

1       Sec. X. PCB TESTING AND REMEDIATION IN SCHOOLS

2           (a) If a school is required to test for the presence of polychlorinated  
3       biphenyls (PCBs) pursuant to 2021 Acts and Resolves No. 74, Sec. E709.1, the  
4       Agency of Natural Resources (ANR) shall conduct the testing or pay for  
5       testing conducted by the school.

6           (b) It is the intent of the General Assembly that ANR shall seek to hold the  
7       manufacturers of PCBs liable under 10 V.S.A. § 6615 for the cost of PCB  
8       investigation, remediation, and removal in schools. Prior to any judgment or  
9       settlement under which PCB manufacturers pay for PCB investigation,  
10       remediation, and removal in schools, it is the intent of the General Assembly as  
11       signified by 2023 Acts and Resolves No. 78, Sec. C.112, that the State of  
12       Vermont shall pay for the costs of investigation, remediation, and removal of  
13       PCBs at any school where testing under 2021 Acts and Resolves No. 74, Sec.  
14       E709.1 exceeded the State school action levels. When a judgement or  
15       settlement is reached under which PCB manufacturers pay for PCB  
16       investigation, remediation, and removal in schools, any funds received under  
17       the judgment or settlement shall first be used to reimburse the State for the  
18       costs it paid to schools for the costs of investigation, remediation, and removal  
19       of PCBs at schools that exceeded the State school action levels. Any  
20       reimbursed monied shall be deposited into the Education Fund and reserved for  
21       use for school construction as approved by the General Assembly.

1       (c)(1) Beginning July 1, 2024, and every month thereafter, the Secretary of  
2       Education shall report to the Secretary of Natural Resources the following  
3       information regarding the funds appropriated to the Agency of Education in  
4       2023 Acts and Resolves No. 78, Sec. C.112 for grants for investigation,  
5       remediation, and removal of PCBs at schools that test at levels exceeding the  
6       State school action levels:

7               (A) the amount of the funds that remain for grants to schools;

8               (B) whether the remaining funds are sufficient to fully fund grants to  
9       complete investigation, remediation, and removal of PCBs at those schools that  
10       test at levels exceeding the State school action levels but that have not received  
11       a grant; and

12               (C) when the Secretary of Education estimates the remaining funds  
13       will be insufficient to award grants to the remaining schools that will be  
14       required to complete investigation, remediation, and removal of PCBs.

15               (2) The Secretary of Education shall submit each report required by this  
16       subsection to the House Committees on Education and Appropriations and the  
17       Senate Committees on Education and Appropriations. When the General  
18       Assembly is not in session, the Secretary of Education shall also submit the  
19       report to the Emergency Board.

20               (3) If the Secretary of Education fails to submit a report required by this  
21       subsection to the Secretary of Natural Resources, a school shall not be required

1 initiate testing for PCBs until the Secretary of Education has timely submitted  
2 ? of the required reports to the Secretary of Natural Resources.

3 (d)(1) If the Secretary of Education reports under subsection (c) of this  
4 section that there is \$4,000,000.00 or less of funds remaining for grants to  
5 schools for the investigation, remediation, and removal of PCBs, ANR shall  
6 not initiate testing or payment for initial testing for PCBs at a school under  
7 subsection (a) of this section, and a school shall not be required to initiate  
8 testing for PCBs until [?].

9 (2) If initial testing of a school for PCBs is paused under subdivision (1)  
10 of this subsection when the General Assembly is not in session, the Emergency  
11 Board is authorized to transfer \$X,000,000.00 to the Agency of Education for  
12 the purpose of providing grants to schools for the investigation, remediation,  
13 and removal of PCBs. Upon transfer under this subdivision, ANR is  
14 authorized to restart initial testing or payment for initial testing for PCBs at  
15 schools.

16 (e) If a school tested positive for the presence of PCBs in excess of the  
17 school action levels and the Agency of Education lacks sufficient funds for a  
18 grant for the investigation, remediation, and removal of PCBs in the school, the  
19 Secretary of Education shall submit to the House Committees on Education  
20 and on Appropriations and the Senate Committees on Education and  
21 Appropriations, the amount of funds that the General Assembly should

1 appropriate to the Agency of Education to sufficiently fund investigation,  
2 remediation, and removal of PCBs in the school.

3 (f) Notwithstanding subsection (b) of this section and the intent of the  
4 General Assembly to pay for the investigation, remediation, and removal of  
5 PCBs in schools, the State of Vermont shall not pay for the costs of  
6 investigation, remediation, or removal of PCBs in schools when the  
7 investigation, remediation, or removal was not in response to indoor air testing  
8 required pursuant to 2021 Acts and Resolves No. 74, Sec. E709.1 but was part  
9 of a planned renovation or construction project at a school under which the  
10 PCBs would be remediated or removed as part of the project.

11 Sec. Y. EFFECTIVE DATE

12 Sec. Y (PCB testing and remediation in schools) act shall take effect on  
13 passage.