

1 Introduced by Senator Campion

2 Referred to Committee on

3 Date:

4 Subject: Conservation and development; environmental health; hazardous
5 materials; schools; PCBs

6 Statement of purpose of bill as introduced: This bill proposes to require all
7 schools in Vermont that were constructed or renovated before 1980 to conduct
8 on or before August 1, 2026 a screening level investigation of indoor air in of
9 school buildings for polychlorinated biphenyls according to guidelines adopted
10 by the Department of Environmental Conservation, in consultation with the
11 Vermont Department of Health.

12 An act relating to the testing of indoor air quality in schools for PCBs

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

14 Sec. 1. 10 V.S.A. § 1283(g)(3) is amended to read:

15 (3) “Release” means any intentional or unintentional action or omission
16 resulting in the spilling, leaking, pumping, pouring, emitting, emptying,
17 dumping, or disposing of hazardous materials into the surface or groundwaters,
18 or onto the lands in the State, or into waters outside the jurisdiction of the State
19 when damage may result to the public health, lands, waters, or natural
20 resources within the jurisdiction of the State. “Release” also means the

1 intentional or unintentional action or omission resulting in the spilling, leaking,
2 emission, or disposal of polychlorinated biphenyls (PCBs) from building
3 materials in a building or structure.

4 Sec. 2. 10 V.S.A. § 6602(17) is amended to read:

5 (17) “Release” means any intentional or unintentional action or
6 omission resulting in the spilling, leaking, pumping, pouring, emitting,
7 emptying, dumping, or disposing of hazardous materials into the surface or
8 groundwaters, or onto the lands in the State, or into waters outside the
9 jurisdiction of the State when damage may result to the public health, lands,
10 waters, or natural resources within the jurisdiction of the State. “Release” also
11 means the intentional or unintentional action or omission resulting in the
12 spilling, leaking, emission, or disposal of polychlorinated biphenyls (PCBs)
13 from building materials in a building or structure.

14 Sec. 3. SPECIAL CORRECTIVE ACTION PROCEDURES FOR
15 RELEASES OF POLYCHLORINATED BIPHENYLS

16 (a) Applicability. Except as provided in this section, investigation and
17 remediation of polychlorinated biphenyls (PCBs) are subject to the Vermont
18 Department of Environmental Conservation’s Investigation and Remediation
19 of Contaminated Properties Rule.

20 (b) Screening level investigation. On or before August 1, 2026, all schools
21 that were constructed or renovated before 1980 shall conduct a screening level

1 investigation of indoor air in their school districts, supervisory unions, and
2 independent schools of school buildings for polychlorinated biphenyls (PCBs)
3 according to guidelines adopted by the Department of Environmental
4 Conservation, in consultation with the Vermont Department of Health.

5 (c) Site investigation and PCB source identification. A school district,
6 supervisory union, or independent school that has a sampling result that is at or
7 exceeds the 15 ng/m³ screening value shall conduct a site investigation in
8 accordance with the Vermont Department of Environmental Conservation’s
9 Investigation and Remediation of Contaminated Properties Rule to determine
10 where the source of PCB contamination is located. The site investigation
11 report shall also identify location of school that is a source area, the use of that
12 location, the number of students and teachers occupying that location daily,
13 and the length of time that the students are present in that location.

14 (d) Determination of potential health risks. Based on the site investigation
15 report, the Vermont Department of Health shall provide the school with
16 guidance on the potential health effects. The guidance provided by the
17 Department of Health shall be used to evaluate cleanup alternatives and shall
18 be used by the Department of Environmental Conservation to determine
19 whether the school has met the requirements for site closure under subchapter
20 10 of the Investigation and Remediation of Contaminated Properties Rule. The
21 Department of Health may provide its guidance on potential health effects of

1 PCBs in schools by adopting a policy or guidance document to be used by the
2 Department of Environmental Conservation when overseeing the investigation
3 and cleanup.

4 Sec 4. AUTHORIZATION OF POSITION

5 The establishment of the following new limited service classified positions
6 is authorized in fiscal year 2022 and shall be transferred and converted from
7 existing vacant positions in the Executive Branch and shall not increase the
8 total number of authorized State positions:

9 (1) Department of Environmental Conservation – Environmental
10 Analyst; and

11 (2) Department of Health – Risk Assessor.

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect upon passage.