

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 542  
3 entitled “An act relating to terminating testing of schools in Vermont for  
4 polychlorinated biphenyls” respectfully reports that it has considered the same  
5 and recommends that the Senate propose to the House that the bill be amended  
6 by striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. 10 V.S.A. § 6615g is added to read:

9 § 6615g. INVESTIGATION, MITIGATION, AND REMEDIATION OF  
10 PCBS IN CERTAIN SCHOOLS

11 (a) Definition. As used in this section “school” means public schools and  
12 approved and recognized independent schools, as defined in 16 V.S.A. § 11,  
13 that were constructed or renovated before 1980.

14 (b) Investigation. Investigation done under this section shall be completed  
15 pursuant to guidelines published by the Secretary of Natural Resources and  
16 performed under the supervision of the Secretary of Natural Resources.

17 (1) A school shall investigate for polychlorinated biphenyls (PCBs)  
18 when evaluating environmental contaminants as a part of the facilities master  
19 planning process for funding of school construction under 16 V.S.A. § 3445(a).

20 (2) A school shall conduct an investigation for PCBs when the school is  
21 evaluating its existing facilities for renovation, construction, or  
22 decommissioning.

1           (3) A school may request that the Secretary of Natural Resources  
2           conduct an investigation at any time.

3           (c) Response to detection of PCBs.

4           (1) A school that has an exceedance of the school action level shall  
5           develop a PCB management plan for managing the impacts from PCBs until  
6           the school implements an approved corrective action plan to remediate PCBs.  
7           The Secretary of Natural Resources shall publish guidelines for what is  
8           required in a PCB management plan. A school that receives an exceedance of  
9           the immediate action level for PCBs shall comply with the requirements of  
10           subdivisions (2) and (3) of this subsection.

11           (2) The Secretary of Natural Resources shall mitigate any impact  
12           associated with PCBs identified by the investigation under this section when  
13           concentrations exceed the immediate action level.

14           (3) The Secretary of Natural Resources shall only require a school to  
15           implement a corrective action plan to remediate PCBs when the school is  
16           undertaking construction or renovation activities, provided that if PCB  
17           concentrations, after mitigation, exceed the immediate action level, the  
18           Secretary of Natural Resources shall require compliance with the Agency of  
19           Natural Resources' Investigation and Remediation of Contaminated Properties  
20           Rule, and the Secretary of Natural Resources shall fund any necessary work.

21           Sec. 2. 10 V.S.A. § 6618a is added to read:

22           § 6618a. SCHOOL POLYCHLORINATED BIPHENYL PROGRAM FUND

1        (a) There is created the School Polychlorinated Biphenyl Program Fund to  
2        be administered by the Secretary of Natural Resources to provide funding for  
3        the investigation, mitigation, and remediation of polychlorinated biphenyls  
4        (PCBs) at schools in Vermont. The Fund shall consist of:

5            (1) reimbursements from a school for work related to a grant issued by  
6            the State for PCB investigation, mitigation, and remediation when that school  
7            recovers money from litigation or other awards. The reimbursement shall be  
8            limited to the amount of the grant awarded to the school or the amount of the  
9            recovery, whichever is less;

10           (2) any recovery by the State for any claims for damages caused by  
11           PCBs, except recoveries for damages to natural resources, which shall be  
12           deposited in the fund established pursuant to section 1283 of this title;

13           (3) monies from time to time appropriated to the Fund by the General  
14           Assembly; and

15           (4) other gifts, donations, or other monies received from any source,  
16           public or private, dedicated for deposit into the Fund and approved by the  
17           Secretary of Administration.

18        (b)(1) The Secretary of Natural Resources shall administer a program to  
19        issue grants to schools to pay the costs, to the extent funds are available, of the  
20        following activities in order of the priority listed:

21            (A) PCB investigations that are a part of a facilities master plan;

22            (B) the development of PCB management plans;

1           (C) the costs of mitigation when results exceed the immediate action  
2 level;

3           (D) the costs of implementing any approved corrective action plan  
4 when, after mitigation efforts, the concentrations in the school exceed the  
5 immediate action level;

6           (E) the costs of implementing a corrective action plan as a part of a  
7 school construction project; and

8           (F) the costs of investigation when taken pursuant to subdivision  
9 6615g(b)(2) or (3) of this title.

10           (2) The Secretary of Natural Resources shall not reimburse schools for  
11 the costs of investigation, remediation, and removal of PCBs in schools when  
12 the investigation, remediation, and removal was not in response to indoor air  
13 quality testing required pursuant to 2021 Acts and Resolves No. 74, Sec.  
14 E.709.1 or 10 V.S.A. §6615g, but was part of a planned renovation or  
15 construction project at a school under which the PCBs would be remediated or  
16 removed as part of the project.

17           (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,  
18 subchapter 5, unexpended balances and interest earned by the Fund shall be  
19 retained in the Fund from year to year.

20           (d) If a school district in the State recovers money from litigation or other  
21 award for work covered under a grant issued under this section, the school  
22 district shall reimburse the State the amount of the recovery or the amount of

1 the grant awarded to the school district under subsection (b) of this section,  
2 whichever amount is less.

3 (e) In addition to any other remedy, the State may recover from a  
4 manufacturer of PCBs monies expended or awarded by the State for PCB  
5 investigation, testing, assessment, remediation, or removal of PCBs in a school  
6 above the relevant action level.

7 Sec. 3. 2021 Acts and Resolves No. 74, Sec. E.709.1, as amended by 2022  
8 Acts and Resolves No. 166, Sec. 8, and 2023 Acts and Resolves No. 78, Sec.  
9 C.111, is further amended to read:

10 Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND;

11 POLYCHLORINATED BIPHENYLS (PCBs) TESTING

12 IN SCHOOLS

13 (a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in  
14 Sec. D.101(a) of this act to the Environmental Contingency Fund, the  
15 Department of Environmental Conservation, in consultation with the  
16 Department of Health and the Agency of Education, shall use up to \$4,500,000  
17 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in  
18 public schools and approved and recognized independent schools that were  
19 constructed or renovated before 1980. ~~All schools subject to this subsection~~  
20 ~~shall test for PCBs on or before July 1, 2027.~~

21 Sec. 4. EFFECTIVE DATE

22 This act shall take effect on passage.

1 and that after passage the title of the bill be amended to read: “An act relating  
2 to testing of schools in Vermont for polychlorinated biphenyls”

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5 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE