

1 S.254

2 An act relating to including rechargeable batteries and battery-containing
3 products under the State battery stewardship program

4 The House proposes to the Senate to amend the bill as follows:

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

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

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

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

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

2 (b) Stewardship organization registration requirements.

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

6 The registration form shall include:

7 * * *

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

9 § 6615f. ADMINISTRATIVE USE CONTROLS AT CONTAMINATED

10 SITES

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

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

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

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

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

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

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

8 (b) The Secretary shall approve the administrative use controls upon
9 finding:

10 (1) the administrative use controls adequately protect human health and
11 the environment;

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

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

17 (c) Administrative use controls may require:

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

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

1 (3) requirements to maintain the restrictions and report on their
2 implementation.

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

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

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