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H.319

Introduced by Representative Sheldon of Middlebury

Referred to Committee on

Date:

Subject: Conservation and development; solid waste; flood safety; wetlands;
dams

Statement of purpose of bill as introduced: This bill proposes to amend multiple environmental subjects. The bill would extend by a year the date by which an assessment of the end-of-life management of certain battery types shall be conducted and requires the battery stewardship organization in the State to complete the assessment instead of the Agency of Natural Resources. The bill also clarifies when a fuel dealer can deliver to a category one tank that does not have a valid permit or otherwise may result in a release to the environment. The bill would provide that information submitted to the Department of Environmental Conservation under the Healthy Homes Initiative shall be considered confidential. In addition, the bill would extend multiple deadline dates for reporting or rulemaking for specific flood safety, river corridor, wetlands, and dam programs.

An act relating to miscellaneous environmental subjects

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

2 * * * Battery Extended Producer Responsibility * * *

3 Sec. 1. 2024 Acts and Resolves No. 152, Sec. 3 is amended to read:

4 Sec. 3. ANR BATTERY ASSESSMENT

5 (a) On or before July 1, ~~2026, the Secretary of Natural Resources~~ 2027, the
6 stewardship organization formed pursuant to 10 V.S.A. chapter 168 shall
7 complete an assessment of the opportunities, challenges, and feasibility of
8 establishing mandatory end-of-life management programs for the following
9 battery types:

- 10 (1) batteries used in hybrid and electric vehicles;
11 (2) battery energy storage systems; and
12 (3) batteries that are not easily removable from the products they power.

13 (b) The assessment required by this section shall include:

- 14 (1) a summary of the work and progress other states have made in
15 establishing end-of-life management programs for the three battery types listed
16 under subsection (a) of this section; and
17 (2) policy recommendations on whether mandatory end-of-life
18 management programs are necessary for the battery types listed under
19 subsection (a) of this section.

1 (c) The assessment required by this section shall be provided to the
2 Secretary of Natural Resources, the House Committee on Environment and
3 Energy, and the Senate Committee on Natural Resources and Energy.

4 * * * Fuel Storage Tanks * * *

5 Sec. 2. 10 V.S.A. § 1927(d) is amended to read:

6 (d) No person shall deliver a regulated substance to a category one tank
7 that is ~~visibly~~ designated by the Agency as not having a valid permit or not
8 meeting standards adopted by the Secretary related to corrosion protection,
9 spill prevention, leak detection, financial responsibility, or overfill protection
10 that may result in the tank releasing a regulated substance to the environment.

11 * * * Household Hazardous Waste Extended Producer Responsibility * * *

12 Sec. 3. 10 V.S.A. § 7181 is amended to read:

13 § 7181. DEFINITIONS

14 As used in this chapter:

15 * * *

16 (4)(A) “Covered household hazardous product” means a consumer
17 product offered for retail sale that is contained in the receptacle in which the
18 product is offered for retail sale, if the product has any of the following
19 characteristics:

1 (i) the product or a component of the product is a hazardous waste
2 under subchapter 2 of the Vermont Hazardous Waste Management
3 Regulations, regardless of the status of the generator of the hazardous waste; or

4 (ii) the product is a gas cylinder.

5 (B) “Covered household hazardous product” does not mean any of
6 the following:

7 * * *

8 (iv) ~~architectural paint~~ paint-related products as that term is
9 defined in section 6672 of this title;

10 * * *

11 Sec. 4. 10 V.S.A. § 7182 is amended to read:

12 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

13 STEWARDSHIP ORGANIZATION REGISTRATION;

14 MANUFACTURER REGISTRATION

15 (a) Sale prohibited.

16 (1) A manufacturer of a covered household hazardous product shall not
17 sell, offer for sale, or deliver to a retailer for subsequent sale a covered
18 household hazardous product without registering with the stewardship
19 organization pursuant to subsection (c) of this section.

20 (2) Beginning six months after a final decision on the adequacy of a
21 collection plan by the Secretary, a manufacturer of a covered household

1 hazardous product shall not sell, offer for sale, or deliver to a retailer for
2 subsequent sale a covered household hazardous product unless all the
3 following have been met:

4 ~~(1)~~(A) The manufacturer is participating in a stewardship
5 organization implementing an approved collection plan.

6 ~~(2)~~(B) The name of the manufacturer, the manufacturer's brand, and
7 the name of the covered household hazardous product are submitted to the
8 Agency of Natural Resources by a stewardship organization and listed on the
9 stewardship organization's website as covered by an approved collection plan.

10 ~~(3)~~(C) The stewardship organization in which the manufacturer
11 participates has submitted an annual report consistent with the requirements of
12 section 7185 of this title.

13 ~~(4)~~(D) The stewardship organization in which the manufacturer
14 participates has conducted a plan audit consistent with the requirements of
15 subsection 7185(b) of this title.

16 (b) Stewardship organization registration requirements.

17 (1) On or before July 1, 2025 ~~and annually thereafter~~, a stewardship
18 organization shall file a registration form with the Secretary. The Secretary
19 shall provide the registration form to the stewardship organization. The
20 registration form shall include:

1 (A) ~~a list of the manufacturers participating in the stewardship~~
2 ~~organization;~~

3 (B) ~~a list of the brands of each manufacturer participating in the~~
4 ~~stewardship organization;~~

5 (C) ~~a list of the covered household hazardous products of each~~
6 ~~manufacturer participating in the stewardship organization;~~

7 (D) ~~the name, address, and contact information of a person~~
8 ~~responsible for ensuring compliance with this chapter;~~

9 (E) a description of how the stewardship organization meets the
10 requirements of subsection 7184(b) of this title, including any reasonable
11 requirements for participation in the stewardship organization; and

12 (F)(B) the name, address, and contact information of a person for a
13 nonmember manufacturer to contact regarding how to participate in the
14 stewardship organization to satisfy the requirements of this chapter.

15 (2) ~~A renewal of a registration without changes may be accomplished~~
16 ~~through notifying the Agency of Natural Resources on a form provided by the~~
17 ~~Agency Beginning July 1, 2026 and annually thereafter, a stewardship~~
18 ~~organization shall renew its registration with the Secretary. A renewal~~
19 ~~registration shall include the following:~~

20 (A) a list of the manufacturers participating in the stewardship
21 organization;

1 (B) a list of the brands of each manufacturer participating in the
2 stewardship organization;

3 (C) a list of the covered household hazardous products of each
4 manufacturer participating in the stewardship organization;

5 (D) the name, address, and contact information of a person
6 responsible for ensuring compliance with this chapter;

7 (E) a description of how the stewardship organization meets the
8 requirements of subsection 7184(b) of this title, including any reasonable
9 requirements for participation in the stewardship organization; and

10 (F) the name, address, and contact information of a person for a
11 nonmember manufacturer to contact regarding how to participate in the
12 stewardship organization to satisfy the requirements of this chapter.

13 (c) Manufacturer registration. On or before November 1, 2025, a
14 manufacturer of a covered household hazardous product shall register with the
15 stewardship organization in a manner proscribed by the stewardship
16 organization.

17 Sec. 5. 10 V.S.A. § 7183 is amended to read:

18 § 7183. COLLECTION PLANS

19 (a) Collection plan required. ~~Prior to July 1, 2025~~ On or before July 1,
20 2026, any stewardship organization registered with the Secretary as
21 representing manufacturers of covered household hazardous products shall

1 coordinate and submit to the Secretary for review one collection plan for all
2 manufacturers.

3 (b) Collection plan; minimum requirements. ~~Each collection plan shall~~
4 ~~include, at a minimum, all of the following requirements:~~

5 (1) Initial plan. The initial plan shall last for a period not to exceed
6 three years and contain, at a minimum, the following requirements:

7 (A) List of participants. A list of the manufacturers, brands, and
8 products participating in the collection plan and a methodology for adding and
9 removing manufacturers and notifying the Agency of new participants.

10 ~~(2)(B)~~ Free statewide collection of covered household hazardous
11 products. The collection program shall ~~provide for~~ reimburse municipalities
12 when a municipality provides for free, convenient, and accessible statewide
13 opportunities for the collection from covered entities of covered household
14 hazardous products, including orphan covered products. ~~A stewardship~~
15 ~~organization shall accept all covered household hazardous products collected~~
16 ~~from a covered entity and shall not refuse the collection of a covered~~
17 ~~household hazardous product, including orphan covered household products,~~
18 ~~based on the brand or manufacturer of the covered household hazardous~~
19 ~~product unless specifically exempt from this requirement.~~ The collection
20 program shall also provide for the payment of collection, processing, and end-
21 of-life management of the covered household hazardous products. Collection

1 costs include facility costs, equipment costs, labor, supplies, maintenance,
2 events costs, and event contractor costs, including collection event set-up fees,
3 environmental service fees, insurance fees, and shipping containers and
4 materials.

5 ~~(3) Convenient collection location. The stewardship organization shall~~
6 ~~develop a collection program that allows all municipal household hazardous~~
7 ~~waste collection programs to opt to be a part of the collection plan, including~~
8 ~~collection events and facilities offered by solid waste planning entities. The~~
9 ~~plan shall make efforts to site points of collection equitably across all regions~~
10 ~~of the State to allow for convenient and reasonable access of all Vermonters to~~
11 ~~collection facilities or collection events.~~

12 ~~(4) Public education and outreach. The collection plan shall include an~~
13 ~~education and outreach program that shall include a website and may include~~
14 ~~media advertising, retail displays, articles and publications, and other public~~
15 ~~educational efforts. Outreach and education shall be suitable for the State's~~
16 ~~diverse ethnic populations, through translated and culturally appropriate~~
17 ~~materials, including in language and targeted outreach. Public education and~~
18 ~~outreach should include content to increase meaningful participation by~~
19 ~~environmental justice focus populations as required by 3 V.S.A. chapter 72.~~
20 ~~During the first year of program implementation and two years after adoption~~
21 ~~of the collection plan, each stewardship organization shall carry out a survey of~~

1 ~~public awareness regarding the requirements of the program established under~~
2 ~~this chapter that can identify communities that have disparities in awareness~~
3 ~~and need more outreach. Each stewardship organization shall share the results~~
4 ~~of the public awareness surveys with the Secretary. If multiple stewardship~~
5 ~~organizations are implementing plans approved by the Secretary, the~~
6 ~~stewardship organizations shall coordinate in carrying out their education and~~
7 ~~outreach responsibilities under this subdivision and shall include in their~~
8 ~~annual reports to the Secretary a summary of their coordinated education and~~
9 ~~outreach efforts. The education and outreach program and website shall notify~~
10 ~~the public of the following:~~

11 ~~(A) that there is a free collection program for covered household~~
12 ~~hazardous products;~~

13 ~~(B) the location and hours of operation of collection points and how a~~
14 ~~covered entity can access this collection program;~~

15 ~~(C) the special handling considerations associated with covered~~
16 ~~household hazardous products; and~~

17 ~~(D) source reduction information for consumers to reduce leftover~~
18 ~~covered household products.~~

19 ~~(5) Compliance with appropriate environmental standards. In~~
20 ~~implementing a collection plan, a stewardship organization shall comply with~~
21 ~~all applicable laws related to the collection, transportation, and disposal of~~

1 ~~hazardous waste. A stewardship organization shall comply with any special~~
2 ~~handling or disposal standards established by the Secretary for covered~~
3 ~~household hazardous products or for the collection plan of the manufacturer.~~

4 ~~(6) Method of disposition. The collection plan shall describe how~~
5 ~~covered household hazardous products will be managed in the most~~
6 ~~environmentally and economically sound manner, including following the~~
7 ~~waste management hierarchy. The management of covered household~~
8 ~~hazardous products under the collection plan shall use management activities~~
9 ~~in the following priority order: source reduction, reuse, recycling, energy~~
10 ~~recovery, and disposal. Collected covered household hazardous products shall~~
11 ~~be recycled when technically and economically feasible.~~

12 ~~(7) Performance goals. A collection plan shall include:~~

13 ~~(A) A performance goal for covered household hazardous products~~
14 ~~determined by the number of total participants at collection events and~~
15 ~~facilities listed in the collection plan during a program year divided by the total~~
16 ~~number of households. The number of households shall include seasonal~~
17 ~~households. The calculation methodology for the number of households shall~~
18 ~~be included in the plan.~~

19 ~~(B) At a minimum, the collection performance goal for the first~~
20 ~~approved plan shall be an annual participation rate of five percent of the~~
21 ~~households for every collection program based on the number of households~~

1 ~~the collection program serves. After the initial approved program plan, the~~
2 ~~stewardship organization shall propose performance goals for subsequent~~
3 ~~program plans. The Secretary shall approve the performance goals for the plan~~
4 ~~at least every five years. The stewardship organization shall use the results of~~
5 ~~the most recent waste composition study required under 6604 of this title and~~
6 ~~other relevant factors to propose the performance goals of the collection plan.~~
7 ~~If a stewardship organization does not meet its performance goals, the~~
8 ~~Secretary may require the stewardship organization to revise the collection~~
9 ~~plan to provide for one or more of the following: additional public education~~
10 ~~and outreach, additional collection events, or additional hours of operation for~~
11 ~~collection sites. A stewardship organization is not authorized to reduce or~~
12 ~~cease collection, education and outreach, or other activities implemented under~~
13 ~~an approved plan on the basis of achievement of program performance goals.~~

14 (8)(C) Collection plan funding. The collection plan shall describe how
15 the stewardship organization will fund the implementation of ~~the collection~~
16 ~~plan and collection activities under the plan, including the costs for education~~
17 ~~and outreach, collection, processing, and end-of-life management of the~~
18 ~~covered household hazardous product~~ all municipal collection offered to the
19 public in a base program year. A base program year shall be based on the
20 services provided in calendar year 2024 and any other collection facilities or
21 events approved by the Secretary. Collection costs include facility costs,

1 equipment costs, labor, supplies, maintenance, events costs, and event
2 contractor costs, including collection event set-up fees, environmental service
3 fees, insurance fees, and shipping containers and materials. The collection
4 plan shall include how municipalities will be compensated for all costs
5 attributed to collection of covered household hazardous products. The
6 Secretary shall resolve disputes relating to compensation.

7 (2) Subsequent plans. After the expiration of the initial plan approved
8 by the Secretary, the collection plan shall include, at a minimum, the
9 following:

10 (A) List of participants. A list of the manufacturers, brands, and
11 products participating in the collection plan and a methodology for adding and
12 removing manufacturers and notifying the Agency of new participants.

13 (B) Free statewide collection of covered household hazardous
14 products. The collection program shall provide for free, convenient, and
15 accessible statewide opportunities for the collection from covered entities of
16 covered household hazardous products, including orphan covered products. A
17 stewardship organization shall accept all covered household hazardous
18 products collected from a covered entity and shall not refuse the collection of a
19 covered household hazardous product, including orphan covered household
20 products, based on the brand or manufacturer of the covered household
21 hazardous product unless specifically exempt from this requirement. The

1 collection program shall also provide for the payment of collection, processing,
2 and end-of-life management of the covered household hazardous products.

3 Collection costs include facility costs, equipment costs, labor, supplies,
4 maintenance, events costs, and event contractor costs, including collection
5 event set-up fees, environmental service fees, insurance fees, and shipping
6 containers and materials.

7 (C) Convenient collection location. The stewardship organization
8 shall develop a collection program that allows all municipal household
9 hazardous waste collection programs to opt to be a part of the collection plan,
10 including collection events and facilities offered by solid waste planning
11 entities. The plan shall make efforts to site points of collection equitably
12 across all regions of the State to allow for convenient and reasonable access of
13 all Vermonters to collection facilities or collection events.

14 (D) Public education and outreach. The collection plan shall include
15 an education and outreach program that shall include a website and may
16 include media advertising, retail displays, articles and publications, and other
17 public educational efforts. Outreach and education shall be suitable for the
18 State's diverse ethnic populations, through translated and culturally appropriate
19 materials, including in-language and targeted outreach. Public education and
20 outreach should include content to increase meaningful participation by
21 environmental justice focus populations as required by 3 V.S.A. chapter 72.

1 During the second approved plan, each stewardship organization shall carry
2 out a survey of public awareness regarding the requirements of the program
3 established under this chapter that can identify communities that have
4 disparities in awareness and need more outreach. Each stewardship
5 organization shall share the results of the public awareness surveys with the
6 Secretary. If multiple stewardship organizations are implementing plans
7 approved by the Secretary, the stewardship organizations shall coordinate in
8 carrying out their education and outreach responsibilities under this
9 subdivision (D) and shall include in their annual reports to the Secretary a
10 summary of their coordinated education and outreach efforts. The education
11 and outreach program and website shall notify the public of the following:

12 (i) that there is a free collection program for covered household
13 hazardous products;

14 (ii) the location and hours of operation of collection points and
15 how a covered entity can access this collection program;

16 (iii) the special handling considerations associated with covered
17 household hazardous products; and

18 (iv) source reduction information for consumers to reduce leftover
19 covered household products.

20 (E) Compliance with appropriate environmental standards. In
21 implementing a collection plan, a stewardship organization shall comply with

1 all applicable laws related to the collection, transportation, and disposal of
2 hazardous waste. A stewardship organization shall comply with any special
3 handling or disposal standards established by the Secretary for covered
4 household hazardous products or for the collection plan of the manufacturer.

5 (F) Method of disposition. The collection plan shall describe how
6 covered household hazardous products will be managed in the most
7 environmentally and economically sound manner, including following the
8 waste-management hierarchy. The management of covered household
9 hazardous products under the collection plan shall use management activities
10 in the following priority order: source reduction, reuse, recycling, energy
11 recovery, and disposal. Collected covered household hazardous products shall
12 be recycled when technically and economically feasible.

13 (G) Performance goals. A collection plan shall include:

14 (i) A performance goal for covered household hazardous products
15 determined by the number of total participants at collection events and
16 facilities listed in the collection plan during a program year divided by the total
17 number of households. The number of households shall include seasonal
18 households. The calculation methodology for the number of households shall
19 be included in the plan.

20 (ii) At a minimum, the collection performance goal for the initial
21 plan approved pursuant to subdivision (b)(2) of this section shall be an annual

1 participation rate of five percent of the households for every collection
2 program based on the number of households the collection program serves.
3 After the initial approved program plan, the stewardship organization shall
4 propose performance goals for subsequent program plans. The Secretary shall
5 approve the performance goals for the plan at least every five years. The
6 stewardship organization shall use the results of the most recent waste
7 composition study required under 6604 of this title and other relevant factors to
8 propose the performance goals of the collection plan. If a stewardship
9 organization does not meet its performance goals, the Secretary may require
10 the stewardship organization to revise the collection plan to provide for one or
11 more of the following: additional public education and outreach, additional
12 collection events, or additional hours of operation for collection sites. A
13 stewardship organization is not authorized to reduce or cease collection,
14 education and outreach, or other activities implemented under an approved
15 plan on the basis of achievement of program performance goals.

16 (H) Collection plan funding. The collection plan shall describe how the
17 stewardship organization will fund the implementation of the collection plan
18 and collection activities under the plan, including the costs for education and
19 outreach, collection, processing, and end-of-life management of the covered
20 household hazardous product. Collection costs include facility costs,
21 equipment costs, labor, supplies, maintenance, events costs, and event

1 contractor costs, including collection event set-up fees, environmental service
2 fees, insurance fees, and shipping containers and materials. The collection
3 plan shall include how municipalities will be compensated for all costs
4 attributed to collection of covered household hazardous products. The
5 Secretary shall resolve disputes relating to compensation.

6 (c) Term of collection plan. A collection plan approved by the Secretary
7 under section 7187 of this title shall have a term not to exceed five years,
8 provided that the stewardship organization remains in compliance with the
9 requirements of this chapter and the terms of the approved collection plan.

10 (d) Collection plan implementation. Stewardship organizations shall
11 implement the collection plan on or before six months after the date of a final
12 decision by the Secretary on the adequacy of the collection plan.

13 Sec. 6. 10 V.S.A. § 7184 is amended to read:

14 § 7184. STEWARDSHIP ORGANIZATIONS

15 (a) Participation in a stewardship organization. A manufacturer shall meet
16 the requirements of this chapter by participating in a stewardship organization
17 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this
18 title.

19 (b) Qualifications for a stewardship organization. To qualify as a
20 stewardship organization under this chapter, an organization shall:

1 (1) commit to assume the responsibilities, obligations, and liabilities of
2 all manufacturers participating in the stewardship organization;

3 (2) not create unreasonable barriers for participation in the stewardship
4 organization; and

5 (3) maintain a public website that lists all manufacturers and
6 manufacturers' brands and products covered by the stewardship organization's
7 approved collection plan.

8 (c) A stewardship organization is authorized to charge its members
9 reasonable fees for the organization, administration, and implementation of the
10 programs required by this chapter.

11 Sec. 7. 10 V.S.A. § 7187 is amended to read:

12 § 7187. AGENCY RESPONSIBILITIES

13 (a) Review and approve collection plans. The Secretary shall review and
14 approve or deny collection plans submitted under section 7183 of this title
15 according to the public notice and comment requirements of section 7714 of
16 this title.

17 * * *

18 (g) Agency collection plan. If no stewardship organization is formed on or
19 before July 1, 2025 or the stewardship organization fails to submit a plan or
20 submits a plan that does not meet the requirements of this chapter, the
21 Secretary shall adopt and administer a plan that meets the requirements of

1 section 7183 of this title. If the Secretary administers the plan adopted under
2 section 7183, the Secretary shall charge each manufacturer the prorated costs
3 of plan administration, the Agency's oversight costs, and a hazardous waste
4 reduction assessment of 10 percent of the plan's total cost to be deposited in
5 the Solid Waste Management Assistance Account of the Waste Management
6 Assistance Fund, for the purpose of providing grants to municipalities and
7 small businesses to prevent pollution and reduce the generation of hazardous
8 waste in the State. When determining a manufacturer's assessment under this
9 section, the Agency may allocate costs to a manufacturer of covered household
10 hazardous products based on the sales of covered household hazardous
11 products nationally prorated to the population of Vermont.

12 Sec. 8. 10 V.S.A. § 6621a is amended to read:

13 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

14 (a) In accordance with the following schedule, no person shall knowingly
15 dispose of the following materials in solid waste or in landfills:

16 * * *

17 (12) Covered household hazardous products after July 1, ~~2025~~ 2026.

18 * * *

19 Sec. 9. SOLID WASTE PLAN; FLEXIBILITY

20 (a) Notwithstanding the municipal household hazardous waste (HHW)
21 collection requirements under the State Solid Waste Plan adopted pursuant to

1 10 V.S.A. § 6604, the Secretary of Natural Resources may grant a variance
2 from the requirement to conduct at least two household hazardous waste
3 collection events in that municipality. The variance shall allow a municipality
4 to meet its obligations, as follows:

5 (1) the municipality has partnered with another municipality to allow its
6 residents the ability to access a permanent HHW facility in the same manner as
7 the municipality that operates the permanent HHW facility;

8 (2) the municipality has partnered with a nearby municipality to offer
9 collection events to members in both municipalities;

10 (3) the municipality has demonstrated that it has made reasonable efforts
11 to provide alternate collection opportunities identified under subdivisions (1)
12 and (2) of this subsection and was unable and that the cost of a collection event
13 is unreasonable. In such circumstances the Secretary of Natural Resources
14 may reduce the required collection events to one per year.

15 (b) This section shall be repealed on July 1, 2027.

16 * * * Paint Extended Producer Responsibility * * *

17 Sec. 10. 10 V.S.A. chapter 159, subchapter 4 is amended to read:

18 Subchapter 4. Paint Stewardship Program

19 § 6671. PURPOSE

20 The purpose of this subchapter is to establish an environmentally sound,
21 cost-effective Paint Stewardship Program in the State that will undertake

1 responsibility for the development and implementation of strategies to reduce
2 the generation of postconsumer paint; promote the reuse of postconsumer
3 paint; and collect, transport, and process postconsumer paint, including reuse,
4 recycling, energy recovery, and disposal. The Paint Stewardship Program will
5 follow the waste management hierarchy for managing and reducing
6 postconsumer paint in the order as follows: reduce consumer generation of
7 postconsumer paint, reuse, recycle, provide for energy recovery, and dispose.
8 The Paint Stewardship Program will provide more opportunities for consumers
9 to manage properly their postconsumer paint, provide fiscal relief for local
10 government in managing postconsumer paint, keep paint out of the waste
11 stream, and conserve natural resources.

12 § 6672. DEFINITIONS

13 As used in this subchapter:

14 (1) “Aerosol coating product” means a pressurized coating product
15 containing pigments or resins dispensed by means of a propellant and
16 packaged and sold in a disposable aerosol container for handheld application,
17 or for use in specialized equipment for ground traffic or marking applications.

18 (2) “Architectural paint” means interior and exterior architectural
19 coatings, including interior or exterior water- and oil-based coatings, primers,
20 sealers, or wood coatings, that are sold in containers of five gallons or less.

1 “Architectural paint” does not mean industrial coatings, original equipment
2 coatings, or specialty coatings.

3 (3) “Coating-related product” means a product used as a paint additive,
4 paint thinner, paint colorant, paint remover, surface sealant, surface
5 preparation, surface adhesive, and sold for home improvement.

6 ~~(2)~~(4) “Distributor” means a company that has a contractual relationship
7 with one or more producers to market and sell ~~architectural~~ paint to retailers in
8 Vermont.

9 ~~(3)~~(5) “Energy recovery” means recovery in which all or a part of the
10 solid waste materials are processed in order to use the heat content or other
11 forms of energy of or from the material.

12 ~~(4)~~(6) “Environmentally sound management practices” means policies
13 to be implemented by a producer or a stewardship organization to ensure
14 compliance with all applicable laws and also addressing such issues as
15 adequate record keeping, tracking and documenting the fate of materials within
16 the State and beyond, and adequate environmental liability coverage for
17 professional services and for the operations of the contractors working on
18 behalf of the producer organization.

19 ~~(5)~~(7) “Municipality” means a city, town, or a village.

20 ~~(6) “Paint stewardship assessment” means a one-time charge that is:~~

1 ~~(A) added to the purchase price of architectural paint sold in~~
2 ~~Vermont;~~

3 ~~(B) passed from the producer to the wholesale purchaser to the~~
4 ~~retailer and then to a retail consumer; and~~

5 ~~(C) necessary to cover the cost of collecting, transporting, and~~
6 ~~processing the postconsumer paint managed through the statewide Program.~~

7 (8) “Nonindustrial coating” means arts and crafts paint, automotive
8 refinish paint, driveway sealer, faux finish or glaze, furniture oil, furniture
9 paint, lime wash, lime paint, marine paint, antifouling paint, road and traffic
10 marking paint, two-component paint, wood preservative, fire retardant paint,
11 dry fog paint, chalkboard paint, and conductive paint, sold in containers of five
12 gallons or less for commercial and homeowner use, but does not include
13 coatings purchased for industrial or original equipment manufacturer use.

14 (9)(A) “Paint product” includes:

15 (i) architectural coatings;

16 (ii) aerosol coating products;

17 (iii) coating-related products; and

18 (iv) nonindustrial coatings.

19 (B) “Paint product” does not include a health and beauty product.

20 ~~(7)~~(10) “Postconsumer paint” means architectural a paint product and its
21 containers not used and no longer wanted by a purchaser.

1 ~~(8)~~(11) “Producer” means a manufacturer of ~~architectural~~ paint products
2 who sells, offers for sale, or distributes that paint in Vermont under the
3 producer’s own name or brand.

4 ~~(9)~~(12) “Recycling” means any process by which discarded products,
5 components, and by-products are transformed into new usable or marketable
6 materials in a manner in which the original products may lose their identity but
7 does not include energy recovery or energy generation by means of
8 combusting discarded products, components, and by-products with or without
9 other waste products.

10 ~~(10)~~(13) “Retailer” means any person that offers architectural paint for
11 sale at retail in Vermont.

12 ~~(11)~~(14) “Reuse” means the return of a product into the economic
13 stream for use in the same kind of application as originally intended, without a
14 change in the product’s identity.

15 ~~(12)~~(15) “Secretary” means the Secretary of Natural Resources.

16 ~~(13)~~(16) “Sell” or “sale” means any transfer of title for consideration,
17 including remote sales conducted through sales outlets, catalogues, or the
18 Internet or any other similar electronic means.

19 ~~(14)~~(17) “Stewardship organization” means a nonprofit corporation or
20 nonprofit organization created by a producer or group of producers to
21 implement the Paint Stewardship Program required under this subchapter.

1 § 6673. PAINT PRODUCT STEWARDSHIP PROGRAM

2 (a) A producer or a stewardship organization representing producers shall
3 submit a plan for the establishment of a Paint Product Stewardship Program to
4 the Secretary for approval ~~by December 1, 2013~~. The plan shall address the
5 following:

6 (1) Provide a list of participating producers and brands covered by the
7 Program.

8 (2) Provide specific information on the ~~architectural~~ paint products
9 covered under the Program, such as interior or exterior water- and oil-based
10 coatings, primers, sealers, or wood coatings.

11 (3) Describe how the Program proposed under the plan will collect,
12 transport, recycle, and process postconsumer paint products for end-of-life
13 management, including recycling, energy recovery, and disposal, using
14 environmentally sound management practices.

15 (4) Describe the Program and how it will provide for convenient and
16 available statewide collection of postconsumer ~~architectural~~ paint products in
17 urban and rural areas of the State. The producer or stewardship organization
18 shall use the existing household hazardous waste collection infrastructure when
19 selecting collection points for postconsumer ~~architectural~~ paint products. A
20 paint retailer shall be authorized as a paint collection point ~~of postconsumer~~
21 ~~architectural paint~~ for a Paint Product Stewardship Program if the paint retailer

1 volunteers to act as a ~~paint~~ collection point and complies with all applicable
2 laws, rules, and regulations.

3 (5) Provide geographic information modeling to determine the number
4 and distribution of sites for collection of ~~postconsumer architectural paint~~
5 based on the following criteria:

6 (A) at least 90 percent of Vermont residents shall have a permanent
7 collection site within a 15-mile radius; and

8 (B) one additional permanent site will be established for every
9 10,000 residents of a municipality and additional sites shall be distributed to
10 provide convenient and reasonably equitable access for residents within each
11 municipality, unless otherwise approved by the Secretary.

12 (6) Establish goals to reduce the generation of postconsumer paint
13 products, to promote the reuse of postconsumer paint products, and for the
14 proper management of postconsumer paint products as practical based on
15 current household hazardous waste program information. The goals may be
16 revised by the producer or stewardship organization based on the information
17 collected for the annual report.

18 (7) Describe how postconsumer paint products will be managed in the
19 most environmentally and economically sound manner, including following
20 the waste-management hierarchy. The management of paint under the

1 Program shall use management activities that promote source reduction, reuse,
2 recycling, energy recovery, and disposal.

3 (8) Describe education and outreach efforts to inform consumers of
4 collection opportunities for postconsumer paint products and to promote the
5 source reduction and recycling of ~~architectural~~ paint products for each of the
6 following: consumers, contractors, and retailers.

7 (b) ~~The producer or stewardship organization shall submit a budget for the~~
8 ~~Program proposed under subsection (a) of this section, and for any amendment~~
9 ~~to the plan that would affect the Program's costs. The budget shall include a~~
10 ~~funding mechanism under which each architectural paint producer remits to a~~
11 ~~stewardship organization payment of a paint stewardship assessment for each~~
12 ~~container of architectural paint it sells in this State. Prior to submitting the~~
13 ~~proposed budget and assessment to the Secretary, the producer or stewardship~~
14 ~~organization shall provide the budget and assessment to a third-party auditor~~
15 ~~agreed upon by the Secretary. The third-party auditor shall provide a~~
16 ~~recommendation as to whether the proposed budget and assessment is cost-~~
17 ~~effective, reasonable, and limited to covering the cost of the Program. The~~
18 ~~paint stewardship assessment shall be added to the cost of all architectural~~
19 ~~paint sold in Vermont. To ensure that the funding mechanism is equitable and~~
20 ~~sustainable, a uniform paint stewardship assessment shall be established for all~~
21 ~~architectural paint sold. The paint stewardship assessment shall be approved~~

1 ~~by the Secretary and shall be sufficient to recover, but not exceed, the costs of~~
2 ~~the Paint Stewardship Program. [Repealed.]~~

3 (c) ~~Beginning no later than July 1, 2014, or three~~ Six months after approval
4 of the plan for a Paint Product Stewardship Program required under subsection
5 (a) of this section, ~~whichever occurs later,~~ a producer of ~~architectural~~ paint
6 products sold at retail or a stewardship organization of which a producer is a
7 member shall implement the approved plan for a Paint Product Stewardship
8 Program.

9 (d) A producer or a stewardship organization of which a producer is a
10 member shall promote a Paint Product Stewardship Program and provide
11 consumers with educational and informational materials describing collection
12 opportunities for postconsumer paint products Statewide and promotion of
13 waste prevention, reuse, and recycling. The educational and informational
14 program shall make consumers aware that the funding for the operation of the
15 Paint Product Stewardship Program has been added to the purchase price of all
16 ~~architectural~~ paint products sold in the State.

17 (e) A plan approved under this section shall provide for collection of
18 postconsumer ~~architectural~~ paint at no cost to the person from whom the
19 ~~architectural~~ paint product is collected.

1 (f) When a plan or amendment to an approved plan is submitted under this
2 section, the Secretary shall make the proposed plan or amendment available for
3 public review and comment for at least 30 days.

4 (g) A producer or paint stewardship organization shall submit to the
5 Secretary for review, in the same manner as required under subsection 6675(a)
6 of this title, an amendment to an approved plan when there is:

- 7 (1) ~~a change to a paint stewardship assessment under the plan;~~
8 ~~(2)~~ an addition to or removal of a category of products covered under
9 the Program; or
10 ~~(3)~~(2) a revision of the product stewardship organization's goals.

11 (h) A plan approved by the Secretary under section 6675 of this title shall
12 have a term not to exceed five years, provided that the producer remains in
13 compliance with the requirements of this chapter and the terms of the approved
14 plan.

15 (i) In addition to the requirements specified in subsection (a) of this
16 section, a stewardship organization shall notify the Secretary in writing within
17 30 days ~~of~~ before any change to:

18 (1) the number of collection sites for postconsumer ~~architectural~~ paint
19 products identified under this section as part of the plan;

20 (2) the producers identified under this section as part of the plan;

1 (3) the brands of ~~architectural~~ paint products identified under this
2 section as part of the plan; and

3 (4) the processors that manage postconsumer ~~architectural~~ paint
4 products identified under this section as part of the plan.

5 (j) Upon submission of a plan to the Secretary under this section, a
6 producer or a stewardship organization shall pay the fee required by 3 V.S.A.
7 § 2822(j)(31). Thereafter, the producer or stewardship organization shall pay
8 the fee required by 3 V.S.A. § 2822(j)(31) annually by July 1 of each year.

9 § 6674. RETAILER RESPONSIBILITY

10 (a) A producer or retailer may not sell or offer for sale ~~architectural~~ a paint
11 product to any person in Vermont unless the producer ~~of that architectural~~
12 ~~paint brand~~ or a stewardship program ~~of which the producer of that~~
13 ~~architectural paint brand is a member~~ that the producer is a member of is
14 implementing an approved plan for a Paint Product Stewardship Program as
15 required by section 6673 of this title. A retailer complies with the
16 requirements of this section if, on the date the ~~architectural~~ paint product was
17 ordered from the producer or its agent, the producer or paint brand is listed on
18 the Agency of Natural Resources' website as a producer or brand participating
19 in an approved plan for a Paint Product Stewardship Program.

20 (b) At the time of sale to a consumer, a producer, a stewardship
21 organization, or a retailer selling or offering ~~architectural~~ paint products for

1 sale shall provide the consumer with information regarding available
2 management options for postconsumer paint products collected through the
3 Paint Product Stewardship Program or a brand of paint being sold under the
4 Program.

5 § 6675. AGENCY RESPONSIBILITY

6 (a)(1) Within 90 days ~~of~~ after receipt of a plan submitted under section
7 6673 of this title, the Secretary shall review the plan and make a determination
8 whether or not to approve the plan. The Secretary shall issue a letter of
9 approval for a submitted plan if:

10 (A) the submitted plan provides for the establishment of a Paint
11 Product Stewardship Program that meets the requirements of subsection
12 6673(a) of this subchapter; and

13 (B) the Secretary determines that the plan:

14 (i) achieves convenient collection for consumers;

15 (ii) educates the public on proper paint product management; and

16 (iii) manages waste paint products in a manner that is
17 environmentally safe and promotes reuse and recycling; ~~and~~

18 ~~(iv) is cost effective.~~

19 (2) If the Secretary does not approve a submitted plan, the Secretary
20 shall issue to the paint product stewardship organization a letter listing the
21 reasons for the disapproval of the plan. If the Secretary disapproves a plan, a

1 paint product stewardship organization intending to sell or continue to sell
2 architectural paint in the State shall submit a new plan within 60 days ~~of~~ after
3 receipt of the letter of disapproval.

4 ~~(b)(1) The Secretary shall review and approve the stewardship assessment~~
5 ~~proposed by a producer pursuant to subsection 6673(b) of this title. The~~
6 ~~Secretary shall only approve the Program budget and any assessment if the~~
7 ~~applicant has demonstrated that the costs of the Program and any proposed~~
8 ~~assessment are reasonable and the assessment does not exceed the costs of~~
9 ~~implementing an approved plan.~~

10 ~~(2) If an amended plan is submitted under subsection 6673(g) of this~~
11 ~~title that proposes to change the cost of the Program or proposes to change the~~
12 ~~paint stewardship assessment under the plan, the disapproval of any proposed~~
13 ~~new assessment or the failure of an approved new assessment to cover the total~~
14 ~~costs of the Program shall not relieve a producer or stewardship organization~~
15 ~~of its obligation to continue to implement the approved plan under the~~
16 ~~originally approved assessment.~~

17 ~~(e) Facilities solely collecting paint products for the Paint Product~~
18 ~~Stewardship Program that would not otherwise be subject to solid waste~~
19 ~~certification requirements shall not be required to obtain a solid waste~~
20 ~~certification. Persons solely transporting paint for the Paint Product~~
21 ~~Stewardship Program that would not otherwise be subject to solid waste hauler~~

1 permitting requirements shall not be required to obtain a solid waste hauler's
2 permit.

3 § 6676. ANTICOMPETITIVE CONDUCT

4 ~~(a) A producer or an organization of producers that manages postconsumer~~
5 ~~paint, including collection, transport, recycling, and processing of~~
6 ~~postconsumer paint, as required by this subchapter may engage in~~
7 ~~anticompetitive conduct to the extent necessary to implement the plan~~
8 ~~approved by the Secretary and is immune from liability for the conduct relating~~
9 ~~to antitrust, restraint of trade, unfair trade practices, and other regulation of~~
10 ~~trade or commerce.~~

11 ~~(b) The activity authorized and the immunity afforded under subsection (a)~~
12 ~~of this section shall not apply to any agreement among producers or paint~~
13 ~~stewardship organizations:~~

14 ~~(1) establishing or affecting the price of paint, except for the paint~~
15 ~~stewardship assessment approved under subsection 6675(b) of this title;~~

16 ~~(2) setting or limiting the output or production of paint;~~

17 ~~(3) setting or limiting the volume of paint sold in a geographic area;~~

18 ~~(4) restricting the geographic area where paint will be sold; or~~

19 ~~(5) restricting the customers to whom paint will be sold or the volume of~~
20 ~~paint that will be sold A manufacturer or representative organization~~
21 ~~implementing or participating in a stewardship program as required by this~~

1 subchapter shall not be liable for any claim of a violation of antitrust, restraint
2 of trade, unfair trade practice, or other anticompetitive conduct arising from
3 conduct undertaken in accordance with the program.

4 § 6677. PRODUCER REPORTING REQUIREMENTS

5 ~~No later than October 15, 2015, and annually thereafter,~~ Annually, on or
6 before October 15, a producer or a stewardship program of which the producer
7 is a member shall submit to the Secretary a report describing the Paint Product
8 Stewardship Program that the producer or Stewardship Program is
9 implementing as required by section 6673 of this title. At a minimum, the
10 report shall include:

11 (1) a description of the methods the producer or Stewardship Program
12 used to reduce, reuse, collect, transport, recycle, and process postconsumer
13 paint products statewide in Vermont;

14 (2) the volume and type of postconsumer paint products collected by the
15 producer or Stewardship Program at each collection center in all regions of
16 Vermont;

17 (3) the volume of postconsumer paint products collected by the producer
18 or Stewardship Program in Vermont by method of disposition, including reuse,
19 recycling, energy recovery, and disposal;

20 (4) an independent financial audit of the Paint Product Stewardship
21 Program implemented by the producer or the Stewardship Program;

1 (5) the prior year’s actual direct and indirect costs for each Program
2 element and the administrative and overhead costs of administering the
3 approved Program; and

4 (6) samples of the educational materials that the producer or stewardship
5 program provided to consumers of architectural paint..

6 * * *

7 § 6680. UNIVERSAL WASTE DESIGNATION FOR POSTCONSUMER
8 PAINT

9 (a) The requirements of Subchapter 9 of the Vermont Hazardous Waste
10 Management Rules, which allow certain categories of hazardous waste to be
11 managed as universal waste, shall apply to postconsumer paint products until
12 the postconsumer paint is discarded, provided that:

13 (1) the postconsumer paint product is collected as a part of a
14 stewardship plan approved under this subchapter; and

15 (2) the collected postconsumer paint product is or includes a paint
16 product that is a hazardous waste as defined and regulated by the Vermont
17 Hazardous Waste Management Rules.

18 (b) When postconsumer paint product is regulated as universal waste under
19 subsection (a) of this section, small and large quantity handlers of the
20 postconsumer paint shall manage the postconsumer paint products in a manner
21 that prevents releases of any universal waste or component of the universal

1 waste to the environment. Postconsumer paint products regulated as universal
2 waste shall, at a minimum, be contained in one or more of the following:

3 (1) a container that remains closed, structurally sound, and compatible
4 with the postconsumer paint products and that lacks evidence of leakage,
5 spillage, or damage that could cause leakage under reasonably foreseeable
6 conditions; or

7 (2) a container that does not meet the requirements of subdivision (1) of
8 this subsection, provided that the unacceptable container is overpacked in a
9 container that meets the requirements of subdivision (1).

10 (c) Containers holding postconsumer paint products that ~~is~~ are regulated as
11 universal waste shall be clearly labeled to clearly identify the contents of the
12 container, such as “Paint-Related Waste,” “Universal Waste Paint,” “Used
13 Paint,” or “Waste Paint.”

14 (d) Unless otherwise provided by statute, the definitions of the Vermont
15 Hazardous Waste Management Rules shall apply to this section.

16 § 6681. PAINT CONSUMER FEES

17 A retailer shall charge the following fees on paint and remit the fees to the
18 approved stewardship organization for the administration of program approved
19 by the Secretary:

20 (1) Half pint or smaller: _____ No fee.

21 (2) Greater than a half pint to one gallon: _____ \$0.65.

1 (3) Greater than one gallon to two gallons: _____ \$1.35.

2 (4) Greater than two gallons to five gallons: _____ \$2.45.

3 Sec. 11. IMPLEMENTATION

4 (a) The requirements for the sale of paint products under 10 V.S.A. § 6673
5 shall apply to architectural coatings beginning on July 1, 2013 and all paint
6 products beginning July 1, 2026.

7 (b) The requirement under 10 V.S.A. § 6673 for an architectural coatings
8 producer to submit a stewardship plan to the Secretary of Natural Resources
9 currently applies to producers of architectural coatings as required beginning
10 on July 1, 2013 and shall also apply to producers of paint related products
11 beginning on July 1, 2026.

12 (c) The requirement under 10 V.S.A. § 6677 that an architectural coatings
13 producer annually report to the Secretary of Natural Resources currently
14 applies to producers of architectural coatings as required beginning on July 1,
15 2013 and shall also apply to producers of paint related products beginning on
16 March 1, 2027.

17 * * * Healthy Homes Initiative * * *

18 Sec. 12. 2024 Acts and Resolves No. 78, Sec. B.1103 is amended to read:

19 Sec. B.1103 CLIMATE AND ENVIRONMENT – FISCAL YEAR 2024

20 ONE-TIME APPROPRIATIONS

21 * * *

1 (j)(1) In fiscal year 2024, the amount of \$6,100,000 American Rescue Plan
2 Act (ARPA) – Coronavirus State Fiscal Recovery Funds is appropriated to the
3 Department of Environmental Conservation for the Healthy Homes Initiative.
4 Funds shall be used to make repairs or improvements to drinking water,
5 wastewater, or stormwater systems for Vermonters who have low to moderate
6 income or who live in manufactured housing communities, or both.

7 (2) All information submitted to or compiled by the Department of
8 Environmental Conservation related to the issuance of individual funding
9 awards under the Healthy Homes Initiative shall be considered confidential
10 unless the person providing the information designates that it is not
11 confidential. This shall include all personal information of applicants that
12 request or receive funding. Notwithstanding 1 V.S.A. § 214, this subdivision
13 shall take effect on passage and shall apply retroactively to July 1, 2023.

14 * * *

15 * * * Flood Safety * * *

16 Sec. 13. 2024 Act and Resolves No. 121, Sec. 3 is amended to read:

17 Sec. 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION;
18 RIVER CORRIDOR BASE MAP; INFILL MAPPING;
19 EDUCATION AND OUTREACH

20 (a) On or before January 1, ~~2026~~ 2027, the Department of Environmental
21 Conservation, in consultation with the Agency of Commerce and Community

1 Development and the regional planning commissions, shall amend by
2 procedure the statewide River Corridor Base Map to identify areas suitable for
3 development that are located within existing settlements and that will not cause
4 or contribute to increases in fluvial erosion hazards.

5 (b) Beginning on January 1, 2025 and ending on January 1, ~~2027~~ 2028, the
6 Department of Environmental Conservation shall conduct an education and
7 outreach program to consult with and collect input from municipalities,
8 environmental justice focus populations, the Environmental Justice Advisory
9 Council, businesses, property owners, farmers, and other members of the
10 public regarding how State permitting of development in mapped river
11 corridors will be implemented, including potential restrictions on the use of
12 land within mapped river corridors. The Department shall develop educational
13 materials for the public as part of its charge under this section. The
14 Department shall collect input from the public regarding the permitting of
15 development in mapped river corridors as proposed by this act. On or before
16 January 15, ~~2027~~ 2028 and until permitting of development in mapped river
17 corridors begins under 10 V.S.A. § 754, the Department shall submit to the
18 Senate Committee on Natural Resources and Energy, the House Committee on
19 Environment and Energy, and the Environmental Justice Advisory Council a
20 report that shall include:

21 (1) a summary of the public input it received regarding State permitting

1 of development in mapped river corridors during the public education and
2 outreach required under this section;

3 (2) recommendations, based on the public input collected, for changes to
4 the requirements for State permitting of development in mapped river
5 corridors;

6 (3) an analysis and summary of State permitting of development in
7 mapped river corridors on environmental justice populations; and

8 (4) a summary of the Department's progress in adopting the rules
9 required under 10 V.S.A. § 754 for the regulation of development in mapped
10 river corridors.

11 Sec. 14. 10 V.S.A. § 754 is amended to read:

12 § 754. MAPPED RIVER CORRIDOR RULES

13 (a) Rulemaking authority.

14 (1) On or before ~~July 1, 2027~~ July 15, 2028, the Secretary shall adopt
15 rules pursuant to 3 V.S.A. chapter 25 that establish requirements for issuing
16 and enforcing permits for:

17 (A) all development within a mapped river corridor in the State; and

18 (B) for development exempt from municipal regulation in flood
19 hazard areas.

20 (2) The Secretary shall not adopt rules under this subsection that
21 regulate agricultural activities without the consent of the Secretary of

1 Agriculture, Food and Markets, provided that the Secretary of Agriculture,
2 Food and Markets shall not withhold consent under this subdivision when lack
3 of such consent would result in the State's noncompliance with the National
4 Flood Insurance Program.

5 (3) The Secretary shall seek the guidance of the Federal Emergency
6 Management Agency in developing and drafting the rules required by this
7 section in order to ensure that the rules are sufficient to meet eligibility
8 requirements for the National Flood Insurance Program.

9 * * *

10 (e) Permit requirement. Beginning on ~~January 1, 2028~~ July 1, 2029, a
11 person shall not commence or conduct development exempt from municipal
12 regulation in a flood hazard area or commence or conduct any development in
13 a mapped river corridor without a permit issued under the rules required under
14 subsection (a) of this section by the Secretary or by a State agency delegated
15 permitting authority under subsection (f) of this section. When an application
16 is filed under this section, the Secretary or delegated State agency shall
17 proceed in accordance with chapter 170 of this title.

18 * * *

19 Sec. 15. 2024 Acts and Resolves 121, Sec. 10 is amended to read:

20 Sec. 10. STUDY COMMITTEE ON STATE ADMINISTRATION OF
21 THE NATIONAL FLOOD INSURANCE PROGRAM

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(e) Report. On or before August 15, ~~2025~~ 2026, the Study Committee shall submit a written report to the General Assembly with its findings and any recommendations for legislative action. Any recommendation for legislative action shall be as draft legislation.

* * *

Sec. 16. 2024 Acts and Resolves 121, Sec. 11(a) is amended to read:

(a) The Secretary of Natural Resources shall initiate rulemaking, including pre-rulemaking, for the rules required in Sec. 5 of this act, 10 V.S.A. § 754 (river corridor development), not later than July 1, 2025. The rules shall be adopted on or before July 1, ~~2027~~ 2028.

Sec. 17. 2024 Acts and Resolves No. 121, Sec. 29(b) is amended to read:

(b) All other sections shall take effect July 1, 2024, except that:

(1) Secs. 6a, 7, 8, 8a, and 9 (conforming amendments to municipal river corridor planning) shall take effect on January 1, 2028, except that in Sec. 9, 24 V.S.A. § 4424(a)(2)(B)(i) (municipal compliance with the State Flood Hazard Area Standards) shall take effect on January 1, ~~2026~~ 2028;

* * *

* * * Wetlands * * *

Sec. 18. 10 V.S.A. § 918 is amended to read:

§ 918. NET GAIN OF WETLANDS; STATE GOAL; RULEMAKING

1 (a) On or before ~~July 1~~ December 1, 2025, the Secretary of Natural
2 Resources shall amend the Vermont Wetlands Rules pursuant to 3 V.S.A.
3 chapter 25 to clarify that the goal of wetlands regulation and management in
4 the State is the net gain of wetlands to be achieved through protection of
5 existing wetlands and restoration of wetlands that were previously adversely
6 affected. This condition shall not apply to wetland, river, and flood plain
7 restoration projects, including dam removals.

8 * * *

9 (c) At a minimum, the Wetlands Rules shall be revised to:

10 (1) Require an applicant for a wetland permit that authorizes adverse
11 impacts to more than 5,000 square feet of wetlands to compensate for those
12 impacts through restoration, enhancement, or creation of wetland resources.

13 (2) Incorporate the net gain rule into requirements for permits issued
14 after ~~September 1~~ December 1, 2025.

15 * * *

16 * * * Dams * * *

17 Sec. 19. 2024 Acts and Resolves No. 121, Sec. 22 is amended to read:

18 Sec. 22. STUDY COMMITTEE ON DAM EMERGENCY OPERATIONS

19 PLANNING

20 (a) Creation. There is created the Study Committee on Dam Emergency
21 Operations Planning to review and recommend how to improve regional

1 emergency action planning for hazards caused by dam failure, including how
2 to shift responsibility for emergency planning from individual municipalities to
3 regional authorities, how to improve regional implementation of dam
4 emergency response plans, and how to fund dam emergency action planning at
5 the regional level.

6 * * *

7 (e) Report. On or before December 15, ~~2024~~ 2025, the Study Committee
8 shall submit a written report to the General Assembly with its findings and any
9 recommendations for legislative action. Any recommendation for legislative
10 action shall be submitted as draft legislation.

11 (f) Meetings.

12 (1) The Secretary of Natural Resources or designee shall call the first
13 meeting of the Study Committee.

14 (2) The Committee shall select a chair from among its members at the
15 first meeting.

16 (3) A majority of the membership of the Study Committee shall
17 constitute a quorum.

18 (4) The Study Committee shall cease to exist on March 1, ~~2025~~ 2026.

19 * * *

20 Sec. 20. 2024 Acts and Resolves No. 121, Sec. 24(f) is amended to read:

21 (f) On or before ~~January 15~~ September 1, 2025, the Agency of Natural

1 Resources shall complete its analysis of the capital and ongoing operations and
2 maintenance costs of the Green River Dam, as authorized in 2022 Acts and
3 Resolves No. 83, Sec. 46, and shall submit the results of the analysis to the
4 House Committees on Environment and Energy and on Appropriations and the
5 Senate Committees on Natural Resources and Energy and on Appropriations.

6 * * * Effective Date * * *

7 Sec. 21. EFFECTIVE DATE

8 This act shall take effect on passage.