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H.881

Introduced by Representatives Forguites of Springfield, Bock of Chester, and
Emmons of Springfield

Referred to Committee on

Date:

Subject: Conservation and development; State land use; Act 250; corrective
action plans

Statement of purpose of bill as introduced: This bill proposes to clarify that
actions under a correction action plan or abatement do not require a permit or
permit amendment under 10 V.S.A. chapter 151 (Act 250). Under current law,
these actions do not constitute “development” as defined in that chapter.

An act relating to corrective action plans under Act 250

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

~~Sec. 1. 10 V.S.A. § 6081 is amended to read:~~

~~§ 6081. PERMITS REQUIRED; EXEMPTIONS~~

~~* * *~~

~~(x)(1) No permit or permit amendment is required for the construction of
improvements for any one of the actions or abatements authorized in this
subdivision.~~

1 ~~(A) a remedial or removal action for which the Secretary of Natural~~
2 ~~Resources has authorized disbursement under section 1283 of this title;~~

3 ~~(B) abating a release or threatened release, as directed by the~~
4 ~~Secretary of Natural Resources under section 6615 of this title;~~

5 ~~(C) a remedial or removal action directed by the Secretary of Natural~~
6 ~~Resources under section 6615 of this title;~~

7 ~~(D) a corrective action authorized in a corrective action plan~~
8 ~~approved by the Secretary of Natural Resources under section 6615b of this~~
9 ~~title;~~

10 ~~(E) a corrective action authorized in a corrective action plan~~
11 ~~approved by the Secretary of Natural Resources under chapter 159,~~
12 ~~subchapter 3 of this title; or~~

13 ~~(F) the management of "development soils," as that term is defined~~
14 ~~in subdivision 6602(39) of this title, under a plan approved by the Secretary of~~
15 ~~Natural Resources under section 6604c of this title.~~

16 ~~(2) Any development subsequent to the construction of improvements~~
17 ~~for any one of the actions or abatements authorized in subdivision (1) of this~~
18 ~~subsection shall not be exempt from the provisions of this chapter.~~

19 Sec. 2. EFFECTIVE DATE

20 ~~This act shall take effect on July 1, 2018.~~

Sec. 1. 10 V.S.A. § 6081 is amended to read:

§ 6081. *PERMITS REQUIRED; EXEMPTIONS*

* * *

(x)(1) No permit or permit amendment is required for the construction of improvements for any one of the actions or abatements authorized in this subdivision:

(A) a remedial or removal action for which the Secretary of Natural Resources has authorized disbursement under section 1283 of this title;

(B) abating a release or threatened release, as directed by the Secretary of Natural Resources under section 6615 of this title;

(C) a remedial or removal action directed by the Secretary of Natural Resources under section 6615 of this title;

(D) a corrective action authorized in a corrective action plan approved by the Secretary of Natural Resources under section 6615b of this title;

(E) a corrective action authorized in a corrective action plan approved by the Secretary of Natural Resources under chapter 159, subchapter 3 of this title; or

(F) the management of "development soils," as that term is defined in subdivision 6602(39) of this title, under a plan approved by the Secretary of Natural Resources under section 6604c of this title.

(2) Any development subsequent to the construction of improvements for

any one of the actions or abatements authorized in subdivision (1) of this subsection shall not be exempt from the provisions of this chapter.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.