

Elizabeth Schilling 3/30/14

Sec. 1. 10 V.S.A. § 1264(c) is amended to read:

(c) Prohibitions.

(1) A person shall not commence the construction or redevelopment of ~~one~~ half an acre or more of impervious surface without first obtaining a permit from the Secretary.

(2) A person shall not discharge from a facility that has a standard industrial classification identified in 40 C.F.R. § 122.26 without first obtaining a permit from the Secretary.

(3) A person that has been designated by the Secretary as requiring coverage for its municipal separate storm sewer system may not discharge without first obtaining a permit from the Secretary.

(4) A person shall not commence a project that will result in an earth disturbance of one acre or greater, or less than one acre if part of a common plan of development, without first obtaining a permit from the Secretary.

(5) A person shall not expand existing impervious surface by more than 5,000 square feet, such that the total resulting impervious area is greater than ~~one~~ half an acre, without first obtaining a permit from the Secretary.

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

(i) an individual permit;

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

(iii) coverage under a municipal separate storm sewer system permit that implements the technical standards and criteria established by the Secretary for stormwater improvements of municipal roads.

(B) As used in this subdivision (6), "municipality" means a city, town, or village.

(7) In accordance with the schedule established under subdivision (g)(3), a person shall not discharge stormwater from impervious surface of three or more acres in size without first obtaining an individual permit or coverage under a general permit issued under this section if the discharge was never previously permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual.

## Sec. 2. APPLICABILITY OF AGENCY RULES

All Agency rules applicable to the construction or redevelopment of one acre or more of impervious surface or the expansion of existing impervious surface by more than 5,000 square feet, such that the total resulting impervious area is greater than one acre, shall be applicable to the construction or redevelopment of half an acre or more of impervious surface or the expansion of existing impervious surface by more than 5,000 square feet, such that the total resulting impervious area is greater than half an acre.

## Sec. 3. TRANSITION

The construction or redevelopment of less than one acre of impervious surface and the expansion of existing impervious surface by more than 5,000 square feet, such that the

total resulting impervious surface is less than one acre, shall not require a permit under 10 V.S.A. § 1264(c)(1) or (5) provided that:

(1) except for application for permits issued pursuant to 10 V.S.A. § 1264(c)(4), complete applications for all local, state, and federal permits related to the regulation of land use or a discharge to waters of the State have been submitted as of the effective date of this act, the applicant does not subsequently file an application for permit amendment that would have an adverse impact on water quality, and substantial construction of the project commences within two years of the effective date of this act,

(2) except for permits issued pursuant to 10 V.S.A. § 1264(c)(4), all local, state, and federal permits related to the regulation of land use or a discharge to waters of the State have been obtained as of the effective date of this act, and substantial construction of the project commences within two years of the effective date of this act,

(3) except for permits issued pursuant to 10 V.S.A. § 1264(c)(4), no local, state, or federal permits related to the regulation of land use or a discharge to waters of the State are required, and substantial construction of the project commences within two years of the effective date of this act, or

(4) the construction, redevelopment, or expansion is a public transportation project, and as of the effective date of this act, the Agency of Transportation or the municipality principally responsible for the project has initiated right-of-way valuation activities or determined that right-of-way acquisition is not necessary, and substantial construction of the project commences within five years of the effective date of this act.

Sec. 4. EFFECTIVE DATE

This act shall take effect concurrent with the effective date of the next amendments to the Stormwater Management Manual.