

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 changes to  
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  
9 U.S. Environmental Protection Agency interim or final report card in  
10 accordance with the TMDL Accountability Framework schedule. The  
11 provisions of 2 V.S.A. § 20(d) ~~(expiration of required reports),~~ shall not apply  
12 to the report to 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~~ 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~~ To investigate an actual or threatened release to the environment  
19 of 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~~ 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~~ To take appropriate remedial action;

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

19 (6) ~~to~~ 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~~ To pay costs of management oversight provided by the State for  
4 investigation and cleanup efforts conducted by voluntary responsible parties;

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

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

13 (11) ~~to~~ 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 **17 20** 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 10 percent of the  
13 receipts of the Solid Waste Management Assistance Account shall be allocated  
14 under subdivision 6618(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.

1                   \* \* \* Beverage Container Redemption; Handling Fee \* \* \*

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.

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\* \* \* Brownfields \* \* \*

Sec. 9. 10 V.S.A. § 6615(d)(3) is amended to read:

(3) A municipality shall not be liable under subdivision (a)(1) of this section as an owner provided that the municipality can show all the following:

(A) ~~The property was acquired by virtue of its function as sovereign through bankruptcy, tax delinquency, abandonment, or other similar circumstances.~~ [Repealed.]

(B) The municipality did not cause, contribute to, or worsen a release or threatened release of a hazardous material at the property.

(C)(i) The municipality has entered into an agreement with the Secretary, prior to the acquisition of the property, requiring the municipality to conduct a site investigation with respect to any release or threatened release of a hazardous material and an agreement for the municipality’s marketing of the property acquired.

(ii) The Secretary shall consult with the Secretary of Commerce and Community Development on the plan related to the marketing of the property.

(iii) The municipality may assert a defense to liability only after implementing a site investigation at the property acquired and taking reasonable steps defined by the agreement with the Secretary to market the property.

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 Environmental Conservation; Standard Procedures \* \* \*

2       **Sec. 11.** 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. 12. 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.

1 (B) For an individual shoreland permit under chapter 49A of this  
2 title:

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

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

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

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

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

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

20 Sec. 13. 10 V.S.A. § 7714 is amended to read:

21 § 7714. TYPE 3 PROCEDURES

1 (a) Purpose; scope.

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

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

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

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

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

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

18 (ii) a change in treatment for a public water supply under chapter  
19 56 of this title;

20 (iii) a collection plan for mercury-containing lamps under section  
21 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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. 19. 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~~ **axles**, including pickup trucks, utility trailers, and stakebody trucks.

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

(iii) \$100.00 per vehicle for tractors and any number ~~axel~~ **tandem axle** 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. 20. 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  
13           entities affiliated with the seller or divider or partitioner for the purpose of  
14           deriving profit or consideration, or acquiring any other beneficial interest from  
15           the partition or division of the land, as that affiliation is conditioned and  
16           limited according to the definition of “person” in subdivision 6001(14) of this  
17           title.

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

20                   (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; **and**

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. 21. 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. 22. 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~~ that began disposal operations prior to July 1, 1992 and  
17 ~~which~~ that has been ordered closed under section 6610a or chapter 201 of this  
18 title. Closure and post-closure operations covered by this provision are limited  
19 to the following on-site operations: final landfill cover system construction  
20 and related maintenance operations, water quality monitoring, landfill gas  
21 control 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~~ not less than ~~seven~~  
5 14 days before the public meeting and 14 days after the meeting. Public  
6 comment related to the public health, water pollution, air pollution, traffic,  
7 noise, litter, erosion, and visual conditions shall be considered. Landfills with  
8 permits in effect under this chapter as of July 1, 1994, shall not qualify for an  
9 exemption as described under this section.

10 Sec. 23. 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. 24. 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 initial application to the owner of the land if  
11 the applicant is not the owner; the municipality in which the land is located;  
12 the municipal and regional planning commissions for the municipality in  
13 which 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. 26. 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.~~

