

▶ ENB2 & You

Vermont Department of Environmental Conservation

Permit Notice and Comment under Act 150

September 2017



Outline

The Department of Environmental Conservation (DEC) manages many different permits, most of which include a period for public notice and comment. Act 150 requires 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
- ▶ Reviews policy changes that will standardize permit notice & comment procedures
- ▶ Introduction of Environmental Notice Bulletin - Version 2 (ENB2)
- ▶ Walk through of ENB2 to:
 - ▶ Retrieve application information
 - ▶ Register to receive notices
 - ▶ Submit comments
 - ▶ RSVP for public meetings

The screenshot shows a web application titled "Search the ENB". It features several search filters and options:

- Activity Name:** A text input field.
- ENB ID:** A text input field.
- Permit #:** A dropdown menu with "Permit / Other" selected.
- Address:** A text input field with "Street Address" as a placeholder.
- Filter Activity Type(s):** A list of activity types with checkboxes, including "AQCD Engineering Services" and various "Air Pollution Control" permits.
- Filter Town(s):** A list of towns with checkboxes, including "Addison", "Bridport", "Bristol", "Cornwall", "Ferrisburgh", "Goshen", "Granville", and "Hancock".
- Activity Status:** A dropdown menu with options like "In Review", "Draft Decision / Comment", and "Final Decision / Appeal".
- Show only Large and Complex Projects:** A checkbox option.
- Search Bar:** A green bar at the bottom with "Search", "Clear", and "By Location" buttons.



What is Act 150?

- ▶ **Act 150 is the law that:**

- ▶ Revitalizes the Environmental Notice Bulletin... hence “ENB2”
- ▶ Automates public notice & comment process
- ▶ Consolidates almost all DEC permits into one of five “Types” of permits
- ▶ Standardizes public notice & comment periods

- ▶ **Advantages of ENB2:**

- ▶ Eliminates dozens of distinct permit application processes
- ▶ Creates 5 standard types for notice, comment, and public meetings
- ▶ Creates one-stop-shopping for public engagement

- ▶ **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 take effect Jan. 1, 2018

Five Permit “Types”

- ▶ **Type 1.**

 - Federal Individual and General Permits under Clean Air and Clean Water Acts

- ▶ **Type 2.**

 - State Individual Permits

- ▶ **Type 3.**

 - State General Permits & Certain Listed Individual

- ▶ **Type 4.**

 - Notices of Intent under General Permits & Certain “Minor” Individual Permits

- ▶ **Type 5.**

 - Emergency Permits and Registrations

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

- ▶ Application Administratively Complete
- ▶ Draft Permit/Decision
- ▶ Public Comment Period
- ▶ Public Meeting
- ▶ Final Permit/Decision

NOTE: Permit Types 1, 2, and 3 incorporate all five elements above. Type 4 permits do not have a public meeting option, and Type 5 permits only notice the final permit/final decision.

Elements
common to
ENB2 noticing

- ▶ Noticed through ENB2 with:
 - ▶ **Administrative Record:** comprised of documents relied on for reaching the decision.
 - ▶ **Fact sheet:** principle facts, legal, methodological, and policy questions considered in preparing the draft decision.
 - ▶ **Instructions:** on how to request copies of the Administrative Record

Draft Decision

DEC is required to hold a public meeting when requested, or at the Secretary's discretion.

▶ Attendees required:

- ▶ Applicant, with experts and respond to questions to the best of ability.
- ▶ Secretary, or designee, and answer questions to the best of ability.

Requirements for Public Meeting

Response to relevant comments required for Types 1-4 and General Permits.

Type 5 is not applicable.

Response will identify each portion of the draft decision revised following comments and the reason for change.

Comments and responses are posted on ENB2 and notification is emailed to all commenters as part of the Final Decision documents.

Response to Comment

- ▶ Posted to ENB2 and emailed to listserv
- ▶ **Administrative record:** includes a concise statement of the facts, response to comments, and the analysis supporting the decision
- ▶ **Appeal process:** will include information on how to appeal the permit for those that submitted comments during the comment period

Final Decisions

Type 1 Permits; Applicability

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

For example:

- ▶ Wastewater Treatment Facility permits

Procedural Elements for Type 1 Permits

Notice	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.
Notice	Notice of Draft Permit/Decision. Notice through ENB2 and newspaper notice for Clean Water Act permits. A 15 day period must occur between administratively complete notice and draft decision being posted.
Comment	Comment Period. There is a 30 day comment period on any draft decisions.
Meeting	Public Meeting. 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.
Notice	Notice of Final Permit/Decision. Notice through ENB2. Must include a response to comments.

Type 2 Permits; Applicability

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

Examples include:

- ▶ Solid Waste Management Facility Certification
- ▶ Wetlands Determination
- ▶ Various Watershed Management Individual Permits

Procedural Elements for Type 2 Permits

Notice	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.
Notice	Notice of Draft Permit/Decision through ENB2.
Comment	Comment Period. There is a 30 day comment period on draft decisions.
Meeting	A person may request a meeting within 14 days of comment period opening. Meeting must be noticed 14 days prior. Comment period cannot close until 7 days following meeting.
Notice	Notice of Final Permit/Decision. Notice through ENB2. Must include a response to comments.

Type 3 Permits; Applicability

- ▶ State General Permits (not federal general permits).
- ▶ Also applies to:
 - ▶ Dam orders;
 - ▶ Aquatic nuisance control;
 - ▶ Change of treatment at a public water supply; and
 - ▶ Solid Waste product stewardship plan approvals.

Procedural Elements for Type 3 Permits

Notice	Notice of Administratively Complete Application. No direct notice to adjoining property owners required.
Notice	Notice of Draft Permit/Decision through ENB2.
Comment	Comment Period. There is a 30 day comment period on draft decisions.
Meeting	A person may request a meeting within 14 days of comment period opening. Meeting must be noticed 14 days prior to meeting date. Comment period cannot close until 7 days following meeting.
Notice	Notice of Final Permit/Decision. Notice through ENB2. Must include a response to comments.

Type 4 Permits; Applicability

- ▶ Applies to Notices of Intent (NOIs) under a general permit.
- ▶ Applies to minor amendments
- ▶ Also applies to:
 - ▶ Air Construction or Operational Permits not subject to the Clean Air Act (CAA);
 - ▶ Public Water Supply Construction Permits;
 - ▶ Categorical Solid Waste Permits; and
 - ▶ Medium scale compost permits.

Procedural Elements for Type 4 Permits

Notice	Notice of Administratively Complete Application. No direct notice to adjoining property owners required.
Notice	Notice of Draft Permit/Decision through ENB2.
Comment	Comment Period. There is a 14 day comment period on any draft decisions.
Meeting	Public Meeting Request. Not applicable.
Notice	Notice of Final Permit/Decision. Notice through ENB2. Must include a response to comments.

Type 5 Permits; Applicability

- ▶ Applies to:
 - ▶ Emergency Permits
 - ▶ Shoreland Registrations
 - ▶ Stream Alteration General Permit Registrations
 - ▶ Mineral Prospecting
 - ▶ Public Water System Permits to Operate

Procedural Elements for Type 5 Permits

Notice	Notice of Application. Not applicable
Notice	Notice of Draft Permit/Decision. Not applicable
Comment	Comment Period. Not applicable
Meeting	Public Meeting Request. Not applicable
Notice	Notice of Final Permit/Decision. Notice through ENB2. Must include a response to comments.

ENB2 Actions by Permit Type

Type	Admin Complete	Draft Decision	Final Decision
1	Posted to ENB2 & notice sent	Posted to ENB2 w/ factsheet & notice sent	Posted to ENB2 w/ record of decision, response to comments; notice sent
2	“”	“”	“”
3	“”	“”	“”
4	“”	“”	“”
5	N/A	N/A	“”

Comment Period by Permit Type

Type	Comment Period	Public Meeting Request	Post-Meeting Comment Period
1	30 day minimum	Can be requested any time during comment period; must be announced 30 days prior to meeting date	7 days
2	“”	Must be requested within 14 days of draft decision; must be announced 14 days prior to meeting date	“”
3	“”	“”	“”
4	14 day minimum	N/A	N/A
5	N/A	N/A	N/A

Major Amendment.

An amendment to an individual permit or notice of intent under a general permit that necessitates technical review.

Processed in the same manner as original application

Minor Amendment.

An amendment to an individual permit or notice of intent under a general permit that requires a change in a condition or requirement, does not necessitate technical review, and is not an administrative amendment.

Processed as a Type 4

Administrative Amendment.

An amendment to an individual permit, general permit, or notice of intent under a general permit that corrects typographical errors, changes the name or mailing address of a permittee, or makes other similar changes to a permit that do not require technical review of the permitted activity or the imposition of new conditions or requirements.

No process required

Amendments

Appeals before the Environmental Division

10 V.S.A. 8504(d)(2).

A person must comment on the Draft Permit/Decision in writing or at a public informational meeting to appeal a permit.

The comment must identify all “reasonably ascertainable issues” with sufficient particularity that the DEC can provide a meaningful response.

As a part of an appeal the appellant must for each issue raised on appeal, reference the comment made by the appellant during the comment period with respect to the issue identified for appeal.

The person seeking to dismiss an issue on appeal bears the burden of showing that the issue was not raised by appellant in the comment period or, was not related to a comment raised by appellant.

Appeals before Environmental Division (cont.)

- ▶ Notwithstanding the limitations identified on the prior slide, an appellant may maintain the appeal if:
 - ▶ There was a procedural defect that prevented the appellant from commenting or otherwise participating in the proceeding.
 - ▶ There was no comment period and no public meeting.
 - ▶ The appellant demonstrates that the issue on appeal was not reasonably ascertainable during the review of the application.
 - ▶ There is some other condition that would result in manifest injustice if the right to appeal was disallowed.

When is the Municipality Noticed?

- ▶ When named as a project location
- ▶ When municipal property is considered an “adjoining property owner” - (notice will be sent by applicant)
- ▶ All postings for permit types for which the municipality has subscribed to receive notice

NOTE: For linear projects, Municipalities will receive notice when they are listed as the origin point on the permit. For example, if work is originating in Montpelier but extends into Barre, Montpelier will be the Municipality to receive the notification automatically.

Thank You!

Got Questions?

For ENB2 troubleshooting email: anr.enbadministrator@vermont.gov

For permit assistance visit:

Find a Permit Specialist: <http://dec.vermont.gov/environmental-assistance/permits/specialists>

Search Criteria

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

Search the ENB

Activity Name

ENB ID

Permit #

Address

Filter Activity Type(s) 📄 🗑️

- AQCD 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 Major Source Construction Permit
 - Air Pollution Control Minor Source Construction / Subchapter X Operating Permit
 - Air Pollution Control Minor Source Construction / Title V Operating Permit

Filter Town(s) 📄 🗑️

- Addison
 - Addison
 - Bridport
 - Bristol
 - Cornwall
 - Ferrisburgh
 - Goshen
 - Granville
 - Hancock
 - Leicester

Activity Status

- In Review
- Draft Decision / Comment
- Final Decision / Appeal

Show only Large and Complex Projects

🔍 Search 🗑️ Clear 📍 By Location

Search Results

Project/Activity Name	Address	Town	Activity Type	Status	ENB ID	Permit #
Addison County Asphalt Products	Pond Lane Industrial Park	Middlebury	Air Pollution Control Subchapter X Operating Permit	In Review	PN17.0003483	AOP-07-017
Ampersand Gilman Hydro LP	2 Riverside Ave	Lunenburg	Wastewater Discharge Individual Permit	In Review	PN17.0003783	3-1523.1703
Asten Johnson Inc	192 Industrial Avenue	Williston	Air Pollution Control Subchapter X Operating Permit	In Review	PN17.0003460	AOP-06-035
ATC RyeGate LLC	247 Weesner Drive	RyeGate	Air Pollution Control Title V Operating Permit	In Review	PN17.0003457	AOP-15-005
Barre City WWTF	69 Treatment Plant Dr	Barre City	Wastewater Discharge Individual Permit	In Review	PN17.0003848	3-1272.1103

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 ... Go!

Map Satellite

The map displays several red location markers across Vermont. A popup window is open over a marker in Lunenburg, showing the following information:

- Ampersand Gilman Hydro, LP** (with a share icon and a close 'X' icon)
- Wastewater Discharge Individual Permit
- Lunenburg
- 2 Riverside Ave
- Phase: InReview

Other visible markers on the map include locations near Greensboro, Sheffield Wheelock, Lyndon, and Concord. Blue circular icons with numbers (2, 3, 5) are also present on the map.

Activity Profile- In Review Phase

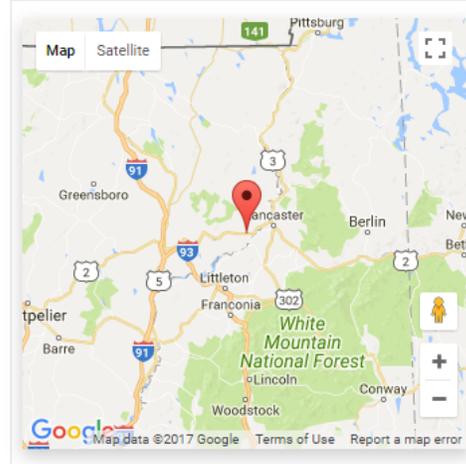
Ampersand Gilman Hydro, LP

Activity Info

ENB ID	PN17.0003783	Project/Activity Description request renew discharge permit for hydro electric facility
Activity Type	Wastewater Discharge Individual Permit	
Permit#	3-1523.1703	
Activity Name	Ampersand Gilman Hydro, LP	
Address	2 Riverside Ave	
Town	Lunenburg	
Applicant(s)	Ampersand Gilman Hydro	
SPAN(s)		

Large and Complex Project

Location (View Project Location in ANR Atlas)



Public Notice Timeline

Appl. Received	03/16/2017		
Admin. Complete	03/17/2017		
Draft Decision		Comment from	to
Final Decision		Appeal* from	to
Decision Type			

*** you MUST comment to appeal a decision**

Staff - Contact

Staff Contact	Liz Dickson
Phone	8024906183
Email	Liz.Dickson@vermont.gov

Related Documents

Document	Date Added
No Related Documents	

Public Meeting(s)**

Date	Start	Location	RSVP
No Public Meetings Scheduled			

**To request a meeting please contact the staff person listed on this page.

➤ Activities post to ENB once they are deemed Administratively Complete

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

JM Industries

Activity Info

ENB ID	PN17.0003906
Activity Type	Salvage Yard Permit
Permit#	8-9-17
Activity Name	JM Industries
Address	1 National Life Drive
Town	Montpelier
Applicant(s)	JM Industries
SPAN(s)	40512610717

Large and Complex Project

Project/Activity Description

Application for new salvage yard permit.

Location ([View Project Location in ANR Atlas](#))

Public Notice Timeline

Follow
 Share
 Comment
 Request Meeting

Appl. Received	07/03/2017			
Admin. Complete	08/07/2017			
Draft Decision	08/21/2017	Comment	from 08/21/2017	to 09/22/2017
Final Decision		Appeal*	from	to
Decision Type				

* you MUST comment to appeal a decision

Staff - Contact

Staff Contact	Carol Chamberlin
Phone	8024772982
Email	Carol.Chamberlin@vermont.gov

Related Documents

Document	Date Added
Administratively Complete Application.docx	09/01/2017
Draft Decision.docx	09/01/2017

Activity Profile- Draft Decision Phase: Public Comment Submission

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.

 Attach a File

Your Name

Your Email

 Save  Cancel

Activity Profile- Draft Decision Phase: Public Meeting RSVP

- Users who are logged in can RSVP to a public meeting directly via the ENB2.

Public Meeting(s)**

Date	Start	Location	RSVP
09/15/2017	10:00AM - 11:00AM	Department of Environmental Conservation, 1 National Life Drive, Montpelier Room, Basement Level, Montpelier	RSVP

**Meetings can only be requested within the 14 days following the draft decision date.

Public Meeting(s)**

Date	Start	Location	RSVP
09/15/2017	10:00AM - 11:00AM	Department of Environmental Conservation, 1 National Life Drive, Montpelier Room, Basement Level, Montpelier	You RSVP'd on: 09/01/2017

**Meetings can only be requested within the 14 days following the draft decision date.

User Registration

VERMONT OFFICIAL STATE WEBSITE

AGENCY OF NATURAL RESOURCES

ENVIRONMENTAL NOTICE BULLETIN

ENB SEARCH

REGISTER LOG IN

Register.

Create a new account

First Name

Last Name

Email

Password

Confirm password

VERMONT OFFICIAL STATE WEBSITE

AGENCY OF NATURAL RESOURCES

ENVIRONMENTAL NOTICE BULLETIN

ENB SEARCH

Account Confirmation.

Thank you for confirming your account. [Click here to login](#)

User Registration

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

User Login

VERMONT OFFICIAL STATE WEBSITE

AGENCY OF NATURAL RESOURCES

ENVIRONMENTAL NOTICE BULLETIN

ENB SEARCH

Log in.

Use a local account to log in.

Email cxxxxx@xxx.com

Password

Remember me?

 Log-in

[Register as a new user](#)

[Forgot your password?](#)

User Subscriptions

VERMONT OFFICIAL STATE WEBSITE

AGENCY OF NATURAL RESOURCES

ENVIRONMENTAL NOTICE BULLETIN

ENB SEARCH

MY SUBSCRIPTION

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.

Activity Type ▲	Project/Activity Name	Applicant Name(s)	Changes/Updates	Actions
No Records Available				

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.

	Alert #	Activity Types(s)	Location	Active
	1	//	//	<input checked="" type="checkbox"/>
	2	//	//	<input checked="" type="checkbox"/>

User Subscriptions- Activity Alerts

My Subscription

Activate Alert

To select your alerts, choose from a combination of the 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

Search activity



- AQCD 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 Major Source Construction 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
- DWGWPD 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
- DWGWPD 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
- DWGWPD 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
- DWGWPDEngineering and Operations

Select Location by...

Towns of Interest

Distance from a Point

Watershed

Search town



- Guildhall
- Lemington
- Lewis
- Lunenburg
- Maidstone
- Norton
- Victory
- Warner's Grant
- Warren's Gore
- Franklin
 - Bakersfield
 - Berkshire
 - Enosburgh
 - Fairfax
 - Fairfield
 - Fletcher
 - Franklin
 - Georgia
 - Highgate
 - Montgomery
 - Richford

Save

Cancel

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

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.

	Alert #	Activity Types(s)	Location	Active
	1	Air Pollution Control Major Source Construction / Subchapter X Operating Permit Air Pollution Control Minor Source Construction Permit	Maidstone	<input checked="" type="checkbox"/>

- User can choose to follow the activity to continue to receive notifications step-by-step throughout the process

New Activities of Interest (based on your alert criteria)



Activity Type ▲	Project/Activity Name	Applicant	Town	
Indirect Discharge Permit - Individual	Changed Activity Alert Test	JM	Addison	

User Subscriptions- Activity Alerts

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

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.

Activity Type ▲	Project/Activity Name	Applicant Name(s)	Changes/Updates	Actions
Indirect Discharge Permit - Individual	Changed Activity Alert Test	JM	(08/29/2017) - A final Action for this activity has been reached and may be reviewed by visiting the ENB. (07/24/2017) - Due to a material change in the activity the public notice process must be restarted.	

Thank you!