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S.307

Introduced by Committee on Natural Resources and Energy

Date:

Subject: Conservation and development; waste management; contaminated sites; administrative use controls

Statement of purpose of bill as introduced: This bill proposes to authorize the Secretary of Natural Resources to use written agreements or policies, known as administrative use controls, to reduce hazards posed by a hazardous material contaminated site.

An act relating to use of administrative use controls at contaminated sites

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

Sec. 1. 10 V.S.A. § 6615f is added to read:

§ 6615f. ADMINISTRATIVE USE CONTROLS AT CONTAMINATED

SITES

(a) A petition for administrative use controls at a hazardous material contaminated site may be made by a person responding to a release at that site.

The petition shall be made on a form developed by the Secretary that includes the following:

(1) a brief description of the contamination at the site and work completed under an approved corrective action plan;

1           (2) a legal description of the property or properties subject to  
2           administrative use controls;

3           (3) a digital map that shows the boundaries of the property or properties  
4           subject to the administrative use controls and any operational units on the  
5           property or properties where more detailed controls will be applied;

6           (4) a narrative description of the uses that are prohibited on the property  
7           under the administrative use control, including any specific restrictions  
8           applicable to operational units on the property;

9           (5) signatures of the property owner or persons with legal control of the  
10          property certifying that they accept the imposition of these administrative use  
11          controls on their property; and

12          (6) any other requirement that the Secretary requires by rule.

13          (b) The Secretary shall approve the administrative use controls upon  
14          finding:

15               (1) the administrative use controls adequately protect human health and  
16               the environment;

17               (2) the administrative use controls are consistent with requirements of  
18               the plan required by rules adopted pursuant to this chapter and approved by the  
19               Secretary; and

20               (3) the petition contains adequate information to ensure that current and  
21               future owners are aware of the restrictions.

1        (c) Administrative use controls may require:

2            (1) restrictions on the use of the property or operational units on the  
3 property where restrictions are placed;

4            (2) a right to access the property to ensure that the restrictions are  
5 maintained; and

6            (3) requirements to maintain the restrictions and report on their  
7 implementation.

8        (d) Administrative use controls shall be effective until a property owner or  
9 person with legal control petitions the Secretary for their removal. The  
10 Secretary shall remove the administrative use controls if the property owner:

11            (1) clearly demonstrates that the contamination that was the basis of the  
12 administrative use controls has naturally attenuated; or

13            (2) has completed a subsequent corrective action plan that either  
14 remediates the hazardous material below environmental media standards or  
15 requires alternate administrative use controls.

16        Sec. 2. EFFECTIVE DATE

17        This act shall take effect on July 1, 2024.