

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred House Bill No. 559 entitled “An act relating to miscellaneous
4 environmental subjects” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Stormwater Permitting * * *

8 Sec. 1. 27 V.S.A. § 613(b) is amended to read:

9 (b) Beginning on July 1, 2004, and notwithstanding any law to the
10 contrary, no encumbrance on record title to real property or effect on
11 marketability of title shall be created by the failure of the holder of real
12 property from which regulated stormwater runoff discharges to an impaired
13 watershed to obtain, renew, or comply with the terms and conditions of a
14 pretransition stormwater discharge permit for a conveyance or refinancing,
15 provided that such holder:

16 (1) provides a notice of deferral of permit to the Secretary of Natural
17 Resources with a property description, the identity of the impaired watershed,
18 the permit number of any expired pretransition stormwater discharge permit
19 covering the property, and such other information as the Secretary may
20 require; and

1 (2) records in the land records a notice indicating, in an appropriate form
2 to be determined by the Secretary of Natural Resources, that at the time of
3 establishment of a general permit in the impaired watershed where the real
4 property is located, but ~~not later than June 30, 2018~~ the date of adoption by the
5 Agency of Natural Resources of the stormwater rule pursuant to 10 V.S.A.
6 § 1264, the mortgagor (in the case of a refinancing) or the grantee (in the case
7 of a conveyance) shall be subject to all applicable requirements of the water
8 quality remediation plan, TMDL, or watershed improvement permit
9 established under 10 V.S.A. chapter 47.

10 Sec. 2. 2012 Acts and Resolves No. 91, Sec. 3, as amended by 2016 Acts and
11 Resolves No. 73, Sec. 1, is further amended to read:

12 Sec. 3. REPEAL

13 27 V.S.A. § 613 (stormwater discharges during transition period;
14 encumbrance on title) shall be repealed ~~on June 30, 2018~~ 180 days after the
15 date the Agency of Natural Resources adopts the stormwater rule pursuant to
16 10 V.S.A. § 1264.

17 * * * Environmental Enforcement Report * * *

18 Sec. 3. 10 V.S.A. § 8017 is amended to read:

19 § 8017. ANNUAL REPORT

20 The Secretary and the Attorney General shall report annually to the
21 President Pro Tempore of the Senate, the Speaker of the House, the House

1 Committee on ~~Fish, Wildlife and Water Resources~~ Natural Resources, Fish,
2 and Wildlife, and the Senate ~~and House Committees~~ Committee on Natural
3 Resources and Energy. The report shall be filed ~~no later than January 15~~ on or
4 before February 15, on the enforcement actions taken under this chapter, and
5 on the status of citizen complaints about environmental problems in the State.
6 The report shall describe, at a minimum, the number of violations, the actions
7 taken, the disposition of cases, the amount of penalties collected, and the cost
8 of administering the enforcement program. The provisions of 2 V.S.A. § 20(d)
9 (expiration of required reports) shall not apply to the report to be made under
10 this section.

11 * * * Clean Water Investment Report * * *

12 Sec. 4. 10 V.S.A. § 1389a(a) is amended to read:

13 (a) Beginning on January 15, 2017, and annually thereafter, the Secretary
14 of Administration shall publish the Clean Water Investment Report. The
15 Report shall summarize all investments, including their cost-effectiveness,
16 made by the Clean Water Fund Board and other State agencies for clean water
17 restoration over the prior ~~calendar~~ fiscal year. The Report shall include
18 expenditures from the Clean Water Fund, the General Fund, the Transportation
19 Fund, and any other State expenditures for clean water restoration, regardless
20 of funding source.

1 * * * Mercury-Added Motor Vehicle Components * * *

2 Sec. 5. 10 V.S.A. § 7108 is added to read:

3 § 7108. MERCURY-ADDED MOTOR VEHICLE COMPONENTS

4 (a) Applicability. This section applies to:

5 (1) a motor vehicle recycler or scrap metal recycling facility in the
6 State; and

7 (2) a manufacturer of motor vehicles sold in this State.

8 (b) Mercury-added switch removal requirements. A motor vehicle recycler
9 that accepts end-of-life motor vehicles shall remove mercury-added vehicle
10 switches prior to crushing, shredding, or other scrap metal processing and prior
11 to conveying for crushing, shredding, or other scrap metal processing.

12 (1) Motor vehicle recyclers shall maintain a log sheet of switches
13 removed from end-of-life motor vehicles and shall provide such log to the
14 Agency annually or upon request of the Agency.

15 (2) Switches, including switches encased in light or brake assemblies,
16 shall be collected, stored, transported, and handled in accordance with all
17 applicable State and federal laws.

18 (c) Manufacturer mercury-added switch recovery program. A
19 manufacturer of vehicles sold in this State, individually or as part of a group,
20 shall implement a mercury-added vehicle switch recovery program that
21 includes the following:

1 (1) educational material to assist motor vehicle recyclers in identifying
2 mercury-added vehicle switches and safely removing, properly handling, and
3 storing switches;

4 (2) storage containers provided at no cost to all motor vehicle recyclers
5 identified by the Agency, suitable for the safe storage of switches, including
6 switches encased in light or brake assemblies;

7 (3) collection, packaging, shipping, and recycling of mercury-added
8 switches, including switches encased in light or brake assemblies, provided to
9 all motor vehicle recyclers at no cost and that comply with all applicable State
10 and federal laws; and

11 (4) a report on or before December 1 annually to the Agency that
12 includes the total number of mercury-added switches recovered in the program,
13 the names of the motor vehicle recyclers and the number of switches removed
14 from each, and the total amount of mercury collected during the previous 12-
15 month period.

16 (d) Agency responsibility.

17 (1) The Agency shall provide workshops and other training to motor
18 vehicle recyclers to inform them of the requirements of this section.

19 (2) The Agency may develop, by procedure, exemptions of certain
20 mercury-added vehicle switches and other components from the requirements
21 of this section, including mercury-added switches that are inaccessible due to

1 motor vehicle damage and anti-lock brake switches in certain motor vehicle
2 types that are difficult or labor-intensive to remove.

3 Sec. 6. APPLICATION OF ENACTMENT

4 On December 31, 2017, the former 10 V.S.A. § 7108, requiring establishing
5 mercury-added vehicle component requirements, as established by 2006 Acts
6 and Resolves No. 117, was repealed. Sec. 5 of this act reenacts 10 V.S.A.
7 § 7108 in substantially the same form as the section was enacted by 2006 Acts
8 and Resolves No. 117. Notwithstanding the requirements of 1 V.S.A. § 214,
9 the requirements of 10 V.S.A. § 7108 as enacted by Sec. 5 of this act shall
10 apply retroactively to December 31, 2017 and shall be implemented
11 prospectively from that date.

12 Sec. 7. REPEAL OF MERCURY-ADDED MOTOR VEHICLE
13 COMPONENT REQUIREMENTS

14 10 V.S.A. § 7108 (mercury-added vehicle component requirements) shall
15 be repealed on December 31, 2021.

16 * * * Clean Water State Revolving Loan Fund * * *

17 Sec. 8. FORGIVENESS OF REPAYMENT OF PLANNING ADVANCES

18 The Secretary of Natural Resources shall not require a municipality to repay
19 engineering planning advances awarded under 24 V.S.A. chapter 120,
20 subchapter 2 if the Secretary determines that:

