

Sec. 5. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have three accounts: one for Solid Waste Management Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax that is deposited to the Hazardous Waste Management Assistance Account exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13; and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate Fund account. Disbursements from the Fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

(b) The Secretary may authorize disbursements from the Solid Waste Management Assistance Account for the purpose of enhancing solid waste management in the State in accordance with the adopted waste management plan. This includes:

(1) The costs of implementation planning, design, obtaining permits, construction, and operation of State or regional facilities for the processing of recyclable materials and of waste materials that because of their nature or composition create particular or unique environmental, health, safety, or management problems at treatment or disposal facilities.

(2) The costs of assessing existing landfills, and eligible costs for closure and any necessary steps to protect public health at landfills operating before January 1, 1987, provided those costs are the responsibility of the municipality or solid waste management district

requesting assistance. The Secretary of Natural Resources shall adopt by procedure technical and financial criteria for disbursements of funds under this subdivision.

(3) The costs of preparing the State waste management plan.

(4) Hazardous waste pilot projects consistent with this chapter.

(5) The costs of developing markets for recyclable material.

(6) The costs of the Agency of Natural Resources in administering solid waste management functions that may be supported by the Fund established in subsection (a) of this section.

(7) A portion of the costs of administering the Environmental Division established under 4 V.S.A. chapter 27. The amount of \$120,000.00 per fiscal year shall be disbursed for this purpose.

(8) The costs, not related directly to capital construction projects, that are incurred by a district, or a municipality that is not a member of a district, in the design and permitting of implementation programs included in the adopted Solid Waste Implementation Plan of the district or of the municipality that is not a member of a district. These disbursements shall be issued in the form of advances requiring repayment. These advances shall bear interest at an annual rate equal to the interest rate ~~which~~ that the State pays on its bonds. These advances shall be repaid in full by the grantee ~~no~~ not later than 24 months after the advance is awarded.

(9) The Secretary shall annually allocate ~~17~~ 20 percent of the receipts of this account, based on the projected revenue for that year, for implementation of the Plan adopted pursuant to section 6604 of this title and Solid Waste Implementation Plans adopted pursuant to 24 V.S.A. § 2202a.

(10) The costs of the proper disposal of waste tires. Prior to disbursing funds under this subsection, the Secretary shall provide a person with notice and opportunity to dispose of waste tires properly. The Secretary may condition a disbursement under this subsection on the repayment of the disbursement. If a person fails to provide repayment subject to the terms of a disbursement, the Secretary may initiate an action against the person for repayment to the Fund or may record against the property of the person a lien for the costs of cleaning up waste tires at a property.

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(e) The Secretary may allocate funds at the end of the fiscal year from the Solid Waste Management Assistance Account to the Fund, established pursuant to section 1283 of this title, upon a determination that the funds available in the Environmental Contingency Fund are insufficient to meet the State's obligations pursuant to ~~subdivision 1283(b)(9)~~ subdivisions 1283(b)(1)–(9) of this title. Prior to any transfer of funds from the Solid Waste Management Assistance Account to the Environmental Contingency Fund, and after all Agency program costs are covered, an additional five ten percent of the receipts of the Solid Waste Management Assistance Account shall be allocated for implementation of the Plan adopted pursuant to section 6604 of this title under subdivision 6618(b)(9)–1283(b)(9) of this title. Any expenditure of funds transferred to the Environmental Contingency Fund shall be restricted to funding the activities specified in ~~subdivision 1283(b)(9)~~ subdivisions 1283(b)(1)–(9) of this title. In no case shall the unencumbered balance of the Solid Waste Account following the transfer authorized under this subsection be less than \$300,000.00.