

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 632  
3 entitled “An act relating to miscellaneous environmental amendments”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu 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 Department of Environmental Conservation for the Healthy Homes Initiative.  
2 Funds shall be used to make repairs or improvements to drinking water,  
3 wastewater, or stormwater systems for Vermonters who have low to moderate  
4 income or who live in manufactured housing communities, or both.

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

12 \* \* \*

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

14 Sec. 4. 2024 Act and Resolves No. 121, Sec. 3 is amended to read:

15 Sec. 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

16 RIVER CORRIDOR BASE MAP; INFILL MAPPING;

17 EDUCATION AND OUTREACH

18 (a) On or before January 1, ~~2026~~ 2027, the Department of Environmental  
19 Conservation, in consultation with the Agency of Commerce and Community  
20 Development and the regional planning commissions, shall amend by  
21 procedure the statewide River Corridor Base Map to identify areas suitable for

1 development that are located within existing settlements and that will not cause  
2 or contribute to increases in fluvial erosion hazards.

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

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

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

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

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

9 Sec. 5. 10 V.S.A. § 754 is amended to read:

10 § 754. MAPPED RIVER CORRIDOR RULES

11 (a) Rulemaking authority.

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

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

16 (B) ~~for~~ development exempt from municipal regulation in flood  
17 hazard areas.

18 (2) The Secretary shall not adopt rules under this subsection that  
19 regulate agricultural activities without the consent of the Secretary of  
20 Agriculture, Food and Markets, provided that the Secretary of Agriculture,  
21 Food and Markets shall not withhold consent under this subdivision when lack

1 of such consent would result in the State’s noncompliance with the National  
2 Flood Insurance Program.

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

7 \* \* \*

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

16 \* \* \*

17 Sec. 6. 2024 Acts and Resolves 121, Sec. 10 is amended to read:

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

20 \* \* \*

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

5 \* \* \*

6 Sec. 7. 2024 Acts and Resolves 121, Sec. 11(a) is amended to read:

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

11 \* \* \* Clean Water Service Providers \* \* \*

12 Sec. 8. 10 V.S.A. § 922 is amended to read:

13 § 922. WATER QUALITY IMPLEMENTATION PLANNING AND  
14 TARGETS

15 (a) After listing a water as impaired on the list of waters required by  
16 33 U.S.C. § 1313(d), the Secretary shall include in the implementation plan for  
17 the water a strategy for returning the water to compliance with the Vermont  
18 Water Quality Standards. With respect to a water that is impaired due to  
19 sources outside the State or if there is insufficient data or no data available to  
20 quantify reductions required by this subchapter, the Secretary shall not be  
21 required to implement the requirements of this subchapter; however, the

1 Secretary shall provide an alternate strategy for attaining water quality  
2 standards in the implementation plan for the water. For waters determined to  
3 be subject to this subchapter, the Secretary shall include the following in an  
4 implementation plan:

5 \* \* \*

6 (c) When implementing the requirements of this section, the Secretary shall  
7 ~~follow the type 3 notice process established in section 7714 of this title~~ provide  
8 notice to the public and a comment period of not less than 30 days.

9 Sec. 9. 10 V.S.A. § 923 is amended to read:

10 § 923. QUANTIFICATION OF POLLUTION REDUCTION; CLEAN  
11 WATER PROJECTS

12 (a) After listing a water as impaired on the list of waters required by  
13 33 U.S.C. § 1313(d), the Secretary shall publish a methodology for calculating  
14 pollution reduction values associated with a clean water project in that water.  
15 When establishing a pollutant reduction value, the Secretary shall consider  
16 pollution reduction values established in the TMDL; pollution reduction values  
17 established by other jurisdictions; pollution reduction values recommended by  
18 organizations that develop pollutant reduction values for a clean water project;  
19 applicable monitored data with respect to a clean water project, if available;  
20 modeled data, if available; or a comparison to other similar projects or  
21 programs if no other data on a pollution reduction value or design life exists.

1 Pollution reduction values established by the Secretary shall be the exclusive  
2 method for determining the pollutant reduction value of a clean water project.

3 \* \* \*

4 (c)(1) If a person is proposing a clean water project for which no pollution  
5 reduction value or design life exists for a listed water, the Secretary shall  
6 publish a timeline, not to exceed one year, to establish a pollution reduction  
7 value or design life for that clean water project within 60 days following a  
8 request from the person proposing the clean water project. A pollution  
9 reduction value or design life established under this subdivision shall be based  
10 on a review of pollution reduction values established in the TMDL; pollution  
11 reduction values or design lives established by other jurisdictions; pollution  
12 reduction values or design lives recommended by organizations that develop  
13 pollutant reduction values or design lives for a clean water project; applicable  
14 monitored data with respect to a clean water project, if available; modeled  
15 data, if available; actual data documenting the design life of a clean water  
16 project; or a comparison to other similar projects or programs if no other data  
17 on a pollution reduction value or design life exists. Any ~~estimate~~ timeline or  
18 pollution reduction value or design life developed under this subsection by the  
19 Secretary shall be posted on the Agency of Natural Resources' website.

20 (2) Upon the request of a clean water service provider, the Secretary  
21 shall evaluate a proposed clean water project and issue a determination as to

1 whether the proposed clean water project is eligible to receive funding as a part  
2 of a Water Quality Restoration Formula Grant awarded by the State pursuant  
3 to section 925 of this title.

4 \* \* \*

5 (f)(1) When implementing the requirements of subsections (a) and (b) of  
6 this section, the Secretary shall ~~follow the type 3 notice process established in~~  
7 ~~section 7714 of this title~~ provide notice to the public and a comment period of  
8 not less than 30 days.

9 (2) When implementing the requirements of subsection (c) of this  
10 section, the Secretary shall ~~follow the type 4 notice process in section 7715 of~~  
11 ~~this title~~ provide notice to the public and a comment period of not less than 30  
12 days.

13 \* \* \* Stream Alteration \* \* \*

14 **Sec. 10. THRESHOLD FOR STREAM ALTERATION PERMITTING**

15 Notwithstanding the provisions of 10 V.S.A. chapter 41 requiring the  
16 Secretary of Natural Resources to issue a stream alteration permit for the  
17 movement, fill, or excavation of 10 cubic yards or more of instream material in  
18 any year in any watercourse, beginning on July 1, 2026, and ending on July 1,  
19 2027, the Secretary of Natural Resources shall only require a stream alteration  
20 permit under 10 V.S.A. chapter 41 for the movement, fill, or excavation of 10  
21 cubic yards or more of instream material in any year in a watercourse with a

1 watershed area greater than 0.5 square miles at the location of the proposed  
2 movement, fill, or excavation.

3 **Sec. 11. AGENCY OF NATURAL RESOURCES REPORT ON THE**  
4 **PERMITTING OF STREAM ALTERATION**

5 On or before January 15, 2027, the Secretary of Natural Resources shall  
6 submit to the House Committee on Environment and the Senate Committee on  
7 Natural Resources and Energy a recommended permitting threshold for stream  
8 alteration in watercourses of the State that is based on the ecological effect,  
9 volume, or size of a watershed or amount of instream material moved. The  
10 recommendation will be based on scientific evidence that includes an  
11 assessment of whether the permitting standard should be scaled to address the  
12 relative impacts of the alteration on a watercourse, including whether:

13 (1) the permitting standard should be adjustable based on the degree of  
14 impact that an alteration would have on the watercourse, such as whether  
15 smaller alterations should be permitted in a smaller watercourse but not in a  
16 larger watercourse; and

17 (2) whether the type or volume of material moved that would trigger the  
18 permitting standard should be subject to different standards based on the effect  
19 that the material or volume would have on a watercourse.

\* \* \* Concentrated Animal Feeding Operations \* \* \*

1  
2 Sec. 12. 6 V.S.A. § 4851(a) is amended to read:

3 (a) No person shall, without a Large Farm Operation permit from the  
4 Secretary, construct a new barn, or expand an existing barn, designed to house  
5 more than 700 mature dairy animals, 1,000 cattle or ~~cow/calf~~ cow and calf  
6 pairs, 1,000 veal calves, 2,500 swine weighing over 55 pounds, 10,000 swine  
7 weighing less than 55 pounds, 500 horses, 10,000 sheep or lambs, 55,000  
8 turkeys, 30,000 laying hens or broilers with a liquid manure handling system,  
9 82,000 laying hens without a liquid manure handling system, 125,000 chickens  
10 other than laying hens without a liquid manure handling system, 5,000 ducks  
11 with a liquid manure handling system, or 30,000 ducks without a liquid  
12 manure handling system. No permit shall be required to replace an existing  
13 barn in use for livestock or domestic fowl production at its existing capacity.  
14 The Secretary of Agriculture, Food and Markets, in consultation with the  
15 Secretary of Natural Resources, shall review any application for a permit under  
16 this section with regard to water quality impacts prior to approval of a permit  
17 under this subsection. If, upon review of a large farm application for a permit  
18 under this subsection, the Secretary of Agriculture, Food and Markets  
19 determines that the farm may be discharging to waters of the State, the  
20 Secretary of Agriculture, Food and Markets shall promptly refer the potential  
21 discharge to the Secretary of Natural Resources for response in accordance

1 with the federal Clean Water Act regarding concentrated animal feeding  
2 operations. The Secretary of Natural Resources shall direct a large farm to  
3 obtain a National Pollutant Discharge Elimination System permit under  
4 10 V.S.A. § 1263 if required by federal regulations for concentrated animal  
5 feeding operations or by the VPDES CAFO Rules. If the farm is not required  
6 to obtain a CAFO permit and is not in violation of federal regulations for  
7 Concentrated Animal Feeding Operations, the Secretary of Natural Resources  
8 shall promptly notify the Secretary of Agriculture, Food and Markets.

9 Sec. 13. 10 V.S.A. § 1263 is amended to read:

10 § 1263. DISCHARGE PERMITS

11 (a) Any person who intends to discharge waste into the waters of the State  
12 or who intends to discharge into an injection well or who intends to discharge  
13 into any publicly owned treatment works any waste that interferes with, passes  
14 through without treatment, or is otherwise incompatible with that works or  
15 would have a substantial adverse effect on that works or on water quality, or is  
16 required to apply for a CAFO permit, shall make application to the Secretary  
17 for a discharge permit. Application shall be made on a form prescribed by the  
18 Secretary. An applicant shall pay an application fee in accordance with  
19 3 V.S.A. § 2822.

20 \* \* \*

1 (g) Any person who owns or operates a concentrated animal feeding  
2 operation that requires a permit under the federal National Pollutant Discharge  
3 Elimination System permit regulations or the VPDES CAFO Rules shall  
4 submit an application to the Secretary for a discharge permit and pay the  
5 required fees specified in 3 V.S.A. § 2822. Not later than ~~December 15, 2025~~  
6 September 1, 2027, the Secretary shall amend and issue the CAFO General  
7 Permit and Notice of Intent. Not later than July 1, 2026, the Secretary shall  
8 issue a CAFO application and an individual CAFO permit. The Secretary may  
9 request any additional information from a farm as necessary to process a  
10 permit and administer the CAFO program. The Secretary may direct a farm to  
11 apply for an individual or general permit in accordance with the procedural  
12 requirements of subsection (b) of this section.

13 (h) A large CAFO shall not be required to have a CAFO permit unless one  
14 of the following conditions ~~are~~ is met:

15 (1) wastes are discharged into waters via a point source;

16 (2) wastes are discharged directly into waters that originate outside or  
17 pass over, across, or through the facility or otherwise come into direct contact  
18 with the animals confined in the operation; **or**

19 (3) a precipitation-related discharge of manure, litter, or process  
20 wastewater from land areas under the control of a LFO has occurred that was  
21 not in accordance with site-specific nutrient management practices that ensure

1 appropriate agricultural utilization of the nutrients in the manure, litter, or  
2 process wastewater, as determined by the Secretary.

3 (i) The Secretary shall require nutrient management plans for all CAFOs  
4 and shall include ~~the plans~~ approved by the Secretary in the permits for public  
5 comment in accordance with the process set forth in chapter 170 of this title.

6 The Secretary may amend a permit in accordance with chapter 170 of this title  
7 or revoke a permit in accordance with 3 V.S.A. § 814.

8 (j) Once a CAFO is covered under a CAFO permit, the farm shall be  
9 covered for the five-year duration of the permit. A ~~farm covered by a CAFO~~  
10 permit shall ~~renew the permit~~ be renewed in accordance with its terms, unless  
11 the farm wants to opt out and can demonstrate it is not discharging and shall  
12 accordingly comply with the federal CWA and the Vermont CAFO rules.

13 Sec. 14. 10 V.S.A. § 1351 is amended to read:

14 § 1351. DEFINITIONS

15 As used in this subchapter:

16 \* \* \*

17 (2)(A) “Animal feeding operation” or “AFO” means a lot or facility,  
18 other than an aquatic animal production facility, where the following  
19 conditions are met:

1 (i) animals, other than aquatic animals, have been, are, or will be  
2 stabled or confined and fed or maintained for a total of 45 days or more in any  
3 12-month period; and

4 (ii) crops, vegetation, or forage growth are not sustained in the  
5 normal growing season over any portion of the lot or facility.

6 (B) ~~Two or more individual farms qualifying as an AFO that are~~  
7 ~~under common ownership and that adjoin each other or use a common area or~~  
8 ~~system for the disposal of waste shall be considered to be a single AFO if the~~  
9 ~~combined number of livestock or domestic fowl on the combined farm~~  
10 ~~qualifies the combined farm as a large CAFO as defined in subdivision (5) of~~  
11 ~~this section or as a medium CAFO as defined in subdivision (8) of this section~~  
12 Two or more AFOs under common ownership are considered to be a single  
13 AFO for the purposes of determining the number of animals at an operation, if  
14 they adjoin each other or if they use a common area or system for the disposal  
15 of wastes.

16 (3) “Concentrated animal feeding operation” or “CAFO” means an AFO  
17 that is defined as a large CAFO, a medium CAFO, or a small CAFO.

18 \* \* \*

19 (5) “Large concentrated animal feeding operation” or “~~Large~~ large  
20 CAFO” means an AFO that houses 700 or more mature dairy animals, whether  
21 milked or dry, 1,000 or more cattle or cow ~~or~~ and calf pairs, 1,000 or more veal

1 calves, 2,500 or more swine weighing over 55 pounds, 10,000 or more swine  
2 weighing 55 pounds or less, 500 or more horses, 10,000 or more sheep or  
3 lambs, 55,000 or more turkeys, 30,000 or more laying hens or broilers with a  
4 liquid manure handling system, 82,000 or more laying hens without a liquid  
5 manure handling system, 125,000 or more chickens other than laying hens  
6 without a liquid manure handling system, 5,000 or more ducks with a liquid  
7 manure handling system, or 30,000 or more ducks without a liquid manure  
8 handling system.

9 (6) “Large farm operation” or “LFO” ~~has the same meaning as in 6~~  
10 ~~V.S.A. chapter 215~~ means an AFO that stables or confines as many as or more  
11 than the numbers of animals specified in any of the following categories:

12 (A) 700 mature dairy cows, whether milked or dry;

13 (B) 1,000 veal calves;

14 (C) 1,000 cattle other than mature dairy cows or veal calves (includes  
15 heifers, steers, bulls, and cow and calf pairs);

16 (D) 2,500 swine each weighing 55 pounds or more;

17 (E) 10,000 swine each weighing less than 55 pounds;

18 (F) 500 horses;

19 (G) 10,000 sheep or lambs;

20 (H) 55,000 turkeys;



1 handling system, 1,500 to 4,999 ducks with a liquid manure handling system,  
2 or 10,000 to 29,999 ducks without a liquid manure handling system; and

3 (B) either of the following conditions are met:

4 (i) wastes are discharged into waters through a man-made ditch,  
5 flushing system, or other similar man-made device; or

6 (ii) wastes are discharged directly into waters that originate  
7 outside of or pass over, across, or through the facility or otherwise come into  
8 direct contact with the animals confined in the operation.

9 (9) “Medium farm operation” or “MFO” ~~has the same meaning as~~  
10 ~~medium farm operation in 6 V.S.A. chapter 215 and rules adopted under the~~  
11 ~~chapter~~ means any AFO with the following type and number of animals: 200  
12 to 699 mature dairy cows, whether milked or dry; 300 to 999 veal calves; 300  
13 to 999 cattle other than mature dairy cows or veal calves (includes heifers,  
14 steers, bulls, and cow and calf pairs); 750 to 2,499 swine each weighing 55  
15 pounds or more; 3,000 to 9,999 swine each weighing less than 55 pounds; 150  
16 to 499 horses; 3,000 to 9,999 sheep or lambs; 16,500 to 54,999 turkeys; 9,000  
17 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling  
18 system; 37,500 to 124,999 chickens (other than laying hens), if the AFO uses  
19 other than a liquid manure handling system; 25,000 to 81,999 laying hens, if  
20 the AFO uses other than a liquid manure handling system; 10,000 to 29,999

1 ducks, if the AFO uses other than a liquid manure handling system; or 1,500 to  
2 4,999 ducks, if the AFO uses a liquid manure handling system.

3 (10) “Point source” means any discernible, confined, and discrete  
4 conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete  
5 fissure, container, rolling stock, concentrated animal feeding operation, or  
6 vessel or other floating craft from which pollutants are or may be discharged.

7 This term does not include agricultural stormwater discharges and return flows  
8 from irrigated agriculture.

9 (11) “Process wastewater” means water directly or indirectly used in the  
10 operation of an AFO or CAFO for any or all of the following: spillage or  
11 overflow from animal or poultry watering systems; washing, cleaning, or  
12 flushing pens, barns, manure pits, or other AFO or CAFO facilities; direct  
13 contact swimming, washing, or spray cooling of animals; or dust control.

14 Process wastewater also includes any water that comes into contact with any  
15 raw materials, products, or byproducts, including manure, litter, feed, milk,  
16 eggs, or bedding.

17 (12) “Production area” means that part of an AFO or CAFO that  
18 includes the animal confinement area, the manure storage area, the raw  
19 materials storage area, and the waste containment areas. The animal  
20 confinement area includes open lots, housed lots, feedlots, confinement houses,  
21 stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards,

1 medication pens, walkers, animal walkways, and stables. The manure storage  
2 area includes lagoons, runoff ponds, storage sheds, stockpiles, under house or  
3 pit storages, liquid impoundments, static piles, and composting piles. The raw  
4 materials storage area includes feed silos, silage bunkers, and bedding  
5 materials. The waste containment area includes settling basins, and areas  
6 within berms and diversions that separate uncontaminated ~~storm water~~  
7 stormwater. Also included in the definition of production area is any egg  
8 washing or egg processing facility and any area used in the storage, handling,  
9 treatment, or disposal of mortalities.

10 (13) “Secretary” means the Secretary of Natural Resources.

11 (14) “Small animal feeding operation” or “SFO” means an AFO that is  
12 not a large CAFO or a medium CAFO.

13 (15) “Small concentrated animal feeding operation” or “small CAFO”  
14 means a small AFO designated as a small CAFO by the Secretary upon  
15 determining that the AFO is a significant contributor of pollutants to waters of  
16 the State and is defined as a CAFO by the regulations adopted under the  
17 federal Clean Water Act.

18 (16) “Waters of the United States” ~~shall have~~ has the same meaning as  
19 defined by the federal Clean Water Act.

1 Sec. 15. 10 V.S.A. § 1352 is amended to read:

2 § 1352. POWERS OF THE SECRETARY

3 The Secretary has the authority to exercise all of the following:

4 (1) Implement the federal Clean Water Act to administer a Vermont  
5 pollutant discharge elimination system (VPDES) CAFO program that is at  
6 least as stringent as the federal Clean Water Act and enabling rules.

7 (2) Make, adopt, revise, and amend rules as necessary to administer a  
8 VPDES CAFO program that is at least as stringent as the federal Clean Water  
9 Act and enabling rules.

10 (3) Make, adopt, revise, and amend procedures, guidelines, inspection  
11 checklists, and other documents as necessary for the administration of the  
12 VPDES CAFO program.

13 (4) Designate any AFO that meets the definition of a CAFO under the  
14 federal Clean Water Act regulations or under the VPDES CAFO Rule as a  
15 CAFO, in the Secretary's sole discretion.

16 (5) Establish technical standards and require a CAFO to comply with  
17 technical standards that are consistent with current U.S. Department of  
18 Agriculture nutrient management standards, vegetative buffers, and any other  
19 CAFO requirements that comply with the federal Clean Water Act and  
20 enabling rules, such as 40 C.F.R. § 412.4 and 40 C.F.R. § 123.36.

1           (6) Require any AFO to obtain a CAFO permit under this chapter upon a  
2           determination that the AFO is discharging to waters of the State.

3           ~~(6)~~(7) Designate any small AFO as a CAFO if after an on-site  
4           inspection, the Secretary determines that the small AFO is discharging into  
5           water and is a significant contributor of pollutants to waters of the State. The  
6           Secretary shall consider the following factors:

7                   (A) the size of the AFO and the amount of wastes reaching waters;

8                   (B) the location of the AFO relative to waters;

9                   (C) the means of conveyance of animal wastes and process waste  
10           ~~waters~~ wastewaters into waters;

11                   (D) the slope, vegetation, rainfall, and other factors affecting the  
12           likelihood or frequency of discharge of animal wastes, manure, and process  
13           wastewaters into waters; and

14                   (E) other relevant factors.

15           ~~(7)~~(8) Access private or public property to inspect AFOs and CAFOs,  
16           take photos and samples, and review and copy AFO and CAFO land  
17           management records, including nutrient management plans, as may be  
18           necessary to carry out the provisions of this subchapter.

19           ~~(8)~~(9) Solicit and receive federal funds to implement the CAFO  
20           program.

1           ~~(9)~~(10) Cooperate fully with the federal government or other agencies in  
2           the operation of any joint federal-state programs concerning the regulation of  
3           agricultural pollution.

4           ~~(10)~~(11) Appoint assistants or contract with persons with applicable  
5           expertise, subject to applicable laws and State policies, to perform or assist in  
6           the performance of the duties and functions of the Secretary under this chapter.

7           Sec. **16**. 10 V.S.A. § 1353 is amended to read:

8           § 1353. CAFO PERMIT REQUIREMENTS AND EXEMPTIONS

9           (a) The discharge of manure, litter, or process wastewater to waters of the  
10           State from a permitted CAFO as a result of the application of that manure,  
11           litter, or process wastewater by the CAFO to land areas under its control is a  
12           discharge from that CAFO subject to VPDES permit requirements, except  
13           where it is an agricultural stormwater discharge as provided under the federal  
14           Clean Water Act. For purposes of this subsection, where the manure, litter, or  
15           process wastewater has been applied in accordance with the federal regulations  
16           under the Clean Water Act, a precipitation-related discharge of manure, litter,  
17           or process wastewater from land areas under the control of a CAFO is an  
18           agricultural stormwater discharge. For unpermitted ~~Large~~ large CAFOs, a  
19           precipitation-related discharge of manure, litter, or process wastewater from  
20           land areas under the control of the CAFO shall be considered an exempt  
21           agricultural stormwater discharge only where the manure, litter, or process

1 wastewater has been land applied in accordance with site-specific nutrient  
2 management practices that ensure appropriate agricultural utilization of the  
3 nutrients in the manure, litter, or process wastewater, as specified in the federal  
4 CAFO regulations and as determined by the Secretary.

5 \* \* \*

6 Sec. 17. 10 V.S.A. § 8003 is amended to read:

7 § 8003. APPLICABILITY

8 (a) The Secretary may take action under this chapter to enforce the  
9 following statutes and rules, permits, assurances, or orders implementing the  
10 following statutes, and the Board may take such action with respect to  
11 subdivision (10) of this subsection:

12 \* \* \*

13 (3) 10 V.S.A. chapters 47 and 56, relating to water pollution control,  
14 water quality standards, public water supply, and lakes in crisis;

15 \* \* \*

16 (d) Upon the request of the Secretary of Agriculture, Food and Markets, the  
17 Secretary may take action under this chapter to enforce the agricultural water  
18 quality requirements of, rules adopted under, and permits and certifications  
19 issued under 6 V.S.A. chapter 215. The Secretary of Natural Resources and  
20 the Secretary of Agriculture, Food and Markets shall ~~enter into a memorandum~~

1 ~~of understanding to implement this subsection~~ execute a document that  
2 outlines the process for implementing this subsection.

3 \* \* \* Surface Water Restoration Projects \* \* \*

4 Sec. 18. 10 V.S.A. chapter 47, subchapter 3B is added to read:

5 Subchapter 3B. Surface Waters Restoration General Permit

6 § 1361. DEFINITIONS

7 As used in this subchapter:

8 (1) “Ecological restoration” means the process of assisting in the  
9 recovery of the structure and function of the natural condition of a surface  
10 water following negative impacts through human actions, such as development  
11 including infrastructure and altering rivers and flood plains.

12 (2) “Dam removal” means all actions needed to eliminate the risk of  
13 dam failure–related inundation below the dam and channel instability upstream  
14 of the dam, including partial or complete structural removal to the extent that  
15 the dam is no longer capable of impounding water, liquid, or sediment and  
16 natural river functions are restored.

17 (3) “Secretary” means the Secretary of Natural Resources.

18 (4) “Surface water” or “water” means all rivers, streams, creeks, brooks,  
19 reservoirs, ponds, lakes, and springs and all bodies of surface waters, artificial  
20 or natural, that are contained within, flow through, or border upon the State or  
21 any portion of it.

1 § 1362. SURFACE WATER RESTORATION PROJECTS; GENERAL

2 PERMIT

3 (a) On or before December 1, 2027, the Secretary shall adopt by rule a  
4 surface water restoration general permit for ecological restoration projects for  
5 surface waters of the State. The goal of the surface water restoration general  
6 permit is to increase flood resilience, improve water quality, and increase  
7 biodiversity through natural resources restoration practices, including dam  
8 removal, culvert replacement, berm removal, and floodplain restoration  
9 projects.

10 (b) The surface water restoration general permit shall consider whether all  
11 or some of the criteria of the following current permits should be incorporated  
12 into a water restoration general permit, including a stream alteration permit, a  
13 dam safety order, a wetlands determination or permit, a rare and threatened  
14 species review, a Clean Water Act Section 401 water quality certification, a  
15 stormwater construction general permit, an insignificant waste management  
16 event permit, and a shoreland protection permit.

17 § 1363. DAM ORDER REVIEW

18 (a) The Department of Environmental Conservation Dam Safety Program,  
19 in coordination with stakeholders including engineers, municipalities, utilities,  
20 project proponents, and restoration practitioners, shall examine the  
21 environmental review process required for a dam order needed for repair or

1 rehabilitation of existing dams under 10 V.S.A. chapter 43 and shall consider  
2 what, and to what extent, other factors should be considered before a dam  
3 order for repair is granted.

4 (b) The examination required by subsection (a) of this section shall include  
5 review of the current permitting process and criteria for the determination of  
6 public good required by section 1086 of this title, as well as the impacts on  
7 ecological restoration for flood resiliency. The review shall include:

8 (1) the identification of improvements that shall address all of the public  
9 safety and environmental impacts of projects, including an alternatives analysis  
10 for dam breaching or dam removal;

11 (2) the development of specific criteria that the Department of Fish and  
12 Wildlife investigation required under section 1084 of this title shall incorporate  
13 as part of the investigation in order to address and limit impacts on fish and  
14 wildlife in the vicinity of a dam; and

15 (3) a determination that the greatest benefit to the people of the State  
16 shall include ecological restoration, as well as public safety, scenic and  
17 recreational values, fish and wildlife, existing public recreational uses, creation  
18 of any hazard to public use, and attainment of Vermont Water Quality  
19 Standards, and how each of these factors weighs into the recommendations in  
20 the dam order.

21 \* \* \* Emergency Rule \* \* \*

1 Sec. 19. 3 V.S.A. § 844 is amended to read:

2 § 844. EMERGENCY RULES

3 (a) Where an agency believes that there exists an imminent peril to public  
4 health, safety, or welfare, it may adopt an emergency rule. The rule may be  
5 adopted without having been prefiled or filed in proposed or final proposed  
6 form, and may be adopted after whatever notice and hearing the agency finds  
7 to be practicable under the circumstances. The agency shall make reasonable  
8 efforts to ensure that emergency rules are known to persons who may be  
9 affected by them.

10 \* \* \*

11 (g) In the alternative to the grounds specified in subsection (a) of this  
12 section, an agency may adopt emergency amendments to existing rules using  
13 the process set forth in this section if each of the subdivisions (1)–(5) of this  
14 subsection applies. On a majority vote of the entire Committee, the Legislative  
15 Committee on Administrative Rules may object to the emergency amendments  
16 on the basis that one or more of these subdivisions do not apply or under  
17 subdivision (e)(1)(A), (B), or (C) of this section, or both.

18 (1) The existing rules implement a program controlled by federal statute  
19 or rule or by a multistate entity.

1           (2) The controlling federal statute or rule has been amended to require a  
2 change in the program, or the multistate entity has made a change in the  
3 program that is to be implemented in all of the participating states.

4           (3) The controlling federal statute or rule or the multistate entity requires  
5 implementation of the change within 120 days or less.

6           (4) The adopting authority finds each of the following in writing:

7           (A) The agency cannot by the date required for implementation  
8 complete the final adoption of amended rules using the process set forth in  
9 sections ~~837 through 843~~ 837–843 of this title.

10           (B) Failure to amend the rules by the date required for  
11 implementation would cause significant harm to the public health, safety, or  
12 welfare or significant financial loss to the State.

13           (5) On the date the emergency rule amendments are adopted pursuant to  
14 this subsection, the adopting authority prefiles a corresponding permanent rule  
15 pursuant to section 837 of this title.

16           (h) In addition to the grounds for emergency rulemaking under subsections  
17 (a) and (g) of this section, an agency may adopt an emergency rule under this  
18 section if an amendment to a federal statute, rule, or policy will materially  
19 conflict with or threaten the ability of the agency to implement a statutory or  
20 regulatory program required under Vermont law. On a majority vote of the  
21 entire Committee, the Legislative Committee on Administrative Rules may

1 object to proposed emergency rules for adoption under this subsection on the  
2 basis that the provisions of this subsection do not apply.

3 Sec. 20. SUNSET OF AGENCY EMERGENCY RULEMAKING

4 AUTHORITY

5 3 V.S.A. § 844(h) (emergency rulemaking in response to federal action) is  
6 repealed on July 1, 2028.

7 \* \* \* Household Hazardous Products \* \* \*

8 Sec. 21. 10 V.S.A. § 7181(4) is amended to read:

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

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

16 (ii) the product is a gas cylinder.

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

19 \* \* \*

20 (x) products that are intended to be rubbed, poured, sprinkled on,  
21 sprayed on, introduced into, or otherwise applied to the human body or any

1 part of a human for cleansing, moisturizing, sun protection, beautifying,  
2 promoting attractiveness, or altering appearance, unless designated as a  
3 hazardous material or a hazardous waste by the Secretary of Natural  
4 Resources; ~~or~~

5 (xi) gas cylinders determined by the Secretary by rule not to pose  
6 an unacceptable risk to human health, solid waste facility operation, or the  
7 environment, and which are not hazardous waste; or

8 (xii) single-use and rechargeable handheld fire extinguishers when  
9 the manufacturers of those extinguishers or their representatives collect the  
10 extinguishers from municipal household hazardous waste collection programs  
11 at no cost.

12 Sec. 22. 24 V.S.A. § 2201 is amended to read:

13 § 2201. THROWING, DEPOSITING, BURNING, AND DUMPING

14 REFUSE; PENALTY; SUMMONS AND COMPLAINT

15 (a)(1) Prohibition.

16 (1) Every person shall be responsible for proper disposal of ~~his or her~~  
17 the person's own solid waste. A person shall not throw, dump, deposit, or  
18 cause or permit to be thrown, dumped, or deposited any solid waste as defined  
19 in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on  
20 lands or waters of the State outside a solid waste management facility certified  
21 by the Agency of Natural Resources.

1 \* \* \*

2 (b) Prosecution of violations. A person who violates a provision of this  
3 section commits a civil violation and shall be subject to a civil penalty of not  
4 more than \$800.00.

5 (1) This violation shall be enforceable in the Judicial Bureau pursuant to  
6 the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a  
7 municipal attorney, a solid waste management district attorney, an  
8 environmental enforcement officer employed by the Agency of Natural  
9 Resources, a designee of the legislative body of the municipality, or any duly  
10 authorized law enforcement officer.

11 (2) If the throwing, placing, or depositing was done from a snowmobile,  
12 vessel, or motor vehicle, except a motor bus, there shall be a rebuttable  
13 presumption that the throwing, placing, or depositing was done by the operator  
14 of the snowmobile, vessel, or motor vehicle.

15 (3) Nothing in this section shall be construed as affecting the operation  
16 of an automobile graveyard or salvage yard as defined in section 2241 of this  
17 title, nor shall anything in this section be construed as prohibiting the  
18 installation and use of appropriate receptacles for solid waste provided by the  
19 State or towns.

1 (c) Roadside cleanup. A person found in violation of this section may be  
2 assigned to spend up to 80 hours collecting trash or litter from a specified  
3 segment of roadside or from a specified area of public property.

4 (d) Waste tire disposal. A person shall not transfer possession of a waste  
5 tire to an unlicensed solid waste hauler for disposal. Violation of this  
6 subsection shall be a violation of subsection (a) of this section.

7 (e) Revocation of hunting, fishing, or trapping license. The Commissioner  
8 of Fish and Wildlife shall revoke the privilege of a person found in violation of  
9 this section from holding a hunting, fishing, or trapping license for a period of  
10 one year from the date of the conviction; if the person fails to pay the penalty  
11 set forth in subsection (b) of this section. The Bureau shall immediately notify  
12 the Commissioner of Fish and Wildlife of the entry of judgment.

13 (f) [Repealed.]

14 (g) Amendment of complaint. A person authorized to enforce this section  
15 may amend or dismiss a complaint issued by that person by marking the  
16 complaint and returning it to the Judicial Bureau. At the hearing, a person  
17 authorized to enforce this section may amend or dismiss a complaint issued by  
18 that person, subject to the approval of the hearing judge.

19 (h) [Repealed.]

20 (i) Applicability. Enforcement actions taken under this section shall in no  
21 way preclude the Agency of Natural Resources, the Attorney General, or an

1 appropriate State prosecutor from initiating other or further enforcement  
2 actions under the civil, administrative, or criminal enforcement provisions of  
3 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement  
4 under this section is by an environmental enforcement officer employed by the  
5 Agency of Natural Resources, enforcement under this section shall preclude  
6 other enforcement by the Agency for the same offence.

7 (j) Definitions. As used in this section:

8 (1) “Motor vehicle” ~~shall have~~ has the same meaning as in 23 V.S.A.  
9 § 4(21).

10 (2) “Snowmobile” ~~shall have~~ has the same meaning as in 23 V.S.A.  
11 § 3801.

12 (3) “Vessel” means motor boats, boats, kayaks, canoes, sailboats, and all  
13 other types of watercraft.

14 (4) “Waste tire” means a motor vehicle tire that has been removed from  
15 a motor vehicle and is no longer suitable for its original purpose because of  
16 wear, tear, damage, defect, or other reason.

17 (5) “Waters” ~~shall have~~ has the same meaning as in 10 V.S.A.  
18 § 1251(13).

19 \* \* \* Emissions Repair Program \* \* \*

20 Sec. 23. 2021 Acts and Resolves No. 55, Sec. 25 is amended to read:

1           Sec. 25. EMISSIONS REPAIR PROGRAM

2           (a) Program creation. The Department of Environmental Conservation, in  
3           consultation with the Agency of Transportation, shall establish and administer  
4           an emissions repair program that shall:

5                 (1) apply to repairs of certain vehicles that failed the on board diagnostic  
6                 (OBD) systems inspection;

7                 (2) provide point-of-repair vouchers and base eligibility for vouchers on  
8                 ~~the same criteria used for income qualification for the Low Income Home~~  
9                 ~~Energy Assistance Program (LIHEAP) through the State's Economic Services~~  
10                ~~Division within the Department for Children and Families a Vermont~~  
11                registered vehicle owner's Vermont income tax status or adjusted gross income  
12                of the most recent Vermont income tax return, adjusted for the number of  
13                dependents claimed, as follows:

14                     (A) a Vermont resident not required to file a Vermont income tax  
15                     return because the resident is not required to file a federal income tax return  
16                     qualifies for up to the maximum voucher amount of \$2,500.00;

17                     (B) a Vermont resident with an adjusted gross income at or below  
18                     185 percent of the federal poverty level as determined by the U.S. Census  
19                     Bureau qualifies for up to the maximum voucher amount of \$2,500.00;



1

2

3 (Committee vote: \_\_\_\_\_)

4

\_\_\_\_\_

5

Representative \_\_\_\_\_

6

FOR THE COMMITTEE