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H.152

Introduced by Representatives Marcotte of Coventry, Bailey of Hyde Park,
Bosch of Clarendon, Canfield of Fair Haven, Carris-Duncan of
Whitingham, Graning of Jericho, Higley of Lowell, Keyser of
Rutland City, Kimbell of Woodstock, Labor of Morgan, Lipsky
of Stowe, Nelson of Derby, Olson of Starksboro, Page of
Newport City, Priestley of Bradford, Wells of Brownington,
and White of Bethel

Referred to Committee on

Date:

Subject: Conservation and development; permitting; pilot projects; emerging
contaminants

Statement of purpose of bill as introduced: This bill proposes to allow the
Secretary of Natural Resources to authorize a person to conduct a pilot or
demonstration project to treat or destroy an emerging contaminant or
contaminants without obtaining a permit that otherwise would be required for
the project. An authorization for a pilot or demonstration project would be
subject to conditions to protect human health and the environment and could
not exceed a year in duration.

1 An act relating to the permitting of pilot or demonstration projects to treat
2 or destroy emerging contaminants

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

4 Sec. 1. 3 V.S.A. § 2811 is added to read:

5 § 2811. PILOT OR DEMONSTRATION PROJECTS FOR EMERGING

6 CONTAMINANTS

7 (a) Definitions. As used in this section:

8 (1) “Emerging contaminant” means:

9 (A) a hazardous material as defined in 10 V.S.A. § 6602(16) or as
10 defined in rules adopted under 10 V.S.A. chapter 159;

11 (B) any constituent for which the Department of Health has
12 established a health advisory; or

13 (C) any constituent that the Secretary of Natural Resources
14 determines is an imminent and substantial endangerment to human health or
15 natural resources.

16 (2) “Pilot or demonstration project” means using prototype equipment or
17 processes on a temporary basis for the purpose of:

18 (A) collecting data necessary for the design of a full-scale process to
19 treat or destroy an emerging contaminant or contaminants;

20 (B) determining the feasibility of using the equipment or process to
21 treat or destroy an emerging contaminant or contaminants, while minimizing

1 any discharges, emissions, or waste generated from the system to the extent
2 practicable.

3 (b) Authority. Notwithstanding the permit or permit amendment
4 requirements of 10 V.S.A. chapter 23, 47, 151, or 159, the Secretary of Natural
5 Resources may authorize a person to conduct a pilot or demonstration project
6 to treat or destroy an emerging contaminant or contaminants in accordance
7 with the requirements of this section.

8 (c) Application. An application for a pilot or demonstration project shall
9 be on a form prepared by the Secretary of Natural Resources. At a minimum,
10 the application shall:

11 (1) describe the treatment or destruction system proposed, including any
12 equipment design specifications or processes;

13 (2) describe all anticipated environmental impacts of the system's
14 operation and any waste material that may be generated by the system;

15 (3) state the length of time requested for the pilot; and

16 (4) propose operations and monitoring that outline the operation of the
17 system and evaluate the effectiveness of the system to determine any unwanted
18 discharges, emissions, or wastes.

19 (d) Review and approvals.

1 (1) The Secretary of Natural Resources shall review pilot and
2 demonstration projects under this section consistent with 10 V.S.A. § 7715
3 (Type 4 procedures).

4 (2) The Secretary of Natural Resources may require additional
5 monitoring or request additional information about the pilot or demonstration
6 project before approving a pilot or demonstration project.

7 (3) The Secretary of Natural Resources shall not approve a pilot or
8 demonstration project pursuant to this section if the operation of the system
9 creates an unreasonable risk to human health or the environment.

10 (4) The Secretary of Natural Resources may issue an authorization
11 under this section of a term not to exceed one year in duration.

12 (5) The holder of an authorization under this section shall provide the
13 Secretary of Natural Resources with a report within three months after the
14 conclusion of the pilot or demonstration that includes:

15 (A) monitoring data from the pilot period, and information on any
16 discharges, emissions, or waste generated from the system; and

17 (B) a conclusion on the effectiveness of the piloted treatment.

18 (6) The Secretary of Natural Resources may place any other condition
19 on an authorization issued under this section that is necessary to protect human
20 health or the environment.

1 (7) The holder of the authorization issued under this section shall
2 suspend the pilot or demonstration project and notify the Secretary of Natural
3 Resources if the operation of the system results in environmental impacts
4 outside those anticipated under subdivision (c)(2) of this section. After review
5 of the environmental impacts, the Secretary may authorize the pilot or
6 demonstration to proceed or may terminate the pilot or demonstration project.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.