

1 H.559

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; water resources; enforcement

6 Statement of purpose of bill as introduced: This bill proposes to make
7 miscellaneous amendments to programs administered by the Department of
8 Environmental Conservation related to stormwater permitting, environmental
9 enforcement reporting, clean water investment reporting, mercury-added motor
10 vehicle components, and planning advances from the Special Environmental
11 Revolving Loan Fund.

12 An act relating to miscellaneous environmental subjects

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

14 * * * Stormwater Permitting * * *

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

16 (b) Beginning on July 1, 2004, and notwithstanding any law to the
17 contrary, no encumbrance on record title to real property or effect on
18 marketability of title shall be created by the failure of the holder of real
19 property from which regulated stormwater runoff discharges to an impaired
20 watershed to obtain, renew, or comply with the terms and conditions of a

1 pretransition stormwater discharge permit for a conveyance or refinancing,
2 provided that such holder:

3 (1) provides a notice of deferral of permit to the Secretary of Natural
4 Resources with a property description, the identity of the impaired watershed,
5 the permit number of any expired pretransition stormwater discharge permit
6 covering the property, and such other information as the Secretary may
7 require; and

8 (2) records in the land records a notice indicating, in an appropriate form
9 to be determined by the Secretary of Natural Resources, that at the time of
10 establishment of a general permit in the impaired watershed where the real
11 property is located, but ~~not later than June 30, 2018~~ on or before December 31,
12 2018, the mortgagor (in the case of a refinancing) or the grantee (in the case of
13 a conveyance) shall be subject to all applicable requirements of the water
14 quality remediation plan, TMDL, or watershed improvement permit
15 established under 10 V.S.A. chapter 47.

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

18 Sec. 3. REPEAL

19 27 V.S.A. § 613 (stormwater discharges during transition period;
20 encumbrance on title) shall be repealed on ~~June 30, 2018~~ December 31, 2018.

1 * * * Environmental Enforcement Report * * *

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

3 § 8017. ANNUAL REPORT

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

16 * * * Clean Water Investment Report * * *

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

18 (a) Beginning on January 15, 2017, and annually thereafter, the Secretary
19 of Administration shall publish the Clean Water Investment Report. The
20 Report shall summarize all investments, including their cost-effectiveness,
21 made by the Clean Water Fund Board and other State agencies for clean water

1 restoration over the prior ~~calendar~~ fiscal year. The Report shall include
2 expenditures from the Clean Water Fund, the General Fund, the Transportation
3 Fund, and any other State expenditures for clean water restoration, regardless
4 of funding source.

5 * * * Mercury-Added Motor Vehicle Components * * *

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

7 § 7108. MERCURY-ADDED MOTOR VEHICLE COMPONENTS

8 (a) Applicability. This section applies to:

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

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

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

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

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

- 1 (c) Manufacturer mercury-added switch recovery program. A
2 manufacturer of vehicles sold in this State, individually or as part of a group,
3 shall implement a mercury-added vehicle switch recovery program that
4 includes the following:
- 5 (1) educational material to assist motor vehicle recyclers in identifying
6 mercury-added vehicle switches and safely removing, properly handling, and
7 storing switches;
- 8 (2) storage containers provided at no cost to all motor vehicle recyclers
9 identified by the Agency, suitable for the safe storage of switches, including
10 switches encased in light or brake assemblies;
- 11 (3) collection, packaging, shipping, and recycling of mercury-added
12 switches, including switches encased in light or brake assemblies, provided to
13 all motor vehicle recyclers at no cost and that comply with all applicable State
14 and federal laws; and
- 15 (4) a report on or before December 1 annually to the Agency that
16 includes the total number of mercury-added switches recovered in the program,
17 the names of the motor vehicle recyclers and the number of switches removed
18 from each, and the total amount of mercury collected during the previous 12-
19 month period.

1 (d) Agency responsibility.

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

4 (2) The Agency may develop, by procedure, exemptions of certain
5 mercury-added vehicle switches and other components from the requirements
6 of this section, including mercury-added switches that are inaccessible due to
7 motor vehicle damage and anti-lock brake switches in certain motor vehicle
8 types that are difficult or labor-intensive to remove.

9 Sec. 6. APPLICATION OF ENACTMENT

10 On December 31, 2017, the former 10 V.S.A. § 7108, requiring establishing
11 mercury-added vehicle component requirements, as established by 2006 Acts
12 and Resolves No. 117, was repealed. Sec. 5 of this act reenacts 10 V.S.A.
13 § 7108 in substantially the same form as the section was enacted by 2006 Acts
14 and Resolves No. 117. Notwithstanding the requirements of 1 V.S.A. § 214,
15 the requirements of 10 V.S.A. § 7108 as enacted by Sec. 5 of this act shall
16 apply retroactively to December 31, 2017 and shall be implemented
17 prospectively from that date.

18 Sec. 7. REPEAL OF MERCURY-ADDED MOTOR VEHICLE

19 COMPONENT REQUIREMENTS

20 10 V.S.A. § 7108 (mercury-added vehicle component requirements) shall
21 be repealed on January 15, 2022.

1 * * * Clean Water State Revolving Loan Fund * * *

2 Sec. 8. FORGIVENESS OF REPAYMENT OF PLANNING ADVANCES

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

6 (1) the engineering planning advance was awarded prior to September 1,
7 2011; and

8 (2) due to the effects of Tropical Storm Irene, documentation is no
9 longer available to establish the engineering planning scope and associated
10 construction project for which the engineering planning advance was awarded.

11 * * * Effective Date * * *

12 Sec. 9. EFFECTIVE DATE

13 This act shall take effect on passage.