

H.319. An Act Relating to Miscellaneous Environmental Subjects

Section by Section Summary

Sec. 1. Assessment of Management of Certain Batteries

- In 2024, the General Assembly required ANR to report by July 1, 2026, on how to establish end of life management programs for certain batteries, such as hybrid and electric vehicle batteries, energy storage batteries, and batteries that are not easily removable from products.
- Sec. 1 would shift the responsibility for that report from ANR to the stewardship organization running the State Battery Stewardship Program.
- Sec. 1 also would extend the date of the report from July 1, 2026 to July 1, 2027.

Sec. 2. Underground Storage Tanks (USTs): 10 V.S.A. § 1927(d)

- Sec. 2 amends the delivery standard for fuel to Category 1 USTs, which are any underground storage tanks, except for home heating tanks and farm and residential tanks for motor fuel.
- The current standard requires a fuel dealer to make a visible inspection of the tank to determine if the tank is designated by ANR as not suitable for delivery.
- The proposed change would be to prohibit delivery if the tank is not permitted by ANR because it may result in the tank releasing substances to the environment.
- Dealers will be able to check before delivery whether a tank is permitted or not.

Sec. 3. Definitions Household Hazardous Waste Producer Responsibility: 10 V.S.A. §7181

- In the list in 10 V.S.A. § 7181 of products not considered covered household hazardous products, Sec. 3 replaces the term “architectural paint” with the term “paint products” as the scope of those products subject to the paint stewardship program are proposed for expansion in Secs. 10 and 11 of the bill.

Sec. 4. Sale of Covered Household Hazardous Products: 10 V.S.A. § 7182

- Last year, the Legislature enacted an extended producer responsibility program for covered household hazardous products. As this is a new program, nationally and in Vermont, there have been discussions on how to implement the program. Secs. 4 to 8 amend several program provisions to address how it will be implemented and to provide alternatives if the manufacturers cannot reach implementation.
- Sec. 4 clarifies that a manufacturer may not sell a covered household hazardous product in the State if the manufacturer is not registered with the stewardship organization for the program.
- Sec. 4 also delays until renewal of registration certain information about participants and covered products, to allow for initial implementation and collection of the information.
- Sec. 4 also requires a manufacturer of covered household hazardous products to register with ANR on or before November 1, 2025.

Sec. 5. Collection Plans Covered Household Hazardous Products: 10 V.S.A. V.S.A. § 7183

- Sec. 5 amends the requirements for collection plans for covered household hazardous products to give the stewardship organization opportunity to implement an initial collection plan that does not include all of the traditional provisions of an EPR collection plan.
- This initial plan will last for three years, after which the stewardship organization will be required to issue a plan that meets all of the traditional requirements of an EPR plan, including free statewide

collection, convenience of collection, public education, compliance with environmental standards, performance goals, and funding, including payment of municipal entities participating in the plan.

- The full details on the plan components are in 10 V.S.A. § 7183(b) in Sec. 5. These are the same plan components as were enacted last year.

Sec. 6. Stewardship Organizations: 10 V.S.A. § 7184

- Sec. 6 adds a subsection to requirements for stewardship organizations to clarify that the organization may charge its members reasonable fees for organization, administration, and implementation.
- This is typically how EPR programs work and usually without specific statute addressing assessment of the fees, but the manufacturers for this program wanted to be clear regarding the authority.

Sec. 7. Agency Responsibilities; Covered Household Hazardous Products: 10 V.S.A. § 7187

- Sec. 7 amends ANR's responsibilities under the EPR program for Household Hazardous Products to provide that if no stewardship organization is formed by July 1, 2025 or the stewardship organization fails to submit a plan or submits a plan that does not meet the statutory requirements, ANR shall adopt and administer a plan that meets the requirements of for plans under 10 V.S.A. § 7183.
- If ANR administers the plan, it shall charge each manufacturer the prorated costs of plan administration, the Agency's oversight costs, and a hazardous waste reduction assessment of 10% of the plan's total cost to be deposited in the Solid Waste Management Assistance Account, for grants to municipalities and small businesses to prevent pollution and reduce the generation of hazardous waste.

Sec. 8. Landfill Disposal Requirements: 10 V.S.A. § 6621a

- Sec. 8 amends the landfill disposal requirements to extend the prohibition on landfill disposal of covered household hazardous products one year from July 1, 2025 to July 1, 2026.

Sec. 9. Solid Waste Plan; Flexibility

- Sec. 9 gives ANR authority to issue a variance from the requirement that solid waste management entities conduct at least 2 household hazardous waste (HHW) collection events in that municipality.
- A variance shall allow a municipality to meet its obligations if:
 1. the municipality has partnered with another municipality to allow residents the ability to access a permanent HHW facility in the same manner as the municipality that operates the HHW facility;
 2. the municipality partnered with a nearby municipality to offer collection events to members in both municipalities; and
 3. the municipality demonstrated that it has made reasonable efforts to provide alternate collection opportunities 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.
- This authority shall be repealed on July 1, 2027, when the EPR program should be in place.

Secs. 10 and 11. Paint Product Stewardship Program. 10 V.S.A. chapter 159

- Sec. 10 amends the existing extended producer responsibility program for architectural to expand its scope to be paint products, which includes: aerosol coating products, such as spray paint; coating related products, such as paint removers; and nonindustrial coatings, such as furniture oil. See definitions in 10 V.S.A. § 6672.

- The scope of the program was expanded to clarify that the EPR program for paint and not the EPR program for covered household hazardous products will be responsible for the collection and management of the expanded list of paint products.
- Most of the changes to the chapter are changing the name/scope of the program from architectural paint to paint products.
- 10 V.S.A. § 6673(e) clarifies that the collection plan for paint products will include payment of municipal costs of collection, processing, and management of all paint products.
- 10 V.S.A. § 6675 strikes the authority of ANR to review the proposed paint assessment on paint products. Instead, there will be a statutory fee under 10 V.S.A. § 6681.
 - The current EPR paint program is paid for, in part, with an assessment consumers pay at the time of sale. The assessment is proposed by the paint stewardship organization and approved by ANR.
 - H.319 reestablishes the typical method of legislative fee setting by enacting 10 V.S.A. § 6671 which sets forth the fees for architectural paint in s§ 6671. The fees are the existing fees charged.
- Under Sec. 11, ANR will report to the Legislature with a proposed fee to be charged for paint products that are not architectural paint.
- Sec. 11 also provides that July 1, 2026 is the date for expansion of the paint EPR to all paint products.

Sec. 12. Healthy Homes Initiative 2024 Acts and Resolves No. 78, Sec. B.1103

- ARPA funds were appropriated to the Department of Environmental Conservation (DEC) to provide financial assistance to low to moderate income homeowners and those living in manufactured housing communities for repairs or improvements to drinking water, wastewater, or stormwater systems.
- Under the federal conditions of the appropriation, information collected by DEC is required to be confidential, but there is no provision in State law that would allow for withholding the information.
- Sec. 10 provides that all information submitted to or compiled by DEC related to awards under the Healthy Homes Initiative shall be considered confidential unless the person providing the information designates that it is not confidential. This subdivision shall apply retroactively to July 1, 2023.

Secs. 13-20. Dates for Implementation of an Act Relating to the Regulation of Wetlands, River Corridor Development, and Dam Safety. 2024 Act and Resolves No. 121

- In 2024, the Legislature enacted Act No. 121 establishing or amending multiple requirements for the regulation of wetlands, river corridor development, and dam safety. ANR is requesting that most of the timelines in Act No. 121 be extended to give the Agency more time to implement. These extensions are proposed in Secs. 13 to 30 of this bill.
 - Sec. 13 extends from January 1, 2026 to January 1, 2027 the requirement that ANR amend the procedure for statewide River Corridor Base Maps.
 - Sec. 14 extends from July 1, 2027 to July 15, 2028 the deadline for ANR rules on development in mapped river corridors and extends from January 1, 2028 to July 1, 2029 the requirement to obtain a permit from ANR for development in a mapped river corridor.
 - Sec. 15 extends from August 15, 2025 to August 15, 2026, the deadline date for an ANR report on State administration of the National Flood Insurance Program.
 - Sec. 16 extends the deadline for ANR rules on river corridor development from July 1, 2027 to July 1, 2028.

- Sec. 17 extends the date for municipal compliance with State flood hazard area standards from January 1, 2026 to January 1, 2028.
- Sec. 18 extends the date by which ANR shall amend the wetlands rules from July 1, 2025 to December 1, 2025.
- Sec. 19 extends the date for the report of the Dam Emergency Operations Study Committee from December 15, 2024 to December 15, 2025.
- Sec. 20 extends the deadline for an ANR analysis of the Green River Dam from January 15, 2025 to September 1, 2025.

Secs. 21-25. Climate Superfund Act; Climate Resilience Implementation Strategy. 10 V.S.A. § 599a

- Last year in Act No. 122, the Climate Change Cost Recovery Act (Climate Superfund Act), ANR was required to adopt the Climate Resilience Implementation Strategy by rule. At that time, ANR was already in the process of developing the Strategy. Now, they are close to finishing it.
- ANR requested that they submit the Strategy as a report to the General Assembly by September 15, 2025 and not go through rulemaking. Sec. 21 makes this change.
- Sec. 22 is a conforming amendment to remove the deadline date for ANR rulemaking for the Strategy.
- Sec. 22 also extends from July 1, 2026 to July 1, 2027, the deadline for ANR to initiate rulemaking of the procedural rules for the Climate Superfund Act. And extends from January 1, 2027 to January 1, 2028 the deadline for adoption of the procedural rules.
- Sec. 23, 10 V.S.A. § 596, amends the definition of “covered greenhouse gas emissions” under the Climate Superfund Act. This change was requested by ANR in order to shift the analysis to the amount of fossil fuels extracted or refined by an entity during the covered period, instead of the quantity of emissions released during the covered period.
 - This change also aligns Vermont’s definition of “covered greenhouse gas emissions” with New York’s Climate Superfund law. [Both Vermont and NY’s laws are the subject of litigation by fossil fuel interests by the U.S. DOJ.]
- Sec. 24, 10 V.S.A. § 598(b), makes a conforming change to the cost recovery demand authority under the Climate Superfund Act to reflect the change in the definition of covered greenhouse gas emissions.
- Sec. 25 extends from January 15, 2026, to January 15, 2027, the deadline for the State Treasurer’s report on the assessment of the costs to the State of Vermont of covered greenhouse gas emissions.

Sec. 26. ANR Rules; Federal Reference

- Because of the possibility that some federal rules may be repealed under an Executive Order from President Trump ordering the repeal of federal rules that were based on authority that the U.S. Supreme Court subsequently overturned, ANR requested authority to treat any repealed federal rule referenced in an ANR rule as continuing in effect to ensure State programs would continue.
- Sec. 26(a) provides that any federal rule that is incorporated by reference in an ANR will continue to stay in effect if the federal rule is repealed or amended. This would sunset on January 31, 2039.
- The January 31, 2039 sunset date is due to how long the Executive Order from President Trump ordering the repeal of multiple environmental rules could be in place. The Order would no longer be effective after a new Administration is inaugurated in 2039.

Secs. 27-32. Commercial Salt Application

Secs. 27-32 establish a Chloride Contamination Reduction Program at ANR to help mitigate and remediate chloride contamination in State waters.

- Sec. 27 provides that the purpose of the Chloride Contamination Reduction Program act to establish the accepted standards of care for the application of salt and salt alternatives in an effective and efficient manner that provides safe conditions for pedestrians and motor vehicles on traveled surfaces while also reducing the impacts of salt and salt alternatives on the quality of the waters of the State.

10 V.S.A. § 1351, provides the definitions for the Program. Key definitions are

- “Commercial salt applicator” means any individual who for compensation applies salt but does not include municipal or State employees.
- “Salt” means sodium chloride, calcium chloride, magnesium chloride, or any other substance containing chloride used for the purpose of deicing, anti-icing, or dust control.
- “Salt alternative” are substances not containing chloride used for deicing, anti-icing, or dust control.

10 V.S.A. § 1352, establishes the Chloride Contamination Reduction Program.

- ANR, after consultation with AOT and other states with similar chloride reduction programs, shall establish the Chloride Contamination Reduction Program.
- The Program will provide voluntary education, training, and certification of commercial salt applicators regarding effective application of salt and salt alternatives to provide safe conditions for pedestrians and motor vehicles while also reducing impacts of salt and salt alternatives on water quality.
- On or before July 1, 2026, ANR shall adopt by rule best management practices (BMPs) for application of salt or salt alternatives by commercial salt applicators. The BMPs shall:
 - establish measures or techniques to increase efficiency in the application so that the least amount of salt or salt alternatives are used while maintaining safe conditions for pedestrians and motor vehicles;
 - establish standards for when and how application occurs in order to prevent salt or salt alternatives from entering waters of the State, including:
 - cost-effective salt alternatives that are less harmful to waters while maintaining safe conditions;
 - whether and how to implement equipment to calibrate, monitor, or meter application; and
 - when sand is an appropriate alternative to salt or salt alternatives for deicing or dust control, particularly in regard to when application of sand will be less harmful to water quality;
 - establish record-keeping requirements for commercial salt applicators;
 - create and circulate a model form for record-keeping information required under this section;
 - establish requirements for certification, including frequency of training and manner of training; and
 - establish a testing requirement for applicators to complete prior to certification.

- The Program shall offer training for commercial applicators in the implementation of the BMPs.
 - Upon completion of training, a commercial salt applicator shall be designated a certified commercial salt applicator. The certification shall be for two years from the date of issuance of certification.
 - A business that employs multiple commercial salt applicators may apply for certification of the owner or other employee as a master commercial salt applicator who shall ensure that all persons employed by the business as applicators are trained to comply with the BMPs established.
- A certified commercial salt applicator shall submit an annual summary of winter salt usage to ANR.
- The Secretary may revoke a certification for a violation of the Program requirements.
- The Program shall specifically exclude salt applications related to transportation infrastructure construction projects.
- The Secretary may elect to implement the Program with State agency staff or through a third-party vendor, or some combination.

10 V.S.A. § 1353, provides an affirmative defense from liability for certified commercial salt applicators

- A certified commercial salt applicator or an owner, occupant, or lessee of real property maintained by a certified commercial salt applicator shall have an affirmative defense against a claim arising from a hazard caused by snow or ice if:
 - the hazards are caused solely by snow or ice; and
 - any failure or delay in removing or mitigating the hazards is the result of the certified applicator's implementation of the best management practices for application of salt or salt alternatives.
- The affirmative defense shall not apply when the damages are due to gross negligence or reckless disregard of the hazard.
- To maintain the affirmative defense, a commercial salt applicator or an owner, an occupant, or a lessee of land shall keep a record describing its road, parking lot, and property maintenance practices, consistent with the requirements determined by the Secretary.
 - The records shall include type and rate of application of salt or salt alternatives used, dates of treatment, and weather conditions for each event requiring application of salt or salt alternatives.
 - The records shall be retained by the applicator for a period of three years

10 V.S.A. § 1354, provides that certified commercial salt applicator is entitled to a rebuttable presumption that they are in compliance with water discharge and stormwater permitting requirements when applying according to the BMPs.

- The rebuttable presumption shall not apply to requirements of a TMDL or a MS4 permit.

10 V.S.A. § 1355, directs ANR to conduct education and outreach regarding the Program.

- The education and outreach shall inform:
 - commercial salt applicators of the existence of the Program and affirmative defense; and
 - members of the public who purchase salt or salt alternatives for use on driveways, sidewalks, private roads, and other paved surfaces of the potential harm from excessive application and how to decrease the potential harm.

Sec. 29. ANR Report on Management of Salt and Sand Storage Facilities

- By Jan. 15, 2026, ANR shall submit to the Legislature a report regarding management by State and municipal facilities of the storage of salt, salt and sand mixtures, and sand not mixed with salt.
- The report shall include:
 - an inventory of State and municipal facilities used for storage of salt, salt and sand, or sand;
 - an estimated number of these facilities that are currently covered;
 - an estimate of the number of these facilities that are not covered and are within 100 yards of a surface water or drinking water source;
 - an estimate of the number of facilities that are not covered and are more than 100 yards from a surface water or drinking water source; and
 - an estimate of the total cost to cover or move facilities storing salt, salt and sand mixtures, or sand.

Sec. 30. Municipal Salt Applicators; Vermont Local Roads Curriculum

- Prior to July 1, 2026, ANR, in collaboration with AOT, shall make changes to the voluntary Vermont Local Roads curriculum to include BMPs for spreading salt on roads, parking lots, and sidewalks.
 - “Municipal salt applicator” means any individual who applies or supervises others who apply salt or salt alternatives in the applicator’s capacity as an employee or agent of a town or a municipality.
- Notwithstanding statutory authority to sue municipal employees, beginning July 1, 2027, a municipal employee shall have an affirmative defense against claims for damages resulting from a hazard caused by snow or ice if:
 - the municipal salt applicator completed the Vermont Local Roads curriculum providing BMPs for applying salt or salt alternatives on roads, parking lots, and sidewalks in the previous 365 days;
 - the alleged damages are caused solely by hazards from snow or ice; and
 - any failure or delay in removing or mitigating the hazards is the result of the municipal salt applicator’s implementation of the BMPs learned under the Vermont Local Roads curriculum.
- The affirmative defense shall not apply to damages due to gross negligence or reckless disregard of a hazard.
- To maintain the affirmative defense, a municipality shall keep a record describing its road, parking lot, and maintenance practices, consistent with ANR’s requirements under the Local Roads Curriculum.

Sec. 31. Fee Report

- On or before January 15, 2026, ANR shall solicit interest from third-party vendors for training and certifying commercial salt applicators.
- If there is insufficient interest from vendors, ANR shall submit to the Legislature a recommended fee to charge for certification of commercial applicators.

Sec. 32. Contingent Implementation; Funding

- Sec. 32. Provides that the duty of ANR to implement Secs. 28 (Chloride Contamination Reduction Program), 30 (municipal salt applicators), and 31 (fee report) is contingent upon an appropriation from the General Fund for the specific purposes described in Secs. 28, 30, and 31 of this act.

Sec. 33. 30 V.S.A. § 8009. Baseload Renewable Power Portfolio Requirement

- Sec. 33 amends 30 V.S.A. § 8009 to extend the deadlines by one year for the required construction of an efficiency project at the baseload power plant (aka Ryegate).

Sec. 34. Effective Date. The act is effective on passage.