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**Act No. 170 (H.446). Conservation and development; water quality; solid waste; brownfields; permitting**

**An act relating to miscellaneous natural resources and development subjects**

This act makes multiple miscellaneous amendments to natural resources and development subjects. The act changes the reporting period for the Clean Water Investment Report from the calendar year to the fiscal year. The act amends the Agency of Natural Resources' (ANR's) required report on implementation of the Lake Champlain Total Maximum Daily Load (TMDL) to require that it address the State's status in meeting the federal accountability measures for implementation of the TMDL. The act also consolidates ANR reporting on federal funding available for water quality projects.

The act increases from 17 percent to 20 percent the amount of the Solid Waste Management Account that is annually allocated to local solid waste management entities, and the act authorizes ANR to transfer funds from the Account to the Environmental Contingency Fund but only after an additional 10 percent of funds in the Account is allocated for local solid waste management entities. The act amends the definition of "solid waste hauler" for consistency with other statutes. The act also amends an exemption from commercial hauler permitting to clarify that a person transporting four cubic yards or less of solid waste incidental to other services does not require a commercial hauler permit.

The act strikes the requirement that a municipality must acquire a brownfield property through its sovereign authority in order to qualify for an exemption from hazardous materials release liability. The act clarifies that a purchaser of a property will not be held liable for cleanup of a brownfields property solely because they are the property owner if the purchaser is working in good faith toward meeting the obligations of the brownfields program. The act also provides that a contribution claim cannot be brought against a prospective purchaser of a brownfield when the purchaser would only be liable as an owner and ANR approved a corrective action plan for the property.

The act clarifies that when ANR authorizes a transfer of a permit from one person to another under a rule, that transfer is an administrative amendment not subject to ANR's standard notice and comment procedures. The act also provides that an ANR wetlands determination shall be subject to Type 4 notice and comment instead of the current Type 2 requirements. The act also provides that a minor permit amendment shall be subject to Type 4 notice and comment.

The act repeals the 10-day wait period for the effectiveness of shoreland encroachment permits. The act repeals the requirement that salvage yard operators complete annual environmental training. The act amends the fee that septage haulers pay for septage pumped from septic tanks and other systems to \$0.01 per gallon. The act changes the number of days of notice for several Act 250 requirements.

The act also prohibits the Secretary of Natural Resources from issuing a new solid waste facility certification for a food depackaging facility or amending an existing solid waste facility certification that results in an increase of capacity at a currently certified food depackaging facility until the Agency of Natural Resources adopts by rule requirements for the operation of food waste management facilities in the State. The act requires ANR to convene a collaborative stakeholder process to make recommendations on the proper management of packaged organic materials and to report those recommendations to the General Assembly. In addition, the act requires ANR to submit to the General Assembly a report regarding the prevalence of microplastics and per- and polyfluoroalkyl substances (PFAS) in food waste and food packaging in Vermont.

Multiple effective dates, beginning on June 2, 2022