



State of Vermont

AGENCY OF ENVIRONMENTAL CONSERVATION

Montpelier, Vermont 05602

ENVIRONMENTAL BOARD

Department of Fish and Game
Department of Forests and Parks
Department of Water Resources
Environmental Board
Division of Environmental Protection
Division of Recreation
Division of Planning
Natural Resources Conservation Council

May 28, 1975

MEMORANDUM OF UNDERSTANDING

RE: Processing Applications for Municipal
Water and Sewage Projects

Department of Water Resources
and
The Environmental Board

It is the purpose of this Memorandum of Understanding to establish a procedure which will enable district commissions to discharge their permit granting responsibilities under Act 250 in a manner which will not jeopardize the expenditure of public funds by the Department of Water Resources of the Agency of Environmental Conservation.

District Environmental Commissions are required to grant or deny permits for municipal projects involving more than 10 acres. In order to discharge this responsibility under Act 250 and Environmental Board policy, it is necessary that the commissions have final plans for a project before issuing a permit. The Agency of Environmental Conservation is responsible for overseeing the expenditure of State funds for municipal water and sewage projects. It is essential that before committing substantial amounts of money to these projects, that some assurance be received from the District Commission that the project will not be denied based upon its proposed location and the size of the structures involved.

The Agency, acting in accordance with a 1972 policy statement issued by Martin L. Johnson, then Commissioner of Water Resources, has required that municipalities submit applications under Act 250 prior to allocating funds for final design. The net affect of this is to have District Commissions issue permits without receiving final plans. In order to enable the commissions to have before them the final plans before issuing a permit, and in order to provide safeguards for the Agency with regard to allocating funds for final plans, the following procedures are established:

1. Applications for municipal water and sewage projects will be accepted by District Commissions and hearings held prior to the allocation of funds for final design plans. The District Commissions will issue findings upon all criteria where sufficient information is available and will reserve judgment on other criteria until final plans are filed. In making their initial findings, the District Commission will determine whether the location of the project and the size of the structures are acceptable.

2. Initial findings would be made upon all criteria, consistent with number 1 above, except numbers 1, 4 and 9 (f). In making the findings on criterion number 8, the District Commission will receive sufficient evidence to determine whether the project can be located at its proposed site without having undue adverse affects upon the scenic or natural beauty of the area, aesthetics, historic sites, rare or irreplaceable natural areas or necessary wildlife habitat and endangered species. A Commission may reserve the right to review final plans and determine whether conditions should be attached to reduce the affects of the project with regard to criterion number 8 but may not condition the permit in such a manner as to require changes in the location of the project and size of the structures.

3. Plans filed with each application will include a map of the entire area to be served. All pumping stations, reservoirs, the treatment plant, and lines will be shown. A "typical" sketch of the plant and reservoirs and such information as the Commission may deem appropriate will be provided including sufficient information to enable the Commission to make findings on the acceptability of the proposed size and location.

Additional application materials are set forth in the Land Use Application form and the Guide to State Permit Procedures. At least one copy of the consultants report will be filed for Commission records.