

No. 161. An act relating to department of environmental conservation fees.

(H.769)

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

* * * Department of environmental conservation * * *

* * * Environmental permits * * *

Sec. 1. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(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.

(1) For air pollution control permits or registrations issued under 10 V.S.A. chapter 23 ~~of Title 10~~:

(A) Any persons subject to the provisions of 10 V.S.A. § 556 shall submit with each permit application or with each request for a permit amendment, a base service fee in accordance with the base fee schedule in subdivision (i) of this subdivision (1)(A). Prior to taking final action under 10 V.S.A. § 556 on any application for a permit for a nonmajor stationary source or on any request for an amendment of a permit for such a source, the secretary shall assess each applicant for any additional fees due to the agency, assessed in accordance with the base fee schedule and the supplementary fee

schedule in subdivision (ii) of this subdivision (1)(A). The applicant shall submit any fees so assessed to the secretary prior to issuance of the final permit, notwithstanding the provisions of subsection (i) of this section. The base fee schedule and the supplementary fee schedule are applicable to all applications on which the secretary makes a final decision on or after the date on which this section is operative.

(i) Base fee schedule

(I) Application for permit to construct

or modify source

(aa) Major stationary source ~~\$ 12,500.00~~ \$ 15,000.00

(bb) Nonmajor stationary source ~~\$ 1,000.00~~ \$ 2,000.00

(II) Amendments

Change in business name, division name

or plant name; mailing address; or

company stock designation; or other

administrative amendments ~~\$ 100.00~~ \$ 150.00

(ii) Supplementary fee schedule for nonmajor

stationary sources

(I) Engineering review ~~\$ 1,750.00~~ \$ 2,000.00

(II) Air quality impact analysis

Review refined modeling ~~\$ 1,250.00~~ \$ 2,000.00

(III) Observe and review source emission testing	\$ 1,750.00 <u>\$ 2,000.00</u>
(IV) Audit performance of continuous emissions monitors	\$ 1,750.00 <u>\$ 2,000.00</u>
(V) Audit performance of ambient air monitoring	\$ 1,750.00 <u>\$ 2,000.00</u>
(VI) Implement public comment requirement	\$ 500.00.

(B) Any person required to register an air contaminant source under 10 V.S.A. § 555(c) shall submit an annual registration fee in accordance with the following registration fee schedule, where the sum of a source's emissions of the following air contaminants is greater than five tons per year: sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons:

Registration: ~~\$0.024~~ \$0.0335 per pound of emissions of any of these contaminants. Where the sum of a source's emission of these contaminants is greater than ten tons per year, provided that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00:

Base registration fee ~~\$1,000.00~~ \$1,500.00; and ~~\$0.024~~ \$0.0335 per pound of emissions of any of these contaminants.

(2) For discharge permits issued under 10 V.S.A. chapter 47 ~~of Title 10~~

and orders issued under 10 V.S.A. § 1272, an administrative processing fee of ~~\$100.00~~ \$120.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III), ~~(IV)~~, and (V) of this subsection:

(A) Application review fee.

* * *

(iii) Stormwater discharges.

(I) Individual operating permit	\$360.00 <u>\$430.00</u> per acre
or application to operate	impervious area;
under general operating	minimum \$180.00 <u>\$220.00</u>
permit for collected	per application.
stormwater runoff	
which is discharged to	
Class B waters: original	
application; amendment	
for increased flows;	
amendment for change	
in treatment process.	

(II) Individual operating permit	\$1,170.00 <u>\$1,400.00</u> per
or application to operate	acre impervious area;

under general operating permit for collected stormwater runoff which is discharged to Class A waters; original application; amendment for increased flows; amendment for change in treatment process. minimum \$1,170.00 \$1,400.00 per application.

(III) Individual permit or application to operate under general permit for construction activities; original application; amendment for increased acreage.

(aa) Projects with low risk to waters of the state. ~~\$36.00~~ \$50.00 per project; original application.

(bb) Projects with moderate risk to waters of the state. ~~\$300.00~~ \$360.00 per project original application.

- (cc) Projects that require ~~\$600.00~~ \$720.00 per
 an individual permit. project original application.
- (IV) Individual permit or ~~\$180.00~~ \$220.00 per
 application to operate facility.
 under general permit
 for stormwater runoff
 associated with industrial
 activities with specified
 SIC codes; original
 application; amendment
 for change in activities.
- (V) Individual permit or ~~\$1,000.00~~ \$1,200.00 per
 application to operate system.
 under general permit
 for stormwater runoff
 associated with municipal
 separate storm sewer systems;
 original application;
 amendment for change
 in activities.
- (VI) Individual operating permit or application to operate under

a general permit for a residually designated stormwater discharge original application; amendment; for increased flows amendment; for change in treatment process.

(aa) For discharges to Class B water; \$430.00 per acre of impervious area, minimum \$220.00.

(bb) For discharges to Class A water; \$1,400.00 per acre of impervious area, minimum \$1,400.00.

(VII) Renewal, transfer, or \$0.00
minor amendment of
individual permit or
approval under general permit.

(iv) Indirect discharge or
underground injection control,
excluding stormwater discharges.

* * *

(II) Nonsewage.

(aa) Individual permit: \$0.06 per gallon design
original application; capacity; minimum ~~\$235.00~~
amendment for increased \$400.00 per application.
flows; amendment for
modification or

	replacement of system.	
(bb)	Renewal, transfer or minor amendment of individual permit.	\$0.00
(cc)	General permit	\$0.00.
(B)	Annual operating fee.	
(i)	Industrial, noncontact cooling water and thermal discharges.	\$0.001 per gallon design capacity. \$150.00 minimum; maximum \$105,000.00. <u>\$210,000.00</u>
		* * *
(iv)	Stormwater	
		* * *
(II)	Individual operating permit or approval under general operating permit for collected stormwater runoff which is discharged to Class B waters.	\$66.00 <u>\$80.00</u> per acre impervious area; \$60.00 <u>\$80.00</u> minimum.
(III)	Individual permit or approval under general	\$66.00 <u>\$80.00</u> per facility.

permit for stormwater runoff from industrial facilities with specified SIC codes.

- (IV) Individual permit or application to operate under general permit for stormwater runoff associated with municipal separate storm sewer systems. ~~\$66.00~~ \$80.00 per system.

(V) Individual permit or approval under general permit for residually designated stormwater discharges.

(aa) For discharges to Class A water; \$255.00 per acre of impervious area, minimum \$255.00.

(bb) For discharges to Class B water; \$80.00 per acre of impervious area, minimum \$80.00.

- (v) Indirect discharge or underground injection control, excluding stormwater discharges:

* * *

(II) Nonsewage

(aa) Individual permit \$0.013 per gallon of design capacity. ~~\$100.00~~ \$250.00 minimum; maximum \$5,500.00.

* * *

(4) For potable water supply and wastewater permits issued under 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater system, including a sewerage connection; and a potable water supply, including a connection to a public water supply:

(A) ~~Subdivision of land~~

~~(i) Original application; major amendments.~~

~~(I) Municipal or private sewerage system and public water supply. \$0.25 per gallon per lot of design flow of potable water or wastewater, whichever is greater.~~

~~Minimum per lot \$105.00.~~

~~(II) All other projects. \$0.50 per gallon per lot of design flow of potable water or wastewater, whichever is greater.~~

~~Minimum per lot \$210.00.~~

~~(ii) Minor amendments. \$50.00~~

Original applications, or major amendments for a project with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: \$245.00 per application.

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: \$580.00 per application.

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: \$2,000.00 per application.

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: \$5,000.00 per application.

(v) design flows greater than 10,000 gpd: \$9,500.00 per application.

~~(B) Potable water supply or wastewater system~~

~~(i) Original application or~~

~~major amendment when~~

~~both potable water and~~

~~wastewater are being~~

~~constructed.~~

~~New or replacement systems.~~

- ~~(I) Municipal or private sewerage system and public water supply.~~ ~~\$0.25 per gallon of design flow of potable water or wastewater, whichever is greater.~~ ~~Minimum per application \$105.00. Maximum per application \$15,000.00.~~
- ~~(II) All other projects.~~ ~~\$0.50 per gallon of design flow of potable water or wastewater, whichever is greater. Minimum per application \$210.00. Maximum per application \$15,000.00.~~
- ~~(ii) Original application or major amendment when either potable water or wastewater, but not both, is being constructed. New or replacement systems.~~
- (I) Municipal or private \$0.15 per gallon per

- ~~sewerage system and public application of design flow.
water supply. Minimum per application
\$105.00. Maximum per
application \$15,000.00.~~
- ~~(H) All other projects. \$0.30 per gallon of design
flow. Minimum per
application \$210.00.
Maximum per application
\$15,000.00.~~
- ~~(iii) Original application or
major amendment when
design flow of potable water
or wastewater is increased
but no construction is required.~~
- ~~(I) Municipal or private \$0.25 per gallon of
sewerage system and increased design flow of
public water supply. potable water or
wastewater, whichever is
greater. Minimum per
application \$67.50.
Maximum per application~~

~~\$15,000.00.~~

~~(H) All other projects.~~

~~\$0.50 per gallon of~~

~~increased design flow of~~

~~potable water or~~

~~wastewater, whichever is~~

~~greater. Minimum per~~

~~application \$135.00.~~

~~Maximum per application~~

~~\$15,000.00.~~

~~(iv) Minor amendments.~~

~~\$50.00 \$100.00.~~

(C) Special fees

* * *

~~(iv) Original application or~~

~~\$35.00 per lot.~~

~~amendment for subdivision of~~

~~land where the lot or lots~~

~~subject to the fee are owned or~~

~~will be owned by the applicant or~~

~~a person related to the applicant by~~

~~blood, civil marriage, or civil union.~~

~~If the lot or lots are subsequently~~

~~transferred within a period of two years to~~

~~an individual who is not related by
blood, civil marriage, or civil union
to the owner of the lot or lots, the full
fee for the lots that were created shall
be paid. (I) Minor projects: \$180.00.~~

(II) As used in this subdivision (j)(4)(C)(iv), “minor project”
means a project that meets the following: there is an increase in design flow
but no construction is required; there is no increase in design flow, but
construction is required, excluding replacement potable water supplies and
wastewater systems; or there is no increase in design flow and no construction
is required, excluding applications that contain designs that require technical
review.

(D) Notwithstanding the other provisions of this subdivision:

~~(i) when a wastewater system is subject to the fee provisions of
this subdivision and subdivision (j)(2)(A)(iv)(I) of this section, only the higher
of the two fees shall be assessed;~~

~~(ii) when a potable water supply is subject to the fee provisions of
this subdivision and subdivision (j)(7)(A) of this section, only the fee required
by subdivision (j)(7)(A) shall be assessed;~~

~~(iii) when a project is subject to the fee provision for the
subdivision of land and the fee provision for potable water supplies and~~

~~wastewater systems of this subdivision, only the higher of the two fees shall be assessed; and~~

(iv) when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be no more than \$50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program.

(5) For well drillers licenses issued under 10 V.S.A. chapter 48:

~~\$105.00~~ \$140.00 per year.

Fees shall be paid on an annual basis over the term of the license.

(6) For solid waste treatment, storage, transfer or disposal facility certifications issued under 10 V.S.A. chapter 159:

* * *

(D) original and renewal ~~\$0.00~~ \$100.00.

applications for
categorical disposal facilities

* * *

(G) insignificant waste management \$100.00 per event.

event approvals

(7) For public water supply and bottled water permits and approvals issued under 10 V.S.A. chapter 56 ~~of Title 10~~ and interim groundwater

withdrawal permits and approvals issued under 10 V.S.A. chapter 48 of

~~Title 10:~~

(A) For public water supply construction permit applications:

~~\$275.00~~ \$375.00 per application plus \$0.0055 per gallon of design capacity.

Amendments ~~\$110.00~~ \$150.00 per application.

(B) For water treatment plant applications, except those applications

submitted by a municipality as defined in 1 V.S.A. § 126 or a consolidated

water district established under 24 V.S.A. § 3342: \$0.003 per gallon of design

capacity. Amendments ~~\$110.00~~ \$150.00 per application.

(C) For source permit applications:

(i) Community water systems: ~~\$615.00~~ \$945.00 per source.

(ii) Transient noncommunity: ~~\$250.00~~ \$385.00 per source.

(iii) Nontransient, noncommunity: ~~\$500.00~~ \$770.00 per source.

(iv) Amendments. ~~\$110.00~~ \$150.00 per
application.

(D) For public water supplies and bottled water facilities, annually:

(i) Transient noncommunity: ~~\$45.00~~ \$50.00

(ii) Nontransient, noncommunity: ~~\$0.0294~~ \$0.0355 per 1,000
gallons of water produced
annually or \$70.00,
whichever is greater.

(iii) Community: ~~\$0.0295 per 1,000 gallons~~
~~of water produced annually for~~
~~fiscal year 2005; \$0.0325 per~~
~~1,000 gallons of water~~
~~produced annually for fiscal~~
~~year 2006; and \$0.0359~~
\$0.0439 per 1,000 gallons of
water produced
annually for fiscal year
2007 and thereafter.

(iv) Bottled water: ~~\$900.00~~ \$1,390.00 per
permitted facility.

(E) Amendment to bottled water facility permit, ~~\$110.00~~ \$150.00 per
application.

(F) For facilities permitted to withdraw groundwater pursuant to
10 V.S.A. § 1418: ~~\$1,500.00~~ \$2,300.00 annually per facility.

* * *

(8) For public water system operator certifications issued under
10 V.S.A. § 1674:

~~Class IA and IB~~ \$40.00 per initial certificate or renewal.
Fee is waived for operators who are

~~permittees under
the transient noncommunity water system
general permit.~~

~~All Other Classes \$70.00 per initial certificate or renewal~~

~~(A) For class IA and IB operators: \$45.00 per initial certificate or
renewal. Operators who are also permittees under the transient noncommunity
water system general permit are not subject to this fee.~~

~~(B) For all other classes: \$80.00 per initial certificate or renewal.~~

~~(9)(A) For a solid waste hauler permits issued under 10 V.S.A. § 6607a
\$35.00: an annual operating fee of \$50.00 per vehicle used, by the commercial
hauler that is permitted, for transporting waste. This fee shall be submitted
with the permit application and each year thereafter for the duration of the
permit, at the time of the filing of the annual statement required by 10 V.S.A.
§ 6605f(m).~~

~~(B) For a hazardous waste hauler permits issued under 10 V.S.A.
§ 6607a: \$100.00: an annual operating fee of \$125.00 per vehicle used, by the
commercial hauler that is permitted, for transporting waste. This fee shall be
submitted with the permit application and each year thereafter for the duration
of the permit, at the time of the filing of the annual statement required by
10 V.S.A. § 6605f(m).~~

* * *

(16) For underground storage tank permits issued under 10 V.S.A. chapter 59:

~~\$100.00~~ \$125.00 per
tank per year.

* * *

(21) ~~For site technician certifications issued under 3 V.S.A. § 2827(f)~~

For class A and B designer licenses issued under 10 V.S.A. § 1975:

(A) ~~Type A site technicians~~ Class A:

- (i) original application ~~\$100.00~~ \$150.00
- (ii) renewal application ~~\$40.00~~ \$50.00 per year.
- (iii) provisional license \$50.00.

(B) ~~Type B site technicians~~ Class B:

- (i) original application ~~\$40.00~~ \$75.00
- (ii) renewal application ~~\$40.00~~ \$50.00 per year.
- (iii) provisional license \$50.00.

(C) Renewal late fee. The following fees shall be charged in addition to the renewal fees established in subdivisions (A) and (B) of this subdivision (21):

- (i) application received within 30 days after expiration of license:
\$25.00.

(ii) application received 31 days or later after expiration of license: \$50.00.

(iii) application received two years or more after expiration of license shall be considered a new application for the designer license.

(D) Potable water supply exam fee: \$50.00.

* * *

(25) For hazardous waste generator registrations required by 10 V.S.A. § 6608(f).

(A) small quantity generators ~~\$100.00 per year~~ \$125.00 per year.

(B) large quantity generators ~~\$500.00 per year~~ \$600.00 per year.

(C) conditionally exempt generators \$75.00 per year.

(26) For individual conditional use determinations, for individual wetland permits, for general conditional use determinations issued under 10 V.S.A. § 1272, or for wetland authorizations issued under a general permit, an administrative processing fee assessed under subdivision (2) of this subsection (j) and an application fee of:

(A) ~~\$0.12~~ \$0.75 per square foot of proposed impact to Class I or II wetlands;

(B) ~~\$0.09~~ \$0.25 per square foot of proposed impact to Class I or II

wetland buffers;

(C) maximum fee, for the conversion of Class II wetlands or wetland buffers to cropland use, \$200.00 per application. For purposes of this subdivision, "cropland" means land that is used for the production of agricultural crops, including row crops, fibrous plants, pasture, fruit-bearing bushes, trees, or vines and the production of Christmas trees;

(D) \$0.25 per square foot of proposed impact to Class I or II wetlands or Class I or II wetland buffer for utility line, pipeline, and ski trail projects when the proposed impact is limited to clearing forested wetlands in a corridor and maintaining a cleared condition in that corridor for the project life;

(E) minimum fee, \$50.00 per application.

* * *

(30) For review of a project requiring water quality certification under Section 401 of the Clean Water Act: one percent of project costs; minimum fee \$200.00; maximum fee \$20,000.00. For an application seeking review of multiple projects under this subdivision, the fee shall apply to each project.

(k) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay fees for any emissions of the following types of hazardous air contaminants. The following fees shall not be

assessed for emissions resulting from the combustion of any fuels, except solid waste, in fuel burning or manufacturing process equipment.

- (1) Contaminants which cause short-term irritant effects — ~~\$0.008~~ \$0.012 per pound of emissions;
- (2) Contaminants which cause chronic systemic toxicity (low potency) — ~~\$0.015~~ \$0.0225 per pound of emissions;
- (3) Contaminants which cause chronic systemic toxicity (high potency) — ~~\$0.02~~ \$0.03 per pound of emissions;
- (4) Contaminants known or suspected to cause cancer (low potency) — ~~\$0.55~~ \$0.825 per pound of emissions;
- (5) Contaminants known or suspected to cause cancer (high potency) — ~~\$10.00~~ \$15.00 per pound of emissions.

(1) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay the following fees for emissions of hazardous air contaminants resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment.

- (1) Coal — ~~\$0.43~~ \$0.645 per ton burned;
- (2)(A) Wood — ~~\$0.103~~ \$0.155 per ton burned; or
- (B) Wood burned with an operational electrostatic precipitator and NO_x reduction technologies — ~~\$0.025~~ \$0.0375 per ton burned;

- (3) No. 6 grade fuel oil — ~~\$0.0005~~ \$0.00075 per gallon burned;
- (4) No. 4 grade fuel oil — ~~\$0.0004~~ \$0.0006 per gallon burned;
- (5) No. 2 grade fuel oil — ~~\$0.0002~~ \$0.0003 per gallon burned;
- (6) Liquid propane gas — ~~\$0.0002~~ \$0.0003 per gallon burned;
- (7) Natural gas — ~~0.87~~ \$1.305 per million cubic feet burned.

* * *

Sec. 2. 10 V.S.A. § 1922 is amended to read:

§ 1922. DEFINITIONS

For purposes of this chapter:

* * *

(16) “Acceptable piping” means:

(A) double-wall pressurized piping; or

(B) single-wall piping that operates under suction, is pitched evenly uphill from the tank top, and has only one check valve which is located at the dispenser, fuel burner, generator, or other piping termination point.

(17) “Double-wall tank system” means an underground storage tank system consisting of a double-wall tank and acceptable piping.

(18) “Combination tank system” means an underground storage tank system consisting of a single-wall tank and acceptable piping.

(19) “Single-wall tank system” means an underground storage tank system consisting of a single-wall tank and single-wall pressurized piping.

Sec. 3. 10 V.S.A. § 1943 is amended to read:

§ 1943. PETROLEUM TANK ASSESSMENT

(a) Each owner of a category one tank used for storage of petroleum products shall remit to the secretary on October 1 of each year ~~beginning October 1, 1988~~; \$100.00 per double-wall tank system; \$150.00 per combination tank system; and \$200.00 per single-wall tank system, which shall be deposited to the petroleum cleanup fund established by section 1941 of this title, except that:

(1) ~~The fee shall be \$50.00 per tank for~~ For retail gasoline outlets that sell less than 40,000 gallons of motor fuel per month, the fee shall be:

(A) \$75.00 per double-wall tank system;

(B) \$125.00 per combination tank system; and

(C) \$175.00 per single-wall tank system.

(2) The fee shall be reduced by 50 percent if the owner or permittee provides to the satisfaction of the secretary evidence of financial responsibility to allow the taking of corrective action in the amount of \$100,000.00 per occurrence and the compensation of third parties for bodily injury and property damage in the amount of \$300,000.00 per occurrence.

(3) The fee shall be relieved if the owner provides to the satisfaction of the secretary, evidence of financial responsibility to allow the taking of corrective action and the compensation of third parties for bodily injury and

property damage each in the amount of \$1,000,000.00 per occurrence.

(4) The fee for retail motor fuel outlets selling 20,000 gallons or less per month shall not exceed \$100.00 per year for all double-wall tanks at a single location and shall not exceed \$300.00 for all combination tank systems at a single location. This cap shall not apply to a retail motor fuel outlet utilizing a single-wall tank system.

(5) ~~The fee shall be \$50.00 per tank for~~ For any municipality that uses an annual average of less than ~~an annual average of~~ 40,000 gallons of motor fuel per month, provided that all of the tanks of that municipality meet the requirements of this chapter, the fee shall be:

(A) \$50.00 per double-wall tank system;

(B) \$100.00 per combination tank system; and

(C) \$150.00 per single-wall tank system.

(b) For purposes of this section, an occurrence is an accident, including continuous or repeated exposure to conditions, which results in the release of petroleum from one or more underground storage tanks at the same site.

(c) This tank assessment shall terminate on July 1, 2014.

(d) The secretary shall establish forms and procedures for the payment of the petroleum tank assessment, including a notice of the obligation 30 days prior to being due. Failure to receive notice shall not waive the payment obligation.

Sec. 4. PETROLEUM ADVISORY COMMITTEE REPORT

In the 2013 report of the petroleum cleanup advisory committee, the committee shall make recommendations on how to reduce risks to the fund posed by an aboveground or underground storage tank. In making its recommendation, the committee shall consider:

(1) Appropriate tank assessment fees for single-wall and combination underground storage tanks.

(2) Appropriate deductibles when there is a release from a single-wall or combination underground storage tank.

(3) A time line laying out a process to remove single-wall and combination underground storage tanks from service.

(4) For tank system owners that have low throughputs or limited income from their underground storage tank system, the use of grants or negative interest loans for the upgrade of those systems.

(5) Current tank technology and its impact on safety and the rate of current tank fees.

Sec. 5. 10 V.S.A. § 6628 is amended to read:

§ 6628. PLAN, PLAN SUMMARY AND PERFORMANCE REPORT
REVIEW

* * *

(j) Fees shall be submitted annually on March 31st. Fees shall be submitted to the secretary and deposited into the hazardous waste management account of the waste management assistance fund established under section 6618 of this title. Fees shall be computed according to the following:

(1) ~~\$300.00~~ \$350.00 per toxic chemical identified pursuant to subdivision 6629(c)(4) of this title.

(2) ~~\$300.00~~ \$350.00 per hazardous waste stream identified pursuant to subdivision 6629(c)(3) of this title.

(3) Up to a maximum amount of:

(A) ~~\$1,500.00~~ \$1,750.00 per plan, for Class A generators.

(B) ~~\$300.00~~ \$350.00 per plan for Class B generators.

(C) ~~\$1,500.00~~ \$1,750.00 per plan for large users.

(D) ~~\$3,000.00~~ \$3,500.00 per plan for Class A generators that are large users.

(E) ~~\$900.00~~ \$1,050.00 per plan for Class B generators that are large users.

Sec. 6. 10 V.S.A. § 7553 is amended to read:

§ 7553. SALE OF COVERED ELECTRONIC DEVICES;

MANUFACTURER REGISTRATION

* * *

(h) Implementation fee.

(1) ~~For the program year of Beginning July 1, 2011, through June 30, 2012,~~ each manufacturer that seeks coverage under the standard plan shall pay to the secretary an implementation fee that shall be assessed on a quarterly basis and that shall be determined by multiplying the manufacturer's market share by the prior quarter's cost of implementing the electronic waste collection and recycling program adopted under the standard plan. For purposes of this section, the electronic waste and recycling program includes collection, transportation, recycling, and the reasonable cost of contract administration.

(2) ~~Beginning with the program year starting July 1, 2012, a proposed methodology for calculating the implementation fee for manufacturers seeking coverage under the standard plan shall be included in the executive branch fee report and approved by the general assembly according to the requirements of subchapter 6 of chapter 7 of Title 32.~~

~~(3)~~ The fee collected under this subsection shall be deposited into the electronic waste collection and recycling account of the waste management assistance fund.

~~(4)~~(3) At the end of each program year, the secretary shall review the total costs of collection and recycling for the program year and shall reapportion the implementation fee assessed under this subsection to accurately

reflect the actual cost of the program and the manufacturer's market share of covered electronic devices sold in the state during the program year.

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Sec. 7. FORMAT CHANGES AND ADJUSTMENTS TO THE AGENCY
OF NATURAL RESOURCES FEES

The legislative council may, in consultation with the agency of natural resources, modify the format of the fees established by 3 V.S.A. § 2822. In making the modifications, the legislative council may make changes to the sections that do not affect the amount or scope of a fee. The legislative council may make changes to improve the readability of the proposed fees. Prior to codification of the reformatted fees, copies shall be presented to the house committee on ways and means and the senate committee on finance.

* * * Natural resources board * * *

* * * Act 250 fees * * *

Sec. 8. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to the

following fees for the purpose of compensating the state of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

* * *

(4) For projects involving the extraction of earth resources, including but not limited to sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of: a fee as determined under subdivision (1) of this subsection; or a fee equivalent to the rate of ~~\$0.20~~ \$0.02 per cubic yard of ~~maximum estimated annual extraction whichever is greater~~ the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and \$0.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment.

* * *

* * * Vermont web portal * * *

Sec. 9. 22 V.S.A. § 953 is amended to read:

§ 953. VERMONT WEB PORTAL BOARD; DUTIES

* * *

(c) Any charges created or changed by the board shall be approved as follows:

(1) All such charges shall be submitted to the governor who shall send a copy of the approval or rejection to the joint fiscal committee through the joint fiscal office together with the following information with respect to those items:

(A) the costs, direct and indirect, for the present and future years related to the charge;

(B) the department or program which will utilize the charge;

(C) a brief statement of purpose;

(D) the impact on existing programs if the charge is not accepted.

(2) The governor's approval shall be final unless within 30 days of receipt of the information a member of the joint fiscal committee requests the charge be placed on the agenda of the joint fiscal committee or, when the general assembly is in session, be held for legislative approval. In the event of such request, the charge shall not be accepted until approved by the joint fiscal committee or the legislature. During the legislative session, the joint fiscal committee shall file a notice with the house clerk and senate secretary for publication in the respective calendars of any charge approval requests that are submitted by the administration. Beginning on July 1, 2012, and every three

years thereafter, all web portal fees shall be included in the annual consolidated executive branch fee report pursuant to 32 V.S.A. § 605.

Sec. 10. DEPARTMENT OF INFORMATION AND INNOVATION
REPORT

The department of information and innovation shall report to the house committee on ways and means and the senate committee on finance by January 15, 2013 regarding the Vermont web portal. The report shall include an analysis of whether the Vermont web portal fee structure is appropriate and whether there are more cost-effective ways for the state to contract for web portal services. The report shall include any recommended changes to the web portal business model.

* * * Wastewater supply and potable water supply
loan program * * *

Sec. 11. [Deleted]

Sec. 12. 3 V.S.A. § 2809 is amended to read:

§ 2809. REIMBURSEMENT OF AGENCY COSTS

(a)(1) The secretary may require an applicant for a permit, license, certification, or order issued under a program that the secretary enforces under 10 V.S.A. § 8003(a) to pay for the cost of research, scientific, programmatic, or engineering expertise ~~or services that the~~ provided by the agency of natural resources, provided:

(A) the secretary does not have when such expertise or services and such expertise are is required for the processing of the application for the permit, license, certification, or order; or

(B) the secretary does have such expertise but has made a determination that it is beyond the agency's internal capacity to effectively utilize that expertise to process the application for the permit, license, certification, or order. In addition, the secretary shall determine that such expertise is required for the processing of the application for the permit, license, certification, or order.

(2) The secretary may require an applicant under chapter 151 of Title 10 to pay for the time of agency of natural resources personnel providing research, scientific, or engineering services or for the cost of expert witnesses when agency personnel or expert witnesses are required for the processing of the permit application.

(3) ~~Except as~~ In addition to the authority set forth under chapters 59 and 159 of Title 10 and 10 V.S.A. § 1283, the secretary may require a person who caused the agency to incur expenditures or a person in violation of a permit, license, certification, or order issued by the secretary to pay for the time of agency personnel or the cost of other research, scientific, or engineering services incurred by the agency in response to a threat to public health or the environment presented by an emergency or exigent circumstance.

(b) Prior to commencing or contracting for research, scientific, or engineering expertise or services or contracting for expert witnesses for which the secretary intends to seek cost reimbursement under subdivisions (a)(1) and (2) of this section, the secretary shall notify the applicant for a permit, license, certification, or order of the secretary's authority to assess costs under this section.

(c)(1) Within 15 days of issuance of notice under subsection (b) of this section, an applicant for a permit, license, certification, or order may request a meeting with the secretary to identify and review the proposed agency services or contracting services that may be assessed to the applicant.

(2) The secretary may enter into agreements with an applicant for a permit, license, certification, or order under which either the applicant or the agency of natural resources shall provide or pay for the necessary research, scientific, or engineering expertise or services or expert witnesses.

(3) When the secretary meets with an applicant under this subsection, the secretary shall provide the applicant in writing a preliminary estimate of the costs to be assessed and the purpose of the funds. In the case of requests to pay costs under subdivision (a)(1)(B) of this section, the secretary shall be limited to a reimbursement of not more than \$50,000.00.

(d) The following apply to the authority established under subsection (a) of this section:

~~(1)(A) The secretary may assess costs under subdivisions (a)(1) and (2) of this section to the applicant or applicants for the permit only with the approval of the governor. Costs assessed under subdivision (a)(3) shall not require approval of the governor.~~

~~(2) The secretary may require reimbursement only of costs in excess of \$3,000.00 except as provided in subdivision (B) of this subdivision (1).~~

(B) Where the secretary has requested reimbursement of programmatic expertise pursuant to subdivision (a)(1)(B) of this section. The secretary may require reimbursement only of costs in excess of \$3,000.00 or one-half of the permit application fee assessed under section 2822 of this title, whichever is greater.

~~(3)(2) The secretary may revise estimates previously noticed as necessary from time to time during the progress of the work and shall notify the applicant in writing of any revision.~~

~~(4)(3) The secretary shall provide the applicant with a detailed statement of a final assessment under this section showing the total amount of money expended or contracted for in the work and directing the manner and timing of payment by the applicant.~~

~~(5)(4) All funds collected from applicants shall be paid into the state treasury.~~

(e) The secretary may withhold a permit approval or suspend the processing of a permit application for failure to pay reasonable costs imposed under this subsection.

(f) An action or determination of the secretary under this section shall constitute an act or decision of the secretary that may be appealed in accordance with 10 V.S.A. § 8504.

* * *

Sec. 12a. COST REIMBURSEMENT REPORT

On or before January 15, 2013 the secretary of natural resources shall report to the house committee on ways and means and the senate committee on finance on the utilization of the cost reimbursement authority under 3 V.S.A. § 2809. The report shall include the name of the project, the town in which the project was located, the amount requested for reimbursement, and the purpose for which the funds were used. The secretary shall make recommendations for any changes to the cost reimbursement authority as part of the executive branch fee bill.

Sec. 13. 24 V.S.A. § 4753(a)(9) is added to read:

(9) The Vermont wastewater and potable water revolving loan fund which shall be used to provide loans to individuals, in accordance with section 4763a of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system

or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972. The amount of \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) shall be deposited on an annual basis into this fund.

Sec. 14. 24 V.S.A. § 4763a is added to read:

§ 4763a. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law, when the wastewater system or potable water supply serving only one single-family residence on its own lot meets the definition of a failed supply or system, the secretary of natural resources may lend monies to the owner of the residence from the Vermont wastewater and potable water revolving loan fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) loans may only be made to households with an income equal to or less than 200 percent of the state average median household income;

(2) loans may only be made to households where the recipient of the loan resides in the residence on a year-round basis;

(3) loans may only be made if the owner of the residence has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least two other financing entities;

(4) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the secretary of natural resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the secretary of natural resources that the proposed project has secured all state and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan.

(5) all funds from the repayment of loans made under this section shall be deposited into the Vermont wastewater and potable water revolving loan fund.

(b) The secretary of natural resources shall establish standards, policies, and procedures as necessary for the implementation of this section. The secretary may establish criteria to extend the payment period of a loan or to waive all or a portion of the loan amount.

Sec. 15. 24 V.S.A. § 4753a is amended to read:

§ 4753a. AWARDS FROM REVOLVING LOAN FUNDS

(a) Pollution control. The general assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with state policy on water quality and pollution abatement, and with the state policy that, ~~except as provided in subsection (e) of this section,~~ municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the secretary of natural resources shall annually no later than January 15 report to the house and senate committees on institutions and on natural resources and energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed.

(b) Water supply. The secretary of natural resources shall no later than January 15, 2000 recommend to the house ~~and senate committees on institutions and~~ committee on corrections and institutions, the senate committee on institutions, and the house and senate committees on natural

resources and energy a procedure for reporting to and seeking the concurrence of the legislature with regard to the special funds established by section 4753 of this title for water supply facility construction.

~~(c) Notwithstanding other priorities established in law, the secretary may award up to \$500,000.00 of the funds from the Vermont environmental protection agency control fund and the Vermont pollution control revolving fund, combined, to a state agency, the Vermont housing finance agency, or a municipality for the administration of loans to households with income equal to or less than 200 percent of the state average median household income for the repair or replacement of failed wastewater systems and failed potable water supplies, as those terms are defined in section 1972 of Title 10. Upon award of funds under this section, the state agency, Vermont housing finance agency, or municipality shall agree, pursuant to a memorandum of understanding with the secretary of natural resources, to repay the funds awarded to the special fund from which they were drawn.~~

Sec. 15a. REPORT; POTABLE WATER SUPPLY AND WASTEWATER
SYSTEMS

By January 15, 2013, the agency of natural resources and the agency of commerce and community development shall report to the house committees on ways and means and on fish, wildlife and water resources, and the senate committees on finance and on natural resources and energy regarding

programs which address the replacement of failed potable water supply and wastewater systems. The report shall include a list of all programs regarding failed potable water supply and wastewater systems in existence for low and moderate income residents, the effectiveness of those programs in replacing failed potable water supply and wastewater systems and in serving residents of different income levels, and the extent gaps exist in existing programs. The agencies shall make recommendations, if any, for statutory changes regarding programs which deal with replacement of failed potable water supply and wastewater systems

Sec. 16. ANR REPORT ON ENVIRONMENTAL IMPACT

OF GROUNDWATER WITHDRAWALS FOR BOTTLING
WATER

(a) On or before January 15, 2013, the secretary of natural resources shall report to the senate and house committees on natural resources and energy, the senate committee on finance, and the house committee on ways and means and on fish, wildlife and water resources regarding the impact of bulk groundwater withdrawals in the state. The report shall include:

(1) An analysis of the environmental effect of withdrawing and transferring out of the state large volumes of groundwater for the purposes of bottling, including the impact of such withdrawals on drinking water supplies, agricultural use, groundwater tables, and surface water recharge.

(2) A summary of the fees charged by other states for the withdrawal of groundwater for bottling or bulk water transfer and a comparison of the fees of other states to the groundwater withdrawal fees charged in Vermont.

(b) In preparing the report required under subsection (a) of this section, the secretary of natural resources shall consult with interested parties, including owners of property in the proximity of public water systems withdrawing groundwater for the purposes of bottling water, public water systems, bottled water companies, environmental groups, and representatives of agriculture.

Sec. 17. STUDY; DEPARTMENT OF PUBLIC SAFETY

(a) The department of public safety shall study how it assesses fees or charges for services provided by the department to municipalities, fire departments, and other entities. The study shall also examine how fees or charges can be equitably assessed and what mechanism can be employed to collect fees or charges.

(b) The department shall report its findings and any recommendations to the house committee on ways and means and the senate committee on finance by January 15, 2013.

Sec. 18. REPORT; AGENCY OF NATURAL RESOURCES; AGENCY OF
TRANSPORTATION

On or before January 15, 2013, the secretary of natural resources (ANR) and the secretary of transportation (AOT) shall jointly report to the house

committee on ways and means and the senate committee on finance with a recommendation as to whether or not agency of natural resources fees and agency of transportation fees should be adjusted so that air pollution fees paid to ANR proportionally reflect the contribution of ANR permittees to state air pollution and so that air-pollution-related fees paid to AOT proportionally reflect the contribution of AOT licensees and permittees to state air pollution. If making adjustments to ANR and AOT fees is recommended for this purpose, the report shall recommend which fees should be adjusted and by what amount.

Approved: May 17, 2012