

## Summary of Senate Amendments to H.269

### **Sec. 1. Legislative Findings**

- Removed the reference to heavy metals.
- Otherwise, no changes.

### **Sec. 2. Definitions**

- Removed existing settlement – no longer eligible for participation.
- Amended the definition of “Development Soils”
  - House Version – centered around soils that qualify for categorization as solid waste.
  - Senate Version – more detailed about what soils are able to participate.
    - (39) “Development soils” means unconsolidated mineral and organic matter overlying bedrock that contains PAHs, arsenic, or lead in concentrations that:
      - (A) exceed the relevant soil screening level for residential soil;
      - (B) when managed in compliance with section 6604c, 6605, or 6605c of this title:
        - (i) pose no greater risk than the Agency-established soil screening value for the intended reuse of the property; and
        - (ii) pose no unreasonable risk to human health through a dermal, inhalation, or ingestion exposure pathway;
      - (C) does not leach compounds at concentrations that exceed groundwater enforcement standards; and
      - (D) does not result in an exceedance of Vermont groundwater enforcement standards.

### **Sec. 3. Management of Development of Soils**

- Added language in a few instances to clarify that:
  - Management of soils occurs under plans submitted and approved by the Secretary.
  - The environmental professional must supervise the development and implementation of plans.
  - Management plans shall demonstrate that the development soils will meet all applicable Vermont Water Quality Standards.
- For investigation workplans:
  - Requires the same information. However, the plan is no longer deemed complete simply by having the required information.
- For both investigation and management plans:
  - The Secretary now has 45 days to make a final determination, as opposed to 30 days.
  - The plans are no longer deemed complete if the Secretary does not make a final determination within that timeframe.
  - For management plans, added that the Secretary shall hold a public comment period of no less than 14 days.
  - For management plans, added that the Secretary shall hold a public informational meeting if requested by any person.

- For the final determination:
  - Now requires the developer to submit a final report, as opposed to a request for final determination.
  - Allows the Secretary 45 days, as opposed to 30, to make the final determination.
  - No longer deemed complete if the Secretary does not make that determination within the time frame.
- For current soil stockpiles, changed the wording so that the soils must meet the requirements of the section, as opposed to the Secretary making a determination that they do not present an unreasonable threat to groundwater, surface water, human health, or the environment.
  - This is also due to the fact that the definition of development soils not requires the soils to meet these health concerns.
- Rulemaking:
  - Now one rule, as opposed to many.
  - The requirements of the rule are the same, except for some technical changes.
  - Added that the rules shall be no less protective of human health and the environment as the interim process.

**Sec. 4. Development for Act 250**

- This section makes it more explicit that management of development soils shall not be considered a “development” for Act 250 purposes. This was in the house bill, but here it is amending the Act 250 chapter, to be as clear as possible.

**Secs. 5 & 6. Categorical Solid Waste And Daily Cover**

- These two sections were added to allow development soils eligibility for disposal at a categorical disposal facility and as alternate daily cover.

**Sec. 7. Repeal**

- This section repeals the interim sections on July 1, 2016. This is the date the Secretary shall adopt rules.