

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred Senate  
3 Bill No. 254 entitled “An act relating to including rechargeable batteries and  
4 battery-containing products under the State battery stewardship program”  
5 respectfully reports that it has considered the same and recommends that the  
6 House propose to the Senate that the bill be amended as follows:

7 First: In Sec. 1, 10 V.S.A. chapter 168, in section 7581, in subdivision (9),  
8 as amended, after “means” and before “readily detachable” by inserting the  
9 words “the battery is”

10 and, in section 7587, by striking out subsection (a) in its entirety and  
11 inserting in lieu thereof a new subsection (a) to read as follows:

12 (a) Sale prohibited. Except as set forth in subsection (b) of this section, no  
13 retailer shall sell or offer for sale a primary battery, rechargeable battery, or  
14 battery-containing product on or after January 1, ~~2016~~ 2026 unless the  
15 producer of the primary battery, rechargeable battery, or battery-containing  
16 product is implementing an approved ~~primary~~ battery stewardship plan, is a  
17 member of a ~~primary~~ battery stewardship organization implementing an  
18 approved ~~primary~~ battery stewardship plan, or is exempt from participation in  
19 an approved plan, as determined by review of the producers listed on the  
20 Agency website required in subsection 7586(f) of this title.

1 Second: By adding two new sections to be Secs. 4a and 4b to read as  
2 follows:

3 Sec. 4a. 10 V.S.A. § 7182(b) is amended to read:

4 (b) Stewardship organization registration requirements.

5 (1) On or before ~~January~~ July 1, 2025 and annually thereafter, a  
6 stewardship organization shall file a registration form with the Secretary. The  
7 Secretary shall provide the registration form to the stewardship organization.

8 The registration form shall include:

9 \* \* \*

10 Sec. 4b. 10 V.S.A. § 6615f is added to read:

11 § 6615f. ADMINISTRATIVE USE CONTROLS AT CONTAMINATED  
12 SITES

13 (a) A petition for administrative use controls at a hazardous material  
14 contaminated site may be made by a person responding to a release at that site.  
15 The petition shall be made on a form developed by the Secretary that includes  
16 the following:

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

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

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

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

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

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

11           (b) The Secretary shall approve the administrative use controls upon  
12           finding:

13           (1) the administrative use controls adequately protect human health and  
14           the environment;

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

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

20           (c) Administrative use controls may require:

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

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

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

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

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

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

15  
16           (Committee vote: \_\_\_\_\_)

17 \_\_\_\_\_

18 Representative \_\_\_\_\_

19 FOR THE COMMITTEE