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 14	An act relating to establishing noise standards for projects subject to State 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	<u>§ 559. NOISE STANDARDS</u>
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	(2) a development or subdivision requiring a permit under chapter 151
2	of this title.
3	(b) Jointly with the Natural Resources Board created under chapter 151 of
4	this title, the Secretary shall adopt by rule standards that govern noise emitted
5	by projects.
6	(c) The standards adopted pursuant to this section shall include decibel
7	limits and shall be designed to achieve the policy and purpose set forth in
8	section 551 of this title and to ensure that noise emissions from a project do not
9	create undue air pollution under subdivision 6086(a)(1) of this title or have an
10	undue adverse effect on aesthetics under subdivision 6086(a)(8) of this title.
11	(d) The rules adopted pursuant to this section may classify projects by type,
12	geographic area, or other characteristic and may vary the standards applicable
13	to such classifications.
14	(e) Rules adopted pursuant to this section shall apply to projects for which
15	applications are filed on or after January 1, 2020.
16	Sec. 2. 10 V.S.A. § 6025 is amended to read:
17	§ 6025. RULES
18	* * *
19	(d) Jointly with the Secretary of Natural Resources, the Board shall adopt
20	by rule standards that govern noise in accordance with section 559 of this title.

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 <u>January 1, 2020.</u>