

## **H.319. An Act Relating to Miscellaneous Environmental Subjects**

### **Section by Section Summary**

#### **Sec. 1. Assessment of Management of Certain Batteries**

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

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

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

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

- Sec. 3 does not make any changes. It had made a change in an earlier version, but that was removed.
- The Committee chose to keep this section as it shows the definition of Covered Household Hazardous Product, which is the subject of the next several sections of the bill.
- “Covered household hazardous product” means a consumer product offered for retail sale that is contained in the receptacle in which the product is offered for retail sale, if the product has any of the following characteristics: 1) the product or a component of the product is a hazardous waste under the State’s Hazardous Waste Management Rules; or the product is a gas cylinder. [Note: gas cylinders are: 1) any nonrefillable cylinder and contents supplied to a consumer for personal, family, or household use with a water capacity of 50 pounds; and 2) refillable cylinders containing propane for personal, family, or household use not exceeding a water capacity of 1 pound.]

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

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

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

- Sec. 5 amends the requirements for collection plans for covered household hazardous products to give the stewardship organization opportunity to implement an initial collection plan that does not include all of the traditional provisions of an EPR collection plan.
- This initial plan will last for three years, after which the stewardship organization will be required to issue a plan that meets all of the traditional requirements of an EPR plan, including free statewide collection, convenience of collection, public education, compliance with environmental standards, performance goals, and funding, including payment of municipal entities participating in the plan.
- The full details on the plan components are in 10 V.S.A. § 7183(b) in Sec. 5. These are the same plan components as were enacted last year.

### **Sec. 6. Stewardship Organizations. 10 V.S.A. § 7184**

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

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

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

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

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

### **Sec. 9. Solid Waste Plan; Flexibility**

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

## **Sec. 10. Healthy Homes Initiative 2024 Acts and Resolves No. 78, Sec. B.1103**

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

## **Secs. 11-18. Dates for Implementation of an Act Relating to the Regulation of Wetlands, River Corridor Development, and Dam Safety. 2024 Act and Resolves No. 121**

- In 2024, the Legislature enacted Act No. 121 establishing or amending multiple requirements for the regulation of wetlands, river corridor development, and dam safety. ANR is requesting that most of the timelines in Act No. 121 be extended to give the Agency more time to implement. These extensions are proposed in Secs. 11 to 18 of this bill.
  - Sec. 11 extends from January 1, 2026 to January 1, 2027 the requirement that ANR amend the procedure for statewide River Corridor Base Maps.
  - Sec. 12 extends from July 1, 2027 to July 15, 2028 the deadline for ANR rules on development in mapped river corridors and extends from January 1, 2028 to July 1, 2029 the requirement to obtain a permit from ANR for development in a mapped river corridor.
  - Sec. 13 extends from August 15, 2025 to August 15, 2026, the deadline date for an ANR report on State administration of the National Flood Insurance Program.
  - Sec. 14 extends the deadline date for ANR rules on river corridor development from July 1, 2027 to July 1, 2028.
  - Sec. 15 extends the date for municipal compliance with State flood hazard area standards from January 1, 2026 to January 1, 2028.
  - Sec. 16 extends the date by which ANR shall amend the wetlands rules from July 1, 2025 to December 1, 2025.
  - Sec. 17 extends the date for the report of the Dam Emergency Operations Study Committee from December 15, 2024 to December 15, 2025.
  - Sec. 18 extends the deadline for an ANR analysis of the Green River Dam from January 15, 2025 to September 1, 2025.

## **Secs. 19-20. Climate Resilience Implementation Strategy. 10 V.S.A. § 599a**

- Last year in Act No. 122, the Climate Change Cost Recovery Act, ANR was required to adopt the climate Resilience Implementation Strategy by rule.
- ANR requested that they submit the Strategy as a report to the General Assembly by September 15, 2025 and not go through rulemaking. Sec. 19 makes this change.
- Sec. 20 is a conforming amendment to remove the deadline date for ANR rulemaking for the Strategy.

**Sec. 21. Effective Date.** The act is effective on passage.