

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish and Wildlife to which was
3 referred House Bill No. 39 entitled “An act relating to the threshold for
4 operational stormwater permits” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

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

8 (c) Prohibitions.

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

12 (B) A person shall not commence the redevelopment of one acre or
13 more of impervious surface without first obtaining a permit from the Secretary.

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

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

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

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

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

- 10 (i) an individual permit;
- 11 (ii) coverage under a municipal road general permit; or
- 12 (iii) coverage under a municipal separate storm sewer system
13 permit that implements the technical standards and criteria established by the
14 Secretary for stormwater improvements of municipal roads.

15 (B) As used in this subdivision (6), “municipality” means a city,
16 town, or village.

17 (7) In accordance with the schedule established under subdivision (g)(3)
18 of this section, a person shall not discharge stormwater from impervious
19 surface of three or more acres in size without first obtaining an individual
20 permit or coverage under a general permit issued under this section if the
21 discharge was never previously permitted or was permitted under an individual

1 permit or general permit that did not incorporate the requirements of the 2002
2 Stormwater Management Manual or any subsequently adopted Stormwater
3 Management Manual.

4 Sec. 2. APPLICABILITY OF AGENCY RULES

5 All Agency of Natural Resources rules applicable to the construction of one
6 acre or more of impervious surface shall be applicable to the construction of
7 one-half of an acre or more of impervious surface.

8 Sec. 3. TRANSITION

9 The construction of less than one acre of impervious surface shall not
10 require a permit under 10 V.S.A. § 1264(c)(1)(A) provided that:

11 (1) except for application for permits issued pursuant to 10 V.S.A.
12 § 1264(c)(4), complete applications for all local, State, and federal permits
13 related to the regulation of land use or a discharge to waters of the State have
14 been submitted as of July 1, 2019, the applicant does not subsequently file an
15 application for a permit amendment that would have an adverse impact on
16 water quality, and substantial construction of the project commences within
17 two years of July 1, 2019;

18 (2) except for permits issued pursuant to 10 V.S.A. § 1264(c)(4), all
19 local, State, and federal permits related to the regulation of land use or a
20 discharge to waters of the State have been obtained as of July 1, 2019, and

1 substantial construction of the project commences within two years of July 1,
2 2019;

3 (3) except for permits issued pursuant to 10 V.S.A. § 1264(c)(4), no
4 local, State, or federal permits related to the regulation of land use or a
5 discharge to waters of the State are required, and substantial construction of the
6 project commences within two years of July 1, 2019; or

7 (4) the construction, redevelopment, or expansion is a public
8 transportation project, and as of July 1, 2019, the Agency of Transportation or
9 the municipality principally responsible for the project has initiated right-of-
10 way valuation activities or determined that right-of-way acquisition is not
11 necessary, and substantial construction of the project commences within five
12 years of July 1, 2019.

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on July 1, 2019.

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17 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE