

1 S.265

2 Introduced by Senators Harrison, Hashim, McCormack and Wrenner

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; development soils;
6 disposal; moratorium

7 Statement of purpose of bill as introduced: This bill would establish a
8 moratorium on the issuance of new categorical waste facility certifications for
9 development soils and on the disposal of development soils at receiving sites.
10 The moratorium would be repealed upon the effective date of Agency of
11 Natural Resources' rules establishing criteria or requirements for the disposal
12 of development soils at categorical waste facilities and receiving sites,
13 provided that the Legislative Committee on Administrative Rules has not
14 objected to some or all of the applicable rule or rules.

15 An act relating to the disposal of development soils

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. MORATORIUM; DISPOSAL OF DEVELOPMENT SOILS

18 (a) As used in this section:

1 (1) “Development soils” has the same meaning as subdivision 35-
2 201(13) of the Agency of Natural Resources’ Investigation and Remediation of
3 Contaminated Properties Rule.

4 (2) “Receiving site” has the same meaning as subdivision 35-201(42) of
5 the Agency of Natural Resources’ Investigation and Remediation of
6 Contaminated Properties Rule.

7 (b) Notwithstanding subdivisions 35-805(c)(1) and (3) of the Agency of
8 Natural Resources’ Investigation and Remediation of Contaminated Properties
9 Rule, the following are prohibited until 30 days after the effective date of the
10 Agency of Natural Resources’ rules required under subsection (c) of this
11 section provided that the Legislative Committee on Administrative Rules has
12 not objected to some or all of the rules pursuant to 3 V.S.A. § 842(b) and has
13 not filed the objection or objections in certified form pursuant to 3 V.S.A.
14 § 842(c):

15 (1) the issuance by the Agency of Natural Resources of a new
16 certification for a categorical solid waste facility that is permitted to receive
17 development soils; and

18 (2) disposal of development soils at a receiving site.

19 (c) The Agency of Natural Resources shall adopt by rule criteria or
20 requirements for the disposal of development soils at categorical waste
21 facilities and receiving sites. The criteria or requirement should:

1 (1) protect surface water and groundwater from contamination from a
2 disposal site;

3 (2) prevent contamination of drinking water sources in proximity to the
4 disposal site;

5 (3) prevent further contamination of soil at or in proximity to the
6 disposal site;

7 (4) require the owner or operator of a disposal site to implement a
8 control plan for the management of the site, including regular monitoring of
9 groundwater, surface water, and soil; and

10 (5) require a disposal site owner to maintain financial surety to ensure
11 the viability of remediation or closure of the site when necessary.

12 (d)(1) The moratorium under subsection (b) of this section:

13 (A) shall sunset 30 days after the effective date of the rules required
14 under subsection (c) of this section, provided that the Legislative Committee
15 on Administrative Rules has not objected to some or all of the rules pursuant to
16 3 V.S.A. § 842(b) and has not filed the objection or objections in certified form
17 pursuant to 3 V.S.A. § 842(c); and

18 (B) shall not sunset if the Legislative Committee on Administrative
19 Rules objects to some or all of the rules required under subsection (c) of this
20 section pursuant to 3 V.S.A. § 842(b) and files the objection or objections in
21 certified form pursuant to 3 V.S.A. § 842(c).

1 (2) The moratorium under subsection (b) of this subsection shall not be
2 reinstated if the Legislative Committee on Administrative Rules subsequently
3 objects to the rules required under subsection (c) of this section at some point
4 after the Legislative Committee on Administrative Rules first reviews the final
5 proposed rules pursuant to 3 V.S.A. § 842.

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.