Environmental Notice Bulletin

Version 2 & You

Vermont Department of Environmental Conservation
Permit Notice and Comment under Act 150
April 2018

Jessica Mendizabal, DEC Business Process Analyst
Administration and Innovation Division
jessica.mendizabal@vermont.gov, 802-622-4422
The Department of Environmental Conservation (DEC) manages many different permits, most of which include a period for public notice and comment. Act 150 required DEC to implement standard notice and comment procedures across five permit types, and to relaunch the environmental notice bulletin.

This presentation covers:

- A summary of Act 150 policy changes that will standardize permit notice & comment procedures
- Introduction of Environmental Notice Bulletin (ENB) - Version 2
- Walk through of ENB to:
  - Retrieve application information
  - Register to receive notices
  - Submit comments
  - RSVP for public meetings
What is Act 150?

- **Act 150 is the law that:**
  - **Consolidates** almost all DEC permits into one of five “Types” of permits
  - **Revitalizes** the Environmental Notice Bulletin (ENB): enb.vermont.gov
  - **Standardizes & Automates** public notice & comment process—one stop shopping!

- **New under Act 150:**
  - Requires participation in the comment process in order to appeal
  - Requires an administrative record for each permit

- **Implementation Start:**
  - The majority of the provisions took effect January 1, 2018
## Five Permit “Types”*

| Type 1 | Federal Individual and General Permits under Clean Air and Clean Water Acts  
- Wastewater Treatment Facility Permits |
| --- | --- |
| Type 2 | State Individual Permits  
- Indirect Discharge Individual Permit |
| Type 3 | State General Permits & Certain Listed Individual  
- Dam Orders, Aquatic Nuisance Control General Permit |
| Type 4 | Authorizations under General Permits & Certain Individual Permits  
- Public Water Supply Construction Permits |
| Type 5 | Emergency/Urgent Permits, Registrations & Public Water Source Operating Permits |

*A full list of Permit Types is available on DEC’s website: [dec.vermont.gov/permits/enb](http://dec.vermont.gov/permits/enb)*
Elements common to ENB noticing

- Application Administratively Complete
  - All application materials and fees received
- Draft Permit/Decision
  - Technical Review has been completed
- Public Comment Period (Types 1-4)
- Public Meeting (Types 1-3 only)
- Final Permit/Decision (includes response to comments)

NOTE: Type 5 permits only notice the final permit/final decision.
Type 1 Permits; Applicability

- Federally delegated permitting programs under the Clean Air and Clean Water Acts.

For example:
- Wastewater Discharge Individual Permits
- Stormwater General Permits
  - Municipal Separate Storm Sewer Systems 3-9014
  - Designated Discharges 3-9030
<table>
<thead>
<tr>
<th><strong>Procedural Elements for Type 1 Permits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notice</strong></td>
</tr>
<tr>
<td>Notice of Application Administratively Complete. Applicant required to give direct notice to adjoining property owners on ANR approved form and certify completion with application submittal.</td>
</tr>
<tr>
<td><strong>Notice</strong></td>
</tr>
<tr>
<td>Notice of Draft Permit/Decision. Notice through ENB and newspaper notice for Clean Water Act permits. A 15 day period must occur between administratively complete notice and draft decision being posted.</td>
</tr>
<tr>
<td><strong>Comment</strong></td>
</tr>
<tr>
<td>Minimum 30 day comment period on any draft decisions.</td>
</tr>
<tr>
<td><strong>Meeting</strong></td>
</tr>
<tr>
<td>A person may request a meeting at any point during the comment period opening. Meeting must be noticed 30 days prior. Comment period cannot close until 7 days following meeting.</td>
</tr>
<tr>
<td><strong>Notice</strong></td>
</tr>
<tr>
<td>Notice of Final Permit/Decision through ENB. Must include a response to comments.</td>
</tr>
</tbody>
</table>
Type 2 Permits; Applicability

- Primarily focused on state individual permits.
  - Issued to individual people or businesses.

For example:
- Public Water System Source Permit
- Groundwater Withdrawal Permit
- Indirect Discharge Individual Permit
## Procedural Elements for Type 2 Permits

<table>
<thead>
<tr>
<th>Notice</th>
<th>Notice of Administratively Complete Application. Applicant required to give direct notice to adjoining property owners on ANR approved form and certify completion with application submittal.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>Notice of Draft Permit/Decision through ENB.</td>
</tr>
<tr>
<td>Comment</td>
<td>Minimum 30 day comment period on draft decisions.</td>
</tr>
<tr>
<td>Meeting</td>
<td>A person may request a meeting within 14 days from draft decision date. Meeting must be noticed at least 14 days prior. Comment period cannot close until 7 days following meeting.</td>
</tr>
<tr>
<td>Notice</td>
<td>Notice of Final Permit/Decision through ENB. Must include a response to comments.</td>
</tr>
</tbody>
</table>
Type 3 Permits; Applicability

- State General Permits (not federal general permits) & Specific Individual Permits

For example:

- Public Water System Construction Permit - New Type of Chemical Disinfectant
- Indirect Discharge General Permit
- New Stormwater Discharges 3-9010
- Discharges from Petroleum-related Remediation Activities into Municipal Wastewater Treatment Facilities 3-9016
### Procedural Elements for Type 3 Permits

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>Notice of Administratively Complete Application. No direct notice to adjoining property owners required.</td>
</tr>
<tr>
<td>Notice</td>
<td>Notice of Draft Permit/Decision through ENB.</td>
</tr>
<tr>
<td>Comment</td>
<td>Minimum 30 day comment period on draft decisions.</td>
</tr>
<tr>
<td>Meeting</td>
<td>A person may request a meeting within 14 days from Draft Decision date. Meeting must be noticed at least 14 days prior to meeting date. Comment period cannot close until 7 days following meeting.</td>
</tr>
<tr>
<td>Notice</td>
<td>Notice of Final Permit/Decision through ENB. Must include a response to comments.</td>
</tr>
</tbody>
</table>
Type 4 Permits; Applicability

- Applies to Authorization Notices of Intent (NOIs) under a general permit.
- Applies to minor amendments

For example:
- Public Water Supply Construction Permits
- Stormwater Multi-Sector NOI 3-9003
- Discharges to Surface Waters from Petroleum-Related Remediation Activities
Amendments

Major Amendment
Requires technical review
Processed in the same manner as original application

Minor Amendment
Change requirement only, no technical review
Processed as Type 4

Administrative Amendment
Corrects typos, applicant name or mailing address
No process required
# Procedural Elements for Type 4 Permits

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice</td>
<td>Notice of Administratively Complete Application. No direct notice to adjoining property owners required.</td>
</tr>
<tr>
<td>Notice</td>
<td>Notice of Draft Permit/Decision through ENB.</td>
</tr>
<tr>
<td>Comment</td>
<td>14 day comment period on any draft decisions.</td>
</tr>
<tr>
<td>Meeting</td>
<td>Public Meeting Request not applicable.</td>
</tr>
<tr>
<td>Notice</td>
<td>Notice of Final Permit/Decision. Must include a response to comments.</td>
</tr>
</tbody>
</table>
Type 5 Permits; Applicability & Procedural Elements

Applies to:

- Wastewater Emergency Pollution Permits
- Public Water System Permits to Operate
- Emergency Sludge and Septage Disposal Permits

Notice:

- Final Decision/Final Permit posted at the time of issuance.
<table>
<thead>
<tr>
<th>Type</th>
<th>Comment Period</th>
<th>Public Meeting Request</th>
<th>Post-Meeting Comment Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30 day minimum</td>
<td>Can be requested any time during comment period; must be announced 30 days prior to meeting date</td>
<td>7 days</td>
</tr>
<tr>
<td>2</td>
<td>“”</td>
<td>Must be requested within 14 days of draft decision; must be announced 14 days prior to meeting date</td>
<td>“”</td>
</tr>
<tr>
<td>3</td>
<td>“”</td>
<td>“”</td>
<td>“”</td>
</tr>
<tr>
<td>4</td>
<td>14 day minimum</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>5</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Permits Exempt from Act 150

- Resource Conservation and Recovery Act (RCRA) permits;
- Hazardous Waste Facility - Certificates of Need;
- On site wastewater and potable water supply; and
- Unsafe Dam Orders

**NOTE:** These permits follow their current process for notice, comment, & decision issuance/amendment. More information is available at [dec.vermont.gov/permits](http://dec.vermont.gov/permits)
Search the ENB

**Search Criteria**

- Activity Name
- ENB ID
- Activity Type (Permit Type)
- Permit or Other ID #
- Street Address
- Activity Status
- Geographic Location
### Activity Status

- In Review (Administratively Complete)
- Draft Decision/Comment (Technically Complete)
- Final Decision/Appeal

### Search Results

<table>
<thead>
<tr>
<th>Project/Activity Name</th>
<th>Address</th>
<th>Town</th>
<th>Activity Type</th>
<th>Status</th>
<th>ENB ID</th>
<th>Permit #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1775 Shelburne Road Development</td>
<td>1775 Shelburne Road</td>
<td>South Burlington</td>
<td>Individual Stormwater Discharge Permit</td>
<td>In Review</td>
<td>PN17.0000157</td>
<td>7619-INDS</td>
</tr>
<tr>
<td>2002 Addition to National Hanger</td>
<td>279 Water Street</td>
<td>Bennington</td>
<td>Previously Permitted Stormwater Discharges General Permit 3-9010: Notice of Intent</td>
<td>Draft Decision / Comment</td>
<td>PN17.0000160</td>
<td>3950-9010</td>
</tr>
<tr>
<td>Addison Natural Gas Project</td>
<td>Mill Pond Road, VT Route 2A and CCOH, Redmond Road, US Route 2, US Route 2A, Charlotte Road, Pond Road, Plank Road, VT Route 17, US Route 7</td>
<td>Colchester</td>
<td>Individual Construction Stormwater Permit (INDS)</td>
<td>In Review</td>
<td>PN17.0000158</td>
<td>8948-INDS</td>
</tr>
<tr>
<td>AEC Biomedical facility</td>
<td>172 Bogner Drive</td>
<td>Newport City</td>
<td>New Stormwater Discharges General Permit 3-9015: Notice of Intent</td>
<td>Draft Decision / Comment</td>
<td>PN17.0000114</td>
<td>7227-9015-A</td>
</tr>
<tr>
<td>AOT District 4 White River Junction Office Building</td>
<td>Beswick Drive</td>
<td>Hartford</td>
<td>Individual Stormwater Discharge Permit</td>
<td>In Review</td>
<td>PN17.0000044</td>
<td>7839-INDS</td>
</tr>
<tr>
<td>AOT Sharon 1-89 S Salt Shed</td>
<td>Interstate 89- Sharon Rest Area</td>
<td>Sharon</td>
<td>New Stormwater Discharges General Permit 3-9015: Notice of Intent</td>
<td>In Review</td>
<td>PN17.0000176</td>
<td>3141-9015-1</td>
</tr>
</tbody>
</table>
Search By Geographic Location

Click on any red marker to display information about the specific activity in that location. Clicking the activity name will bring you to the activity profile page.

Search address ...

Ampersand Gilman Hydro, LP
Wastewater Discharge Individual Permit
Lunenburg
2 Riverside Ave
Phase: In Review
### Activity Info

- **ENB ID**: PN18.0007345
- **Activity Type**: Individual Stormwater Discharge Permit (INDS)
- **Permit # / ID**: 3504-INDS.A
- **Activity Name**: Montpelier-Berlin Bike Path STP Bike (33) S
- **Address**: parallels Washington County Rail line, along B
- **Town**: Berlin
- **Applicant(s)**: City of Montpelier

### Project/Activity Description

The previously permitted project involved the construction of a shared use path, resurfacing of Old Country Club Road, and the expansion and maintenance of Gallison Hill Road. The amended project involves moving a road crossing from one property owner to the adjacent property owner, modifying the areas used for disconnection credit based on site conditions, and adding a bioswale area for treatment of stormwater.

### Location

If the latitude and longitude are unknown or there are multiple locations in which the activity will take place, the map may reflect the center of the primary town listed on the application.
Activity Profile - Draft Decision Phase

From this Page Users Can:

- Select to Follow an activity to receive status updates via email
- Share the Link to the Activity Page
- Submit a Comment
- Request a Public Meeting
- View Related Documents
Thank you for choosing to participate in the public commenting process for this activity. Please provide your comment in the text box below and/or attach your comment as a PDF file. In general comments are most helpful when they address specific issues related to the proposed activity. This allows staff to provide a meaningful response. Your comments will be reviewed by staff and responses to all comments will be uploaded to the activity profile following the public comment period.

I am concerned that contaminants from the salvage yard will end up in my drinking water.

Your Name: Jessica Mendizabal
Your Email: jessica.mendizabal@vermont.gov
### Activity Profile - Draft Decision Phase: Public Meeting RSVP

- Users who are logged in can RSVP to a public meeting directly via the ENB.

#### Public Meeting(s)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Start</th>
<th>Location</th>
<th>RSVP</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/15/2017</td>
<td>10:00AM - 11:00AM</td>
<td>Department of Environmental Conservation, 1 National Life Drive, Montpelier Room, Basement Level, Montpelier</td>
<td>![RSVP icon]</td>
</tr>
</tbody>
</table>

**Meetings can only be requested within the 14 days following the draft decision date.**
Who Gets Notified?

- DEC staff can assign groups and individuals to receive automatic notifications of new activities and/or updates throughout the process.
  - Statewide Stakeholder: assigned by Activity Type and Town for new notices and additional updates;
    - Town Clerks, Solid Waste/Wetlands District Contacts
  - Other Stakeholder: assigned by Activity Type for new notices and additional updates;
    - Program Specific Environmental Organizations, State Agencies
  - Activity Subscriber: assigned to receive updates for a single activity.
    - Applicant and/or Consultant
User Registration

- Email sent to user after registration with a confirmation link.
- Once confirmed, users can log into the ENB.
Log in.

Use a local account to log in.

Email: cxxxxx@xxx.com
Password: ******

Remember me?

Register as a new user
Forgot your password?
My Subscription

Welcome to the subscription configuration page! By clicking the Modify Alerts button below, you will be able to set yourself up to receive email notifications for different types of activities (with geographical regions designated for each).

Email notifications of new activities are compiled and sent daily. Once you have configured an alert, you will receive notification when any relevant activity has been posted on the ENB.

If you would like to follow any activities step-by-step throughout the review process, you can select the follow button.

New Activities of Interest (based on your alert criteria) Modify Alerts

Activities I’m Following

By following an activity, you will receive a notification by email daily when there is an update or change to be reported. This allows you to stay informed at each step of the review process. Listed below are all activities you are following.

Once the appeal period has ended, the activity will be removed from this list. You can manually un-follow the activity here at any time.
Your email notification will only show activities you’re following that have been changed since the previous email.

<table>
<thead>
<tr>
<th>Activity Type ▲</th>
<th>Project/Activity Name</th>
<th>Applicant Name(s)</th>
<th>Changes/Updates</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Records Available</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## User Subscriptions - Activity Alerts

- Alerts are email notifications for when a *new* activity posts to ENB

### My Subscription

In order to notify you of new activities, you must first let us know what types of activities are of interest to you through the use of alerts. Each alert is composed of the types of activities you're interested in, and where those activities are located.

By default, there are three alerts you can configure. To configure or deactivate an individual alert, click the edit button.

<table>
<thead>
<tr>
<th>Alert #</th>
<th>Activity Types(s)</th>
<th>Location</th>
<th>Active</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
</tbody>
</table>
User Subscriptions - Activity Alerts

My Subscription

To select your alerts, choose from a combination of Activity Type and Geographic Location below. Each alert may contain one or more activity types. For the location you may select: one or more Towns/Counties, a Distance from a Point, or a specific Watershed. You must select at least one activity type and one location to receive the alert.

Select Activity Types of Interest

- AOCC Engineering Services
- Air Pollution Control Major Source Construction / Subchapter X Operating Permit
- Air Pollution Control Major Source Construction / Title V Operating Permit
- Air Pollution Control Minor Source Construction / Subchapter X Operating Permit
- Air Pollution Control Minor Source Construction / Title V Operating Permit
- Air Pollution Control Minor Source Construction Permit
- Air Pollution Control Subchapter X Operating Permit
- Air Pollution Control Title V Operating Permit
- DWG/FDO Compliance and Support
- Authorization of Notice of Intent - Public Water System General Permit to Operate - Transient Non-Community
- Public Water System General Permit to Operate - Transient Non-Community
- DWG/FDO Indirect Discharge Permits and UIC
- Indirect Discharge General Permit
- Indirect Discharge Notice of Intent General Permit
- Indirect Discharge Permit - Individual
- Underground Injection Control (UIC) Permit
- DWG/FDO Water Resources
- Approval to Sell Bottled Water in Vermont
- Groundwater Withdrawal Permit
- Public Water System Source Permit - Site Notification
- Public Water System Source Permit - SPA/Final Report/Draft Permit

Select Location by...

- Towns of Interest
- Distance from a Point
- Watershed

- Guilford
- Lancaster
- Lewis
- Lunenburg
- Malden
- Norton
- Victory
- Warner's Grant
- Warren's Gore

- Franklin
- Bakersfield
- Barre
- Enfield
- Fairfax
- Fairfield
- Rutland
- Franklin
- Georgia
- Highgate
- Montgomery
- Richford
Subscribe by Distance from a Point

Enter a complete or partial street address including town and the distance in miles from the address for which you want to receive new alerts. Or you can position the circle and adjust the radius to select the distance from a certain point.

<table>
<thead>
<tr>
<th>Search Address</th>
<th>242 Main Street, Montpelier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance (mi)</td>
<td>30.88</td>
</tr>
</tbody>
</table>
Subscribe by Watershed

Select Activity Types of Interest

- WSMD Wetlands
- Wetlands After the Fact Permit
- Wetlands Determination
- Wetlands General Permit
- Wetlands General Permit Authorization
- Wetlands Individual Permit

Select Location by...

- Towns of Interest
- Distance from a Point
- Watershed

Double click on the watershed to select it. Click "Reload Map" to clear your selection.
User Subscriptions - Activity Alerts

- User is now configured to receive an email notification when a new activity posts to ENB that matches the criteria below

<table>
<thead>
<tr>
<th>Alert #</th>
<th>Activity Types(s)</th>
<th>Location</th>
<th>Active</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Air Pollution Control Major Source Construction / Subchapter X Operating Permit</td>
<td></td>
<td>Maidstone</td>
</tr>
<tr>
<td></td>
<td>Air Pollution Control Minor Source Construction Permit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- User can choose to follow the activity to continue to receive notifications step-by-step throughout the process
You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources’ Environmental Notice Bulletin (ENB). Below are updates to activities for which you have been signed up and you will receive updates step-by-step throughout the review process.

To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
ENB Support
Vermont Agency of Natural Resources

Changes to Activities I’m Following

<table>
<thead>
<tr>
<th>Activity Type</th>
<th>Activity/Project Name</th>
<th>Permit #/Other ID</th>
<th>Applicant</th>
<th>Most Recent Update</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetlands Individual Permit</td>
<td>Stakeholder Test</td>
<td>10-18-17</td>
<td>Mendicabai</td>
<td>Minor information related to this activity has been changed. This could be a change to permit/other ID; Activity Name; Staff Contact; Activity Description; and/or SPAN number. Please visit the ENB to view the changes on the activity profile.</td>
<td>2017-10-18</td>
</tr>
</tbody>
</table>
User Subscriptions- Activity Alerts

- User can choose to un-follow an activity at any time throughout the review process and notices will be discontinued.

<table>
<thead>
<tr>
<th>Activity Type</th>
<th>Project/Activity Name</th>
<th>Applicant Name(s)</th>
<th>Changes/Updates</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indirect Discharge Permit - Individual</td>
<td>Changed Activity Alert Test</td>
<td>JM</td>
<td>(08/29/2017) - A final Action for this activity has been reached and may be reviewed by visiting the ENB.</td>
<td>Un-Follow</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(07/24/2017) - Due to a material change in the activity the public notice process must be restarted.</td>
<td></td>
</tr>
</tbody>
</table>
Thank you!

Questions?

Jessica Mendizabal
DEC Business Process Analyst
Administration and Innovation Division
802-622-4422
jessica.mendizabal@vermont.gov

Find a Permit Specialist
dec.vermont.gov/environmental-assistance/permits/specialists

ENB Frequently Asked Questions
http://dec.vermont.gov/permits/enb/general