

1 H.484

2 Senator Watson moves to amend the proposal of amendment of the
3 Committee on Agriculture, as amended by the proposal of amendment of the
4 Committee on Finance, by striking out Sec. 7, effective dates, and its reader
5 assistance heading in their entirety and inserting in lieu thereof 11 new
6 sections to be Secs. 7–17 and their related reader assistance headings to read as
7 follows:

8 * * * Household Hazardous Waste Extended Producer Responsibility * * *

9 Sec. 7. 10 V.S.A. § 7181 is amended to read:

10 § 7181. DEFINITIONS

11 As used in this chapter:

12 * * *

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

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

20 (ii) the product is a gas cylinder.

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

3 * * *

4 (iv) ~~architectural paint~~ paint products as that term is defined in
5 section 6672 of this title;

6 * * *

7 Sec. 8. 10 V.S.A. § 7182 is amended to read:

8 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

9 STEWARDSHIP ORGANIZATION REGISTRATION;

10 MANUFACTURER REGISTRATION

11 (a) Sale prohibited.

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

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

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

3 ~~(2)~~(B) The name of the manufacturer, the manufacturer's brand, and
4 the name of the covered household hazardous product are submitted to the
5 Agency of Natural Resources by a stewardship organization and listed on the
6 stewardship organization's website as covered by an approved collection plan.

7 ~~(3)~~(C) The stewardship organization in which the manufacturer
8 participates has submitted an annual report consistent with the requirements of
9 section 7185 of this title.

10 ~~(4)~~(D) The stewardship organization in which the manufacturer
11 participates has conducted a plan audit consistent with the requirements of
12 subsection 7185(b) of this title.

13 (b) Stewardship organization registration requirements.

14 (1) On or before July 1, 2025 ~~and annually thereafter~~, a stewardship
15 organization shall file a registration form with the Secretary. The Secretary
16 shall provide the registration form to the stewardship organization. The
17 registration form shall include:

18 (A) ~~a list of the manufacturers participating in the stewardship~~
19 ~~organization;~~

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

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

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

5 ~~(E)~~ a description of how the stewardship organization meets the
6 requirements of subsection 7184(b) of this title, including any reasonable
7 requirements for participation in the stewardship organization; and

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

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

16 (A) a list of the manufacturers participating in the stewardship
17 organization;

18 (B) a list of the brands of each manufacturer participating in the
19 stewardship organization;

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

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

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

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

9 (c) Manufacturer registration. On or before November 1, 2025, a
10 manufacturer of a covered household hazardous product shall register with the
11 stewardship organization in a manner proscribed by the stewardship
12 organization.

13 Sec. 9. 10 V.S.A. § 7183 is amended to read:

14 § 7183. COLLECTION PLANS

15 (a) Collection plan required. ~~Prior to July 1, 2025~~ On or before July 1,
16 2026, any stewardship organization registered with the Secretary as
17 representing manufacturers of covered household hazardous products shall
18 coordinate and submit to the Secretary for review one collection plan for all
19 manufacturers.

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

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

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

6 ~~(2)(B)~~ Free statewide collection of covered household hazardous
7 products. The collection program shall ~~provide~~ reimburse municipalities when
8 a municipality provides for free, convenient, and accessible ~~statewide~~
9 opportunities for the collection from covered entities of covered household
10 hazardous products, including orphan covered products. ~~A stewardship~~
11 ~~organization shall accept all covered household hazardous products collected~~
12 ~~from a covered entity and shall not refuse the collection of a covered~~
13 ~~household hazardous product, including orphan covered household products,~~
14 ~~based on the brand or manufacturer of the covered household hazardous~~
15 ~~product unless specifically exempt from this requirement.~~ The collection
16 program shall also provide for the payment of collection, processing, and end-
17 of-life management of the covered household hazardous products. Collection
18 costs include facility costs, equipment costs, labor, supplies, maintenance,
19 events costs, and event contractor costs, including collection event set-up fees,
20 environmental service fees, insurance fees, and shipping containers and
21 materials.

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

8 ~~(4) Public education and outreach. The collection plan shall include an~~
9 ~~education and outreach program that shall include a website and may include~~
10 ~~media advertising, retail displays, articles and publications, and other public~~
11 ~~educational efforts. Outreach and education shall be suitable for the State's~~
12 ~~diverse ethnic populations, through translated and culturally appropriate~~
13 ~~materials, including in language and targeted outreach. Public education and~~
14 ~~outreach should include content to increase meaningful participation by~~
15 ~~environmental justice focus populations as required by 3 V.S.A. chapter 72.~~
16 ~~During the first year of program implementation and two years after adoption~~
17 ~~of the collection plan, each stewardship organization shall carry out a survey of~~
18 ~~public awareness regarding the requirements of the program established under~~
19 ~~this chapter that can identify communities that have disparities in awareness~~
20 ~~and need more outreach. Each stewardship organization shall share the results~~
21 ~~of the public awareness surveys with the Secretary. If multiple stewardship~~

1 ~~organizations are implementing plans approved by the Secretary, the~~
2 ~~stewardship organizations shall coordinate in carrying out their education and~~
3 ~~outreach responsibilities under this subdivision and shall include in their~~
4 ~~annual reports to the Secretary a summary of their coordinated education and~~
5 ~~outreach efforts. The education and outreach program and website shall notify~~
6 ~~the public of the following:~~

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

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

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

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

15 ~~(5) Compliance with appropriate environmental standards. In~~
16 ~~implementing a collection plan, a stewardship organization shall comply with~~
17 ~~all applicable laws related to the collection, transportation, and disposal of~~
18 ~~hazardous waste. A stewardship organization shall comply with any special~~
19 ~~handling or disposal standards established by the Secretary for covered~~
20 ~~household hazardous products or for the collection plan of the manufacturer.~~

1 ~~(6) Method of disposition. The collection plan shall describe how~~
2 ~~covered household hazardous products will be managed in the most~~
3 ~~environmentally and economically sound manner, including following the~~
4 ~~waste management hierarchy. The management of covered household~~
5 ~~hazardous products under the collection plan shall use management activities~~
6 ~~in the following priority order: source reduction, reuse, recycling, energy~~
7 ~~recovery, and disposal. Collected covered household hazardous products shall~~
8 ~~be recycled when technically and economically feasible.~~

9 ~~(7) Performance goals. A collection plan shall include:~~

10 ~~(A) A performance goal for covered household hazardous products~~
11 ~~determined by the number of total participants at collection events and~~
12 ~~facilities listed in the collection plan during a program year divided by the total~~
13 ~~number of households. The number of households shall include seasonal~~
14 ~~households. The calculation methodology for the number of households shall~~
15 ~~be included in the plan.~~

16 ~~(B) At a minimum, the collection performance goal for the first~~
17 ~~approved plan shall be an annual participation rate of five percent of the~~
18 ~~households for every collection program based on the number of households~~
19 ~~the collection program serves. After the initial approved program plan, the~~
20 ~~stewardship organization shall propose performance goals for subsequent~~
21 ~~program plans. The Secretary shall approve the performance goals for the plan~~

1 ~~at least every five years. The stewardship organization shall use the results of~~
2 ~~the most recent waste composition study required under 6604 of this title and~~
3 ~~other relevant factors to propose the performance goals of the collection plan.~~
4 ~~If a stewardship organization does not meet its performance goals, the~~
5 ~~Secretary may require the stewardship organization to revise the collection~~
6 ~~plan to provide for one or more of the following: additional public education~~
7 ~~and outreach, additional collection events, or additional hours of operation for~~
8 ~~collection sites. A stewardship organization is not authorized to reduce or~~
9 ~~cease collection, education and outreach, or other activities implemented under~~
10 ~~an approved plan on the basis of achievement of program performance goals.~~

11 (8)(C) Collection plan funding. The collection plan shall describe how
12 the stewardship organization will fund the implementation of ~~the collection~~
13 ~~plan and collection activities under the plan, including the costs for education~~
14 ~~and outreach, collection, processing, and end-of-life management of the~~
15 ~~covered household hazardous product~~ all municipal collection offered to the
16 public in a base program year. A base program year shall be based on the
17 services provided in calendar year 2024 and any other collection facilities or
18 events approved by the Secretary. Collection costs include facility costs,
19 equipment costs, labor, supplies, maintenance, events costs, and event
20 contractor costs, including collection event set-up fees, environmental service
21 fees, insurance fees, and shipping containers and materials. The collection

1 plan shall include how municipalities will be compensated for all costs
2 attributed to collection of covered household hazardous products. The
3 Secretary shall resolve disputes relating to compensation.

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

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

10 (B) Free statewide collection of covered household hazardous
11 products. The collection program shall provide for free, convenient, and
12 accessible statewide opportunities for the collection from covered entities of
13 covered household hazardous products, including orphan covered products. A
14 stewardship organization shall accept all covered household hazardous
15 products collected from a covered entity and shall not refuse the collection of a
16 covered household hazardous product, including orphan covered household
17 products, based on the brand or manufacturer of the covered household
18 hazardous product unless specifically exempt from this requirement. The
19 collection program shall also provide for the payment of collection, processing,
20 and end-of-life management of the covered household hazardous products.
21 Collection costs include facility costs, equipment costs, labor, supplies,

1 maintenance, events costs, and event contractor costs, including collection
2 event set-up fees, environmental service fees, insurance fees, and shipping
3 containers and materials.

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

11 (D) Public education and outreach. The collection plan shall include
12 an education and outreach program that shall include a website and may
13 include media advertising, retail displays, articles and publications, and other
14 public educational efforts. Outreach and education shall be suitable for the
15 State's diverse ethnic populations, through translated and culturally appropriate
16 materials, including in-language and targeted outreach. Public education and
17 outreach should include content to increase meaningful participation by
18 environmental justice focus populations as required by 3 V.S.A. chapter 72.
19 During the second approved plan, each stewardship organization shall carry
20 out a survey of public awareness regarding the requirements of the program
21 established under this chapter that can identify communities that have

1 disparities in awareness and need more outreach. Each stewardship
2 organization shall share the results of the public awareness surveys with the
3 Secretary. If multiple stewardship organizations are implementing plans
4 approved by the Secretary, the stewardship organizations shall coordinate in
5 carrying out their education and outreach responsibilities under this
6 subdivision (D) and shall include in their annual reports to the Secretary a
7 summary of their coordinated education and outreach efforts. The education
8 and outreach program and website shall notify the public of the following:

9 (i) that there is a free collection program for covered household
10 hazardous products;

11 (ii) the location and hours of operation of collection points and
12 how a covered entity can access this collection program;

13 (iii) the special handling considerations associated with covered
14 household hazardous products; and

15 (iv) source reduction information for consumers to reduce leftover
16 covered household products.

17 (E) Compliance with appropriate environmental standards. In
18 implementing a collection plan, a stewardship organization shall comply with
19 all applicable laws related to the collection, transportation, and disposal of
20 hazardous waste. A stewardship organization shall comply with any special

1 handling or disposal standards established by the Secretary for covered
2 household hazardous products or for the collection plan of the manufacturer.

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

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

12 (i) A performance goal for covered household hazardous products
13 determined by the number of total participants at collection events and
14 facilities listed in the collection plan during a program year divided by the total
15 number of households. The number of households shall include seasonal
16 households. The calculation methodology for the number of households shall
17 be included in the plan.

18 (ii) At a minimum, the collection performance goal for the initial
19 plan approved pursuant to subdivision (1) of this subsection (b) shall be an
20 annual participation rate of seven percent of the households for every
21 collection program based on the number of households the collection program

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

14 (H) Collection plan funding. The collection plan shall describe how
15 the stewardship organization will fund the implementation of the collection
16 plan and collection activities under the plan, including the costs for education
17 and outreach, collection, processing, and end-of-life management of the
18 covered household hazardous product. Collection costs include facility costs,
19 equipment costs, labor, supplies, maintenance, events costs, and event
20 contractor costs, including collection event set-up fees, environmental service
21 fees, insurance fees, and shipping containers and materials. The collection

1 plan shall include how municipalities will be compensated for all costs
2 attributed to collection of covered household hazardous products. The
3 Secretary shall resolve disputes relating to compensation.

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

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

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

12 § 7184. STEWARDSHIP ORGANIZATIONS

13 (a) Participation in a stewardship organization. A manufacturer shall meet
14 the requirements of this chapter by participating in a stewardship organization
15 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this
16 title.

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

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

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

Sec. 11. 10 V.S.A. § 7187 is amended to read:

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

* * *

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1 of plan administration, the Agency's oversight costs, and an additional
2 hazardous waste reduction assessment of 10 percent of the plan's total cost to
3 be deposited in the Solid Waste Management Assistance Account of the Waste
4 Management Assistance Fund, for the purpose of providing grants to
5 municipalities and small businesses to prevent pollution and reduce the
6 generation of hazardous waste in the State. When determining a
7 manufacturer's assessment under this section, the Agency may allocate costs to
8 a manufacturer of covered household hazardous products based on the sales of
9 covered household hazardous products nationally prorated to the population of
10 Vermont.

11 Sec. 12. 10 V.S.A. § 6621a is amended to read:

12 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

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

15 * * *

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

17 * * *

18 Sec. 13. SOLID WASTE PLAN; FLEXIBILITY

19 (a) Notwithstanding the municipal household hazardous waste (HHW)
20 collection requirements under the State Solid Waste Plan adopted pursuant to
21 10 V.S.A. § 6604, the Secretary of Natural Resources may grant a variance

1 from the requirement to conduct at least two household hazardous waste
2 collection events in that municipality. The variance shall allow a municipality
3 to meet its obligations, as follows:

4 (1) the municipality has partnered with another municipality to allow its
5 residents the ability to access a permanent HHW facility in the same manner as
6 the municipality that operates the permanent HHW facility;

7 (2) the municipality has partnered with a nearby municipality to offer
8 collection events to members in both municipalities; or

9 (3) the municipality has demonstrated that it has made reasonable efforts
10 to provide alternate collection opportunities identified under subdivisions (1)
11 and (2) of this subsection and was unable and that the cost of a collection event
12 is unreasonable. In such circumstances the Secretary of Natural Resources
13 may reduce the required collection events to one per year.

14 (b) This section shall be repealed on July 1, 2027.

15 * * * Paint Product Stewardship Program * * *

16 Sec. 14. 10 V.S.A. chapter 159, subchapter 4 is amended to read:

17 Subchapter 4. Paint Product Stewardship Program

18 § 6671. PURPOSE

19 The purpose of this subchapter is to establish an environmentally sound,
20 cost-effective Paint Product Stewardship Program in the State that will
21 undertake responsibility for the development and implementation of strategies

1 to reduce the generation of postconsumer paint; promote the reuse of
2 postconsumer paint; and collect, transport, and process postconsumer paint,
3 including reuse, recycling, energy recovery, and disposal. The Paint Product
4 Stewardship Program will follow the waste management hierarchy for
5 managing and reducing postconsumer paint in the order as follows: reduce
6 consumer generation of postconsumer paint, reuse, recycle, provide for energy
7 recovery, and dispose. The Paint Product Stewardship Program will provide
8 more opportunities for consumers to manage properly their postconsumer
9 paint, provide fiscal relief for local government in managing postconsumer
10 paint, keep paint out of the waste stream, and conserve natural resources.

11 § 6672. DEFINITIONS

12 As used in this subchapter:

13 (1) “Aerosol coating product” means a pressurized coating product
14 containing pigments or resins dispensed by means of a propellant and
15 packaged and sold in a disposable aerosol container for handheld application,
16 or for use in specialized equipment for ground traffic or marking applications.

17 (2) “Architectural paint” means interior and exterior architectural
18 coatings, including interior or exterior water- and oil-based coatings, primers,
19 sealers, or wood coatings, that are sold in containers of five gallons or less.
20 “Architectural paint” does not mean industrial coatings, original equipment
21 coatings, or specialty coatings.

1 (3) “Coating-related product” means a product used as a paint additive,
2 paint thinner, paint colorant, paint remover, surface sealant, surface
3 preparation, or surface adhesive, and sold for home improvement. “Coating-
4 related product” does not mean original equipment manufacturer products or
5 industrial products.

6 ~~(2)~~(4) “Distributor” means a company that has a contractual relationship
7 with one or more producers to market and sell ~~architectural~~ paint to retailers in
8 Vermont.

9 ~~(3)~~(5) “Energy recovery” means recovery in which all or a part of the
10 solid waste materials are processed in order to use the heat content or other
11 forms of energy of or from the material.

12 ~~(4)~~(6) “Environmentally sound management practices” means policies
13 to be implemented by a producer or a stewardship organization to ensure
14 compliance with all applicable laws and also addressing such issues as
15 adequate record keeping, tracking and documenting the fate of materials within
16 the State and beyond, and adequate environmental liability coverage for
17 professional services and for the operations of the contractors working on
18 behalf of the producer organization.

19 ~~(5)~~(7) “Municipality” means a city, town, or a village.

20 ~~(6) “Paint stewardship assessment” means a one time charge that is:~~

1 ~~(A) added to the purchase price of architectural paint sold in~~
2 ~~Vermont;~~

3 ~~(B) passed from the producer to the wholesale purchaser to the~~
4 ~~retailer and then to a retail consumer; and~~

5 ~~(C) necessary to cover the cost of collecting, transporting, and~~
6 ~~processing the postconsumer paint managed through the statewide Program.~~

7 (8) “Nonindustrial coating” means arts and crafts paint, automotive
8 refinish paint, driveway sealer, faux finish or glaze, furniture oil, furniture
9 paint, lime wash, lime paint, marine paint, antifouling paint, road and traffic
10 marking paint, two-component paint, wood preservative, fire retardant paint,
11 dry fog paint, chalkboard paint, and conductive paint, sold in containers of five
12 gallons or less for commercial and homeowner use, but does not include
13 coatings purchased for industrial or original equipment manufacturer use.

14 (9)(A) “Paint product” includes:

15 (i) architectural paint;

16 (ii) aerosol coating products;

17 (iii) coating-related products; and

18 (iv) nonindustrial coatings.

19 (B) “Paint product” does not include a health and beauty product.

20 ~~(7)~~(10) “Postconsumer paint” means architectural a paint product and its
21 containers not used and no longer wanted by a purchaser.

1 ~~(8)~~(11) “Producer” means a manufacturer of ~~architectural~~ paint products
2 who sells, offers for sale, or distributes that paint in Vermont under the
3 producer’s own name or brand.

4 ~~(9)~~(12) “Recycling” means any process by which discarded products,
5 components, and by-products are transformed into new usable or marketable
6 materials in a manner in which the original products may lose their identity but
7 does not include energy recovery or energy generation by means of
8 combusting discarded products, components, and by-products with or without
9 other waste products.

10 ~~(10)~~(13) “Retailer” means any person that offers ~~architectural~~ a paint
11 product for sale at retail in Vermont.

12 ~~(11)~~(14) “Reuse” means the return of a product into the economic
13 stream for use in the same kind of application as originally intended, without a
14 change in the product’s identity.

15 ~~(12)~~(15) “Secretary” means the Secretary of Natural Resources.

16 ~~(13)~~(16) “Sell” or “sale” means any transfer of title for consideration,
17 including remote sales conducted through sales outlets, catalogues, or the
18 ~~Internet~~ internet or any other similar electronic means.

19 ~~(14)~~(17) “Stewardship organization” means a nonprofit corporation or
20 nonprofit organization created by a producer or group of producers to

1 implement the Paint Product Stewardship Program required under this
2 subchapter.

3 § 6673. PAINT PRODUCT STEWARDSHIP PROGRAM

4 (a) A producer or a stewardship organization representing producers shall
5 submit a an amended plan for the establishment of a Paint Product Stewardship
6 Program to the Secretary for approval ~~by December 1, 2013~~. The plan shall
7 address the following:

8 (1) Provide a list of participating producers and brands covered by the
9 Program.

10 (2) Provide specific information on the ~~architectural~~ paint products
11 covered under the Program, such as interior or exterior water- and oil-based
12 coatings, primers, sealers, or wood coatings.

13 (3) Describe how the Program proposed under the plan will collect,
14 transport, recycle, and process postconsumer paint products for end-of-life
15 management, including recycling, energy recovery, and disposal, using
16 environmentally sound management practices.

17 (4) Describe the Program and how it will provide for convenient and
18 available statewide collection of postconsumer ~~architectural~~ paint products in
19 urban and rural areas of the State. The producer or stewardship organization
20 shall use the existing household hazardous waste collection infrastructure when
21 selecting collection points for postconsumer ~~architectural~~ paint products. A

1 paint retailer shall be authorized as a paint collection point of postconsumer
2 architectural paint for a Paint Product Stewardship Program if the paint retailer
3 volunteers to act as a ~~paint~~ collection point and complies with all applicable
4 laws, rules, and regulations.

5 (5) Provide geographic information modeling to determine the number
6 and distribution of sites for collection of postconsumer architectural paint
7 based on the following criteria:

8 (A) at least 90 percent of Vermont residents shall have a permanent
9 collection site within a 15-mile radius; and

10 (B) one additional permanent site will be established for every
11 10,000 residents of a municipality and additional sites shall be distributed to
12 provide convenient and reasonably equitable access for residents within each
13 municipality, unless otherwise approved by the Secretary.

14 (6) Establish goals to reduce the generation of postconsumer paint
15 products, to promote the reuse of postconsumer paint products, and for the
16 proper management of postconsumer paint products as practical based on
17 current household hazardous waste program information. The goals may be
18 revised by the producer or stewardship organization based on the information
19 collected for the annual report.

20 (7) Describe how postconsumer paint products will be managed in the
21 most environmentally and economically sound manner, including following

1 the waste-management hierarchy. The management of paint under the
2 Program shall use management activities that promote source reduction, reuse,
3 recycling, energy recovery, and disposal.

4 (8) Describe education and outreach efforts to inform consumers of
5 collection opportunities for postconsumer paint products and to promote the
6 source reduction and recycling of ~~architectural~~ paint products for each of the
7 following: consumers, contractors, and retailers.

8 (b) The producer or stewardship organization shall submit a budget for the
9 Program proposed under subsection (a) of this section, and for any amendment
10 to the plan that would affect the Program's costs. The budget shall include a
11 funding mechanism under which each ~~architectural~~ paint product producer
12 remits to a stewardship organization payment of a paint product stewardship
13 assessment for each ~~container of architectural paint product~~ it sells in this
14 State. Prior to submitting the proposed budget and assessment to the
15 Secretary, the producer or stewardship organization shall provide the budget
16 and assessment to a third-party auditor agreed upon by the Secretary. The
17 third-party auditor shall provide a recommendation as to whether the proposed
18 budget and assessment is cost-effective, reasonable, and limited to covering the
19 cost of the Program. The paint product stewardship assessment shall be added
20 to the cost of all ~~architectural~~ paint products sold in Vermont. To ensure that
21 the funding mechanism is equitable and sustainable, a uniform paint product

1 stewardship assessment shall be established for all ~~architectural~~ paint products
2 sold. The paint stewardship assessment shall be ~~approved by the Secretary and~~
3 ~~shall be sufficient to recover, but not exceed, the costs of the Paint Stewardship~~
4 ~~Program~~ the amount established in section 6681 of this title.

5 (c) ~~Beginning no later than July 1, 2014, or three~~ Six months after approval
6 of the plan for a Paint Product Stewardship Program required under subsection
7 (a) of this section, ~~whichever occurs later,~~ a producer of ~~architectural~~ paint
8 products sold at retail or a stewardship organization of which a producer is a
9 member shall implement the approved plan for a Paint Product Stewardship
10 Program.

11 (d) A producer or a stewardship organization of which a producer is a
12 member shall promote a Paint Product Stewardship Program and provide
13 consumers with educational and informational materials describing collection
14 opportunities for postconsumer paint products Statewide and promotion of
15 waste prevention, reuse, and recycling. The educational and informational
16 program shall make consumers aware that the funding for the operation of the
17 Paint Product Stewardship Program has been added to the purchase price of all
18 ~~architectural~~ paint products sold in the State.

19 (e) A plan approved under this section shall provide for collection of
20 postconsumer ~~architectural~~ paint at no cost to the person from whom the
21 ~~architectural~~ paint product is collected. The program plan also shall provide

1 for the payment of municipalities for collection, processing, and end-of-life
2 management of aerosol coating products, coating-related products, and
3 nonindustrial coatings contained in the receptacle in which the product is
4 offered for retail sale. Collection costs include facility costs, equipment costs,
5 labor, supplies, maintenance, events costs, and event contractor costs,
6 including collection event set-up fees, environmental service fees, insurance
7 fees, and shipping containers and materials.

8 (f) When a plan or amendment to an approved plan is submitted under this
9 section, the Secretary shall make the proposed plan or amendment available for
10 public review and comment for at least 30 days.

11 (g) A producer or paint stewardship organization shall submit to the
12 Secretary for review, in the same manner as required under subsection 6675(a)
13 of this title, an amendment to an approved plan when there is:

- 14 (1) ~~a change to a paint stewardship assessment under the plan;~~
15 ~~(2)~~ an addition to or removal of a category of products covered under
16 the Program; or
17 ~~(3)~~(2) a revision of the product stewardship organization's goals.

18 (h) A plan approved by the Secretary under section 6675 of this title shall
19 have a term not to exceed five years, provided that the producer remains in
20 compliance with the requirements of this chapter and the terms of the approved
21 plan.

1 (i) In addition to the requirements specified in subsection (a) of this
2 section, a stewardship organization shall notify the Secretary in writing within
3 30 days ~~of~~ after any change to:

4 (1) the number of collection sites for postconsumer ~~architectural~~ paint
5 products identified under this section as part of the plan;

6 (2) the producers identified under this section as part of the plan;

7 (3) the brands of ~~architectural~~ paint products identified under this
8 section as part of the plan; and

9 (4) the processors that manage postconsumer ~~architectural~~ paint
10 products identified under this section as part of the plan.

11 (j) Upon submission of a plan to the Secretary under this section, a
12 producer or a stewardship organization shall pay the fee required by 3 V.S.A.
13 § 2822(j)(31). Thereafter, the producer or stewardship organization shall pay
14 the fee required by 3 V.S.A. § 2822(j)(31) annually ~~by~~ on or before July 1 of
15 each year.

16 § 6674. RETAILER RESPONSIBILITY

17 (a) A producer or retailer may not sell or offer for sale ~~architectural~~ a paint
18 product to any person in Vermont unless the producer ~~of that architectural~~
19 ~~paint brand~~ or a stewardship program ~~of which the producer of that~~
20 ~~architectural paint brand is a member~~ that the producer is a member of is
21 implementing an approved plan for a Paint Product Stewardship Program as

1 required by section 6673 of this title. A retailer complies with the
2 requirements of this section if, on the date the ~~architectural~~ paint product was
3 ordered from the producer or its agent, the producer or paint brand is listed on
4 the Agency of Natural Resources' website as a producer or brand participating
5 in an approved plan for a Paint Product Stewardship Program.

6 (b) At the time of sale to a consumer, a producer, a stewardship
7 organization, or a retailer selling or offering ~~architectural~~ paint products for
8 sale shall provide the consumer with information regarding available
9 management options for postconsumer paint products collected through the
10 Paint Product Stewardship Program or a brand of paint being sold under the
11 Program.

12 § 6675. AGENCY RESPONSIBILITY

13 (a)(1) Within 90 days ~~of~~ after receipt of a plan submitted under section
14 6673 of this title, the Secretary shall review the plan and make a determination
15 whether or not to approve the plan. The Secretary shall issue a letter of
16 approval for a submitted plan if:

17 (A) the submitted plan provides for the establishment of a Paint
18 Product Stewardship Program that meets the requirements of subsection
19 6673(a) of this subchapter; and

20 (B) the Secretary determines that the plan:

21 (i) achieves convenient collection for consumers;

- 1 (ii) educates the public on proper paint product management; and
2 (iii) manages waste paint products in a manner that is
3 environmentally safe and promotes reuse and recycling; ~~and~~
4 ~~(iv) is cost effective.~~

5 (2) If the Secretary does not approve a submitted plan, the Secretary
6 shall issue to the paint product stewardship organization a letter listing the
7 reasons for the disapproval of the plan. If the Secretary disapproves a plan, a
8 paint product stewardship organization intending to sell or continue to sell
9 ~~architectural~~ paint products in the State shall submit a new plan within 60 days
10 ~~of~~ after receipt of the letter of disapproval.

11 ~~(b)(1) The Secretary shall review and approve the stewardship assessment~~
12 ~~proposed by a producer pursuant to subsection 6673(b) of this title. The~~
13 ~~Secretary shall only approve the Program budget and any assessment if the~~
14 ~~applicant has demonstrated that the costs of the Program and any proposed~~
15 ~~assessment are reasonable and the assessment does not exceed the costs of~~
16 ~~implementing an approved plan.~~

17 ~~(2) If an amended plan is submitted under subsection 6673(g) of this~~
18 ~~title that proposes to change the cost of the Program or proposes to change the~~
19 ~~paint stewardship assessment under the plan, the disapproval of any proposed~~
20 ~~new assessment or the failure of an approved new assessment to cover the total~~
21 ~~costs of the Program shall not relieve a producer or stewardship organization~~

1 ~~of its obligation to continue to implement the approved plan under the~~
2 ~~originally approved assessment.~~

3 (e) Facilities solely collecting paint products for the Paint Product
4 Stewardship Program that would not otherwise be subject to solid waste
5 certification requirements shall not be required to obtain a solid waste
6 certification. Persons solely transporting paint for the Paint Product
7 Stewardship Program that would not otherwise be subject to solid waste hauler
8 permitting requirements shall not be required to obtain a solid waste hauler's
9 permit.

10 § 6676. ANTICOMPETITIVE CONDUCT

11 (a) A producer or an organization of producers that manages postconsumer
12 paint products, including collection, transport, recycling, and processing of
13 postconsumer paint products, as required by this subchapter may engage in
14 anticompetitive conduct to the extent necessary to implement the plan
15 approved by the Secretary and is immune from liability for the conduct relating
16 to antitrust, restraint of trade, unfair trade practices, and other regulation of
17 trade or commerce.

18 (b) The activity authorized and the immunity afforded under subsection (a)
19 of this section shall not apply to any agreement among producers or paint
20 product stewardship organizations:

1 (1) establishing or affecting the price of paint products, ~~except for the~~
2 ~~paint stewardship assessment approved under subsection 6675(b) of this title;~~

3 (2) setting or limiting the output or production of paint products;

4 (3) setting or limiting the volume of paint products sold in a geographic
5 area;

6 (4) restricting the geographic area where paint products will be sold; or

7 (5) restricting the customers to whom paint products will be sold or the
8 volume of paint products that will be sold.

9 § 6677. PRODUCER REPORTING REQUIREMENTS

10 ~~No later than October 15, 2015, and annually thereafter, Annually,~~ a
11 producer or a stewardship program of which the producer is a member shall
12 submit to the Secretary a report describing the Paint Product Stewardship
13 Program that the producer or Stewardship Program is implementing as
14 required by section 6673 of this title. At a minimum, the report shall include:

15 (1) a description of the methods the producer or Stewardship Program
16 used to reduce, reuse, collect, transport, recycle, and process postconsumer
17 paint products statewide in Vermont;

18 (2) the volume and type of postconsumer paint products collected by the
19 producer or Stewardship Program at each collection center in all regions of
20 Vermont;

1 (2) the collected postconsumer paint product is or includes a paint
2 product that is a hazardous waste as defined and regulated by the Vermont
3 Hazardous Waste Management Rules.

4 (b) When postconsumer paint product is regulated as universal waste under
5 subsection (a) of this section, small and large quantity handlers of the
6 postconsumer paint shall manage the postconsumer paint products in a manner
7 that prevents releases of any universal waste or component of the universal
8 waste to the environment. Postconsumer paint products regulated as universal
9 waste shall, at a minimum, be contained in one or more of the following:

10 (1) a container that remains closed, structurally sound, and compatible
11 with the postconsumer paint products and that lacks evidence of leakage,
12 spillage, or damage that could cause leakage under reasonably foreseeable
13 conditions; or

14 (2) a container that does not meet the requirements of subdivision (1) of
15 this subsection, provided that the unacceptable container is overpacked in a
16 container that meets the requirements of subdivision (1).

17 (c) Containers holding postconsumer paint products that ~~is~~ are regulated as
18 universal waste shall be clearly labeled to clearly identify the contents of the
19 container, such as “Paint-Related Waste,” “Universal Waste Paint,” “Used
20 Paint,” or “Waste Paint.”

(d) Unless otherwise provided by statute, the definitions of the Vermont Hazardous Waste Management Rules shall apply to this section.

§ 6681. PAINT CONSUMER FEES

(a) The paint product stewardship assessment shall be sufficient to implement and sustain the Paint Product Stewardship Program. If at any time the stewardship assessments established in this section are not sufficient to implement and sustain the Paint Product Stewardship Program, the Paint Product Stewardship Program shall propose new stewardship assessments that are sufficient to implement and sustain the Program.

(b) A retailer shall charge an assessment on paint products, based on current material management costs of the Paint Product Stewardship Program, in the following amounts for architectural paint:

<u>(1) Half pint or smaller:</u>	<u>No fee.</u>
<u>(2) Greater than a half pint to one gallon:</u>	<u>\$0.65.</u>
<u>(3) Greater than one gallon to two gallons:</u>	<u>\$1.35.</u>
<u>(4) Greater than two gallons to five gallons:</u>	<u>\$2.45.</u>

Sec. 15. IMPLEMENTATION; FEE REPORT

(a) The requirements for the sale of paint products under 10 V.S.A. § 6673 shall apply to architectural paint beginning on July 1, 2013 and all paint products beginning on July 1, 2026.

1 (b) The requirement under 10 V.S.A. § 6673 for an architectural paint
2 producer to submit a stewardship plan to the Secretary of Natural Resources
3 currently applies to producers of architectural paint as required beginning on
4 July 1, 2013 and shall also apply to producers of paint related products
5 beginning on July 1, 2026.

6 (c) The requirement under 10 V.S.A. § 6677 that an architectural paint
7 producer annually report to the Secretary of Natural Resources currently
8 applies to producers of architectural paint as required beginning on July 1,
9 2013 and shall also apply to producers of paint related products beginning on
10 March 1, 2027.

11 (d) On or before December 15, 2025, the Secretary of Natural Resources
12 shall submit to the Senate Committees on Natural Resources and Energy and
13 on Finance and the House Committees on Environment and on Ways and
14 Means a report recommending a paint consumer fee or fees to be charged for
15 paint products that are not architectural paint.

16 * * * Renewable Power Portfolio * * *

17 Sec. 16. 30 V.S.A. § 8009 is amended to read:

18 § 8009. BASELOAD RENEWABLE POWER PORTFOLIO

19 REQUIREMENT

20 * * *

1 (d) On or before November 1, ~~2027~~ 2028, the Commission shall determine,
2 for the period beginning on November 1, ~~2026~~ 2028 and ending on November
3 1, 2032, the price to be paid to a plant used to satisfy the baseload renewable
4 power portfolio requirement. The Commission shall not be required to make
5 this determination as a contested case under 3 V.S.A. chapter 25. The price
6 shall be the avoided cost of the Vermont composite electric utility system. As
7 used in this subsection, the term “avoided cost” means the incremental cost to
8 retail electricity providers of electric energy or capacity, or both, that, but for
9 the purchase from the plant proposed to satisfy the baseload renewable power
10 portfolio requirement, such providers would obtain from a source using the
11 same generation technology as the proposed plant. For the purposes of this
12 subsection, the term “avoided cost” also includes the Commission’s
13 consideration of each of the following:

14 * * *

15 (k) Collocation and efficiency requirements.

16 (1) The owner of the plant used to satisfy the baseload renewable power
17 portfolio requirement shall cause the plant’s overall efficiency to be increased
18 by at least 50 percent relative to the 12-month period preceding July 1, 2022.
19 In achieving this efficiency, the owner shall comply with the requirements of
20 this subsection.

1 (2) On or before ~~July~~ October 1, ~~2023~~ 2025, the owner of the plant shall
2 submit to the Commission and the Department:

3 (A) A signed contract providing for the construction of a facility at
4 the plant that utilizes the excess thermal heat generated at the plant for a
5 beneficial purpose. As used in this subdivision (A), beneficial purpose may
6 include the displacement of fossil fuel use for the sustainable production of a
7 product or service or more efficient or less costly generation of electricity.

8 (B) A certification by a qualified professional engineer that the
9 construction of the facility shall meet the requirement of subdivision (1) of this
10 subsection (k).

11 (3) On or before October 1, ~~2025~~ 2026, the owner of the plant shall
12 submit to the Commission and the Department a certification that the main
13 components of the facility used to meet the requirement of subdivision (1) of
14 this subsection have been manufactured and that the construction plans for the
15 facility have been completed.

16 (4) If the contract and certification required under subdivision (2) of this
17 subsection are not submitted to the Commission and Department on or before
18 ~~July~~ October 1, ~~2023~~ 2025 or if the certification required under subdivision (3)
19 is not submitted to the Commission and Department on or before October 1,
20 ~~2025~~ 2026, then the obligation under this section for each Vermont retail
21 electricity provider to purchase a pro rata share of the baseload renewable

1 power portfolio requirement shall cease on November 1, ~~2025~~ 2026, and the
2 Commission is not required to conduct the rate determination provided for in
3 subsection (d) of this section.

4 (5) On or before September 1, ~~2026~~ 2027, the Department shall
5 investigate and submit a recommendation to the Commission on whether the
6 plant has achieved the requirement of subdivision (1) of this subsection. If the
7 Department recommends that the plant has not achieved the requirement of
8 subdivision (1) of this subsection, the obligation under this section shall cease
9 on November 1, ~~2026~~ 2027, and the Commission is not required to conduct the
10 rate determination provided for in subsection (d) of this section.

11 (6) After November 1, ~~2027~~ 2028, the owner of the plant shall report
12 annually to the Department and the Department shall verify the overall
13 efficiency of the plant for the prior 12-month period. If the overall efficiency
14 of the plant falls below the requirement of subdivision (1) of this subsection,
15 the report shall include a plan to return the plant to the required efficiency
16 within one year.

17 (7) If, after implementing the plan in subdivision (6) of this subsection,
18 the owner of the plant does not achieve the efficiency required in subdivision
19 (1) of this subsection, the Department shall request that the Commission
20 commence a proceeding to terminate the obligation under this section.

21 * * *

* * * Effective Dates * * *

Sec. 17. EFFECTIVE DATES

(a) This section and Secs. 7–13 (covered household hazardous products), 14–15 (paint products), and 16 (renewable power portfolio) shall take effect on passage.

(b) The remainder of this act shall take effect on July 1, 2025, except that Sec. 5 (use value appraisal) shall take effect on January 1, 2026.