

1 S.210

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; natural resources; air pollution

6 control; State land use; Act 250; noise

7 Statement of purpose of bill as introduced: This bill proposes to require the  
8 Secretary of Natural Resources and the Natural Resources Board jointly to  
9 adopt noise standards by rule to apply to sources requiring air pollution control  
10 permits and to developments requiring permits under 10 V.S.A. chapter 151  
11 (Act 250). The bill also enables a municipality to adopt, as part of its land use  
12 bylaws, the standards established by the Secretary and the Board.

13 An act relating to establishing noise standards for projects subject to State  
14 permits for air pollution control and land use

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

16 Sec. 1. 10 V.S.A. § 559 is added to read:

17 § 559. NOISE STANDARDS

18 (a) As used in this section, “project” means each of the following:

19 (1) a source requiring a permit under section 556 or 558, or both, of this  
20 title; and



1 Sec. 3. 10 V.S.A. § 6086 is amended to read:

2 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

3 (a) Before granting a permit, the District Commission shall find that the  
4 subdivision or development:

5 (1) Will not result in undue water or air pollution. In making this  
6 determination, it shall at least consider: the elevation of land above sea level;  
7 and in relation to the flood plains, the nature of soils and subsoils and their  
8 ability to adequately support waste disposal; the slope of the land and its effect  
9 on effluents; the availability of streams for disposal of effluents; and the  
10 applicable Health and Environmental Conservation Department regulations.

11 \* \* \*

12 (H) Noise as air pollution. A permit will be granted whenever it is  
13 demonstrated by the applicant, in addition to other criteria, that the  
14 development or subdivision will not violate the rules adopted pursuant to  
15 section 559 of this title relating to noise emissions.

16 \* \* \*

17 (8) Will not have an undue adverse effect on the scenic or natural beauty  
18 of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

19 \* \* \*

20 (B) Noise; aesthetic effects. The District Commission shall find that  
21 noise emitted by a development or subdivision will not have an undue adverse

1 effect on aesthetics when it is demonstrated by the applicant that the  
2 development or subdivision will not violate the rules adopted pursuant to  
3 section 559 of this title relating to noise emissions.

4 \* \* \*

5 Sec. 4. RULE ADOPTION; SCHEDULE

6 (a) On or before December 15, 2018, the Secretary of Natural Resources  
7 (Secretary) and the Natural Resources Board (Board) shall file with the  
8 Secretary of State proposed rules pursuant to 10 V.S.A. §§ 559 and 6025(d).

9 (b) In preparing these proposed rules, the Secretary and the Board shall  
10 review and consider noise control statutes and regulations adopted by other  
11 states, including the Commonwealth of Massachusetts and the States of  
12 Minnesota, Oregon, and Washington.

13 Sec. 5. 24 V.S.A. § 4414 is amended to read:

14 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

15 Any of the following types of regulations may be adopted by a municipality  
16 in its bylaws in conformance with the plan and for the purposes established in  
17 section 4302 of this title.

18 \* \* \*

19 (16) Use of State noise standards. A bylaw under this title may require  
20 compliance with noise standards issued pursuant to 10 V.S.A. § 559.

1       Sec. 6. EFFECTIVE DATES

2           This act shall take effect on passage, except that Sec. 3 shall take effect on

3           January 1, 2020.