

H.494 House Conferrees Proposed PCB Assistance Language

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Sec. C.110 2021 Acts and Resolves No. 74, Sec. E.709.1 is amended to read

Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND;

POLYCHLORINATED BIPHENYLS (PCBs) TESTING IN SCHOOLS

(a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec. D.101(a) of this act to the Environmental Contingency Fund, the Department of Environmental Conservation, in consultation with the Department of Health and the Agency of Education, shall use up to \$4,500,000 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in public schools and approved and recognized independent schools that were constructed or renovated before 1980. All schools subject to this subsection shall test for PCBs on or before July 1, ~~2024~~ 2026. It is the intent of the General Assembly to develop additional guidance during the 2022 legislative session.

Sec. C.110.1 FUNDING OF POLYCHLORINATED BIPHENYLS (PCB)

REMEDATION AND REMOVAL IN SCHOOLS

(a) Education Fund; PCB appropriations. Notwithstanding 2022 Acts and Resolves No. 178, Sec. 2(b):

(1) the funds reserved within the Education Fund for purposes of investigation, remediation, and removal of PCBs from schools are unreserved; and

(2) the unexpended or unobligated amount of the \$2,500,000 transferred by the Emergency Board to the Agency of Education for PCB remediation shall revert to the Education Fund for further allocation.

(b) Agency of Education; PCB remediation and removal reimbursement.

Notwithstanding 16 V.S.A. § 4025(d), \$29,500,000 and the unexpended funds identified under subdivision (a)(2) of this section shall be appropriated from the Education Fund to the Agency of Education in fiscal year 2024 for the purpose of funding 100 percent of the costs to public schools that, as of the effective date of this section, have conducted remediation or removal of PCB contamination or have initiated testing for PCB contamination as follows:

(1) Grants shall be awarded by the Agency of Education to public schools in the State that are required to conduct investigation, remediation, or removal of PCB contamination in the school after Agency of Natural Resources testing but have not received a grant from the Agency of Education for the costs of investigation, remediation, or removal. The grants shall be in an amount sufficient to pay for 100 percent of the school's remediation or removal costs required by the Agency of Natural Resources Investigation and Remediation of Contaminated Properties Rule, including the costs incurred when necessary under State or federal law to relocate students to a facility during remediation or removal activities.

(2) Grants shall be awarded by the Agency of Education to public schools in the State that conducted investigation, remediation, or removal of PCBs in the school after Agency of Natural Resources testing and received a grant from the Agency of Education for 80 percent of the costs of investigation, remediation, or removal. The grants under this subdivision (2) shall be in an amount that will reimburse the school for 100 percent of the investigation, remediation, or removal costs not paid by the Agency of Education.

(3) The Secretary of Education shall award a grant to the Burlington School District to reimburse the school district for the actual cost of demolition and removal of PCB contamination at Burlington High School, not to exceed \$16,000,000.

(c) Grant criteria.

(1) A school shall not be eligible for a grant under subsection (b) of this section, if the Agency of Natural Resources only approved a workplan or cost estimate to conduct an inventory or testing at a school but, as of the effective date of this section, no on-site testing, remediation, or removal has been conducted.

(2) An independent school, as that term is defined in 16 V.S.A. § 11, shall not be eligible for a grant under subsection (b) of this section or under any other authority granting reimbursement for the costs of PCB remediation or removal when reimbursement is funded from the Education Fund.

(d) Reimbursement. If a school district in the State recovers money from litigation or other award for work covered under a grant issued under this section, the school district shall reimburse the State the amount of the recovery or the amount of the grant awarded to the school district under subsection (b) of this section, whichever amount is less. Any reimbursed monies shall be deposited into the Education Fund and reserved for use for school construction as approved by the General Assembly.

(e) State action. The State may recover from a manufacturer of PCBs monies expended or awarded by the State for PCB investigation, testing, assessment, remediation, or removal of PCBs in a school above the relevant action level.