CONFIDENTIAL LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H. 578 **Name of Bill:** Potable Water Supply and Wastewater Permit issuance requirement

Agency of Natural Resources / Dept: ANR/DEC **Author of Bill Review:** Christine Thompson

Date of Bill Review: 1/28/2016 **Related Bills and Key Players:** Rep Eastman of Orwell Click here to enter text.

Status of Bill (*check one*): ☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position: Oppose

Analysis of Bill

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*
Bill proposes to require the issuance of Potable Water Supply and Wastewater Program to either issue a permit within 30 days of receipt of the permit application or to tell the applicant how to amend the permit application so that the permit can be issued.

2. **Is there a need for this bill?** *Please explain why or why not.* No, there is no need for this bill. This permitting program already has PEP standards of 30 and 45 days depending upon the design flow of the proposed project. In calendar year 2015, this program processed 2,367 applications and, on average, it took 11.8 staff days to review, make comments and either issue or deny these permits. When including the number of days staff had to wait for additional info from the designer, the average total # of days to issue or deny these permits was 32.3 days. The bill as written requires the Program to tell the applicant how to amend the project application so that the permit can be issued but there are instances where a project is just not "doable" from a technical standpoint as there is no way that it can comply with the WW Rules. While Program staff already provides comment/suggestions/requests to the Licensed Designers during their project reviews, it is expected that a licensed designer is knowledgeable about the Rules and should be able to design approvable projects without assistance from Program staff. Permits could be issued more quickly by the Program if the designers would submit applications that were complete at submittal or would respond more quickly to the Program's request for additional information. In an effort to reduce permit processing times, the Program provides training to the Licensed Designers, meets with the Designer in the field when the project's site is difficult and has provided check lists for designers to use to ensure their applications are administratively and technically complete upon submittal. It should also be noted that the Program is currently working on making its permitting process even more efficient thru the use of electronic applications and a new permit tracking system.

3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**
Programmatically, it would be impossible for the Department to meet the bill's requirements with the staffing level that currently exists.

4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** None that are apparent.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (*for example, public, municipalities, organizations, business, regulated entities, etc)*
Municipalities that are delegated to run the WW program would be required to meet these same requirements which would be extremely difficult for them to do with their current staffing. Issuing permits solely because of a 30 day time frame will create new lots or projects that may not comply with the Rules affecting real estate transactions and municipalities who rely on the WW Permit to issue planning and zoning permits.

6. **Other Stakeholders:**

Please return this bill review as a Microsoft Word document to Jahala.Dudley@vermont.gov & Jessica.Mishaan@vermont.gov

6.1 Who else is likely to support the proposal and why? Licensed designers as it would take some of their responsibilities off of them. Permittees as they would assume they would get their permits more quickly.

6.2 Who else is likely to oppose the proposal and why? Delegated municipalities (see item #5 above)

7. **Rationale for recommendation:** *Justify recommendation stated above.* The WW program already issues most of its permits within 30 days. The projects that exceed 30 days are usually ones that take additional review time and discussions with the Designer due to their complexity or site limitations.

8. **Specific modifications that would be needed to recommend support of this bill**: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*
   No suggestions.

9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** NA

Commissioner has reviewed this document: _____ ***Date:*** 2/1/16

Secretary has reviewed this document: _____ ***Date:*** 2-3-16

Please return this bill review as a Microsoft Word document to Jahala.Dudley@vermont.gov & Jessica.Mishaan@vermont.gov