1	H.300
2	Introduced by Representative Noyes of Wolcott
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; water resources; stormwater; forestry
6	operations; three-acre impervious surface permit
7	Statement of purpose of bill as introduced: This bill proposes to exempt wood
8	processing facilities that process less than two million board feet annually on a
9	site that is five acres or less in size from the requirements of the Agency of
10	Natural Resources' permit for impervious surface of three or more acres in size
11	that is unpermitted or permitted prior to 2002.
12	An act relating to stormwater management by wood processing facilities
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. FINDINGS
15	The General Assembly finds that:
16	(1) Seventy-five percent of Vermont's land mass is covered in forest.
17	(2) Twelve percent of Vermont households burn at least some wood
18	pellets for space heating, and 38 percent of Vermont households burn wood in
19	some form for space heating.

1	(3) Vermont's Comprehensive Energy Plan set a target of 35 percent
2	thermal energy coming from woody biomass by 2030.
3	(4) Vermont needs a healthy forest products sector with processing
4	locations across the State to actively manage the landscape of Vermont while
5	also providing a supply of wood products that meets the State's household
6	energy needs and the State thermal energy goal.
7	(5) However, the Vermont forest products industry is struggling.
8	(A) In 2016, there were 6,269 jobs in the forest products industry,
9	down from 9,739 in 2002, a 36 percent decrease.
10	(B) In 2016, there were 2,107 forest products businesses, down from
11	2,370 in 2002, an 11 percent decrease.
12	(C) Since 2016, several wood processing facilities in New England
13	have closed, further decreasing demand for Vermont forest products.
14	(D) The business interruptions caused by the COVID-19 public
15	health emergency has led to further lost revenues and expenses for forest
16	products businesses in Vermont as market demand for paper in offices,
17	schools, institutions, advertising, and many other outlets has plummeted.
18	(6) New regulatory requirements also place significant expense and
19	operating pressure on forest products businesses, most notably the small, local
20	wood processing facilities across the State that serve the needs of Vermont
21	landowners, such as those enrolled in the Use Value Appraisal Program.

1	(7) The three-acre impervious surface permit for stormwater runoff is
2	one new regulatory requirement likely to impose significant financial burdens
3	on small wood processing facilities, while achieving minor water quality
4	improvement benefits as wood processing facilities are already required to
5	control stormwater runoff under the Multi-Sector General Permit for
6	Stormwater Discharges Associated with Industrial Activity.
7	(8) To avoid additional financial burden on the small wood processing
8	facilities that are needed across the State to meet landowners' needs and
9	household energy and heating demand, the State should exempt small wood
10	processing facilities from the stormwater permit required for three acres or
11	more of impervious surface that has been unpermitted or permitted prior to
12	<u>2002.</u>
13	Sec. 2. 10 V.S.A. § 1264 is amended to read:
14	§ 1264. STORMWATER MANAGEMENT
15	* * *
16	(b) Definitions. As used in this section:
17	* * *
18	(6) "Impervious surface" means those manmade surfaces, including
19	paved and unpaved roads, parking areas, roofs, driveways, and walkways, from
20	which precipitation runs off rather than infiltrates.

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(c) Prohibitions.

1	(10) "Regulated stormwater runoff" means precipitation, snowmelt, and
2	the material dissolved or suspended in precipitation and snowmelt that runs off
3	impervious surfaces and discharges into surface waters or into groundwater via
4	infiltration.
5	* * *
6	(14) "Stormwater runoff" means precipitation and snowmelt that does
7	not infiltrate into the soil, including material dissolved or suspended in it, but
8	does not include discharges from undisturbed natural terrain or wastes from
9	combined sewer overflows.
10	* * *
11	(19) "Primary forest product" means those products of a tree after it is
12	severed from the stump and cut to its first roundwood product for further
13	conversion. "Primary forest products" includes whole trees for chipping,
14	whole tree logs, sawlogs, pulpwood, veneer bolts, posts, poles, and piling.
15	(20) "Secondary forest product" means any product processed from a
16	primary forest product.
17	(21) "Wood processing facility" means any permanent or portable site,
18	wherever located, sawing primary forest products or otherwise processing
19	primary forest products into secondary forest products.

* * *

(g) General permits.

1	(2) A person shall not discharge from a facility that has a standard
2	industrial classification identified in 40 C.F.R. § 122.26 without first obtaining
3	a permit from the Secretary.
4	* * *
5	(7) In accordance with the schedule established under subdivision (g)(3)
6	of this section, a person shall not discharge stormwater from impervious
7	surface of three or more acres in size without first obtaining an individual
8	permit or coverage under a general permit issued under this section if the
9	discharge was never previously permitted or was permitted under an individual
10	permit or general permit that did not incorporate the requirements of the 2002
11	Stormwater Management Manual or any subsequently adopted Stormwater
12	Management Manual.
13	(d) Exemptions.
14	* * *
15	(3) No permit is required under subdivision (c)(7) of this section for a
16	wood processing facility processing two million board feet or less of primary
17	forest products annually at a site that is five acres or less in size. The amount
18	of board feet of primary forest products processed at a facility shall be
19	calculated on January 1 of each year for the previous calendar year.
20	* * *

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- (3) Within 120 days after the adoption by the Secretary of the rules required under subsection (f) of this section, the Secretary shall issue a general permit under this section for discharges of stormwater from impervious surface of three or more acres in size, when the stormwater discharge previously was not permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual. Under the general permit, the Secretary shall:
- (A) Establish a schedule for implementation of the general permit by geographic area of the State. The schedule shall establish the date by which an owner of impervious surface shall apply for coverage under this subdivision (3). The schedule established by the Secretary shall require an owner of impervious surface subject to permitting under this subdivision to obtain coverage by the following dates:
- (i) for impervious surface located within the Lake Champlain watershed, the Lake Memphremagog watershed, or the watershed of a stormwater-impaired water, on or before October 1, 2023;
- (ii) for impervious surface located within all other watersheds of the State, no not later than October 1, 2033.

1	(B) Establish criteria and technical standards, such as best
2	management practices, for implementation of stormwater improvements for the
3	retrofitting of impervious surface subject to permitting under this subdivision
4	(3).
5	(C) Require that a discharge of stormwater from impervious surface
6	subject to the requirements of this section comply with the standards of
7	subsection (h) of this section for redevelopment of or renewal of a permit for
8	existing impervious surface.
9	(D) Allow the use of stormwater impact fees, offsets, and phosphorus
10	credit trading within the watershed of the water to which the stormwater
11	discharges or runs off.
12	* * *
13	Sec. 3. EFFECTIVE DATE
14	This act shall take effect on July 1, 2021.