

1 Sec. X. PCB TESTING AND REMEDIATION IN SCHOOLS

2 (a) If a school is required to test for the presence of polychlorinated
3 biphenyls (PCBs) pursuant to 2021 Acts and Resolves No. 74, Sec. E.709.1,
4 the Agency of Natural Resources (ANR) shall conduct the testing or pay for
5 testing conducted by the school.

6 (b) It is the intent of the General Assembly that ANR shall seek to hold the
7 manufacturers of PCBs liable under 10 V.S.A. § 6615 for the cost of PCB
8 investigation, remediation, and removal in schools. Prior to any judgment or
9 settlement under which PCB manufacturers pay for PCB investigation,
10 remediation, and removal in schools, it is the intent of the General Assembly as
11 signified by 2023 Acts and Resolves No. 78, Sec. C.112, that the State of
12 Vermont shall pay for the costs of investigation, remediation, and removal of
13 PCBs at any school where testing under 2021 Acts and Resolves No. 74, Sec.
14 E.709.1 exceeded the State school action levels. When a judgement or
15 settlement is reached under which PCB manufacturers pay for PCB
16 investigation, remediation, and removal in schools, any funds received under
17 the judgment or settlement related to PCBs in schools shall first be used to
18 reimburse the State for the costs related to investigation, remediation, and
19 removal of PCBs at schools that exceeded the State school action levels. Any
20 reimbursed monies shall be deposited into the Fund from which the money was
21 expended.

1 (c)(1) Beginning on July 1, 2024, and every month thereafter, the Secretary
2 of Education, after consultation with the Secretary of Natural Resources, shall
3 report to the Joint Fiscal Committee Secretary of Administration the following
4 information regarding the funds appropriated to the Agencies Agency of
5 Education and Natural Resources in 2023 Acts and Resolves No. 78, Sec.
6 C.112 and subsequent appropriations for grants for investigation, remediation,
7 and removal of PCBs at schools that test at levels exceeding the State school
8 action levels:

9 (A) the amount of the funds that remain for grants to schools;

10 (B) whether the remaining funds are sufficient to fully fund grants to
11 complete investigation, remediation, and removal of PCBs at those schools that
12 test at levels exceeding the State school action levels but that have not received
13 a grant; and

14 (C) when the Secretary of Natural Resources Education estimates the
15 remaining funds will be insufficient to award grants to the remaining schools
16 that will be required to complete investigation, remediation, and removal of
17 PCBs.

18 (2) The Secretary of Natural Resources Education shall submit each
19 report required by this subsection to the House Committees on Education and
20 on Appropriations and the Senate Committees on Education and on
21 Appropriations. When the General Assembly is not in session, the Secretary of

1 Natural Resources Education shall also submit the report to the Emergency
2 Board.

3 (3) If the Secretary of Natural Resources Education fails to submit a
4 report required by this subsection to the Joint Fiscal Committee Secretary of
5 Administration, a school shall not be required to initiate testing for PCBs until
6 15 days after the Secretary of Natural Resources Education has submitted a
7 required report to the Joint Fiscal Committee Secretary of Administration.

8 (d)(1) If the Secretary of Natural Resources Education reports under
9 subsection (c) of this section that there is \$2,000,000.00 or less of funds
10 remaining for the investigation, remediation, and removal of PCBs, ANR shall
11 not initiate testing or payment for initial testing for PCBs at a school under
12 subsection (a) of this section, and a school shall not be required to initiate
13 testing for PCBs until such time as the General Assembly enacts a
14 comprehensive plan for funding PCB investigation, remediation, and removal
15 of PCBs in schools or as provided in subdivision (2) of this subsection.

16 (2) If initial testing of a school for PCBs is paused under subdivision (1)
17 of this subsection when the General Assembly is not in session, the Emergency
18 Board is authorized to transfer \$2,000,000.00 to the Agency of Education for
19 the purpose of providing grants to schools for the investigation, remediation,
20 and removal of PCBs. Upon transfer under this subdivision, ANR is
21 authorized to restart initial testing or payment for initial testing for PCBs at
22 schools.

1 (e) If a school tested positive for the presence of PCBs in excess of the
2 school action levels and the State lacks sufficient funds for the investigation,
3 remediation, and removal of PCBs in the school, the Secretary of Natural
4 Resources Education shall submit to the House Committees on Education and
5 on Appropriations and the Senate Committees on Education and on
6 Appropriations the amount of funds that the General Assembly should
7 appropriate to the Agency of Education to sufficiently fund investigation,
8 remediation, and removal of PCBs in the school.

9 (f) Notwithstanding subsection (b) of this section and the intent of the
10 General Assembly to pay for the investigation, remediation, and removal of
11 PCBs in schools, the State of Vermont shall not pay for the costs of
12 investigation, remediation, and removal of PCBs in schools when the
13 investigation, remediation, and removal was not in response to indoor air
14 testing required pursuant to 2021 Acts and Resolves No. 74, Sec. E.709.1 but
15 was part of a planned renovation or construction project at a school under
16 which the PCBs would be remediated or removed as part of the project. This
17 subsection shall not apply to the \$16,000,000.00 reserved for the Burlington
18 School District under 2023 Acts and resolves No. 78, Sec. C.112.
19 Sec. Y. 2021 Acts and Resolves No. 74, Sec. E.709.1, as amended by 2022
20 Acts and Resolves No. 166, Sec. 8 and 2023 Acts and
21 Resolves No. 78, Sec. C.111, is further amended to read:
22 Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND;

1 POLYCHLORINATED BIPHENYLS (PCBs) TESTING

2 IN SCHOOLS

3 (a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec.
4 D.101(a) of this act to the Environmental Contingency Fund, the Department
5 of Environmental Conservation, in consultation with the Department of Health
6 and the Agency of Education, shall use up to \$4,500,000 to complete air indoor
7 quality testing for Polychlorinated Biphenyls (PCBs) in public schools and
8 approved and recognized independent schools that were constructed or
9 renovated before 1980. ~~All schools subject to this subsection shall test for~~
10 ~~PCBs on or before July 1, 2027.~~

11 Sec. Z. STUDY ON SUSTAINABLE PCB FUNDING

12 On or before December 1, 2024, the Joint Fiscal Office and Agency of
13 Administration shall provide the House Committees on Appropriations,
14 Education, and Ways and Means and Senate Committees on Appropriations,
15 Education, and Finance options for the long-term and sustainable funding for
16 the investigation, mitigation, and remediation of PCBs in schools.

17 Sec. ZZ. EFFECTIVE DATE

18 Secs. X, Y, and Z (PCB testing and remediation in schools) of this act shall
19 take effect on passage.