

Sec. 1. 10 V.S.A. § 6615g is added to read:

§ 6615g. INVESTIGATION, MITIGATION AND REMEDIATION OF PCBs IN CERTAIN SCHOOLS.

(a) As used in this section “school” means public schools and approved and recognized independent schools, as defined in 16 V.S.A. § 11, that were constructed or renovated before 1980;

(b) Investigation. Investigation done under this section shall be completed pursuant to guidelines published by the Secretary and performed under the supervision of the Secretary.

(1) A school shall investigate for polychlorinated biphenyls (PCBs) when evaluating environmental contaminants as a part of facilities master planning process pursuant to 16 V.S.A. § 3445(a) (State capital construction costs).

(2) A school should conduct an investigation for PCBs when the school is evaluating its existing facilities for renovation, construction or decommissioning.

(3) A school may voluntarily request to conduct an investigation at any time.

(c) Response to detection of PCBs.

(1) PCB management plan. A school that has an exceedance of the school action level shall develop a PCB management plan for managing the impacts from PCBs until the school implements an approved corrective action plan to remediate PCBs. The Secretary shall publish guidelines for what is required in a PCB management plan. A school that receives an exceedance of the immediate action level for PCB shall perform requirements of subdivisions (c)(2) and (c)(3) of this subsection, respectively.

(2) The Secretary shall mitigate any impact associated with PCBs identified by the investigation under this section when concentrations exceed the immediate action level.

(3) The Secretary shall only require a school to implement a corrective action plan to remediate PCBs when the school is undertaking construction or renovation activities, However, if PCB concentrations, after mitigation, exceed the immediate action level, the Secretary shall require compliance with the Investigation and Remediation of Contaminated Properties Rule and fund any necessary work.

Sec. 2. 10 V.S.A. § 6618a is added to read:

§ 6618a. SCHOOL POLYCHLORINATED BIPHENYL PROGRAM FUND

(a) There is created the School Polychlorinated Biphenyl Program Fund to be administered by the Secretary of Natural Resources to provide funding for the investigation, mitigation, and remediation of PCBs at schools in Vermont. The Fund shall consist of:

(1) reimbursements from a school for work related to a grant issued by the State for PCBs when that school recovers money from litigation or other awards. The reimbursement shall be limited to the amount of the grant awarded to the school or the amount of the recovery, whichever is less;

(2) any recovery by the State for any claims for damages caused by PCBs, except damages to natural resources which shall be deposited in the fund established pursuant to section 1283 of this title;

(3) monies from time to time appropriated to the Fund by the General Assembly; and

(4) other gifts, donations, or other monies received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration.

(b)(1) The Secretary shall administer a program to issue grants to schools that funds work, to the extent funds are available, in the following priority:

(A) PCB investigations that are a part of a facilities master plan;

(B) the development of PCB management plans;

(C) the costs of mitigation when results exceed immediate action level;

(D) the costs of implementing any approved corrective action plan when, after mitigation efforts, the concentrations in the school exceed the immediate action level;

(E) the costs of implementing a corrective action plan as a part of a school construction project; and

(F) the costs of investigation when taken pursuant to 6615g(b)(2) or (3).

(2) the Secretary shall not reimburse for the investigation, remediation, and removal of PCBs in schools when the investigation, remediation, and removal was not in response to indoor air quality testing required pursuant to 2021 Acts and Resolves No. 74, Sec. E.709.1 or 10 V.S.A. § 6615g but was part of a planned renovation or construction project at a school under which the PCBs would be remediated or removed as part of the project.

(c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and interest earned by the Fund shall be retained in the Fund from year to year.

(d)

Reimbursement. If a school district in the State recovers money from litigation or other award for work covered under a grant issued under this section, the school district shall reimburse the State the amount of the recovery or the amount of the grant awarded to the school district under subsection (b) of this section, whichever amount is less.

(e) State action. In addition to any other remedy, the State may recover from a manufacturer of PCBs monies expended or awarded by the State for PCB investigation, testing, assessment, remediation, or removal of PCBs in a school above the relevant action level.

Sec. X. Sec. C.111 2021 Acts and Resolves No. 74, Sec. E.709.1, as amended by 2022 Acts and Resolves No. 166, Sec. 8, and Sec is amended to read:

Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND;

POLYCHLORINATED BIPHENYLS (PCBs) TESTING IN SCHOOLS

(a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec. D.101(a) of this act to the Environmental Contingency Fund, the Department of Environmental Conservation, in consultation with the Department of Health and the Agency of Education, shall use up to \$4,500,000 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in public schools and approved and recognized independent schools that were constructed or renovated before 1980. ~~All schools subject to this subsection shall test for PCBs on or before July 1, 2027.~~