

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 (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 into the
14 environment.

15 * * * Healthy Homes Initiative * * *

16 Sec. 3. 2024 Acts and Resolves No. 78, Sec. B.1103 is amended to read:

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

18 ONE-TIME APPROPRIATIONS

19 * * *

20 (j)(1) In fiscal year 2024, the amount of \$6,100,000 American Rescue Plan
21 Act (ARPA) – Coronavirus State Fiscal Recovery Funds is appropriated to the

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 * * * Concentrated Animal Feeding Operations * * *

14 Sec. 10. 6 V.S.A. § 4851(a) is amended to read:

15 (a) No person shall, without a Large Farm Operation permit from the
16 Secretary, construct a new barn, or expand an existing barn, designed to house
17 more than 700 mature dairy animals, 1,000 cattle or ~~cow/calf~~ cow and calf
18 pairs, 1,000 veal calves, 2,500 swine weighing over 55 pounds, 10,000 swine
19 weighing less than 55 pounds, 500 horses, 10,000 sheep or lambs, 55,000
20 turkeys, 30,000 laying hens or broilers with a liquid manure handling system,
21 82,000 laying hens without a liquid manure handling system, 125,000 chickens

1 other than laying hens without a liquid manure handling system, 5,000 ducks
2 with a liquid manure handling system, or 30,000 ducks without a liquid
3 manure handling system. No permit shall be required to replace an existing
4 barn in use for livestock or domestic fowl production at its existing capacity.
5 The Secretary of Agriculture, Food and Markets, in consultation with the
6 Secretary of Natural Resources, shall review any application for a permit under
7 this section with regard to water quality impacts prior to approval of a permit
8 under this subsection. If, upon review of a large farm application for a permit
9 under this subsection, the Secretary of Agriculture, Food and Markets
10 determines that the farm may be discharging to waters of the State, the
11 Secretary of Agriculture, Food and Markets shall promptly refer the potential
12 discharge to the Secretary of Natural Resources for response in accordance
13 with the federal Clean Water Act regarding concentrated animal feeding
14 operations. The Secretary of Natural Resources shall direct a large farm to
15 obtain a National Pollutant Discharge Elimination System permit under
16 10 V.S.A. § 1263 if required by federal regulations for concentrated animal
17 feeding operations or by the VPDES CAFO Rules. If the farm is not required
18 to obtain a CAFO permit and is not in violation of federal regulations for
19 Concentrated Animal Feeding Operations, the Secretary of Natural Resources
20 shall promptly notify the Secretary of Agriculture, Food and Markets.
21 Sec. 11. 10 V.S.A. § 1263 is amended to read:

§ 1263. DISCHARGE PERMITS

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

* * *

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

1 apply for an individual or general permit in accordance with the procedural
2 requirements of subsection (b) of this section.

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

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

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

9 (3) a precipitation-related discharge of manure, litter, or process
10 wastewater from land areas under the control of a LFO has occurred that was
11 not in accordance with site-specific nutrient management practices that ensure
12 appropriate agricultural utilization of the nutrients in the manure, litter, or
13 process wastewater, as determined by the Secretary.

14 (i) The Secretary shall require nutrient management plans for all CAFOs
15 and shall include ~~the plans~~ approved by the Secretary in the permits for public
16 comment in accordance with the process set forth in chapter 170 of this title.
17 The Secretary may amend a permit in accordance with chapter 170 of this title
18 or revoke a permit in accordance with 3 V.S.A. § 814.

19 (j) Once a CAFO is covered under a CAFO permit, the farm shall be
20 covered for the five-year duration of the permit. ~~A farm covered by a CAFO~~
21 ~~permit shall renew the permit~~ be renewed in accordance with its terms, unless

1 the farm wants to opt out and can demonstrate it is not discharging and shall
2 accordingly comply with the federal CWA and the Vermont CAFO rules.

3 Sec. 12. 10 V.S.A. § 1351 is amended to read:

4 § 1351. DEFINITIONS

5 As used in this subchapter:

6 * * *

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

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

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

15 (B) ~~Two or more individual farms qualifying as an AFO that are~~
16 ~~under common ownership and that adjoin each other or use a common area or~~
17 ~~system for the disposal of waste shall be considered to be a single AFO if the~~
18 ~~combined number of livestock or domestic fowl on the combined farm~~
19 ~~qualifies the combined farm as a large CAFO as defined in subdivision (5) of~~
20 ~~this section or as a medium CAFO as defined in subdivision (8) of this section~~
21 Two or more AFOs under common ownership are considered to be a single

1 AFO for the purposes of determining the number of animals at an operation, if
2 they adjoin each other or if they use a common area or system for the disposal
3 of wastes.

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

6 * * *

7 (5) “Large concentrated animal feeding operation” or “~~Large~~ large
8 CAFO” means an AFO that houses 700 or more mature dairy animals, whether
9 milked or dry, 1,000 or more cattle or cow ~~or~~ and calf pairs, 1,000 or more veal
10 calves, 2,500 or more swine weighing over 55 pounds, 10,000 or more swine
11 weighing 55 pounds or less, 500 or more horses, 10,000 or more sheep or
12 lambs, 55,000 or more turkeys, 30,000 or more laying hens or broilers with a
13 liquid manure handling system, 82,000 or more laying hens without a liquid
14 manure handling system, 125,000 or more chickens other than laying hens
15 without a liquid manure handling system, 5,000 or more ducks with a liquid
16 manure handling system, or 30,000 or more ducks without a liquid manure
17 handling system.

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

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

18 * * *

19 (8) “Medium concentrated animal feeding operation” or “medium

20 CAFO” means an AFO that is defined as an AFO by the VPDES CAFO Rules

21 adopted by the Secretary, including an AFO that:

1 (A) houses 200 to 699 mature dairy animals, whether milked or dry,
2 300 to 999 cattle or cow ~~or~~ and calf pairs, 300 to 999 veal calves, 750 to 2,499
3 swine weighing over 55 pounds, 3,000 to 9,999 swine weighing 55 pounds or
4 less, 150 to 499 horses, 3,000 to 9,999 sheep or lambs, 16,500 to 54,999
5 turkeys, 9,000 to 29,999 laying hens or broilers with a liquid manure handling
6 system, 25,000 to 81,999 laying hens without a liquid manure handling system,
7 37,500 to 124,999 chickens other than laying hens without a liquid manure
8 handling system, 1,500 to 4,999 ducks with a liquid manure handling system,
9 or 10,000 to 29,999 ducks without a liquid manure handling system; and

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

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

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

16 (9) “Medium farm operation” or “MFO” ~~has the same meaning as~~
17 ~~medium farm operation in 6 V.S.A. chapter 215 and rules adopted under the~~
18 ~~chapter~~ means any AFO with the following type and number of animals: 200
19 to 699 mature dairy cows, whether milked or dry; 300 to 999 veal calves; 300
20 to 999 cattle other than mature dairy cows or veal calves (includes heifers,
21 steers, bulls, and cow and calf pairs); 750 to 2,499 swine each weighing 55

pounds or more; 3,000 to 9,999 swine each weighing less than 55 pounds; 150 to 499 horses; 3,000 to 9,999 sheep or lambs; 16,500 to 54,999 turkeys; 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system; 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system; 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system; or 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system.

(10) “Point source” means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

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

Process wastewater also includes any water that comes into contact with any

1 raw materials, products, or byproducts, including manure, litter, feed, milk,
2 eggs, or bedding.

3 (12) “Production area” means that part of an AFO or CAFO that
4 includes the animal confinement area, the manure storage area, the raw
5 materials storage area, and the waste containment areas. The animal
6 confinement area includes open lots, housed lots, feedlots, confinement houses,
7 stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards,
8 medication pens, walkers, animal walkways, and stables. The manure storage
9 area includes lagoons, runoff ponds, storage sheds, stockpiles, under house or
10 pit storages, liquid impoundments, static piles, and composting piles. The raw
11 materials storage area includes feed silos, silage bunkers, and bedding
12 materials. The waste containment area includes settling basins, and areas
13 within berms and diversions that separate uncontaminated ~~storm water~~
14 stormwater. Also included in the definition of production area is any egg
15 washing or egg processing facility and any area used in the storage, handling,
16 treatment, or disposal of mortalities.

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

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

20 (15) “Small concentrated animal feeding operation” or “small CAFO”
21 means a small AFO designated as a small CAFO by the Secretary upon

1 determining that the AFO is a significant contributor of pollutants to waters of
2 the State and is defined as a CAFO by the regulations adopted under the
3 federal Clean Water Act.

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

6 Sec. 13. 10 V.S.A. § 1352 is amended to read:

7 § 1352. POWERS OF THE SECRETARY

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

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

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

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

18 (4) Designate any AFO that meets the definition of a CAFO under the
19 federal Clean Water Act regulations or under the VPDES CAFO Rule as a
20 CAFO, in the Secretary’s sole discretion.

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

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

8 ~~(6)~~(7) Designate any small AFO as a CAFO if after an on-site
9 inspection, the Secretary determines that the small AFO is discharging into
10 water and is a significant contributor of pollutants to waters of the State. The
11 Secretary shall consider the following factors:

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

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

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

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

19 (E) other relevant factors.

20 ~~(7)~~(8) Access private or public property to inspect AFOs and CAFOs,
21 take photos and samples, and review and copy AFO and CAFO land

1 management records, including nutrient management plans, as may be
2 necessary to carry out the provisions of this subchapter.

3 ~~(8)~~(9) Solicit and receive federal funds to implement the CAFO
4 program.

5 ~~(9)~~(10) Cooperate fully with the federal government or other agencies in
6 the operation of any joint federal-state programs concerning the regulation of
7 agricultural pollution.

8 ~~(10)~~(11) Appoint assistants or contract with persons with applicable
9 expertise, subject to applicable laws and State policies, to perform or assist in
10 the performance of the duties and functions of the Secretary under this chapter.

11 Sec. 14. 10 V.S.A. § 1353 is amended to read:

12 § 1353. CAFO PERMIT REQUIREMENTS AND EXEMPTIONS

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

1 agricultural stormwater discharge. For unpermitted ~~Large~~ large CAFOs, a
2 precipitation-related discharge of manure, litter, or process wastewater from
3 land areas under the control of the CAFO shall be considered an exempt
4 agricultural stormwater discharge only where the manure, litter, or process
5 wastewater has been land applied in accordance with site-specific nutrient
6 management practices that ensure appropriate agricultural utilization of the
7 nutrients in the manure, litter, or process wastewater, as specified in the federal
8 CAFO regulations and as determined by the Secretary.

9 * * *

10 Sec. 15. 10 V.S.A. § 8003 is amended to read:

11 § 8003. APPLICABILITY

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

16 * * *

17 (3) 10 V.S.A. chapters 47 and 56, relating to water pollution control,
18 water quality standards, public water supply, and lakes in crisis;

19 * * *

20 (d) Upon the request of the Secretary of Agriculture, Food and Markets, the
21 Secretary may take action under this chapter to enforce the agricultural water

1 quality requirements of, rules adopted under, and permits and certifications
2 issued under 6 V.S.A. chapter 215. The Secretary of Natural Resources and
3 the Secretary of Agriculture, Food and Markets shall ~~enter into a memorandum~~
4 ~~of understanding to implement this subsection~~ execute a document that
5 outlines the process for implementing this subsection.

6 * * * Dam Removal; Public Good * * *

7 Sec. 16. 10 V.S.A. § 1086 is amended to read:

8 § 1086. DETERMINATION OF PUBLIC GOOD; CERTIFICATES

9 (a)(1) “Public good” means the greatest benefit of the people of the State.

10 In determining whether the public good is served, the Department shall give
11 due consideration to public safety and, among other things, the effect the
12 proposed project will have on:

13 ~~(1)(A)~~ the quantity, kind, and extent of cultivated agricultural land
14 that may be rendered unfit for use by or enhanced by the project, including
15 both the immediate and long-range agricultural land use impacts;

16 ~~(2)(B)~~ scenic and recreational values;

17 ~~(3)(C)~~ fish and wildlife;

18 ~~(4)(D)~~ forests and forest programs;

19 (5) [Repealed.]

20 ~~(6)(E)~~ the existing uses of the waters by the public for boating,
21 fishing, swimming, and other recreational uses;

1 ~~(7)~~(F) the creation of any hazard to navigation, fishing, swimming, or
2 other public uses;

3 ~~(8)~~(G) the need for cutting clean and removal of all timber or tree
4 growth from all or part of the flowage area;

5 ~~(9)~~ (H) the creation of any public benefits;

6 ~~(10)~~(I) attainment of the Vermont water quality standards;

7 ~~(11)~~(J) any applicable State, regional, or municipal plans;

8 ~~(12)~~(K) municipal grand lists and revenues; and

9 ~~(13)~~(L) in the case of the proposed removal of a dam that formerly
10 related to or was incident to the generation of electric energy, but that was not
11 subject to a memorandum of understanding dated prior to January 1, 2006
12 relating to its removal, the potential for and value of future power production.

13 (2) Prior to determining whether the public good is served under this
14 section for an application under section 1082 of this title to raise, lower,
15 remodel, reconstruct, repair, or otherwise alter a dam, the Department shall
16 notify the project applicant when removal of the dam may be a more
17 appropriate alternative. After notification by the Department, the applicant
18 shall be allowed to revise the project application to request dam removal.

19 (b) If the Department finds that the project proposed under section 1082 of
20 this title will serve the public good and, in case of any waters designated by the
21 Secretary as outstanding resource waters, will preserve or enhance the values

1 and activities sought to be protected by designation, the agency shall issue its
2 order approving the application. The order shall include conditions for
3 attainment of water quality standards, as determined by the Agency of Natural
4 Resources, and such other conditions as the Department considers necessary to
5 protect any element of the public good listed in subsection (a) of this section.
6 Otherwise, it shall issue its order disapproving the application.

7 (c) The Department shall provide the applicant and interested persons with
8 copies of its order.

9 (d) In the case of a proposed removal of a dam that is under the jurisdiction
10 of the Department and that formerly related to or was incident to the generation
11 of electric energy but that was not subject to a memorandum of understanding
12 dated before January 1, 2006 relating to its removal, the Department shall
13 consult with the Department of Public Service regarding the potential for and
14 value of future power production at the site.

15 * * * Emergency Rule * * *

16 Sec. 17. 3 V.S.A. § 844 is amended to read:

17 § 844. EMERGENCY RULES

18 (a) Where an agency believes that there exists an imminent peril to public
19 health, safety, or welfare, it may adopt an emergency rule. The rule may be
20 adopted without having been prefiled or filed in proposed or final proposed
21 form, and may be adopted after whatever notice and hearing the agency finds

1 to be practicable under the circumstances. The agency shall make reasonable
2 efforts to ensure that emergency rules are known to persons who may be
3 affected by them.

4 * * *

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

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

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

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

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

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

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

7 (5) On the date the emergency rule amendments are adopted pursuant to
8 this subsection, the adopting authority profiles a corresponding permanent rule
9 pursuant to section 837 of this title.

10 (h) In addition to the grounds for emergency rulemaking under subsections
11 (a) and (g) of this section, an agency may adopt an emergency rule under this
12 section if an amendment to a federal statute, rule, or policy will materially
13 conflict with or threaten the ability of the agency to implement a statutory or
14 regulatory program required under Vermont law. On a majority vote of the
15 entire Committee, the Legislative Committee on Administrative Rules may
16 object to proposed emergency rules for adoption under this subsection on the
17 basis that the provisions of this subsection do not apply.

18 Sec. 18. SUNSET OF AGENCY EMERGENCY RULEMAKING

19 AUTHORITY

20 3 V.S.A. § 844(h) (emergency rulemaking in response to federal action) is
21 repealed on July 1, 2028.

* * * Waste Motor Vehicle Tires * * *

Sec. 19. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING
REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition.

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

* * *

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

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

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

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

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

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

16 (e) Revocation of hunting, fishing, or trapping license. The Commissioner
17 of Fish and Wildlife shall revoke the privilege of a person found in violation of
18 this section from holding a hunting, fishing, or trapping license for a period of
19 one year from the date of the conviction, if the person fails to pay the penalty
20 set forth in subsection (b) of this section. The Bureau shall immediately notify
21 the Commissioner of Fish and Wildlife of the entry of judgment.

1 (f) [Repealed.]

2 (g) Amendment of complaint. A person authorized to enforce this section
3 may amend or dismiss a complaint issued by that person by marking the
4 complaint and returning it to the Judicial Bureau. At the hearing, a person
5 authorized to enforce this section may amend or dismiss a complaint issued by
6 that person, subject to the approval of the hearing judge.

7 (h) [Repealed.]

8 (i) Applicability. Enforcement actions taken under this section shall in no
9 way preclude the Agency of Natural Resources, the Attorney General, or an
10 appropriate State prosecutor from initiating other or further enforcement
11 actions under the civil, administrative, or criminal enforcement provisions of
12 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement
13 under this section is by an environmental enforcement officer employed by the
14 Agency of Natural Resources, enforcement under this section shall preclude
15 other enforcement by the Agency for the same offence.

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

17 (1) “Motor vehicle” ~~shall have~~ has the same meaning as in 23 V.S.A.
18 § 4(21).

19 (2) “Snowmobile” ~~shall have~~ has the same meaning as in 23 V.S.A.
20 § 3801.

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

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

6 (5) “Waters” ~~shall have~~ has the same meaning as in 10 V.S.A.
7 § 1251(13).

8 Sec. 20. AGENCY OF NATURAL RESOURCES; WASTE MOTOR

9 VEHICLE TIRE STAKEHOLDER PROCESS AND REPORT

10 The Agency of Natural Resources shall convene a stakeholder process on
11 the management of waste motor vehicle tires and an approach to managing
12 legacy waste motor vehicle tire piles and recycling or reuse options for those
13 waste motor vehicle tires. The members of the stakeholder group shall include
14 representatives from solid waste management entities, motor vehicle tire
15 manufacturers, motor vehicle tire retailers, and automobile dealers. The
16 Agency shall summarize the approaches taken in other jurisdictions for the
17 management of waste motor vehicle tires and the recommendations of the
18 stakeholder process in a report to the General Assembly. The Agency shall
19 report to the House Committee on the Environment and Senate Committee on
20 Natural Resources and Energy on or before January 15, 2027.

21 * * * Emissions Repair Program * * *

1 Sec. 21. 2021 Acts and Resolves No. 55, Sec. 25 is amended to read:

2 Sec. 25. EMISSIONS REPAIR PROGRAM

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

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

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

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

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

(C) a Vermont resident with an adjusted gross income at or below 250 percent of the federal poverty level as determined by the U.S. Census Bureau qualifies for a reduced voucher amount up to \$1,875.00; or

(D) a Vermont resident with an adjusted gross income at or below 300 percent of the federal poverty level as determined by the U.S. Census Bureau qualifies for a reduced voucher amount up to \$1,250.00; and

(3) provide a point-of-repair voucher to repair a motor vehicle that was ready for testing, failed the OBD systems inspection, requires repairs that are not under warranty, and will be able to pass the State's vehicle inspection once the repairs are made provided that the point-of-repair voucher is commensurate with the fair market value of the vehicle to be repaired and does not exceed \$2,500.00, with \$2,500.00 vouchers only being available to repair vehicles with a fair market value of at least \$5,000.00.

* * *

* * * Effective Date * * *

Sec. 22. EFFECTIVE DATE

This act shall take effect on passage.

1

2

3 (Committee vote: _____)

4

5

Representative _____

6

FOR THE COMMITTEE