

1 Introduced by Committee on Natural Resources, Fish, and Wildlife
2 Date:
3 Subject: Conservation and development; solid waste; Act 250; billback
4 Statement of purpose of bill as introduced: This bill proposes to make
5 miscellaneous natural resources and development subjects. The amount that
6 can be disbursed from the Environmental Contingency Fund during an
7 emergency caused by a release of a hazardous material would be increased.
8 Transfer of funds from the Solid Waste Management Assistance Account to
9 the Environmental Contingency Fund would be authorized for additional
10 purposes than those allowed under current law. Technical corrections would
11 be made to solid waste law. Municipalities or prospective purchasers would
12 not be liable for a hazardous material release when participating in the
13 Brownfields Cleanup Program under specified circumstances. The Department
14 of Fish and Wildlife would be authorized to assess applicants for an Act 250
15 permit the costs that the Department incurs in processing and reviewing of the
16 application. The standard procedures that the Department of Environmental
17 Conservation follows in issuing certain permits or authorizations would be
18 amended. The requirement that operators of salvage yards undergo annual
19 training would be struck. The bill would also amend notice requirements
20 under Act 250.

1 An act relating to miscellaneous natural resources and development subjects

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

3 * * * Water Quality Reporting * * *

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

5 (k) Report on treatment practices. As part of the report required under
6 section 1389a of this title, the Secretary annually shall report the following:

7 (1) whether the phosphorus load from new development permitted under
8 this section by the Secretary in the Lake Champlain watershed in the previous
9 calendar year is achieving at least a 70 percent average phosphorus load
10 reduction;

11 (2) the estimated total phosphorus load reduction from new
12 development, redevelopment, and retrofit of impervious surface permitted
13 under this section in the previous ~~calendar~~ State fiscal year; and

14 (3) the number of projects and the percentage of projects as a whole that
15 implemented Tier 1 stormwater treatment practices, Tier 2 stormwater
16 treatment practices, or Tier 3 stormwater treatment practices in the previous
17 ~~calendar~~ State fiscal year.

18 Sec. 2. 10 V.S.A. § 1386 is amended to read:

19 § 1386. IMPLEMENTATION PLAN FOR THE LAKE CHAMPLAIN

20 TOTAL MAXIMUM DAILY LOAD

21 * * *

1 (e) Beginning on ~~February 1, 2016~~ January 15, 2019, and annually
2 thereafter, the Secretary, ~~after consultation with the Secretary of Agriculture,~~
3 ~~Food and Markets and the Secretary of Transportation,~~ shall submit to the
4 ~~House Committee on Natural Resources, Fish, and Wildlife~~ a summary of
5 activities and measures of progress of water quality ecosystem restoration
6 ~~programs~~ shall report the status of Lake Champlain Total Maximum Daily
7 Load implementation plan milestones (Phase 2 and beyond) identified in
8 Tactical Basin Plan Implementation Tables for each basin due for an U.S.
9 Environmental Protection Agency interim or final report card in accordance
10 with the TMDL Accountability Framework schedule. The provisions of 2
11 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to
12 be made under this subsection.

13 Sec. 3. 10 V.S.A. § 1389a is amended to read:

14 § 1389a. CLEAN WATER INVESTMENT REPORT

15 * * *

16 (b) The Report shall include:

17 (1) Documentation of progress or shortcomings in meeting established
18 indicators for clean water restoration.

19 (2) ~~A summary of additional funding sources pursued by the Board,~~
20 ~~including whether those funding sources were attained; if it was not attained,~~

1 ~~why it was not attained, and where the money was allocated from the Fund.~~

2 [Repealed.]

3 (3) A summary of water quality problems or concerns in each watershed
4 basin of the State, a list of water quality projects identified as necessary in each
5 basin of the State, and how identified projects have been prioritized for
6 implementation. The water quality problems and projects identified under this
7 subdivision shall include programs or projects identified across State
8 government and shall not be limited to projects listed by the Agency of Natural
9 Resources in its watershed projects database.

10 (4) A summary of any changes to applicable federal law or policy
11 related to the State’s water quality improvement efforts, including any changes
12 to requirements to implement total maximum daily load plans in the State.

13 ~~(5) A summary of available federal funding related to or for water~~
14 ~~quality improvement efforts in the State.~~ [Repealed.]

15 (6) Beginning January 2023, a summary of the administration of the
16 grant programs established under sections 925-928 of this title, including
17 whether these grant programs are adequately funding implementation of the
18 Clean Water Initiative and whether the funding limits for the Water Quality
19 Enhancement Grants under subdivision 1389(e)(1)(D) of this title should be
20 amended to improve State implementation of the Clean Water Initiative.

1 (c) The Report may also provide an overview of additional funding
2 necessary to meet objectives established for clean water restoration and
3 recommendations for additional revenue to meet those restoration objectives.
4 The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not
5 apply to the report required by this section.

6 (d)(1) The Secretary of Administration shall develop and use a results-
7 based accountability process in publishing the annual report required by
8 subsection (a) of this section.

9 (2) The Secretary of Administration shall develop user-friendly issue
10 briefs, tables, or executive summaries that make the information required
11 under subdivision (b)(3) available to the public separately from the report
12 required by this section.

13 (3) On or before September 1 of each year, the Secretary of
14 Administration shall submit to the Joint Fiscal ~~Committee an interim report~~
15 ~~regarding the information required under subdivision (b)(5) of this section~~
16 ~~relating to available federal funding~~ a summary of available federal funding
17 related to or for water quality efforts in the State.

18 * * * Environmental Contingency Fund; Waste Management Assistance * * *

19 Sec. 4. 10 V.S.A. § 1283(b) is amended to read:

20 (b) Disbursements under this subsection may be made for emergency
21 purposes or to respond to other than emergency situations; provided, however,

1 that disbursements in response to an individual situation that is not an
2 emergency situation shall not exceed ~~\$100,000.00 for costs attributable to each~~
3 ~~of the subdivisions of this subsection~~ \$350,000.00 for a response to a release of
4 a hazardous material, unless the Secretary has received the approval of the
5 General Assembly, or the Joint Fiscal Committee, in case the General
6 Assembly is not in session. Furthermore, the balance in the Fund shall not be
7 drawn below the amount of \$100,000.00, except in emergency situations. If
8 the balance of the Fund becomes insufficient to allow a proper response to one
9 or more emergencies that have occurred, the Secretary shall appear before the
10 Emergency Board, as soon as possible, and shall request that necessary funds
11 be provided. Within these limitations, disbursements from the Fund may be
12 made:

13 (1) to initiate spill control procedures, removal actions, and remedial
14 actions to clean up spills of hazardous materials where the discharging party is
15 unknown, cannot be contacted, is unwilling to take action, or does not take
16 timely action that the Secretary considers necessary to mitigate the effects of
17 the spill;

18 (2) to investigate an actual or threatened release to the environment of
19 any pollutant or contaminant that may present an imminent and substantial
20 danger to the public health and welfare or to the environment. The Secretary
21 may use this Fund for those investigations necessary to:

1 (A) determine the magnitude and extent of the existing and potential
2 public exposure and risk and environmental damage;

3 (B) determine appropriate remedial action to prevent or minimize the
4 impact of such releases; or

5 (C) to prescribe other environmentally sound measures to protect the
6 long-range public health and welfare or to ensure environmental protection, or
7 to prescribe additional investigations to determine same;

8 (3) to take appropriate removal action to prevent or minimize the
9 immediate impact of such releases to the public health and the environment;

10 (4) to take appropriate remedial action;

11 (5) to reimburse private persons or municipalities for expenditures made
12 to provide alternative water supplies or to take other emergency measures
13 deemed necessary by the Secretary, in consultation with the Commissioner of
14 Health, to protect the public health from hazardous material. Reimbursement
15 under this subdivision shall be pursuant to criteria adopted by rule of the
16 Secretary and by rule of the Commissioner establishing, among other
17 provisions, requirements that alternative sources of reimbursement are pursued
18 in a diligent manner;

19 (6) to pay administrative and field supervision costs incurred by the
20 Secretary or by a municipality at the direction of the Secretary in carrying out
21 the provisions of this subchapter. Annual disbursements, for these costs, to the

1 Department of Environmental Conservation under this subdivision shall not
2 exceed 2.5 percent of annual revenues;

3 (7) to pay costs of management oversight provided by the State for
4 investigation and cleanup efforts conducted by voluntary responsible parties;

5 (8) to pay costs of emergency response operations and equipment in the
6 spill response program;

7 (9) to pay costs of required capital contributions and operation and
8 maintenance when the remedial or response action was taken pursuant to
9 42 U.S.C. § 9601 et seq.;

10 (10) to pay the costs of oversight or conducting assessment of a natural
11 resource damaged by the release of a hazardous material and being assessed
12 for damages pursuant to section 6615d of this title; or

13 (11) to pay the costs of oversight or conducting restoration or
14 rehabilitation to a natural resource damaged by the release of a hazardous
15 material and being restored or rehabilitated pursuant to section 6615d of this
16 title.

17 Sec. 5. 10 V.S.A. § 6618 is amended to read:

18 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

19 (a) There is hereby created in the State Treasury a fund to be known as the
20 Waste Management Assistance Fund, to be expended by the Secretary of
21 Natural Resources. The Fund shall have three accounts: one for Solid Waste

1 Management Assistance, one for Hazardous Waste Management Assistance,
2 and one for Electronic Waste Collection and Recycling Assistance. The
3 Hazardous Waste Management Assistance Account shall consist of a
4 percentage of the tax on hazardous waste under the provisions of 32 V.S.A.
5 chapter 237, as established by the Secretary, the toxics use reduction fees
6 under subsection 6628(j) of this title, and appropriations of the General
7 Assembly. In no event shall the amount of the hazardous waste tax that is
8 deposited to the Hazardous Waste Management Assistance Account exceed
9 40 percent of the annual tax receipts. The Solid Waste Management
10 Assistance Account shall consist of the franchise tax on waste facilities
11 assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and
12 appropriations of the General Assembly. The Electronic Waste Collection and
13 Recycling Account shall consist of the program and implementation fees
14 required under section 7553 of this title. All balances in the Fund accounts at
15 the end of any fiscal year shall be carried forward and remain a part of the
16 Fund accounts, except as provided in subsection (e) of this section. Interest
17 earned by the Fund shall be deposited into the appropriate Fund account.
18 Disbursements from the Fund accounts shall be made by the State Treasurer on
19 warrants drawn by the Commissioner of Finance and Management.

20 (b) The Secretary may authorize disbursements from the Solid Waste
21 Management Assistance Account for the purpose of enhancing solid waste

1 management in the State in accordance with the adopted waste management
2 plan. This includes:

3 (1) The costs of implementation planning, design, obtaining permits,
4 construction, and operation of State or regional facilities for the processing of
5 recyclable materials and of waste materials that because of their nature or
6 composition create particular or unique environmental, health, safety, or
7 management problems at treatment or disposal facilities.

8 (2) The costs of assessing existing landfills, and eligible costs for
9 closure and any necessary steps to protect public health at landfills operating
10 before January 1, 1987, provided those costs are the responsibility of the
11 municipality or solid waste management district requesting assistance. The
12 Secretary of Natural Resources shall adopt by procedure technical and
13 financial criteria for disbursements of funds under this subdivision.

14 (3) The costs of preparing the State waste management plan.

15 (4) Hazardous waste pilot projects consistent with this chapter.

16 (5) The costs of developing markets for recyclable material.

17 (6) The costs of the Agency of Natural Resources in administering solid
18 waste management functions that may be supported by the Fund established in
19 subsection (a) of this section.

1 (7) A portion of the costs of administering the Environmental Division
2 established under 4 V.S.A. chapter 27. The amount of \$120,000.00 per fiscal
3 year shall be disbursed for this purpose.

4 (8) The costs, not related directly to capital construction projects, that
5 are incurred by a district, or a municipality that is not a member of a district, in
6 the design and permitting of implementation programs included in the adopted
7 Solid Waste Implementation Plan of the district or of the municipality that is
8 not a member of a district. These disbursements shall be issued in the form of
9 advances requiring repayment. These advances shall bear interest at an annual
10 rate equal to the interest rate ~~which~~ that the State pays on its bonds. These
11 advances shall be repaid in full by the grantee ~~no~~ not later than 24 months after
12 the advance is awarded.

13 (9) The Secretary shall annually allocate ~~47~~ 25 percent of the receipts of
14 this account, based on the projected revenue for that year, for implementation
15 of the Plan adopted pursuant to section 6604 of this title and Solid Waste
16 Implementation Plans adopted pursuant to 24 V.S.A. § 2202a.

17 (10) The costs of the proper disposal of waste tires. Prior to disbursing
18 funds under this subsection, the Secretary shall provide a person with notice
19 and opportunity to dispose of waste tires properly. The Secretary may
20 condition a disbursement under this subsection on the repayment of the
21 disbursement. If a person fails to provide repayment subject to the terms of a

1 disbursement, the Secretary may initiate an action against the person for
2 repayment to the Fund or may record against the property of the person a lien
3 for the costs of cleaning up waste tires at a property.

4 * * *

5 (e) The Secretary may allocate funds at the end of the fiscal year from the
6 Solid Waste Management Assistance Account to the Fund, established
7 pursuant to section 1283 of this title, upon a determination that the funds
8 available in the Environmental Contingency Fund are insufficient to meet the
9 State's obligations pursuant to ~~subdivision 1283(b)(9)~~ subdivisions
10 1283(b)(1)–(9) of this title. Prior to any transfer of funds from the Solid Waste
11 Management Assistance Account to the Environmental Contingency Fund, and
12 after all Agency program costs are covered, an additional five percent of the
13 receipts of the Solid Waste Management Assistance Account shall be allocated
14 under subdivision 1283(b)(9) of this title. Any expenditure of funds
15 transferred to the Environmental Contingency Fund shall be restricted to
16 funding the activities specified in ~~subdivision 1283(b)(9)~~ subdivisions
17 1283(b)(1)–(9) of this title. In no case shall the unencumbered balance of the
18 Solid Waste Account following the transfer authorized under this subsection be
19 less than \$300,000.00.

* * * Beverage Container Redemption; Handling Fee * * *

1
2 Sec. 6. 10 V.S.A. § 1522(b) is amended to read:

3 (b) A retailer or a person operating a redemption center who redeems
4 beverage containers shall be reimbursed by the manufacturer or distributor of
5 such beverage containers in an amount that is three and one-half cents per
6 container for containers of beverage brands that are part of a commingling
7 program and ~~four~~ five cents per container for containers of beverage brands
8 that are not part of a commingling program.

9 * * * Solid Waste Hauler * * *

10 Sec. 7. 10 V.S.A. § 6602(28) is amended to read:

11 (28) “Commercial hauler” means any person that transports:

12 (A) regulated quantities of hazardous waste; or

13 (B) solid waste for compensation in a motor vehicle ~~having a rated~~
14 ~~capacity of more than one ton.~~

15 Sec. 8. 10 V.S.A. § 6607a is amended to read:

16 § 6607a. WASTE TRANSPORTATION; COMMERCIAL HAULER
17 PERMIT REQUIREMENT

18 (a) A commercial hauler desiring to transport waste within the State shall
19 apply to the Secretary for a permit to do so by submitting an application on a
20 form prepared for this purpose by the Secretary and by submitting the
21 disclosure statement described in section 6605f of this title. These permits

1 shall have a duration of five years and shall be renewed annually. The
2 application shall indicate the nature of the waste to be hauled. The Secretary
3 may specify conditions that the Secretary deems necessary to ensure
4 compliance with State law.

5 (b) As used in this section:

6 (1) “Commercial hauler” means:

7 (A) any person that transports regulated quantities of hazardous
8 waste; and

9 (B) any person that transports solid waste for compensation in a
10 motor vehicle.

11 * * *

12 (3) The Secretary shall not require a commercial hauler to obtain a
13 permit under this section, comply with the disclosure requirements of this
14 section, comply with the reporting and registration requirements of section
15 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

16 (A) the commercial hauler does not transport more than four cubic
17 yards of solid waste at any time; and

18 (B) the solid waste transportation services performed are incidental to
19 other nonwaste ~~transportation-related~~ services performed by the commercial
20 hauler.

21 * * *

1 (iv) In developing an agreement regarding site investigation, the
2 Secretary shall consider the degree and extent of the known releases of
3 hazardous materials at the property, the financial ability of the municipality,
4 and the availability of State and federal funding when determining what is
5 required by the agreement for the investigation of the site.

6 Sec. 10. 10 V.S.A. § 6646 is amended to read:

7 § 6646. FORBEARANCE

8 ~~The State may not bring an action against an applicant based on liability~~
9 ~~pursuant to subdivision 6615(a)(1) of this title, provided~~ Provided that the
10 applicant has been determined to be eligible for the Program and is working in
11 good faith toward meeting the obligations required by this subchapter;

12 (1) The State may not bring an action against an applicant based on
13 liability as an owner pursuant to subdivision 6615(a)(1) of this title; and

14 (2) With respect to prospective purchasers, no person may bring a claim
15 for contribution pursuant to 6615(i) provided:

16 (A) the prospective purchaser’s liability is limited to liability as an
17 owner pursuant to section 6615(a)(1) of this title; and

18 (B) the Secretary has approved a corrective action plan for the site
19 pursuant to section 6648 of this title.

1 * * * Department of Fish and Wildlife; Act 250 Billback * * *

2 Sec. 11. 10 V.S.A. § 6094 is added to read:

3 §6094. ALLOCATION OF COSTS; DEPARTMENT OF FISH AND
4 WILDLIFE

5 (a) Notwithstanding any other provision of law, the Department of Fish and
6 Wildlife shall have the authority to bill the applicant for the costs of
7 participating in any permit application before a District Commission, including
8 the costs of employee application review, submissions, comments, and
9 testimony before a District Commission related to impacts on natural resources
10 under subsection 6086(a) of this title, including on wildlife or necessary
11 wildlife habitat. The Department may recover those costs from the applicant
12 after notice to the applicant, including an estimate of the costs of the personnel
13 or services.

14 (b) From time to time, the Department shall provide the applicant with
15 detailed statements showing the amount of money contracted for or expended
16 on personnel and services. All funds for services under this section shall be
17 paid directly to the Department.

18 (c) An applicant to which costs are allocated under this section may appeal
19 costs assessed by the Commissioner to the Environmental Division pursuant to
20 10 V.S.A. chapter 220.

1 * * * Department of Environmental Conservation; Standard Procedures * * *

2 Sec. 12. 10 V.S.A. § 7702(2) is amended to read:

3 (2) “Administrative amendment” means an amendment to an individual
4 permit, general permit, or notice of intent under a general permit that corrects
5 typographical errors, changes the name or mailing address of a permittee,
6 authorizes a transfer of a permit when authorized under rule, or makes other
7 similar changes to a permit that do not require technical review of the
8 permitted activity or the imposition of new conditions or requirements.

9 Sec. 13. 10 V.S.A. § 7713 is amended to read:

10 § 7713. TYPE 2 PROCEDURES

11 (a) Purpose; scope.

12 (1) The purpose of this section is to establish the public notice and
13 comment requirements that the Department must follow when considering
14 applications for individual permits, except for individual permits specifically
15 listed in other sections of this subchapter, and when considering other permits
16 listed in this section.

17 (2) The procedures under this section shall be known as Type 2
18 Procedures. This section governs an application for each of the following:

19 (A) an individual permit issued pursuant to the Secretary’s authority
20 under this title and 29 V.S.A. chapter 11, except for permits governed by
21 sections 7712 and 7714-7716 of this chapter;

1 (B) ~~a wetland determination under section 914 of this title;~~

2 [Repealed.]

3 (C) an individual shoreland permit under chapter 49A of this title;

4 (D) a public water system source permit under section 1675 of this
5 title;

6 (E) a provisional certification issued under section 6605d of this title;

7 ~~and~~

8 (F) a corrective action plan under section 6648 of this title; and

9 (G) a dam safety order under chapter 43 of this title for the removal
10 or breaching of a dam, except for an unsafe dam order under section 1095 of
11 this title.

12 (b) Notice of application.

13 (1) The applicant shall provide notice of the application to adjoining
14 property owners.

15 (A) For public water system source protection areas, the applicant
16 also shall provide notice to all property owners located in:

17 (i) zones 1 and 2 of the source protection area for a public
18 community water system source; and

19 (ii) the source protection area for a public nontransient
20 noncommunity water system source.

21 (B) For an individual shoreland permit under chapter 49A:

1 (i) The notice to adjoining property owners shall be to the
2 adjoining property owners on the terrestrial boundary of the shoreland.

3 (ii) This chapter does not require notice to owners of property
4 across the lake as defined in that chapter.

5 (2) The Secretary shall provide notice of an administratively complete
6 application through the environmental notice bulletin.

7 (c) Notice of draft decision; comment period. The Secretary shall provide
8 notice of a draft decision through the environmental notice bulletin and shall
9 post the draft decision to the bulletin. The Secretary shall provide a public
10 comment period.

11 (d) Public meeting. The Secretary shall hold a public meeting whenever
12 any person files a written request for such a meeting. The Secretary otherwise
13 may hold a public meeting at his or her discretion.

14 (e) Notice of final decision. The Secretary shall provide notice of the final
15 decision through the environmental notice bulletin and shall post the final
16 decision to the bulletin. When the Secretary issues the final decision, the
17 Secretary shall provide a response to comments.

18 Sec. 14. 10 V.S.A. § 7714 is amended to read:

19 § 7714. TYPE 3 PROCEDURES

20 (a) Purpose; scope.

1 (1) The purpose of this section is to establish the public notice and
2 comment requirements that the Department must follow when adopting general
3 permits, except for general permits governed by section 7712 of this chapter,
4 and when considering other permits listed in this section.

5 (2) The procedures under this section shall be known as Type 3
6 Procedures. This section governs each of the following:

7 (A) Each general permit issued pursuant to the Secretary’s authority
8 under this title other than a general permit subject to section 7712 of this
9 chapter. However, this section does not apply to a notice of intent under a
10 general permit.

11 (B) Issuance of a dam safety order under chapter 43 of this title,
12 except for an unsafe dam order under section 1095 of this title or an order
13 under section 1095 and for the removal or breaching of a dam.

14 (C) An application or request for approval of:

15 (i) an aquatic nuisance control permit under chapter 50 of this
16 title;

17 (ii) a change in treatment for a public water supply under chapter
18 56 of this title;

19 (iii) a collection plan for mercury-containing lamps under section
20 7156 of this title;

1 (iv) an individual plan for the collection and recycling of
2 electronic waste under section 7554 of this title; and

3 (v) a primary battery stewardship plan under section 7586 of this
4 title.

5 (b) Notice of application. The Secretary shall provide notice of an
6 administratively complete application through the environmental notice
7 bulletin.

8 (c) Notice of draft decision; comment period. The Secretary shall provide
9 notice of the draft decision through the environmental notice bulletin and shall
10 post the draft decision to the bulletin. The Secretary shall provide a public
11 comment period.

12 (d) Public meeting. The Secretary shall hold a public meeting whenever
13 any person files a written request for such a meeting. The Secretary otherwise
14 may hold a public meeting at his or her discretion.

15 (e) Notice of final decision. The Secretary shall provide notice of the final
16 decision through the environmental notice bulletin and shall post the final
17 decision to the bulletin. The Secretary shall provide a response to comments.

18 Sec. 15. 10 V.S.A. § 7715 is amended to read:

19 § 7715. TYPE 4 PROCEDURES

20 (a) Purpose; scope.

1 (1) The purpose of this section is to establish the public notice and
2 comment requirements that the Department must follow when considering
3 applications for notice of intent under a general permit and other permits listed
4 in this section.

5 (2) The procedures under this section shall be known as Type 4
6 Procedures. This section applies to each of the following:

7 (A) a notice of intent under a general permit issued pursuant to the
8 Secretary's authority under this title; ~~and~~

9 (B) an application for each of following permits:

10 (i) construction or operation of an air contaminant source or class
11 of sources not identified in the State's implementation plan approved under the
12 Clean Air Act;

13 (ii) construction or expansion of a public water supply under
14 chapter 56 of this title, except that a change in treatment for a public water
15 supply shall proceed in accordance with section 7714 of this chapter;

16 (iii) a category 1 underground storage tank under chapter 59 of
17 this title;

18 (iv) a categorical solid waste certification under chapter 159 of
19 this title; and

20 (v) a medium scale composting certification under chapter 159 of
21 this title; and

1 (C) a wetland determination under section 914 of this title.

2 (b) Notice of application. The Secretary shall provide notice of an
3 administratively complete application through the environmental notice
4 bulletin.

5 (c) Notice of draft decision; comment period. The Secretary shall provide
6 notice of the draft decision through the environmental notice bulletin and shall
7 post the draft decision to the bulletin. The Secretary shall provide a public
8 comment period of at least 14 days on the draft decision.

9 (d) Notice of final decision. The Secretary shall provide notice of the final
10 decision through the environmental notice bulletin and shall post the decision
11 to the bulletin. The Secretary shall provide a response to comments.

12 Sec. 16. 10 V.S.A. § 7717(b) is amended to read:

13 (b) ~~A~~ For all permits except those subject to Type 5 Procedures, a minor
14 amendment shall be subject to the Type 4 Procedures, except that the Secretary
15 need not provide notice of the administratively complete application. For Type
16 5 Procedures, a minor amendment shall be subject to the same procedures
17 applicable to the original permit decision under this chapter.

18 Sec. 17. 29 V.S.A. § 405 is amended to read:

19 § 405. INVESTIGATION AND DETERMINATION OF PUBLIC GOOD

20 (a) When an application is filed under this chapter, the Department shall
21 proceed in accordance with 10 V.S.A. chapter 170.

1 (b) In determining whether the encroachment will adversely affect the
2 public good, the Department shall consider the effect of the proposed
3 encroachment as well as the potential cumulative effect of existing
4 encroachments on water quality, fish and wildlife habitat, aquatic and shoreline
5 vegetation, navigation, and other recreational and public uses, including
6 fishing and swimming, consistency with the natural surroundings, and
7 consistency with municipal shoreland zoning ordinances or any applicable
8 State plans. If the Department determines, after reviewing the applications, the
9 written comments filed within the notice period, and the results of the
10 investigation, that the proposed encroachment will not adversely affect the
11 public good, the application shall be approved.

12 ~~(c) The action of approving or denying an application shall not be effective~~
13 ~~until 10 days after the Department's notice of action. [Repealed.]~~

14 * * * Salvage Yard Operator Training * * *

15 Sec. 18. 24 V.S.A. § 2249 is amended to read:

16 § 2249. SALVAGE YARD OPERATOR TRAINING

17 ~~At least annually, the owner or operator of a salvage yard shall attend a~~
18 ~~training workshop conducted by or approved by the Agency of Natural~~
19 ~~Resources regarding the requirements of this subchapter, best management~~
20 ~~practices, existing and proposed environmental standards, and other applicable~~
21 ~~federal, State, or municipal requirements. [Repealed.]~~

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* * * Drinking Water Revolving Fund * * *

Sec. 19. 24 V.S.A. § 4763c(i) is amended to read:

(i) ~~Loans awarded for the purpose of purchasing land or conservation easements to protect public water sources shall be for a term of no more than 20 years at an annual interest rate of three percent. [Repealed.]~~

* * * Department of Environmental Conservation Permit Fees * * *

Sec. 20. 3 V.S.A. § 2822(j) is amended to read:

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

* * *

(9)(A) For a solid waste hauler:

(i) \$50.00 per vehicle for small vehicles with two axels, including pickup trucks, utility trailers, and stakebody trucks.

(ii) \$75.00 per vehicle for vehicles with three or four axels, including packer trucks, dump trucks, and roll offs.

(iii) \$100.00 per vehicle for tractors and any number axel ~~tandem~~ transfer trailers.

(B) For a hazardous waste hauler: an annual operating fee of \$125.00 per vehicle.

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(33) ~~\$10.00 per 1,000 gallons~~ \$0.01 per gallon based on the rated capacity of the tank being pumped rounded to the nearest ~~1,000~~ gallon.

* * * Natural Resources Board * * *

Sec. 21. 10 V.S.A. § 6007(a) is amended to read:

(a) Prior to the division or partition of land, the seller or other person dividing or partitioning the land shall prepare an “Act 250 Disclosure Statement.” A person who is dividing or partitioning land, but is not selling it, shall file a copy of the statement with the town clerk, who shall record it in the land records. The seller who is dividing or partitioning land as part of the sale shall provide the buyer with the statement within ~~40~~ 14 days of entering into a purchase and sale agreement for the sale or exchange of land, or at the time of transfer of title if no purchase and sales agreement was executed, and shall file a copy of the statement with the town clerk, who shall record it in the land records. Failure to provide the statement as required shall, at the buyer’s option, render the purchase and sales agreement unenforceable. If the disclosure statement establishes that the transfer is or may be subject to chapter 151 of this title, and that information had not been disclosed previously, then at the buyer’s option the contract may be rendered unenforceable. The statement shall include the following, on forms determined jointly by the Board and the Commissioner of Taxes:

1 (1) The name and tax identification number of the seller’s or divider’s or
2 partitioner’s spouse, and parents and children, natural or adoptive, and whether
3 or not any of the individuals named will derive profit or consideration, or
4 acquire any other beneficial interest from the partition or division of the land in
5 question. However, this information will be required only to the extent that:

6 (A) the individuals in question have been sellers or buyers of record
7 with respect to the partition or division of other land within the previous five
8 years; and

9 (B) that other land is located within five miles of any part of the land
10 currently being divided or partitioned or is located within the jurisdictional
11 area of the same District Environmental Commission.

12 (2) The name and tax identification number of all individuals and entities
13 affiliated with the seller or divider or partitioner for the purpose of deriving
14 profit or consideration, or acquiring any other beneficial interest from the
15 partition or division of the land, as that affiliation is conditioned and limited
16 according to the definition of “person” in subdivision 6001(14) of this title.

17 (3) A statement identifying any partition or division of land that has been
18 completed:

19 (A) within the preceding five years;

1 (B) by any of the entities or individuals identified under subdivision
2 (1) or (2) of this subsection (a) as deriving profit or consideration or acquiring
3 any other beneficial interest from the partition or division of the land;

4 (C) within five miles of any part of the land being divided or
5 partitioned, or within the jurisdictional area of the district environmental
6 commission in which the land is located.

7 (4) Notice that a permit may be required under this chapter.

8 Sec. 22. 10 V.S.A. § 6047(b) is amended to read:

9 (b) Within ~~40~~ 14 days of receipt, the Board shall forward a copy of the
10 petition to the District Commission and regional planning agency for
11 comments and recommendations. If no regional planning commission exists,
12 the copy shall be sent to the affected municipal planning commissions and
13 municipalities.

14 Sec. 23. 10 V.S.A. § 6081(h) is amended to read:

15 (h) No permit or permit amendment is required for closure operations at an
16 unlined landfill which began disposal operations prior to July 1, 1992 and
17 which has been ordered closed under section 6610a or chapter 201 of this title.
18 Closure and post-closure operations covered by this provision are limited to the
19 following on-site operations: final landfill cover system construction and
20 related maintenance operations, water quality monitoring, landfill gas control
21 systems installation and maintenance, erosion control measures, site

1 remediation, and general maintenance. Prior to issuing a final order for closure
2 for landfills qualifying for this exemption, a public informational meeting shall
3 be noticed and held by the Secretary with public comment accepted on the
4 draft order. The public comment period shall extend no less than ~~seven~~ 14
5 days before the public meeting and 14 days after the meeting. Public comment
6 related to the public health, water pollution, air pollution, traffic, noise, litter,
7 erosion, and visual conditions shall be considered. Landfills with permits in
8 effect under this chapter as of July 1, 1994, shall not qualify for an exemption
9 as described under this section.

10 Sec. 24. 10 V.S.A. § 6083(a) is amended to read:

11 (a) An application for a permit shall be filed with the ~~District Commission~~
12 fee prescribed by section 6083a of this title and as prescribed by the rules of
13 the Board and ~~shall contain at least the following documents and information:~~
14 and other guidance that the Board may issue from time to time

15 ~~(1) The applicant's name, address, and the address of each of the~~
16 ~~applicant's offices in this State, and, where the applicant is not an individual,~~
17 ~~municipality, or State agency, the form, date, and place of formation of the~~
18 ~~applicant.~~

19 ~~(2) Four copies of a plan of the proposed development or subdivision~~
20 ~~showing the intended use of the land, the proposed improvements, the details~~

1 of the project, and any other information required by this chapter, or the rules
2 adopted under this chapter.

3 ~~(3) The fee prescribed by section 6083a of this title.~~

4 ~~(4) Certification of filing of notice as set forth in 6084 of this title.~~

5 Sec. 25. 10 V.S.A. § 6084 is amended to read:

6 § 6084. NOTICE OF APPLICATION; HEARINGS; COMMENCEMENT OF
7 REVIEW

8 (a) ~~On or before the date of~~ Upon filing of an application with the District
9 Commission, the ~~applicant~~ District Commission shall send, by electronic
10 means, notice ~~and a copy~~ of the - application to the owner of the land if the
11 applicant is not the owner; the municipality in which the land is located; the
12 municipal and regional planning commissions for the municipality in which
13 the land is located; the Vermont Agency of Natural Resources; and any
14 adjacent Vermont municipality and municipal and regional planning
15 commission if the land is located on a municipal or regional boundary. The
16 ~~applicant shall furnish to the District Commission the names of those furnished~~
17 ~~notice by affidavit, and shall post~~ shall send by electronic means a copy of the
18 notice ~~in~~ to the town clerk's office of the town or towns in which the project
19 lies. The town clerk shall post the notice in the town office. The applicant
20 shall also provide a list of adjoining landowners to the District Commission.
21 Upon request and for good cause, the District Commission may authorize the

1 applicant to provide a partial list of adjoining landowners in accordance with
2 Board rules.

3 (b) Upon an application being ruled complete, the District Commission
4 shall determine whether to process the application as a major application with
5 a required public hearing or process the application as a minor application with
6 the potential for a public hearing in accordance with Board rules.

7 (1) For major applications, the District Commission shall provide notice
8 not less than ~~10~~ 14 days prior to any scheduled hearing or prehearing
9 conference to: the applicant; the owner of the land if the applicant is not the
10 owner; the municipality in which the land is located; the municipal and
11 regional planning commissions for the municipality in which the land is
12 located; any adjacent Vermont municipality and municipal and regional
13 planning commission if the land is located on a municipal or regional
14 boundary; adjoining landowners as deemed appropriate by the District
15 Commission pursuant to the rules of the Board, and any other person the
16 District Commission deems appropriate.

17 * * *

18 (e) Any notice for a major or minor application, as required by this section,
19 shall also be published by the District Commission in a local newspaper
20 generally circulating in the area where the development or subdivision is
21 located not more than ten days after receipt of a complete application.

1 decision, any stay request must be filed with the Environmental Division
2 pursuant to the provisions of chapter 220 of this title. A District Commission
3 shall not stay construction authorized by a permit processed under the Board's
4 minor application procedures.

5 Sec. 27. 10 V.S.A. § 6086b(2) is amended to read:

6 (2) The request shall be complete as to the criteria listed in subdivision
7 (1) of this subsection and need not address other criteria of subsection 6086(a)
8 of this title.

9 (A) The requestor shall file the request in accordance with the
10 requirements of subsection 6084(a) of this title and the requestor shall provide
11 a copy of the request to each agency and department listed in subdivision (3) of
12 this section.

13 (B) Within ~~five~~ 10 days of the request's filing, the District
14 Coordinator shall determine whether the request is complete. Within ~~five~~ 10
15 days of the date the District Coordinator determines the request to be complete,
16 the District Commission shall provide notice of the complete request to each
17 person required to receive a copy of the filing under subdivision (2)(A) of this
18 section and to each adjoining property owner and shall post the notice and a
19 copy of the request on the Board's web page. ~~The computation of time under~~
20 ~~this subdivision (2)(B) shall exclude Saturdays, Sundays, and State legal~~
21 ~~holidays.~~

