

1 Introduced by Committee on Fish, Wildlife and Water Resources
2 Date:
3 Subject: Conservation and development; land use; lakes; shorelands
4 Statement of purpose of bill as introduced: This bill would require the Agency
5 of Natural Resources (ANR) to adopt by July 1, 2015 rules establishing
6 shoreland protection standards for areas—known as protected shoreland
7 areas—within 250 feet of the mean water level of a lake. Beginning July 1,
8 2015, a permit would be required from ANR for new impervious surface or
9 new disturbed area on a lot in a protected shoreland area if the lot was created
10 after January 1, 2013. A permit also would be required for expansion of more
11 than 500 square feet of existing impervious surface or disturbed area on a lot
12 created by subdivision before January 1, 2013. Municipalities with shoreland
13 protection bylaws in existence on July 1, 2013, shall be delegated authority to
14 permit new or expanded impervious surface or new or expanded disturbed area
15 if certain conditions are met. A municipality that has not adopted a shoreland
16 protection bylaw by July 1, 2013, may be delegated authority for the
17 permitting of impervious surface or disturbed area within protected shoreland
18 areas if the municipality adopts a shoreland protection bylaw after July 1, 2013
19 and meets certain conditions. Agricultural activities and silvicultural activities
20 within a protected shoreland area would be exempt from state permitting if
21 certain conditions are met. The Agency of Transportation’s routine

1 maintenance and replacement of existing infrastructure in a protected
2 shoreland area also would be exempt from permitting in a protected shoreland
3 area.

4 An act relating to the establishment of lake shoreland protection standards

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

6 Sec. 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT

7 (a) The General Assembly finds and declares that:

8 (1) Vermont’s lakes are among the State’s most valuable and fragile
9 economic and natural resources, and the protection and restoration of naturally
10 vegetated shorelands adjacent to lakes is necessary to prevent water quality
11 degradation, maintain healthy habitat, and promote flood resilience.

12 (2) Naturally vegetated shorelands, consisting of trees, shrubs,
13 groundcover, and other vegetation in areas adjacent to lakes function to:

14 (A) intercept and infiltrate surface water runoff, wastewater, and
15 groundwater flows from upland sources;

16 (B) remove or minimize the effects of nutrients, sediment, organic
17 matter, pesticides, and other pollutants;

18 (C) moderate the temperature of shallow water habitat;

19 (D) maintain the conditions that sustain the full support of aquatic
20 biota, wildlife, and aquatic habitat uses; and

1 (E) promote stability and flood resilience by protecting shoreline
2 banks from erosion.

3 (3) Healthy lakes and adjacent shorelands:

4 (A) support Vermont’s tourism economy and promote widespread
5 recreational opportunities, including swimming, boating, fishing, and hunting;

6 (B) support property values and tax base; and

7 (C) reduce human health risks.

8 (4) According to the U.S. Environmental Protection Agency’s 2007
9 National Lake Assessment, over 80 percent of Vermont’s lakes larger than 25
10 acres have been degraded by a lakeshore disturbance occurring within 50 feet
11 of the shoreline.

12 (5) According to the Agency of Natural Resources Water Quality
13 Remediation and Funding Report in 2013, the review of the development,
14 protection, and stabilization of shorelands is necessary because of the
15 importance of shorelands to the health of lakes.

16 (6) A lake or pond of more than 10 acres is located in 184 of the State’s
17 251 municipalities. However, only 48 municipalities have shoreland zoning
18 that requires vegetative cover. Consequently, development in the shorelands
19 of lakes is often uncoordinated, unplanned, and piecemeal, and development of
20 this type can threaten the health and vitality of the State’s lakes. Scientifically
21 based standards for impervious surface and disturbed area adjacent to lakes are

1 necessary to maintain the integrity of these fragile resources, while also
2 allowing for reasonable development of shorelands.

3 (7) The State has an interest in protecting lakes and adjacent shorelands.

4 (b) To fulfill the State's role as trustee of its waters and promote public
5 health, safety, and the general welfare, the General Assembly declares that it is
6 in the public interest to establish standards for impervious surface and
7 disturbed area in the shorelands adjacent to the State's lakes.

8 Sec. 2. 10 V.S.A. chapter 49A is added to read:

9 CHAPTER 49A. LAKE SHORELAND PROTECTION STANDARDS

10 § 1441. POLICY; PURPOSE

11 (a) Policy. To promote the State's natural resources, environment, public
12 health, and general welfare, it is declared to be in the public interest to
13 establish shoreland protection standards for the conservation, development,
14 and protection of the lands adjacent to the lakes of the State. The purposes of
15 the shoreland protection standards shall be to further the maintenance of safe
16 and healthful conditions; prevent and control water pollution; prevent future
17 impairments of waters of the State; protect spawning grounds, fish, and aquatic
18 life; control creation of impervious surfaces or disturbed areas in the lands
19 adjacent to lakes; reduce flood hazards; and reduce property loss and damage;
20 preserve shore cover, natural beauty, and natural stability in a manner to
21 provide for the best interests of the citizens of the State.

1 (b) Purpose. The purposes of the lake shoreland protection standards shall
2 be to:

3 (1) provide clear standards for the creation of impervious surface or
4 disturbed area in lands adjacent to lakes;

5 (2) prevent degradation of water quality in lakes;

6 (3) protect aquatic biota, wildlife, and aquatic habitat;

7 (4) minimize the creation of new impervious surface and new disturbed
8 area in the protected shoreland areas of the State;

9 (5) mitigate any impact of new impervious surface and new disturbed
10 area on the lakes of the State;

11 (6) mitigate the damage that floods and accelerated erosion cause to
12 development, structures, and other resources in the lands adjacent to lakes;

13 (7) protect shoreland owners’ access to, views of, and use of the State’s
14 lakes; and

15 (8) preserve and further the economic benefits and values of lakes and
16 their adjacent shorelands.

17 § 1442. DEFINITIONS

18 As used in this chapter:

19 (1) “Agency” means the Agency of Natural Resources.

20 (2) “Disturbance” means the removal or alteration of existing
21 vegetation, soil, or duff in a protected shoreland area.

1 (3) “Disturbed area” means an area where vegetation, soil, or duff is
2 removed or altered.

3 (4) “Duff” means leaf litter plus small fragments of plants and organic
4 debris that provide a spongy substrate which absorbs the energy of falling
5 water and allows runoff to infiltrate soil.

6 (5) “Impervious surface” shall have the same meaning as in section
7 1264 of this title.

8 (6) “Lake” means a body of standing water, including a pond or a
9 reservoir, which may have natural or artificial water level control. Private
10 ponds shall not be considered lakes.

11 (6) “Lakeside area” means all land located in the protected shoreland
12 area that is within 100 feet of the mean water level of a lake.

13 (7) “Mean water level” means the mean water of a lake as defined in the
14 Mean Water Level Rules of the Agency of Natural Resources adopted under
15 29 V.S.A. § 410.

16 (8) “Private pond” means a body of standing water that is a natural
17 waterbody of not more than 20 acres located on property owned by one person
18 or an artificial water body of any size located on property owned by one
19 person. A “private pond” shall include a reservoir specifically constructed for
20 one of the following purposes: snowmaking storage, golf course irrigation,
21 stormwater management, or fire suppression.

1 (9) “Protected shoreland area” means all land located within 250 feet of
2 the mean water level of a lake that is greater than 10 acres in surface area.

3 (10) “Secretary” means the Secretary of Natural Resources or the
4 Secretary’s duly authorized representative.

5 (11) “Subdivide” or “subdivision” means to divide land by sale, gift,
6 lease, mortgage foreclosure, court-ordered partition, or filing of a plat, plan, or
7 deed in the town records where the act of division creates one or more lots.
8 Subdivision shall be deemed to have occurred on the conveyance of the first lot
9 or the filing of a plat, plan, or deed in the town records, whichever first occurs.

10 (12) “Vegetative cover” means mixed vegetation within the protected
11 shoreland area, consisting of trees, shrubs, groundcover, and duff.

12 § 1443. LAKE SHORELAND PROTECTION STANDARDS; RULES

13 (a) Required rules. On or before July 1, 2015, the Secretary shall adopt by
14 rule standards for the management of protected shoreland areas. The rules
15 shall:

16 (1) be designed to achieve the policy and purposes of this chapter set
17 forth in section 1441 of this title, while also accommodating development in
18 protected shoreland areas;

19 (2) establish criteria for evaluating applications for a permit under this
20 chapter; and

1 (3) establish the requirements for the processing of applications for
2 permits under this chapter, including public notice and comment periods.

3 (b) Content of rules for impervious surfaces and disturbed areas in
4 protected shoreland areas. The standards required under subsection (a) of this
5 section shall include requirements for:

6 (1) Disturbances in lakeside areas. The protected shoreland area
7 standards shall:

8 (A) provide that the owner of an undeveloped lot created by
9 subdivision after January 1, 2013 shall maintain the lakeside area as a 100-foot
10 wide area of vegetative cover from the mean water level of a lake;

11 (B) establish vegetation management standards that authorize the
12 cutting, pruning, or other management of vegetation in a lakeside area in a
13 manner that ensures that some level of vegetative cover is maintained while
14 also allowing for reasonable use of the lakeside area;

15 (C) authorize the establishment and maintenance of paths,
16 recreational space, and other small clearings in a lakeside area, provided that
17 the path, recreational space, or other authorized clearing is designed to avoid
18 being a conduit of surface water runoff; and

19 (D) authorize the establishment and maintenance of gardens in
20 lakeside areas, provided that the gardens are designed and managed to avoid
21 being a conduit of surface water runoff.

1 (2) Impervious surface and disturbed areas in protected shoreland areas.

2 The protected shoreland areas standards shall provide that:

3 (A) On a lot created by subdivision after January 1, 2013, no more
4 than 20 percent of the portion of the lot within the protected shoreland area
5 shall consist of impervious surface or disturbed area constructed or created
6 after January 1, 2013.

7 (B) On a lot created by subdivision after January 1, 2013, a person
8 may encroach on the 100-foot wide area of vegetative cover in the lakeside
9 area in order to construct impervious surface or create disturbed area outside of
10 the lakeside area if encroachment is necessary to construct the impervious
11 surface or create the disturbed area. Any encroachment shall be designed to
12 minimize impact on the lakeside area and any encroachment on or disturbance
13 of the lakeside area shall be restored prior to completion of construction of
14 impervious surface or creation of disturbed area.

15 (C) Accessory structures for storage or support of water-dependent
16 activities may be maintained in a lakeside area subject to size restrictions
17 established by the Secretary.

18 (D) Driveways and other impervious surfaces, to the maximum
19 extent possible, shall slope toward wooded areas and shall be subject to
20 limitations on maximum slope and width.

1 (E) Wastewater systems and potable water supplies in the protected
2 shoreland area shall be installed, maintained, repaired, or replaced according to
3 the wastewater system and potable water supply rules of the Agency, provided
4 that any disturbance required for installation, maintenance, repair, or
5 replacement shall be minimized. Any disturbed area in the protected shoreland
6 area that is created during installation, maintenance, repair, or replacement of a
7 wastewater system or potable water supply systems shall be restored to its
8 previous condition prior to completion of installation, maintenance, repair, or
9 replacement.

10 § 1444. IMPERVIOUS SURFACE OR DISTURBED AREA IN A

11 PROTECTED SHORELAND AREA; PERMIT REQUIRED

12 (a) Permit required. Except as provided for under section 1445 or 1446 of
13 this title, beginning July 1, 2015, a person shall not conduct any of the
14 following activities in a protected shoreland area without a permit from the
15 Secretary:

16 (1) construct impervious surface or create a new disturbed area on an
17 undeveloped lot created by subdivision on or after January 1, 2013; and

18 (2) expand impervious surface or disturbed area on a lot created prior to
19 January 1, 2013, if the expansion of existing impervious surface or disturbed
20 area in the protected shoreland area of the lot results in an increase of more
21 than 500 square feet of impervious surface or disturbed area. Impervious

1 surface or disturbed area in existence in the protected shoreland area of a lot
2 prior to January 1, 2013 may be expanded by up to 500 square feet over the
3 duration of the lot's existence without obtaining a permit, provided that the
4 aggregate amount of all expansion shall not exceed 20% of the protected
5 shoreland area of the lot.

6 (b) General permit.

7 (1) The Secretary shall establish a general permit under which a person
8 who requires a permit under subsection (a) of this section may seek coverage.
9 The general permit shall be available to classes or categories of construction of
10 impervious surface or creation of disturbed area that present low risk of harm
11 to the water quality or protected shoreland areas of lakes. The general permit
12 issued under this section shall be consistent with the rules adopted under this
13 chapter and shall include terms and conditions appropriate for the construction
14 of impervious surface or creation of disturbed area that requires a permit under
15 this section.

16 (2) Each general permit issued pursuant to this section shall have a term
17 of no more than five years. Prior to the expiration of each general permit, the
18 Secretary shall review the terms and conditions of the general permit and may
19 issue subsequent general permits with the same or different conditions as
20 necessary to carry out the purposes of this subchapter.

1 (3) Coverage under the general permit shall be for an indefinite term,
2 provided that the person granted coverage under the general permit complies
3 with the terms of the general permit and takes no action for which a permit is
4 required under this chapter.

5 (4) An applicant for coverage under the general permit shall provide
6 notice, on a form provided by the Secretary, to the municipal clerk of the
7 municipality in which the construction of impervious surface or creation of
8 disturbed area is located at the time the application is filed with the Secretary,
9 and the Secretary shall provide an opportunity for written comment, regarding
10 whether the application complies with the terms and conditions of the general
11 permit, for ten days following receipt of the application. The Secretary may
12 require any applicant to submit any additional information, which the Secretary
13 considers necessary and may refuse to grant coverage under the general permit
14 until the requested information is furnished and evaluated.

15 (c) Individual permit. The Secretary shall adopt by rule requirements or
16 conditions for an individual permit for the construction of impervious surface
17 or creation of disturbed area regulated under this section. The Secretary may
18 require a person who applies for coverage under a general permit to obtain an
19 individual permit for construction of impervious surface or creation of
20 disturbed area regulated under this section if the proposed activity presents a
21 significant risk of harm to the water quality or protected shoreland areas of

1 lakes. The individual permit shall be issued for an indefinite term, provided
2 that the person granted coverage under the general permit complies with the
3 terms of the general permit and takes no action for which a permit is required
4 under this chapter.

5 § 1445. MUNICIPAL DELEGATION

6 (a) Municipalities with existing shoreland bylaws. The Secretary shall
7 delegate to a municipality authority to permit the construction, creation, or
8 expansion of impervious surface or disturbed area under this chapter if:

9 (1) the municipality adopted a bylaw or ordinance as of July 1, 2013,
10 that:

11 (A) requires vegetative cover or other management practices
12 designed to prevent degradation of water quality in lakes; protect aquatic biota,
13 wildlife, and aquatic habitat; minimize or mitigate disturbances in lands
14 adjacent to lakes; or minimize or mitigate damage from floods and erosion;

15 (B) sets forth restrictions on the expansion of existing impervious
16 surface or disturbed area; and

17 (C) provides for administration and enforcement of the bylaw or
18 ordinance.

19 (b) Municipalities that adopt shoreland bylaws after July 1, 2013. The
20 Secretary may delegate authority to permit the construction, creation, or
21 expansion of impervious surface or disturbed area under this chapter to a

1 municipality that has not adopted a shoreland bylaw or ordinance as of July 1,
2 2013 if the municipality:

3 (1) adopts a bylaw or ordinance regulating construction of impervious
4 surface or creation of disturbed area in protected shoreland areas after July 1,
5 2013; and

6 (2) submits a written notice to the Secretary indicating that the
7 requirements of the municipal bylaw or ordinance are at least as stringent as
8 the shoreland protection standards adopted by the Secretary under section 1443
9 of this title.

10 (c) Delegation agreement. Delegation under subsection (a) or (b) of this
11 section shall be by agreement between the Secretary and the delegated
12 municipality. The delegation agreement shall set the terms for revocation of
13 delegation. Under the delegation agreement, the Secretary and the
14 municipality are authorized to agree to concurrent enforcement of the
15 requirements of this chapter or the municipal ordinance or bylaw. The
16 delegation agreement shall require the municipality to:

17 (1) have or establish a process for accepting, reviewing, and processing
18 applications and issuing permits for construction of impervious surface or
19 creation of disturbed area in protected shoreland areas.

20 (2) take timely and appropriate enforcement actions;

1 (3) commit to reporting annually to the Secretary on a form and date
2 determined by the Secretary;

3 (4) comply with all other requirements of the rules adopted under this
4 chapter; and

5 (5) cure any defects in such bylaw or ordinance or in the administration
6 or enforcement of such bylaw or ordinance upon notice of a defect from the
7 Secretary.

8 (c) Variances.

9 (1) The legislative body of a municipality that does not qualify for
10 delegation under subsection (a) or (b) of this section may request that the
11 Secretary grant a variance from the permitting requirements of section 1444 of
12 this title for construction of impervious surface or creation of disturbed area
13 within all or a portion of a protected shoreland area within its boundaries if the
14 area identified in the request for the variance has been designated by municipal
15 bylaw for:

16 (A) Development according to historic development patterns; or

17 (B) Redevelopment of land that has been disturbed prior to the
18 effective date of this act by industrial or urban development.

19 (2) The Secretary may issue a variance under this subsection if the
20 Secretary determines the municipality has adopted a shoreland bylaw or
21 ordinance or has implemented management practices intended to prevent

1 degradation of water quality in lakes; protect aquatic biota, wildlife, and
2 aquatic habitat; minimize or mitigate disturbances in lands adjacent to lakes; or
3 minimize or mitigate damage from floods and erosion.

4 § 1446. AGRICULTURE; SILVICULTURE; TRANSPORTATION; AND
5 PENDING DEVELOPMENT

6 (a) Silvicultural activities. Silvicultural activities in protected shoreland
7 areas shall not require a permit under section 1444 of this title if the
8 silvicultural activities are in compliance with:

9 (1) a forest management plan, approved by the Commissioner of
10 Forests, Parks and Recreation, for the land in the protected shoreland area in
11 which the silvicultural activities occur;

12 (2) the rules adopted by the Secretary under section 754 of this title for
13 silvicultural activities in a flood hazard area; and

14 (3) the accepted management practices adopted by the Commissioner of
15 Forests, Parks and Recreation under section 2622 of this title.

16 (b) Agricultural activities. Agricultural activities in protected shoreland
17 areas shall not require a permit under section 1444 of this title if:

18 (1) the agricultural activities comply with the Secretary's rules under
19 section 754 of this title for agricultural activities in a flood hazard area;

20 (2) the agricultural activities comply with the rules adopted by the
21 Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215

1 regarding agricultural water quality, including accepted agricultural practices,
2 best management practices, medium and small farm operation, and large farm
3 operation; and

4 (3) any proposed expansions or modifications to farm structures, as that
5 term is defined in the accepted agricultural practices, in a protected shoreland
6 area shall be reviewed by the Secretary of Agriculture, Food and Markets in
7 coordination with the Secretary of Natural Resources under a memorandum of
8 understanding.

9 (c) State and municipal transportation infrastructure. The routine
10 maintenance, repair and replacement of transportation infrastructure in
11 existence on the effective date of this act by the Vermont Agency of
12 Transportation or by a municipality shall not require a permit under section
13 1444 of this title.

14 (d) Existing applications for construction of impervious surface or creation
15 of disturbed area. A proposed construction of impervious surface or creation
16 of disturbed area in a protected shoreland area that did not require a state
17 permit prior to the effective date of this act shall not require a permit under
18 section 1444 of this title:

19 (1) if a technically complete application for all local, state, and federal
20 permits related to the construction of impervious surface, to the creation of
21 disturbed area, or to a discharge to state waters has been submitted as of the

1 effective date of this act, the applicant does not subsequently file an application
2 for a permit amendment that would adversely impact shorelands, and no new
3 disturbed area is created on the lot after October 15, 2013;

4 (2) if all local, state, and federal permits related to the construction of
5 impervious surface, to the creation of disturbed area, or to a discharge to state
6 waters have been obtained as of the effective date of this act, and no new
7 disturbed area is created on the lot after October 15, 2013; or

8 (3) for lots created by subdivision after January 1, 2013, and before
9 September 1, 2013, if no local, state, or federal permit related to the
10 construction of impervious surface, to the creation of disturbed area, or to a
11 discharge to state waters was required prior to the effective date of this act, and
12 no new disturbed area is created on the lot after October 15, 2013.

13 § 1447. MUNICIPAL ZONING BYLAW OR ORDINANCE

14 (a) Construction of impervious surface or creation of disturbed area
15 occurring outside a protected shoreland areas. Construction of impervious
16 surface or creation of disturbed area occurring outside a protected shoreland
17 area shall conform to duly adopted municipal zoning bylaws and applicable
18 municipal ordinances and shall not be subject to regulation by the Secretary of
19 Natural Resources under this chapter.

20 (b) Existing municipal bylaws and ordinances. The shoreland protection
21 standards adopted by the Secretary of Natural Resources under section 1443 of

1 this title are in addition to existing municipal bylaws and ordinances, and
2 proposed construction of impervious surface or creation of disturbed area
3 within the protected shoreland area shall comply with all relevant, existing
4 municipal, state, and federal requirements.

5 Sec. 3. 10 V.S.A. § 8003(a) is amended to read:

6 (a) The ~~secretary~~ Secretary may take action under this chapter to enforce
7 the following statutes:

8 * * *

9 (22) 10 V.S.A. chapter 164A, collection and disposal of
10 mercury-containing lamps; ~~and~~

11 (23) 24 V.S.A. § 2202a, relating to a municipality's adoption and
12 implementation of a solid waste implementation plan that is consistent with the
13 state solid waste plan; and

14 (24) 10 V.S.A. chapter 49A, relating to shoreland protection standards.

15 Sec. 4. 10 V.S.A. § 8503 is amended to read:

16 § 8503. APPLICABILITY

17 (a) This chapter shall govern all appeals of an act or decision of the
18 ~~secretary~~ Secretary, excluding enforcement actions under chapters 201 and 211
19 of this title and rulemaking, under the following authorities and under the rules
20 adopted under those authorities:

21 (1) The following provisions of this title:

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- (R) chapter 32 (flood hazard areas).
- (S) chapter 49A (shoreland protection standards).

Sec. 5. PUBLIC PARTICIPATION IN DEVELOPMENT OF SHORELAND
PROTECTION RULES; REPORT

(a) In addition to the public participation requirements of 3 V.S.A. chapter 25 and prior to submitting a proposed rule to the Secretary of State under 3 V.S.A. § 838, the Secretary of Natural Resources shall engage in an expanded public participation process with affected stakeholders and other interested persons in a dialogue about intent, method, and content of rules required under 10 V.S.A. § 1443 regarding construction of impervious surface or creation of disturbed area in protected shoreland areas of lakes. The Secretary of Natural Resources is encouraged to use workshops, focused work groups, dockets, meetings, or other forms of communication to meet the participation requirements of this section.

(b) On or before September 1, 2013, the Secretary of Natural Resources shall commence rulemaking to establish standards for the construction of impervious surface or creation of disturbed area in protected shoreland areas of lakes.

1 (c) On or before January 15, 2015, the Secretary of Natural Resources shall
2 submit to the House Committee on Fish, Wildlife and Water Resources and the
3 Senate Committee on Natural Resources and Energy a copy of the rules
4 required under 10 V.S.A. § 1443 regarding the regulation of construction of
5 impervious surface or creation of disturbed area in protected shoreland areas of
6 lakes. The report shall include a summary of the process followed by the
7 Secretary of Natural Resources in developing the rules, including a summary
8 of how the Secretary complied with the requirements of subsection (a) of this
9 section.

10 Sec. 6. INTERIM STANDARDS FOR CONSTRUCTION OF NEW
11 IMPERVIOUS SURFACE OR CREATION OF NEW DISTURBED
12 AREA

13 (a) On or before September 1, 2013, the Secretary of Natural Resources
14 shall issue by procedure an interim standard for the permitting of construction
15 of impervious surface or creation of a new disturbed area on an undeveloped
16 lot created by subdivision on or after January 1, 2013. The interim standard
17 shall address all subject matter or requirements set forth under 10 V.S.A.
18 § 1443.

19 (b) The Secretary may permit the construction of new impervious surface
20 or creation of a new disturbed area on an undeveloped lot created by

1 subdivision on or after January 1, 2013 under the interim standard authorized
2 under subsection (a) of this section.

3 (c) A permit issued under the interim standard shall be issued for an
4 indefinite term, provided that the person granted coverage under the general
5 permit complies with the terms of the general permit and takes no action for
6 which a permit is required under this chapter.

7 (d) A permit issued under the interim standard authorized under subsection
8 (a) of this section shall be enforceable by the Secretary of Natural Resources
9 under 10 V.S.A. chapter 201.

10 (e) A decision or act of the Secretary of Natural Resources in issuing,
11 denying, or enforcing the interim standard authorized under subsection (a) of
12 this section shall be appealable under 10 V.S.A. chapter 220.

13 Sec. 7. EFFECTIVE DATE

14 This act shall take effect on passage.