

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 319
3 entitled “An act relating to miscellaneous environmental subjects” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 * * * Battery Extended Producer Responsibility * * *

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

9 Sec. 3. ANR BATTERY ASSESSMENT

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

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

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

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

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

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

7 *** Fuel Storage Tanks ***

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

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

14 *** Household Hazardous Waste Extended Producer Responsibility ***

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

16 § 7181. DEFINITIONS

17 As used in this chapter:

18 ***

19 (4)(A) “Covered household hazardous product” means a consumer
 20 product offered for retail sale that is contained in the receptacle in which the

1 product is offered for retail sale, if the product has any of the following
2 characteristics:

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

6 (ii) the product is a gas cylinder.

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

9 * * *

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

12 * * *

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

14 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

15 STEWARDSHIP ORGANIZATION REGISTRATION;

16 MANUFACTURER REGISTRATION

17 (a) Sale prohibited.

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

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

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

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

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

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

18 (b) Stewardship organization registration requirements.

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

1 shall provide the registration form to the stewardship organization. The
2 registration form shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 § 7183. COLLECTION PLANS

1 (a) Collection plan required. ~~Prior to July 1, 2025~~ On or before July 1,
2 2026, any stewardship organization registered with the Secretary as
3 representing manufacturers of covered household hazardous products shall
4 coordinate and submit to the Secretary for review one collection plan for all
5 manufacturers.

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

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

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 ~~(2)(B)~~ Free statewide collection of covered household hazardous
14 products. The collection program shall ~~provide for~~ reimburse municipalities
15 when a municipality provides for free, convenient, and accessible ~~statewide~~
16 opportunities for the collection from covered entities of covered household
17 hazardous products, including orphan covered products. ~~A stewardship~~
18 ~~organization shall accept all covered household hazardous products collected~~
19 ~~from a covered entity and shall not refuse the collection of a covered~~
20 ~~household hazardous product, including orphan covered household products,~~
21 ~~based on the brand or manufacturer of the covered household hazardous~~

1 ~~product unless specifically exempt from this requirement.~~ The collection
2 program shall also provide for the payment of collection, processing, and end-
3 of-life management of the covered household hazardous products. Collection
4 costs include facility costs, equipment costs, labor, supplies, maintenance,
5 events costs, and event contractor costs, including collection event set-up fees,
6 environmental service fees, insurance fees, and shipping containers and
7 materials.

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

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

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

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

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

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

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

1 ~~(5) 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 ~~(6) 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 ~~(7) Performance goals. A collection plan shall include:~~

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

17 ~~(8)(C)~~ Collection plan funding. The collection plan shall describe how
18 the stewardship organization will fund the implementation of ~~the collection~~
19 ~~plan and collection activities under the plan, including the costs for education~~
20 ~~and outreach, collection, processing, and end-of-life management of the~~
21 ~~covered household hazardous product~~ all municipal collection offered to the

1 public in a base program year. A base program year shall be based on the
2 services provided in calendar year 2024 and any other collection facilities or
3 events approved by the Secretary. Collection costs include facility costs,
4 equipment costs, labor, supplies, maintenance, events costs, and event
5 contractor costs, including collection event set-up fees, environmental service
6 fees, insurance fees, and shipping containers and materials. The collection
7 plan shall include how municipalities will be compensated for all costs
8 attributed to collection of covered household hazardous products. The
9 Secretary shall resolve disputes relating to compensation.

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

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

16 (B) Free statewide collection of covered household hazardous
17 products. The collection program shall provide for free, convenient, and
18 accessible statewide opportunities for the collection from covered entities of
19 covered household hazardous products, including orphan covered products. A
20 stewardship organization shall accept all covered household hazardous
21 products collected from a covered entity and shall not refuse the collection of a

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

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

17 (D) Public education and outreach. The collection plan shall include
18 an education and outreach program that shall include a website and may
19 include media advertising, retail displays, articles and publications, and other
20 public educational efforts. Outreach and education shall be suitable for the
21 State's diverse ethnic populations, through translated and culturally appropriate

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

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

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

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

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

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

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

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

20 (H) Collection plan funding. The collection plan shall describe how the
21 stewardship organization will fund the implementation of the collection plan

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

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

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

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

18 § 7184. STEWARDSHIP ORGANIZATIONS

19 (a) Participation in a stewardship organization. A manufacturer shall meet
20 the requirements of this chapter by participating in a stewardship organization

1 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this
2 title.

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

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

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

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

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

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

16 § 7187. AGENCY RESPONSIBILITIES

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

21 * * *

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

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

17 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

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

20 * * *

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

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;

(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:

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

2 ONE-TIME APPROPRIATIONS

3 * * *

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

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

17 * * *

18 * * * Flood Safety * * *

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

1 Sec. 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION;
2 RIVER CORRIDOR BASE MAP; INFILL MAPPING;
3 EDUCATION AND OUTREACH

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

10 (b) Beginning on January 1, 2025 and ending on January 1, ~~2027~~ 2028, the
11 Department of Environmental Conservation shall conduct an education and
12 outreach program to consult with and collect input from municipalities,
13 environmental justice focus populations, the Environmental Justice Advisory
14 Council, businesses, property owners, farmers, and other members of the
15 public regarding how State permitting of development in mapped river
16 corridors will be implemented, including potential restrictions on the use of
17 land within mapped river corridors. The Department shall develop educational
18 materials for the public as part of its charge under this section. The
19 Department shall collect input from the public regarding the permitting of
20 development in mapped river corridors as proposed by this act. On or before
21 January 15, ~~2027~~ 2028 and until permitting of development in mapped river

1 corridors begins under 10 V.S.A. § 754, the Department shall submit to the
2 Senate Committee on Natural Resources and Energy, the House Committee on
3 Environment and Energy, and the Environmental Justice Advisory Council a
4 report that shall include:

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

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

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

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

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

17 § 754. MAPPED RIVER CORRIDOR RULES

18 (a) Rulemaking authority.

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

- 1 (A) all development within a mapped river corridor in the State; and
2 (B) for development exempt from municipal regulation in flood
3 hazard areas.

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

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

14 * * *

15 (e) Permit requirement. Beginning on ~~January 1, 2028~~ July 1, 2029, a
16 person shall not commence or conduct development exempt from municipal
17 regulation in a flood hazard area or commence or conduct any development in
18 a mapped river corridor without a permit issued under the rules required under
19 subsection (a) of this section by the Secretary or by a State agency delegated
20 permitting authority under subsection (f) of this section. When an application

1 is filed under this section, the Secretary or delegated State agency shall
2 proceed in accordance with chapter 170 of this title.

3 * * *

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

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

7 * * *

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

12 * * *

13 Sec. 14. 2024 Acts and Resolves 121, Sec. 11(a) is amended to read:

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

18 Sec. 15. 2024 Acts and Resolves No. 121, Sec. 29(b) is amended to read:

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

20 (1) Secs. 6a, 7, 8, 8a, and 9 (conforming amendments to municipal river
21 corridor planning) shall take effect on January 1, 2028, except that in Sec. 9,

1 24 V.S.A. § 4424(a)(2)(B)(i) (municipal compliance with the State Flood
2 Hazard Area Standards) shall take effect on January 1, ~~2026~~ 2028;

3 * * *

4 * * * Wetlands * * *

5 Sec. 16. 10 V.S.A. § 918 is amended to read:

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

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

14 * * *

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

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

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

21 * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * * 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.

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

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

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

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

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

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

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

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

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

- 1 (1) practices utilizing nature-based solutions intended to stabilize
- 2 floodplains, riparian zones, lake shoreland, wetlands, and similar lands;
- 3 (2) practices to adapt infrastructure to the impacts of climate change;
- 4 (3) practices needed to build out early warning mechanisms and support
- 5 fast, effective response to climate-related threats;
- 6 (4) practices that support economic and environmental sustainability in
- 7 the face of changing climate conditions; and
- 8 (5) criteria and procedures for prioritizing climate change adaptation
- 9 projects eligible to receive monies from the Climate Superfund Cost Recovery
- 10 Program.

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

- 12 (1) consult with the Environmental Justice Advisory Council;
- 13 (2) in consultation with other State agencies and departments, including
- 14 the Department of Public Safety’s Division of Vermont Emergency
- 15 Management, assess the adaptation needs and vulnerabilities of various areas
- 16 vital to the State’s economy, normal functioning, and the health and well-being
- 17 of Vermonters;
- 18 (3) identify major potential, proposed, and ongoing climate change
- 19 adaptation projects throughout the State;
- 20 (4) identify opportunities for alignment with existing federal, State, and
- 21 local funding streams;

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

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

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

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

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

15 (a) ~~On or before July 1, 2025, the Agency of Natural Resources pursuant to~~
16 ~~3 V.S.A. § 837 shall file with the Interagency Committee on Administrative~~
17 ~~Rules the proposed rule for the adoption of the Resilience Implementation~~
18 ~~Strategy required pursuant to 10 V.S.A. § 599a(b)(3). On or before January 1,~~
19 ~~2026, the Agency of Natural Resources shall adopt the final rule establishing~~
20 ~~the Resilience Implementation Strategy required pursuant to 10 V.S.A.~~
21 ~~§ 599a(b)(3). [Repealed.]~~

1
2
3
4
5
6
7
8
9
10
11
12
13

* * * Effective Date * * *

Sec. 21. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE