solely of the failure to make prescribed planned cutting. In that case,
18 the Director may delay removal from use value appraisal for a period of one
19 year at a time to allow time to bring the parcel into conformance with the plan.

1 (2)(A) The Director shall remove from use value appraisal an entire
2 parcel or parcels of agricultural land and farm buildings identified by the
3 Secretary of Agriculture, Food and Markets as being used by a person:

4 (i) found, after administrative hearing, or contested judicial
5 hearing or motion, to be in violation of water quality requirements established
6 under 6 V.S.A. chapter 215, or any rules adopted or any permit or certification
7 issued under 6 V.S.A. chapter 215; or

8 (ii) who is not in compliance with the terms of an administrative
9 or court order issued under 6 V.S.A. chapter 215, subchapter 10 to remedy a
10 violation of the requirements of 6 V.S.A. chapter 215 or any rules adopted or
11 any permit or certification issued under 6 V.S.A. chapter 215.

12 (B) The Director shall notify the owner that agricultural land or a
13 farm building has been removed from use value appraisal by mailing
14 notification of removal to the owner or operator's last and usual place of
15 abode. After removal of agricultural land or a farm building from use value
16 appraisal under this section, the Director shall not consider a new application
17 for use value appraisal for the agricultural land or farm building until the
18 Secretary of Agriculture, Food and Markets submits to the Director a
19 certification that the owner or operator of the agricultural land or farm building
20 is complying with the water quality requirements of 6 V.S.A. chapter 215 or an
21 order issued under 6 V.S.A. chapter 215. After submission of a certification by

1 the Secretary of Agriculture, Food and Markets, an owner or operator shall be
2 eligible to apply for enrollment of the agricultural land or farm building
3 according to the requirements of section 3756 of this title.

4 Sec. 23. 32 V.S.A. § 3758 is amended to read:

5 § 3758. APPEALS

6 (a) Whenever the Director denies in whole or in part any application for
7 classification as agricultural land or managed forestland or farm buildings, or
8 grants a different classification than that applied for, or the Director or
9 assessing officials fix a use value appraisal or determine that previously
10 classified property is no longer eligible or that the property has undergone a
11 change in use, the aggrieved owner may appeal the decision of the Director to
12 the Commissioner within 30 days of the decision, and from there to Superior
13 Court in the county in which the property is located.

14 * * *

15 (e) When the Director removes agricultural land or a farm building
16 pursuant to notification from the Secretary of Agriculture, Food and Markets
17 under section 3756 of this title, the exclusive right of appeal shall be as
18 provided in 6 V.S.A. § 4996(a).

19 Sec. 24. 32 V.S.A. § 3752(5) is amended to read:

20 (5) “Development” means, for the purposes of determining whether a
21 land use change tax is to be assessed under section 3757 of this chapter, the

1 construction of any building, road, or other structure, or any mining,
2 excavation, or landfill activity. “Development” also means the subdivision of
3 a parcel of land into two or more parcels, regardless of whether a change in use
4 actually occurs, where one or more of the resulting parcels contains less than
5 25 acres each; but if subdivision is solely the result of a transfer to one or more
6 of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of
7 the transferor, or to the surviving spouse of any of the foregoing, then
8 “development” shall not apply to any portion of the newly created parcel or
9 parcels which qualifies for enrollment and for which, within 30 days following
10 the transfer, each transferee or transferor applies for reenrollment in the use
11 value appraisal program. “Development” also means the cutting of timber on
12 property appraised under this chapter at use value in a manner contrary to a
13 forest or conservation management plan as provided for in subsection 3755(b)
14 of this title during the remaining term of the plan, or contrary to the minimum
15 acceptable standards for forest management if the plan has expired; or a
16 change in the parcel or use of the parcel in violation of the conservation
17 management standards established by the Commissioner of Forests, Parks and
18 Recreation. “Development” also means notification of the Director by the
19 Secretary of Agriculture, Food and Markets under section 3756 of this title that
20 the owner or operator of agricultural land or a farm building is violating the
21 water quality requirements of 6 V.S.A. chapter 215 or is failing to comply with

1 the terms of an order issued under 6 V.S.A. chapter 215, subchapter 10. The
2 term “development” shall not include the construction, reconstruction,
3 structural alteration, relocation, or enlargement of any building, road, or other
4 structure for farming, logging, forestry, or conservation purposes, but shall
5 include the subsequent commencement of a use of that building, road, or
6 structure for other than farming, logging, or forestry purposes.

7 Sixth: Prior to Sec. 34, by striking the reader assistance in its entirety and
8 inserting in lieu thereof the following:

9 * * * Water Quality Funding; Clean Water Fund;

10 Clean Water Surcharge * * *

11 Seventh: In Sec. 34, 10 V.S.A. § 1388, by striking out subdivision (a)(2) in
12 its entirety and inserting in lieu thereof the following:

13 (2) the Fund shall consist of:

14 (A) Revenues dedicated for deposit into the Fund by the General
15 Assembly, including the surcharge assessed under 32 V.S.A. § 9602a; and

16 (B) Other gifts, donations, and impact fees received from any source,
17 public or private, dedicated for deposit into the Fund and approved by the
18 Board.

1 Eighth: By striking out Sec. 35 (taxable income definition) in its entirety
2 and inserting in lieu thereof the following:

3 Sec. 35. [Deleted].

4 Ninth: By striking out Sec. 36 in its entirety and inserting in lieu thereof the
5 following:

6 Sec. 36. 32 V.S.A. § 9602a is added to read:

7 § 9602a. CLEAN WATER SURCHARGE

8 There shall be a surcharge of 0.2 percent on the value of property subject to
9 the property transfer tax under section 9602 of this title, except that there shall
10 be no surcharge on the first \$100,000.00 in value of property to be used for the
11 principal residence of the transferee. The surcharge shall be in addition to any
12 tax assessed under section 9602 of this title. The surcharge assessed under this
13 section shall be paid, collected, and enforced under this chapter in the same
14 manner as the tax assessed under section 9602 of this title. The Commissioner
15 shall deposit the surcharge collected under this section in the Clean Water
16 Fund under 10 V.S.A. § 1388.

17 Tenth: By striking out Secs. 37 and 38 in their entirety and inserting in lieu
18 thereof the following:

19 * * * Department of Environmental Conservation Water Quality Fees * * *

20 Sec. 37. 3 V.S.A. § 2822 is amended to read:

21 § 2822. BUDGET AND REPORT; POWERS

1 * * *

2 (i) The Secretary shall not process an application for which the applicable
3 fee has not been paid unless the Secretary specifies that the fee may be paid at
4 a different time or unless the person applying for the permit is exempt from the
5 permit fee requirements pursuant to 32 V.S.A. § 710. ~~In addition, the persons
6 who are exempt under 32 V.S.A. § 710 are also exempt from the application
7 fees for stormwater operating permits specified in subdivisions (j)(2)(A)(iii)(I)
8 and (II) of this section if they otherwise meet the requirements of 32 V.S.A.
9 § 710.~~ Municipalities shall be exempt from the payment of fees under this
10 section except for those fees prescribed in subdivisions (j)(1), ~~(2)~~, (7), (8), (14),
11 and (15) of this section for which a municipality may recover its costs by
12 charging a user fee to those who use the permitted services. Municipalities
13 shall pay fees prescribed in subdivisions (j)(2), (10), (11), and (26), except that
14 a municipality shall also be exempt from those fees for orphan stormwater
15 systems prescribed in subdivisions (j)(2)(A)(iii) and (2)(B)(iv)(I) or (II) of this
16 section when the municipality agrees to become an applicant or co-applicant
17 for an orphan stormwater system under 10 V.S.A. § 1264e for which a
18 municipality has assumed full legal responsibility under 10 V.S.A. § 1264.

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

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(2) For discharge permits issued under 10 V.S.A. chapter 47 and orders issued under 10 V.S.A. § 1272, an administrative processing fee of ~~\$120.00~~ \$240.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III) and (V) of this subsection:

(A) Application review fee.

(i) Municipal, industrial, noncontact cooling water, and thermal discharges.

(I) Individual permit: original application; amendment for increased flows; amendment for change in treatment process;	\$0.0023 <u>\$0.003</u> per gallon design flow; minimum <u>\$50.00</u> <u>\$100.00</u> per outfall; maximum 30,000.00 per application.
(II) Renewal, transfer, or minor amendment of individual permit;	\$0.00 <u>\$0.002</u> per gallon <u>design flow; minimum \$50.00 per outfall; maximum \$5,000.00 per application.</u>

1	(III) General permit-;	\$0.00.
2	(ii) Pretreatment discharges.	
3	(I) Individual permit: original	\$0.12 <u>\$0.20</u> per gallon
4	application; amendment for	design flow; minimum
5	increased flows; amendment for	\$50.00 <u>\$100.00</u> per
6	change in treatment process-;	outfall.
7	(II) Renewal, transfer, or minor	\$0.00 <u>\$0.002</u> per gallon
8	amendment of individual permit-;	<u>design flow; minimum</u>
9		<u>\$50.00 per outfall.</u>
10	(iii) Stormwater discharges.	
11	(I) Individual operating permit	\$430.00 <u>\$860.00</u> per acre
12	or application to operate under	impervious area;
13	general operating permit for	minimum \$220.00
14	collected stormwater runoff	<u>\$440.00</u> per application.
15	which is discharged to Class B	
16	waters: original application;	
17	amendment for increased flows;	
18	amendment for change in	
19	treatment process-;	
20	(II) Individual operating permit	\$1,400.00 per acre
21	or application to operate under	impervious area;

- 1 ~~(cc) Projects that require an~~ ~~\$720.00 per project~~
2 ~~individual permit.~~ ~~original application.~~
- 3 (dd) Projects with moderate risk \$640.00.
4 to waters of the State; greater
5 than five acres:
- 6 (ee) Projects that require an \$1,200.00.
7 individual permit; ten acres
8 or less:
- 9 (ff) Projects that require an \$1,800.00.
10 individual permit; greater than
11 10 acres:
- 12 (IV) Individual permit or ~~\$220.00~~ \$440.00 per
13 application to operate under facility.
14 general permit for stormwater
15 runoff associated with industrial
16 activities with specified SIC
17 codes; original application;
18 amendment for change in activities-;
- 19 (V) Individual permit or ~~\$1,200.00~~ \$2,400.00
20 application to operate under per system.
21 general permit for stormwater

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

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

9 (aa) For discharges to Class B water; ~~\$430.00~~ \$860.00 per
10 acre of impervious area, minimum ~~\$220.00~~ \$280.00.

11 (bb) For discharges to Class A water; ~~\$1,400.00~~ \$1,700.00
12 per acre of impervious area, minimum ~~\$1,400.00~~ \$1,700.00.

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

17 (VIII) Application for coverage \$400.00 per application.
18 under the municipal roads
19 stormwater general permit:

20 (IX) Application for coverage \$1,200.00.
21 under the State roads stormwater

- 1 (II) Individual operating permit ~~\$80.00~~ \$120.00 per acre
2 or approval under general operating impervious area; ~~\$80.00~~
3 permit for collected stormwater \$120.00 minimum.
4 runoff which is discharged to
5 Class B waters;:
- 6 (III) Individual permit or ~~\$80.00~~ \$160.00
7 approval under general permit per facility.
8 for stormwater runoff from
9 industrial facilities with
10 specified SIC codes;:
- 11 (IV) Individual permit or ~~\$80.00~~ per system
12 application to operate under \$10.00 per acre
13 general permit for stormwater impervious surface within
14 runoff associated with municipal the municipality; annually.
15 separate 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~~ \$310.00 per
19 acre of impervious area, minimum ~~\$255.00~~ \$310.00.
- 20 (bb) For discharges to Class B water; ~~\$80.00~~ \$160.00 per
21 acre of impervious area, minimum ~~\$80.00~~ \$160.00.

1 10 V.S.A. § 1272, or for wetland authorizations issued under a general permit,
2 an administrative processing fee assessed under subdivision (2) of this
3 subsection (j) and an application fee of:

4 (A) \$0.75 per square foot of proposed impact to Class I or II
5 wetlands;

6 (B) \$0.25 per square foot of proposed impact to Class I or II wetland
7 buffers;

8 (C) maximum fee, for the conversion of Class II wetlands or wetland
9 buffers to cropland use, \$200.00 per application. ~~For purposes of~~ As used in
10 this subdivision, “cropland” means land that is used for the production of
11 agricultural crops, including row crops, fibrous plants, pasture, fruit-bearing
12 bushes, trees, or vines and the production of Christmas trees;

13 (D) \$0.25 per square foot of proposed impact to Class I or II wetlands
14 or Class I or II wetland buffer for utility line, pipeline, and ski trail projects
15 when the proposed impact is limited to clearing forested wetlands in a corridor
16 and maintaining a cleared condition in that corridor for the project life;

17 (E) \$1.50 per square foot of impact to Class I or II wetlands when the
18 permit is sought after the impact has taken place;

19 (F) \$100.00 per revision to an application for an individual wetland
20 permit or authorization under a general permit when the supplement is due to a
21 change to the project that was not requested by the Secretary; and

1 Public Safety, a District Environmental Commission, and the Agency of
2 Natural Resources for:

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

8 (2) Any project undertaken by a municipality, which is funded in whole
9 or in part by a grant or loan from the Agency of Natural Resources or the
10 Agency of Transportation financed by an appropriation of a capital
11 construction act introduced pursuant to section 701a of this title except for
12 those fees established under 3 V.S.A. § 2822(j)(2)(A)(iii), (j)(7)(A) and (B),
13 (j)(10), (j)(11), and (j)(26). However, all such fees shall be paid for reviews,
14 inspections, or permits required by municipal solid waste facilities developed
15 by a solid waste district which serves, or is expected to serve, in whole or in
16 part, parties located outside its own district boundaries pursuant to 10 V.S.A.
17 chapter 159.

18 Eleventh: By striking out Sec. 38 in its entirety and inserting in lieu thereof
19 the following:

20 * * *Repeal; Clean Water Surcharge* * *

21 Sec. 38. REPEAL OF CLEAN WATER SURCHARGE

1 32 V.S.A. § 9602a (Clean Water Surcharge) shall be repealed on July 1,
2 2021.

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6 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE