

1 S.250

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; aquatic nuisance control; permitting;  
6 standard procedures; notice

7 Statement of purpose of bill as introduced: This bill proposes to require that an  
8 applicant for an individual permit issued for the use of a pesticide in a water of  
9 the State for the control of nuisance aquatic plants provide notice to owners of  
10 property adjoining the water to which the pesticide is proposed for use.

11 An act relating to the public notice required for aquatic nuisance control  
12 permits

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

14 Sec. 1. 10 V.S.A. § 7713 is amended to read:

15 § 7713. TYPE 2 PROCEDURES

16 (a) Purpose; scope.

17 (1) The purpose of this section is to establish the public notice and  
18 comment requirements that the Department must follow when considering  
19 applications for individual permits, except for individual permits specifically

1 listed in other sections of this subchapter, and when considering other permits  
2 listed in this section.

3 (2) The procedures under this section shall be known as Type 2  
4 Procedures. This section governs an application for each of the following:

5 (A) an individual permit issued pursuant to the Secretary's authority  
6 under this title and 29 V.S.A. chapter 11, except for permits governed by  
7 sections 7712 and 7714-7716 of this chapter;

8 (B) a wetland determination under section 914 of this title;

9 (C) an individual shoreland permit under chapter 49A of this title;

10 (D) a public water system source permit under section 1675 of this  
11 title;

12 (E) a provisional certification issued under section 6605d of this  
13 title; ~~and~~

14 (F) a corrective action plan under section 6648 of this title; and

15 (G) an individual permit issued under section 1455 of this title for the  
16 use of a pesticide in a water of the State for the control of nuisance aquatic  
17 plants.

18 (b) Notice of application.

19 (1) The applicant shall provide notice of the application to adjoining  
20 property owners.

1           (A) For public water system source protection areas, the applicant  
2 also shall provide notice to all property owners located in:

3           (i) zones 1 and 2 of the source protection area for a public  
4 community water system source; and

5           (ii) the source protection area for a public nontransient  
6 noncommunity water system source.

7           (B) For an individual shoreland permit under chapter 49A:

8           (i) The notice to adjoining property owners shall be to the  
9 adjoining property owners on the terrestrial boundary of the shoreland.

10          (ii) This chapter does not require notice to owners of property  
11 across the lake as defined in that chapter.

12          (2) The Secretary shall provide notice of an administratively complete  
13 application through the environmental notice bulletin.

14          (c) Notice of draft decision; comment period. The Secretary shall provide  
15 notice of a draft decision through the environmental notice bulletin and shall  
16 post the draft decision to the bulletin. The Secretary shall provide a public  
17 comment period.

18          (d) Public meeting. The Secretary shall hold a public meeting whenever  
19 any person files a written request for such a meeting. The Secretary otherwise  
20 may hold a public meeting at his or her discretion.

1 (e) Notice of final decision. The Secretary shall provide notice of the final  
2 decision through the environmental notice bulletin and shall post the final  
3 decision to the bulletin. When the Secretary issues the final decision, the  
4 Secretary shall provide a response to comments.

5 Sec. 2. 10 V.S.A. § 7701(1) is amended to read:

6 (1) “Adjoining property owner” means a person who owns land in fee  
7 simple, if that land:

8 (A) shares a property boundary with a tract of land where proposed  
9 or actual activity regulated by the Department is located; ~~or~~

10 (B) is adjacent to a tract of land where such activity is located and the  
11 two properties are separated only by a river, stream, or public highway; or

12 (C) is adjacent to waters, as that term is defined in section 1452 of  
13 this title, to which a pesticide is proposed for use.

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on passage.