

Sec. 1. 10 V.S.A. § 1283(b) is amended to read:

(b) Disbursements under this subsection may be made for emergency purposes or to respond to other than emergency situations; provided, however, that disbursements in response to an individual situation which is not an emergency situation shall not exceed \$100,000.00 for costs attributable to each of the subdivisions of this subsection, unless the Secretary has received the approval of the General Assembly, or the Joint Fiscal Committee, in case the General Assembly is not in session. Furthermore, the balance in the Fund shall not be drawn below the amount of \$100,000.00, except in emergency situations. If the balance of the Fund becomes insufficient to allow a proper response to one or more emergencies that have occurred, the Secretary shall appear before the Emergency Board, as soon as possible, and shall request that necessary funds be provided. Within these limitations, disbursements from the Fund may be made:

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(7) to pay costs of management oversight provided by the State for investigation and cleanup efforts conducted by voluntary responsible parties ~~where those responsible parties have contributed monies to the Fund pursuant to a written agreement under subsection (f) of this section;~~

Sec. 2. 10 V.S.A. § 6615c is added to read:

§ 6615c. INFORMATION REQUESTS.

(a) The secretary may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, all information, including documents, records, photographs, recordings, e-mails, correspondence, related to the following:

(1) The type, nature, and quantity of any commercial chemical product, hazardous material, or waste which have been or are used, generated, treated, stored, or disposed of at a facility or transported to a facility.

(2) The nature or extent of a release or threatened release of a hazardous material or waste from a facility.

(3) Financial information and information surrounding the corporate structure, including information related to the ability of a person to pay for or to perform a cleanup.

(b) A person who has received a request under subsection (a) of this section shall, at the discretion of the Secretary, either:

(1) grant the secretary access, at all reasonable times, to any, facility, establishment, place, property, or location to inspect and copy all documents or records relating to information that was related to the request; or

(2) shall copy and furnish to the secretary all such documents or records, at the option and expense of such person.

(c) The Secretary may require any person who has or may have knowledge of any information listed in subdivisions (a)(1) through (3) of this section to appear at the offices of the Secretary and may take testimony and require the production of records that relate to a release or threatened release of a hazardous material.

(d) Any request for access or information under this section shall be served either personally or by certified mail.

Sec. 3. 10 V.S.A. § 8005(b) is amended to read:

(b) Access orders and information requests.

(1) A Superior Court judge shall issue an access order when access has been refused and the investigator, by affidavit, describes the property to be examined and identifies:

(A) a provision of a permit that authorizes the inspection; or

(B) the property as being scheduled for inspection in accordance with a neutral inspection program adopted by the Secretary or the Natural Resources Board; or

(C) facts providing reasonable grounds to believe that a violation exists and that an examination of the specifically described property will be of material aid in determining the existence of the violation.

(2) A Superior Court shall issue an order requiring compliance with an information request submitted pursuant to section 6615c of this title when the person served with the request fails to respond to the request in the timeframe identified by the Secretary and when the Secretary provides, by affidavit, facts providing reasonable grounds that a release or threatened release has taken place and that the information will be of material aid in responding to that release or threatened release.

(3) Issuance of an access order or information request shall not negate the Secretary's authority to initiate criminal proceedings in the same matter by referring the matter to the Office of the Attorney General or a State's Attorney.