

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 (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.

20 (c) Prohibitions.

21 * * *

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 * * *

21 (g) General permits.

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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.

