VERMONT LEGISLATIVE
Joint Fiscal Office
1 Baldwin Street • Montpelier, VT 05633-5701 • (802) 828-2295 • https://ljfo.vermont.gov

Fiscal Note

May 9, 2023
Daniel Dickerson, Senior Fiscal Analyst

S.80 An act relating to miscellaneous environmental conservation subjects

As passed by the Senate[1]

With House Environment & Energy proposal of amendment [2]

Bill Summary

This bill proposes various changes to environmental laws. This fiscal note focuses on provisions that may affect the revenues and/or expenditures of the State.

Fiscal Impacts

Sec. 4

This section proposes to allow a salvage yard that does not hold a certificate of registration with the Agency of Natural Resources (ANR) to operate a mobile salvage crusher for the purposes of closing the salvage yard. The salvage yard operator would be required to notify the ANR Secretary of intent to close the salvage yard. Salvage yards are typically subject to registration fees under 3 V.S.A. §2822(j)(29). However, because this proposal would only pertain to salvage yards that are not registered, and therefore would not have paid the fee, there is not estimated to be a fiscal impact.

Sec. 5-6b

These provisions pertain primarily to the Vermont Wastewater and Potable Water Revolving Loan Fund. Under current law, the first $275,000 of revenues from wastewater and potable water permit fees that are deposited in the Environmental Permit Fund are required to be transferred to this revolving fund at the beginning of each fiscal year. These funds are used to provide loans to individuals with failed wastewater systems.

---

1 https://legislature.vermont.gov/Documents/2024/Docs/BILLS/S-0080/S-0080%20As%20Passed%20by%20the%20Senate%20Unofficial.pdf

2 https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Environment/Bills/S.80/Drafts,%20Amendments,%20and%20Legal%20Documents/S.80~Michael%20O'Grady~%20Draft%202.1,%205-4-2023%20Emmons%20Amendment~5-5-2023.pdf

Section 5 proposes to allow the use funds from the Vermont Environmental Protection (EPA) Pollution Control Revolving Fund to capitalize the Vermont Wastewater and Potable Water Revolving Loan Fund. This source could be used in combination with, or in lieu of, the funds from the Environmental Permit Fund as described above. The total capitalization limit from either contributing source of funds would remain at $275,000 per year. Section 6a restricts the transfer of EPA revolving loan funds to one fiscal year until reports are submitted by ANR and authorization is given by the General Assembly to transfer funds in future years.

Section 6 would authorize the use of federal-only funds transferred from the Vermont Environmental Protection (EPA) Pollution Control Revolving Fund to the Vermont Wastewater and Potable Water Revolving Fund to provide loans to individuals with failed wastewater systems. Current law only allows State funds transferred in from the Environmental Permit Fund to be used for this purpose.

In summary these sections would allow for the replacement of State funds with federal funds, as authorized by federal law, to provide loans for individuals with failed wastewater systems. This would result in the potential savings of State funds while also potentially resulting in fewer federal dollars available for projects that would typically be funded from the Vermont EPA Pollution Control Revolving Fund.

Sec. 11-13

These sections propose the removal of individual monetary penalties from certain areas of 10 V.S.A. that fall under the enforcement authority of ANR. The individual penalties are replaced with references to ANR's enforcement powers under 10 V.S.A. chapter 210, which establishes administrative penalties and civil citations for areas within ANR jurisdiction. With few exceptions, all administrative penalties and civil citations collected by ANR are deposited in the general fund. These provisions are estimated to have a de minimus fiscal impact to the State.

Sec. 18

This section generally increases the monetary limits for various uses of funds in the Petroleum Cleanup Fund for eligible projects. This provision could result in more rapid depletion of Petroleum Cleanup Fund balances in future years as disbursements for individual projects increase. However, the ANR Secretary has discretion over the total disbursement per project, so if the fund is more rapidly depleted then the Secretary could limit disbursements to maintain positive fund balances.