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H.682

Introduced by Representatives Sullivan of Burlington, Bartholomew of
Hartland, Bissonnette of Winooski, Briglin of Thetford,
Buckholz of Hartford, Burke of Brattleboro, Chesnut-
Tangerman of Middletown Springs, Cina of Burlington,
Colburn of Burlington, Conlon of Cornwall, Connor of
Fairfield, Copeland-Hanzas of Bradford, Deen of Westminster,
Donovan of Burlington, Dunn of Essex, Fields of Bennington,
Gannon of Wilmington, Gardner of Richmond, Haas of
Rochester, Hooper of Randolph, Howard of Rutland City,
Jessup of Middlesex, McCormack of Burlington, McCullough
of Williston, Mrowicki of Putney, Ode of Burlington,
O’Sullivan of Burlington, Potter of Clarendon, Scheu of
Middlebury, Sharpe of Bristol, Sheldon of Middlebury,
Squirrell of Underhill, Stuart of Brattleboro, Till of Jericho,
Troiano of Stannard, Walz of Barre City, Webb of Shelburne,
Weed of Enosburgh, Yacovone of Morristown, Yantachka of
Charlotte, and Young of Glover

Referred to Committee on

Date:

1 Subject: Conservation and development; air pollution; natural resources;
2 Volkswagen emissions litigation; environmental mitigation trust
3 Statement of purpose of bill as introduced: This bill proposes to confirm the
4 authority of the Agency of Natural Resources to accept and administer the
5 mitigation monies available to Vermont from the Volkswagen Environmental
6 Mitigation Trust and to provide direction to the Agency with respect to the
7 choice of eligible mitigation actions.

8 An act relating to the Volkswagen Environmental Mitigation Trust

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

10 Sec. 1. DEFINITIONS

11 As used in this act:

12 (1) “Appendix D-2” means Appendix D-2 to the Environmental
13 Mitigation Trust, entitled “Eligible Mitigation Actions and Mitigation Action
14 Expenditures.”

15 (2) “Beneficiary Mitigation Plan” means a plan described in Sec. 4.1 of
16 the Environmental Mitigation Trust.

17 (3) “Eligible Mitigation Action” has the same meaning as in the
18 Environmental Mitigation Trust.

19 (4) “Environmental Mitigation Trust” means the Environmental
20 Mitigation Trust Agreement for State Beneficiaries filed on October 2, 2017 in

1 In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products
2 Liability Litigation, 3:16-CV-00295-CRB, MDL No. 2672 CRB (JSC) (N.D.
3 Cal.).

4 (5) “Secretary” means the Secretary of Natural Resources.

5 Sec. 2. AUTHORITY; DIRECTION

6 (a) The Secretary shall have authority under 10 V.S.A. § 554(15) to accept,
7 receive, and administer the monies available to the State of Vermont under the
8 Environmental Mitigation Trust. For the purpose of this subsection, the
9 acceptance, receipt, and administration of these monies are deemed to be
10 functions of 10 V.S.A. chapter 23.

11 (b) The Secretary shall administer the monies available to the State under
12 the Environmental Mitigation Trust in accordance with 10 V.S.A. § 554(15)
13 and this act.

14 (c) The Secretary shall administer the monies available to the State under
15 the Environmental Mitigation Trust so that:

16 (1) 15 percent of the monies is dedicated to the purchase of light duty
17 electric vehicle supply equipment that qualifies under Eligible Mitigation
18 Action Nine in Appendix D-2, entitled “Light Duty Zero Emission Vehicle
19 Supply Equipment.”

1 (2) The remainder of the monies is dedicated to the replacement of fossil
2 fuel-powered vehicles with all-electric vehicles under one or more of the
3 following Eligible Mitigation Actions:

4 (A) one, entitled “Class 8 Local Freight Trucks and Port Drayage
5 Trucks (Eligible Large Trucks)”;

6 (B) two, entitled “Class 4-8 School Bus, Shuttle Bus, or Transit Bus
7 (Eligible Buses)”; and

8 (C) six, entitled “Class 4-7 Local Freight Trucks (Medium Trucks).”

9 (d) The Secretary may allocate administrative costs to the Eligible
10 Mitigation Actions identified in subsection (c) of this section in accordance
11 with Appendix D-2.

12 (e) Any Beneficiary Mitigation Plan submitted by the State of Vermont
13 under the Environmental Mitigation Trust shall comply with this act. On or
14 before 60 days after the effective date of this act, any Beneficiary Mitigation
15 Plan filed before that effective date shall be revised to comply with this act and
16 resubmitted in accordance with the Environmental Mitigation Trust.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.