

1 H.34

2 Introduced by Representatives Yantachka of Charlotte and Sibilica of Dover

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; environmental permitting; municipal
6 authority; delegation

7 Statement of purpose of bill as introduced: This bill proposes to require the
8 Secretary of Natural Resources to recommend environmental permit programs
9 that should allow for delegation of implementation, administration, and
10 enforcement to municipalities.

11 An act relating to delegation of State permitting programs to municipalities

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

13 Sec. 1. AGENCY OF NATURAL RESOURCES REPORT ON

14 DELEGATION OF ENVIRONMENTAL PERMIT PROGRAMS

15 (a) Findings. The General Assembly finds that:

16 (1) Statute allows certain environmental permit programs to be

17 delegated to municipalities for implementation, administration, and

18 enforcement, including permitting of wastewater systems, wells, and lake

19 shoreland development.

1 (2) Delegation of environmental permitting to municipalities can result
2 in better administered and enforced permit programs that, consequently,
3 enhance the environmental and natural resource benefits and protection
4 afforded by the permit program.

5 (3) Authorizing delegation of environmental permitting to municipalities
6 is not appropriate for all State environmental permits as federal law may limit
7 delegation for some permits and as some permit programs are more
8 appropriately administered at the State level due to the nature, scale, or scope
9 of the activity.

10 (4) To better inform the General Assembly of what State environmental
11 permit programs can or should allow for delegation of implementation,
12 administration, and enforcement to municipalities, the General Assembly
13 should require the Secretary of Natural Resources to recommend
14 environmental permit programs that should allow for delegation to
15 municipalities.

16 (b) Report. On or before January 15, 2020, the Secretary of Natural
17 Resources shall submit to the House Committee on Natural Resources, Fish,
18 and Wildlife and the Senate Committee on Natural Resources and Energy a
19 report regarding delegation of environmental permitting programs to
20 municipalities. The report shall include:

1 (1) a summary of the existing environmental permit programs that may
2 be delegated to a municipality and the number of municipalities that have been
3 delegated under each permit program;

4 (2) a summary of reduced Agency of Natural Resources workload, if
5 any, resulting from delegation of environmental permitting to municipalities;

6 (3) a list of Agency of Natural Resources permitting programs that the
7 Secretary recommends as appropriate for delegation to municipalities and the
8 basis for the recommendation;

9 (4) a list of Agency of Natural Resources permit programs that the
10 Secretary recommends as not appropriate for delegation to municipalities, and
11 the basis for the recommendation;

12 (5) an estimate of the cost savings or reduced workload to the Agency of
13 Natural Resources if permit programs recommended under subdivision (3) of
14 this subsection were authorized for delegation to municipalities; and

15 (6) draft legislation that would authorize delegation of the permit
16 programs recommended under subdivision (3) of this subsection.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on passage.