

1 H.319

2 Introduced by Representative Sheldon of Middlebury

3 Referred to Committee on

4 Date:

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

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

19 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. 5. 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.~~

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

\* \* \* Fuel Storage Tanks \* \* \*

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

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

\* \* \* Household Hazardous Waste Extended Producer Responsibility \* \* \*

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

§ 7181. DEFINITIONS

As used in this chapter:

\* \* \*

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

(i) the product or a component of the product is a hazardous waste under subchapter 2 of the Vermont Hazardous Waste Management

1 ~~Regulations, regardless of the status of the generator of the hazardous waste;~~

2 or

3 (ii) the product is a gas cylinder.

4 (B) "Covered household hazardous product" does not mean any of  
5 the following:

6 \* \* \*

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

9 \* \* \*

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

11 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

12 STEWARDSHIP ORGANIZATION REGISTRATION;

13 MANUFACTURER REGISTRATION

14 (a) Sale prohibited.

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

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

21 hazardous product shall not sell, offer for sale, or deliver to a retailer for

1 ~~subsequent sale a covered household hazardous product unless all the~~

2 following have been met:

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

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

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

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

15 (b) Stewardship organization registration requirements.

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

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

18 ~~(A) a list of the manufacturers participating in the stewardship~~  
19 ~~organization;~~

20 ~~(B) a list of the brands of each manufacturer participating in the~~  
21 ~~stewardship organization,~~

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

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

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

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

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

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

16 § 7183. COLLECTION PLANS

17 (a) Collection plan required. ~~Prior to July 1, 2025~~ On or before July 1,  
18 2026, any stewardship organization registered with the Secretary as  
19 representing manufacturers of covered household hazardous products shall  
20 coordinate and submit to the Secretary for review one collection plan for all  
21 manufacturers.

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

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

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

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



1 ~~environmental service fees, insurance fees, and shipping containers and~~  
2 ~~materials.~~

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

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

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

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

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

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

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

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

1 ~~handling or disposal standards established by the Secretary for covered~~  
2 ~~household hazardous products or for the collection plan of the manufacturer.~~

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

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

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

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

1 ~~stewardship organization shall propose performance goals for subsequent~~  
2 ~~program plans. The Secretary shall approve the performance goals for the~~  
3 ~~plan at least every five years. The stewardship organization shall use the~~  
4 ~~results of the most recent waste composition study required under 6604 of this~~  
5 ~~title and other relevant factors to propose the performance goals of the~~  
6 ~~collection plan. If a stewardship organization does not meet its performance~~  
7 ~~goals, the Secretary may require the stewardship organization to revise the~~  
8 ~~collection plan to provide for one or more of the following: additional public~~  
9 ~~education and outreach, additional collection events, or additional hours of~~  
10 ~~operation for collection sites. A stewardship organization is not authorized to~~  
11 ~~reduce or cease collection, education and outreach, or other activities~~  
12 ~~implemented under an approved plan on the basis of achievement of program~~  
13 ~~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~~  
2 processing, and end-of-life management of the covered household hazardous  
3 products. Collection costs include facility costs, equipment costs, labor,  
4 supplies, maintenance, events costs, and event contractor costs, including  
5 collection event set-up fees, environmental service fees, insurance fees, and  
6 shipping 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  
19 appropriate materials, including in-language and targeted outreach. Public  
20 education and outreach should include content to increase meaningful  
21 participation by environmental justice focus populations as required by 3

1 ~~V.S.A. chapter 72. During the second approved plan, each stewardship~~  
2 organization shall carry out a survey of public awareness regarding the  
3 requirements of the program established under this chapter that can identify  
4 communities that have disparities in awareness and need more outreach. Each  
5 stewardship organization shall share the results of the public awareness  
6 surveys with the Secretary. If multiple stewardship organizations are  
7 implementing plans approved by the Secretary, the stewardship organizations  
8 shall coordinate in carrying out their education and outreach responsibilities  
9 under this subdivision (D) and shall include in their annual reports to the  
10 Secretary a summary of their coordinated education and outreach efforts. The  
11 education and outreach program and website shall notify the public of the  
12 following:  
13 (i) that there is a free collection program for covered household  
14 hazardous products;  
15 (ii) the location and hours of operation of collection points and  
16 how a covered entity can access this collection program;  
17 (iii) the special handling considerations associated with covered  
18 household hazardous products; and  
19 (iv) source reduction information for consumers to reduce leftover  
20 covered household products.

1 ~~(E) Compliance with appropriate environmental standards. In~~  
2 implementing a collection plan, a stewardship organization shall comply with  
3 all applicable laws related to the collection, transportation, and disposal of  
4 hazardous waste. A stewardship organization shall comply with any special  
5 handling or disposal standards established by the Secretary for covered  
6 household hazardous products or for the collection plan of the manufacturer.

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

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

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



1 ~~(ii) At a minimum, the collection performance goal for the initial~~  
2 plan approved pursuant to subdivision (b)(2) of this section shall be an annual  
3 participation rate of five percent of the households for every collection  
4 program based on the number of households the collection program serves.

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

18 (H) Collection plan funding. The collection plan shall describe how the  
19 stewardship organization will fund the implementation of the collection plan  
20 and collection activities under the plan, including the costs for education and  
21 outreach, collection, processing, and end-of-life management of the covered

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

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

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

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

16 § 7184. STEWARDSHIP ORGANIZATIONS

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

1 ~~(b) Qualifications for a stewardship organization. To qualify as a~~

2 stewardship organization under this chapter, an organization shall:

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

5 (2) not create unreasonable barriers for participation in the stewardship  
6 organization; and

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

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

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

14 § 7187. AGENCY RESPONSIBILITIES

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

19 \* \* \*

20 (g) Agency collection plan. If no stewardship organization is formed on or  
21 before July 1, 2025 or the stewardship organization fails to submit a plan or

1 ~~submits a plan that does not meet the requirements of this chapter, the~~  
2 Secretary shall adopt and administer a plan that meets the requirements of  
3 section 7183 of this title. If the Secretary administers the plan adopted under  
4 section 7183, the Secretary shall charge each manufacturer the prorated costs  
5 of plan administration, the Agency's oversight costs, and a hazardous waste  
6 reduction assessment of 10 percent of the plan's total cost to be deposited in  
7 the Solid Waste Management Assistance Account of the Waste Management  
8 Assistance Fund, for the purpose of providing grants to municipalities and  
9 small businesses to prevent pollution and reduce the generation of hazardous  
10 waste in the State. When determining a manufacturer's assessment under this  
11 section, the Agency may allocate costs to a manufacturer of covered household  
12 hazardous products based on the sales of covered household hazardous  
13 products nationally prorated to the population of Vermont.

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

15 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

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

18 \* \* \*

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

20 \* \* \*

21 ~~Sec. 9. SOLID WASTE PLAN, FLEXIBILITY~~

1 ~~(a) Notwithstanding the municipal household hazardous waste (HHW)~~  
2 collection requirements under the State Solid Waste Plan adopted pursuant to  
3 10 V.S.A. § 6604, the Secretary of Natural Resources may grant a variance  
4 from the requirement to conduct at least two household hazardous waste  
5 collection events in that municipality. The variance shall allow a municipality  
6 to meet its obligations, as follows:

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

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

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

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

18 \* \* \* Paint Extended Producer Responsibility \* \* \*

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

20 Subchapter 4. Paint Stewardship Program

21 § 6671. PURPOSE

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

14    § 6672. DEFINITIONS

15       As used in this subchapter:

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

20           (2) “Architectural paint” means interior and exterior architectural  
21           coatings, including interior or exterior water- and oil-based coatings, primers,

1 ~~sealers, or wood coatings, that are sold in containers of five gallons or less.~~

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

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

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

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

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

20 ~~(5)(7)~~ “Municipality” means a city, town, or a village.

21 ~~(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 post-consumer 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 ~~§ 6672. 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 (c) 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 the 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  
3 for 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  
14 approved 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~~  
9 ~~relating to antitrust, restraint of trade, unfair trade practices, and other~~  
10 ~~regulation of 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  
18 producer or Stewardship Program in Vermont by method of disposition,  
19 including reuse, 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  
5 stewardship 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

~~waste to the environment. Postconsumer paint products regulated as universal~~

waste shall, at a minimum, be contained in one or more of the following:

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

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

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

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

§ 6681. PAINT CONSUMER FEES

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

(1) Half pint or smaller: \_\_\_\_\_ No fee.

~~(2) Greater than a half pint to one gallon. \_\_\_\_\_ \$0.65.~~

(3) ~~Greater than one gallon to two gallons:~~ \$1.25.

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

Sec. 11. IMPLEMENTATION

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

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

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

\* \* \* Healthy Homes Initiative \* \* \*

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

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

ONE-TIME APPROPRIATIONS

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  
4 to 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~~

(c) 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 a 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  
3 to 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.~~

*\* \* \* Battery Extended Producer Responsibility \* \* \**

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

*Sec. 3. ANR BATTERY ASSESSMENT*

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

*(1) batteries used in hybrid and electric vehicles;*

*(2) battery energy storage systems; and*

*(3) batteries that are not easily removable from the products they power.*

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

*(1) a summary of the work and progress other states have made in establishing end-of-life management programs for the three battery types listed under subsection (a) of this section; and*

*(2) policy recommendations on whether mandatory end-of-life management programs are necessary for the battery types listed under subsection (a) of this section.*

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

*\* \* \* Fuel Storage Tanks \* \* \**

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

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

*\* \* \* Household Hazardous Waste Extended Producer Responsibility \* \* \**

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

*§ 7181. DEFINITIONS*

*As used in this chapter:*

*\* \* \**

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

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

*(ii) the product is a gas cylinder.*

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

*\* \* \**

*(iv) architectural paint as that term is defined in section 6672 of this title;*

*\* \* \**

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

*§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;*

*STEWARDSHIP ORGANIZATION REGISTRATION;*

*MANUFACTURER REGISTRATION*

*(a) Sale prohibited.*



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

*(2) Beginning six months after a final decision on the adequacy of a collection plan by the Secretary, a manufacturer of a covered household hazardous product shall not sell, offer for sale, or deliver to a retailer for subsequent sale a covered household hazardous product unless all the following have been met:*

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

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

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

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

*(b) Stewardship organization registration requirements.*

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

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

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

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

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

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

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

*(2) A renewal of a registration without changes may be accomplished through notifying the Agency of Natural Resources on a form provided by the*

Agency Beginning July 1, 2026 and annually thereafter, a stewardship organization shall renew its registration with the Secretary. A renewal registration shall include the following:

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

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

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

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

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

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

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

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

*§ 7183. COLLECTION PLANS*

*(a) Collection plan required. ~~Prior to July 1, 2025~~ On or before July 1, 2026, any stewardship organization registered with the Secretary as representing manufacturers of covered household hazardous products shall coordinate and submit to the Secretary for review one collection plan for all manufacturers.*

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

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

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

*(2)(B) Free statewide collection of covered household hazardous products. The collection program shall ~~provide~~ reimburse municipalities when a municipality provides for free, convenient, and accessible statewide opportunities for the collection from covered entities of covered household hazardous products, including orphan covered products. A stewardship organization shall accept all covered household hazardous products collected from a covered entity and shall not refuse the collection of a covered household*

~~hazardous product, including orphan covered household products, based on the brand or manufacturer of the covered household hazardous product unless specifically exempt from this requirement. The collection program shall also provide for the payment of collection, processing, and end-of-life management of the covered household hazardous products. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials.~~

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

~~(4) Public education and outreach. The collection plan shall include an education and outreach program that shall include a website and may include media advertising, retail displays, articles and publications, and other public educational efforts. Outreach and education shall be suitable for the State's diverse ethnic populations, through translated and culturally appropriate materials, including in-language and targeted outreach. Public education and~~

~~outreach should include content to increase meaningful participation by environmental justice focus populations as required by 3 V.S.A. chapter 72. During the first year of program implementation and two years after adoption of the collection plan, each stewardship organization shall carry out a survey of public awareness regarding the requirements of the program established under this chapter that can identify communities that have disparities in awareness and need more outreach. Each stewardship organization shall share the results of the public awareness surveys with the Secretary. If multiple stewardship organizations are implementing plans approved by the Secretary, the stewardship organizations shall coordinate in carrying out their education and outreach responsibilities under this subdivision and shall include in their annual reports to the Secretary a summary of their coordinated education and outreach efforts. The education and outreach program and website shall notify the public of the following:~~

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

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

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

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

~~(5) Compliance with appropriate environmental standards. In implementing a collection plan, a stewardship organization shall comply with all applicable laws related to the collection, transportation, and disposal of hazardous waste. A stewardship organization shall comply with any special handling or disposal standards established by the Secretary for covered household hazardous products or for the collection plan of the manufacturer.~~

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

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

~~(A) A performance goal for covered household hazardous products determined by the number of total participants at collection events and facilities listed in the collection plan during a program year divided by the total number of households. The number of households shall include seasonal~~

~~households. The calculation methodology for the number of households shall be included in the plan.~~

~~(B) At a minimum, the collection performance goal for the first approved plan shall be an annual participation rate of five percent of the households for every collection program based on the number of households the collection program serves. After the initial approved program plan, the stewardship organization shall propose performance goals for subsequent program plans. The Secretary shall approve the performance goals for the plan at least every five years. The stewardship organization shall use the results of the most recent waste composition study required under 6604 of this title and other relevant factors to propose the performance goals of the collection plan. If a stewardship organization does not meet its performance goals, the Secretary may require the stewardship organization to revise the collection plan to provide for one or more of the following: additional public education and outreach, additional collection events, or additional hours of operation for collection sites. A stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan on the basis of achievement of program performance goals.~~

~~(8)(C) Collection plan funding. The collection plan shall describe how the stewardship organization will fund the implementation of the collection~~



~~plan and collection activities under the plan, including the costs for education and outreach, collection, processing, and end-of-life management of the covered household hazardous product all municipal collection offered to the public in a base program year. A base program year shall be based on the services provided in calendar year 2024 and any other collection facilities or events approved by the Secretary. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials. The collection plan shall include how municipalities will be compensated for all costs attributed to collection of covered household hazardous products. The Secretary shall resolve disputes relating to compensation.~~

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

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

~~(B) Free statewide collection of covered household hazardous products. The collection program shall provide for free, convenient, and accessible statewide opportunities for the collection from covered entities of~~

covered household hazardous products, including orphan covered products. A stewardship organization shall accept all covered household hazardous products collected from a covered entity and shall not refuse the collection of a covered household hazardous product, including orphan covered household products, based on the brand or manufacturer of the covered household hazardous product unless specifically exempt from this requirement. The collection program shall also provide for the payment of collection, processing, and end-of-life management of the covered household hazardous products. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials.

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

(D) Public education and outreach. The collection plan shall include an education and outreach program that shall include a website and may

include media advertising, retail displays, articles and publications, and other public educational efforts. Outreach and education shall be suitable for the State's diverse ethnic populations, through translated and culturally appropriate materials, including in-language and targeted outreach. Public education and outreach should include content to increase meaningful participation by environmental justice focus populations as required by 3 V.S.A. chapter 72. During the second approved plan, each stewardship organization shall carry out a survey of public awareness regarding the requirements of the program established under this chapter that can identify communities that have disparities in awareness and need more outreach. Each stewardship organization shall share the results of the public awareness surveys with the Secretary. If multiple stewardship organizations are implementing plans approved by the Secretary, the stewardship organizations shall coordinate in carrying out their education and outreach responsibilities under this subdivision (D) and shall include in their annual reports to the Secretary a summary of their coordinated education and outreach efforts. The education and outreach program and website shall notify the public of the following:

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

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

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

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

(E) Compliance with appropriate environmental standards. In implementing a collection plan, a stewardship organization shall comply with all applicable laws related to the collection, transportation, and disposal of hazardous waste. A stewardship organization shall comply with any special handling or disposal standards established by the Secretary for covered household hazardous products or for the collection plan of the manufacturer.

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

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

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

(ii) At a minimum, the collection performance goal for the initial plan approved pursuant to subdivision (1) of this subsection (b) shall be an annual participation rate of five percent of the households for every collection program based on the number of households the collection program serves. After the initial approved program plan, the stewardship organization shall propose performance goals for subsequent program plans. The Secretary shall approve the performance goals for the plan at least every five years. The stewardship organization shall use the results of the most recent waste composition study required under 6604 of this title and other relevant factors to propose the performance goals of the collection plan. If a stewardship organization does not meet its performance goals, the Secretary may require the stewardship organization to revise the collection plan to provide for one or more of the following: additional public education and outreach, additional collection events, or additional hours of operation for collection sites. A stewardship organization is not authorized to reduce or cease collection,

education and outreach, or other activities implemented under an approved plan on the basis of achievement of program performance goals.

(H) Collection plan funding. The collection plan shall describe how the stewardship organization will fund the implementation of the collection plan and collection activities under the plan, including the costs for education and outreach, collection, processing, and end-of-life management of the covered household hazardous product. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials. The collection plan shall include how municipalities will be compensated for all costs attributed to collection of covered household hazardous products. The Secretary shall resolve disputes relating to compensation.

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

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

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

*§ 7184. STEWARDSHIP ORGANIZATIONS*

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

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

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

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

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

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

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

*§ 7187. AGENCY RESPONSIBILITIES*

*(a) Review and approve collection plans. The Secretary shall review and approve or deny collection plans submitted under section 7183 of this title*

*according to the public notice and comment requirements of section 7714 of this title.*

\* \* \*

*(g) Agency collection plan. If no stewardship organization is formed on or before July 1, 2025 or the stewardship organization fails to submit a plan or submits a plan that does not meet the requirements of this chapter, the Secretary shall adopt and administer a plan that meets the requirements of section 7183 of this title. If the Secretary administers the plan adopted under section 7183, the Secretary shall charge each manufacturer the prorated costs of plan administration, the Agency's oversight costs, and a hazardous waste reduction assessment of 10 percent of the plan's total cost to be deposited in the Solid Waste Management Assistance Account of the Waste Management Assistance Fund, for the purpose of providing grants to municipalities and small businesses to prevent pollution and reduce the generation of hazardous waste in the State. When determining a manufacturer's assessment under this section, the Agency may allocate costs to a manufacturer of covered household hazardous products based on the sales of covered household hazardous products nationally prorated to the population of Vermont.*

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

*§ 6621a. LANDFILL DISPOSAL REQUIREMENTS*



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

*\* \* \**

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

*\* \* \**

*Sec. 9. SOLID WASTE PLAN; FLEXIBILITY*

*(a) Notwithstanding the municipal household hazardous waste (HHW) collection requirements under the State Solid Waste Plan adopted pursuant to 10 V.S.A. § 6604, the Secretary of Natural Resources may grant a variance from the requirement to conduct at least two household hazardous waste collection events in that municipality. The variance shall allow a municipality to meet its obligations, as follows:*

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

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

*(3) the municipality has demonstrated that it has made reasonable efforts to provide alternate collection opportunities identified under subdivisions (1) and (2) of this subsection and was unable and that the cost of*

a collection event is unreasonable. In such circumstances the Secretary of Natural Resources may reduce the required collection events to one per year.

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

\* \* \* Healthy Homes Initiative \* \* \*

Sec. 10. 2024 Acts and Resolves No. 78, Sec. B.1103 is amended to read:

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

ONE-TIME APPROPRIATIONS

\* \* \*

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

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

\* \* \*

\* \* \* *Flood Safety* \* \* \*

*Sec. 11. 2024 Act and Resolves No. 121, Sec. 3 is amended to read:*

*Sec. 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION;*

*RIVER CORRIDOR BASE MAP; INFILL MAPPING;*

*EDUCATION AND OUTREACH*

*(a) On or before January 1, ~~2026~~ 2027, the Department of Environmental Conservation, in consultation with the Agency of Commerce and Community Development and the regional planning commissions, shall amend by procedure the statewide River Corridor Base Map to identify areas suitable for development that are located within existing settlements and that will not cause or contribute to increases in fluvial erosion hazards.*

*(b) Beginning on January 1, 2025 and ending on January 1, ~~2027~~ 2028, the Department of Environmental Conservation shall conduct an education and outreach program to consult with and collect input from municipalities, environmental justice focus populations, the Environmental Justice Advisory Council, businesses, property owners, farmers, and other members of the public regarding how State permitting of development in mapped river corridors will be implemented, including potential restrictions on the use of land within mapped river corridors. The Department shall develop educational materials for the public as part of its charge under this section.*

*The Department shall collect input from the public regarding the permitting of development in mapped river corridors as proposed by this act. On or before January 15, 2027 2028 and until permitting of development in mapped river corridors begins under 10 V.S.A. § 754, the Department shall submit to the Senate Committee on Natural Resources and Energy, the House Committee on Environment and Energy, and the Environmental Justice Advisory Council a report that shall include:*

*(1) a summary of the public input it received regarding State permitting of development in mapped river corridors during the public education and outreach required under this section;*

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

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

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

*Sec. 12. 10 V.S.A. § 754 is amended to read:*

*§ 754. MAPPED RIVER CORRIDOR RULES*

*(a) Rulemaking authority.*

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

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

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

*(2) The Secretary shall not adopt rules under this subsection that regulate agricultural activities without the consent of the Secretary of Agriculture, Food and Markets, provided that the Secretary of Agriculture, Food and Markets shall not withhold consent under this subdivision when lack of such consent would result in the State's noncompliance with the National Flood Insurance Program.*

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

\* \* \*

*(e) Permit requirement. Beginning on ~~January 1, 2028~~ July 1, 2029, a person shall not commence or conduct development exempt from municipal regulation in a flood hazard area or commence or conduct any development in a mapped river corridor without a permit issued under the rules required*

*under subsection (a) of this section by the Secretary or by a State agency delegated permitting authority under subsection (f) of this section. When an application is filed under this section, the Secretary or delegated State agency shall proceed in accordance with chapter 170 of this title.*

\* \* \*

*Sec. 13. 2024 Acts and Resolves 121, Sec. 10 is amended to read:*

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

\* \* \*

*(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. 14. 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. 15. 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. 16. 10 V.S.A. § 918 is amended to read:*

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

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

\* \* \*

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

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

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

*\* \* \**

*\* \* \* Dams \* \* \**

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

*Sec. 22. STUDY COMMITTEE ON DAM EMERGENCY OPERATIONS*

*PLANNING*

*(a) Creation. There is created the Study Committee on Dam Emergency Operations Planning to review and recommend how to improve regional emergency action planning for hazards caused by dam failure, including how to shift responsibility for emergency planning from individual municipalities to regional authorities, how to improve regional implementation of dam emergency response plans, and how to fund dam emergency action planning at the regional level.*

*\* \* \**

*(e) Report. On or before December 15, ~~2024~~ 2025, 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 submitted as draft legislation.*

*(f) Meetings.*

*(1) The Secretary of Natural Resources or designee shall call the first*



*meeting of the Study Committee.*

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

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

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

*\* \* \**

*Sec. 18. 2024 Acts and Resolves No. 121, Sec. 24(f) is amended to read:*

*(f) On or before ~~January 15~~ September 1, 2025, the Agency of Natural Resources shall complete its analysis of the capital and ongoing operations and maintenance costs of the Green River Dam, as authorized in 2022 Acts and Resolves No. 83, Sec. 46, and shall submit the results of the analysis to the House Committees on Environment and Energy and on Appropriations and the Senate Committees on Natural Resources and Energy and on Appropriations.*

*\* \* \* Resilience Implementation Strategy \* \* \**

*Sec. 19. 10 V.S.A. § 599a is amended to read:*

*§ 599a. REPORTS; RULEMAKING*

*(a) On or before January 15, 2025, the Agency, in consultation with the State Treasurer, shall submit a report to the General Assembly detailing the feasibility and progress of carrying out the requirements of this chapter,*

*including any recommendations for improving the administration of the Program.*

*(b) The Agency shall adopt rules necessary to implement the requirements of this chapter, including:*

*(1) adopting methodologies using available science and publicly available data to identify responsible parties and determine their applicable share of covered greenhouse gas emissions; and*

*(2) requirements for registering entities that are responsible parties and issuing notices of cost recovery demands under the Program; and*

*~~(3) the Resilience Implementation Strategy, which shall include:~~*

*~~(A) practices utilizing nature-based solutions intended to stabilize floodplains, riparian zones, lake shoreland, wetlands, and similar lands;~~*

*~~(B) practices to adapt infrastructure to the impacts of climate change;~~*

*~~(C) practices needed to build out early warning mechanisms and support fast, effective response to climate-related threats;~~*

*~~(D) practices that support economic and environmental sustainability in the face of changing climate conditions; and~~*

*~~(E) criteria and procedures for prioritizing climate change adaptation projects eligible to receive monies from the Climate Superfund Cost Recovery Program.~~*

(c) On or before September 15, 2025, the Secretary shall submit to the House Committee on Environment and the Senate Committee on Natural Resources and Energy a report summarizing the Agency of Natural Resources' adoption of the Resilience Implementation Strategy. The Strategy shall include:

(1) practices utilizing nature-based solutions intended to stabilize floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

(2) practices to adapt infrastructure to the impacts of climate change;

(3) practices needed to build out early warning mechanisms and support fast, effective response to climate-related threats;

(4) practices that support economic and environmental sustainability in the face of changing climate conditions; and

(5) criteria and procedures for prioritizing climate change adaptation projects eligible to receive monies from the Climate Superfund Cost Recovery Program.

~~(e)~~(d) In adopting the Strategy, the Agency shall:

(1) consult with the Environmental Justice Advisory Council;

(2) in consultation with other State agencies and departments, including the Department of Public Safety's Division of Vermont Emergency Management, assess the adaptation needs and vulnerabilities of various areas

*vital to the State's economy, normal functioning, and the health and well-being of Vermonters;*

*(3) identify major potential, proposed, and ongoing climate change adaptation projects throughout the State;*

*(4) identify opportunities for alignment with existing federal, State, and local funding streams;*

*(5) consult with stakeholders, including local governments, businesses, environmental advocates, relevant subject area experts, and representatives of environmental justice focus populations;*

*(6) consider components of the Vermont Climate Action Plan required under section 592 of this title that are related to adaptation or resilience, as defined in section 590 of this title; and*

*(7) conduct public engagement in areas and communities that have the most significant exposure to the impacts of climate change, including disadvantaged, low-income, and rural communities and areas.*

*~~(d)~~(e) Nothing in this section shall be construed to limit the existing authority of a State agency, department, or entity to regulate greenhouse gas emissions or establish strategies or adopt rules to mitigate climate risk and build resilience to climate change.*

*Sec. 20. 2024 Acts and Resolves No. 122, Sec. 3(a) is amended to read:*

*~~(a) On or before July 1, 2025, the Agency of Natural Resources pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on Administrative Rules the proposed rule for the adoption of the Resilience Implementation Strategy required pursuant to 10 V.S.A. § 599a(b)(3). On or before January 1, 2026, the Agency of Natural Resources shall adopt the final rule establishing the Resilience Implementation Strategy required pursuant to 10 V.S.A. § 599a(b)(3). [Repealed.]~~*

*\* \* \* Effective Date \* \* \**

*Sec. 21. EFFECTIVE DATE*

*This act shall take effect on passage.*