

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 319 entitled “An act relating to miscellaneous environmental
4 subjects” respectfully reports that it has considered the same and recommends
5 that the Senate propose to the House that the bill be amended by striking out all
6 after the enacting clause and inserting in 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 to the environment.

14 * * * Household Hazardous Waste Extended Producer Responsibility * * *

15 Sec. 3. 10 V.S.A. § 7181 is amended to read:

16 § 7181. DEFINITIONS

17 As used in this chapter:

18 * * *

19 (4)(A) “Covered household hazardous product” means a consumer
20 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:

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

(ii) the product is a gas cylinder.

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

* * *

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

* * *

Sec. 4. 10 V.S.A. § 7182 is amended to read:

§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

STEWARDSHIP ORGANIZATION REGISTRATION;

MANUFACTURER REGISTRATION

(a) Sale prohibited.

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

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

6 ~~(4)~~(A) The manufacturer is participating in a stewardship
7 organization implementing an approved collection plan.

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

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

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

18 (b) Stewardship organization registration requirements.

19 (1) On or before July 1, 2025 ~~and annually thereafter~~, a stewardship
20 organization shall file a registration form with the Secretary. The Secretary

1 shall provide the registration form to the stewardship organization. The
2 registration form shall include:

3 (A) ~~a list of the manufacturers participating in the stewardship~~
4 ~~organization;~~

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

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

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

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

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

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

1 (A) a list of the manufacturers participating in the stewardship
2 organization;

3 (B) a list of the brands of each manufacturer participating in the
4 stewardship organization;

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

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

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

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

15 (c) Manufacturer registration. On or before November 1, 2025, a
16 manufacturer of a covered household hazardous product shall register with the
17 stewardship organization in a manner proscribed by the stewardship
18 organization.

1 Sec. 5. 10 V.S.A. § 7183 is amended to read:

2 § 7183. COLLECTION PLANS

3 (a) Collection plan required. ~~Prior to July 1, 2025~~ On or before July 1,
4 2026, any stewardship organization registered with the Secretary as
5 representing manufacturers of covered household hazardous products shall
6 coordinate and submit to the Secretary for review one collection plan for all
7 manufacturers.

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

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

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

15 ~~(2)(B)~~ Free statewide collection of covered household hazardous
16 products. The collection program shall ~~provide~~ reimburse municipalities when
17 a municipality provides for free, convenient, and accessible ~~statewide~~
18 opportunities for the collection from covered entities of covered household
19 hazardous products, including orphan covered products. ~~A stewardship~~
20 ~~organization shall accept all covered household hazardous products collected~~
21 ~~from a covered entity and shall not refuse the collection of a covered~~

1 ~~household hazardous product, including orphan covered household products,~~
2 ~~based on the brand or manufacturer of the covered household hazardous~~
3 ~~product unless specifically exempt from this requirement.~~ The collection
4 program shall also provide for the payment of collection, processing, and end-
5 of-life management of the covered household hazardous products. Collection
6 costs include facility costs, equipment costs, labor, supplies, maintenance,
7 events costs, and event contractor costs, including collection event set-up fees,
8 environmental service fees, insurance fees, and shipping containers and
9 materials.

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

17 ~~(4) Public education and outreach. The collection plan shall include an~~
18 ~~education and outreach program that shall include a website and may include~~
19 ~~media advertising, retail displays, articles and publications, and other public~~
20 ~~educational efforts. Outreach and education shall be suitable for the State's~~
21 ~~diverse ethnic populations, through translated and culturally appropriate~~

1 ~~materials, including in language and targeted outreach. Public education and~~
2 ~~outreach should include content to increase meaningful participation by~~
3 ~~environmental justice focus populations as required by 3 V.S.A. chapter 72.~~
4 ~~During the first year of program implementation and two years after adoption~~
5 ~~of the collection plan, each stewardship organization shall carry out a survey of~~
6 ~~public awareness regarding the requirements of the program established under~~
7 ~~this chapter that can identify communities that have disparities in awareness~~
8 ~~and need more outreach. Each stewardship organization shall share the results~~
9 ~~of the public awareness surveys with the Secretary. If multiple stewardship~~
10 ~~organizations are implementing plans approved by the Secretary, the~~
11 ~~stewardship organizations shall coordinate in carrying out their education and~~
12 ~~outreach responsibilities under this subdivision and shall include in their~~
13 ~~annual reports to the Secretary a summary of their coordinated education and~~
14 ~~outreach efforts. The education and outreach program and website shall notify~~
15 ~~the public of the following:~~

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

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

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

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

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

9 ~~(6) Method of disposition. The collection plan shall describe how~~
10 ~~covered household hazardous products will be managed in the most~~
11 ~~environmentally and economically sound manner, including following the~~
12 ~~waste management hierarchy. The management of covered household~~
13 ~~hazardous products under the collection plan shall use management activities~~
14 ~~in the following priority order: source reduction, reuse, recycling, energy~~
15 ~~recovery, and disposal. Collected covered household hazardous products shall~~
16 ~~be recycled when technically and economically feasible.~~

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

18 ~~(A) A performance goal for covered household hazardous products~~
19 ~~determined by the number of total participants at collection events and~~
20 ~~facilities listed in the collection plan during a program year divided by the total~~
21 ~~number of households. The number of households shall include seasonal~~

1 ~~households. The calculation methodology for the number of households shall~~
2 ~~be included in the plan.~~

3 ~~(B) At a minimum, the collection performance goal for the first~~
4 ~~approved plan shall be an annual participation rate of five percent of the~~
5 ~~households for every collection program based on the number of households~~
6 ~~the collection program serves. After the initial approved program plan, the~~
7 ~~stewardship organization shall propose performance goals for subsequent~~
8 ~~program plans. The Secretary shall approve the performance goals for the plan~~
9 ~~at least every five years. The stewardship organization shall use the results of~~
10 ~~the most recent waste composition study required under 6604 of this title and~~
11 ~~other relevant factors to propose the performance goals of the collection plan.~~
12 ~~If a stewardship organization does not meet its performance goals, the~~
13 ~~Secretary may require the stewardship organization to revise the collection~~
14 ~~plan to provide for one or more of the following: additional public education~~
15 ~~and outreach, additional collection events, or additional hours of operation for~~
16 ~~collection sites. A stewardship organization is not authorized to reduce or~~
17 ~~cease collection, education and outreach, or other activities implemented under~~
18 ~~an approved plan on the basis of achievement of program performance goals.~~

19 ~~(8)(C)~~ Collection plan funding. The collection plan shall describe how
20 the stewardship organization will fund the implementation of the collection
21 plan and collection activities under the plan, including the costs for education

1 ~~and outreach, collection, processing, and end-of-life management of the~~
2 ~~covered household hazardous product~~ all municipal collection offered to the
3 public in a base program year. A base program year shall be based on the
4 services provided in calendar year 2024 and any other collection facilities or
5 events approved by the Secretary. Collection costs include facility costs,
6 equipment costs, labor, supplies, maintenance, events costs, and event
7 contractor costs, including collection event set-up fees, environmental service
8 fees, insurance fees, and shipping containers and materials. The collection
9 plan shall include how municipalities will be compensated for all costs
10 attributed to collection of covered household hazardous products. The
11 Secretary shall resolve disputes relating to compensation.

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

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

18 (B) Free statewide collection of covered household hazardous
19 products. The collection program shall provide for free, convenient, and
20 accessible statewide opportunities for the collection from covered entities of
21 covered household hazardous products, including orphan covered products. A

1 stewardship organization shall accept all covered household hazardous
2 products collected from a covered entity and shall not refuse the collection of a
3 covered household hazardous product, including orphan covered household
4 products, based on the brand or manufacturer of the covered household
5 hazardous product unless specifically exempt from this requirement. The
6 collection program shall also provide for the payment of collection, processing,
7 and end-of-life management of the covered household hazardous products.
8 Collection costs include facility costs, equipment costs, labor, supplies,
9 maintenance, events costs, and event contractor costs, including collection
10 event set-up fees, environmental service fees, insurance fees, and shipping
11 containers and materials.

12 (C) Convenient collection location. The stewardship organization
13 shall develop a collection program that allows all municipal household
14 hazardous waste collection programs to opt to be a part of the collection plan,
15 including collection events and facilities offered by solid waste planning
16 entities. The plan shall make efforts to site points of collection equitably
17 across all regions of the State to allow for convenient and reasonable access of
18 all Vermonters to collection facilities or collection events.

19 (D) Public education and outreach. The collection plan shall include
20 an education and outreach program that shall include a website and may
21 include media advertising, retail displays, articles and publications, and other

1 public educational efforts. Outreach and education shall be suitable for the
2 State's diverse ethnic populations, through translated and culturally appropriate
3 materials, including in-language and targeted outreach. Public education and
4 outreach should include content to increase meaningful participation by
5 environmental justice focus populations as required by 3 V.S.A. chapter 72.
6 During the second approved plan, each stewardship organization shall carry
7 out a survey of public awareness regarding the requirements of the program
8 established under this chapter that can identify communities that have
9 disparities in awareness and need more outreach. Each stewardship
10 organization shall share the results of the public awareness surveys with the
11 Secretary. If multiple stewardship organizations are implementing plans
12 approved by the Secretary, the stewardship organizations shall coordinate in
13 carrying out their education and outreach responsibilities under this
14 subdivision (D) and shall include in their annual reports to the Secretary a
15 summary of their coordinated education and outreach efforts. The education
16 and outreach program and website shall notify the public of the following:
17 (i) that there is a free collection program for covered household
18 hazardous products;
19 (ii) the location and hours of operation of collection points and
20 how a covered entity can access this collection program;

1 (iii) the special handling considerations associated with covered
2 household hazardous products; and

3 (iv) source reduction information for consumers to reduce leftover
4 covered household products.

5 (E) Compliance with appropriate environmental standards. In
6 implementing a collection plan, a stewardship organization shall comply with
7 all applicable laws related to the collection, transportation, and disposal of
8 hazardous waste. A stewardship organization shall comply with any special
9 handling or disposal standards established by the Secretary for covered
10 household hazardous products or for the collection plan of the manufacturer.

11 (F) Method of management. The collection plan shall describe how
12 covered household hazardous products will be managed in the most
13 environmentally and economically sound manner, including following the
14 waste-management hierarchy. The management of covered household
15 hazardous products under the collection plan shall use management activities
16 in the following priority order: source reduction, reuse, recycling, energy
17 recovery, and disposal. Collected covered household hazardous products shall
18 be recycled when technically and economically feasible.

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

20 (i) A performance goal for covered household hazardous products
21 determined by the number of total participants at collection events and

1 facilities listed in the collection plan during a program year divided by the total
2 number of households. The number of households shall include seasonal
3 households. The calculation methodology for the number of households shall
4 be included in the plan.

5 (ii) At a minimum, the collection performance goal for the initial
6 plan approved pursuant to subdivision (1) of this subsection (b) shall be an
7 annual participation rate of seven percent of the households for every
8 collection program based on the number of households the collection program
9 serves. After the initial approved program plan, the stewardship organization
10 shall propose performance goals for subsequent program plans. The Secretary
11 shall approve the performance goals for the plan at least every five years. The
12 stewardship organization shall use the results of the most recent waste
13 composition study required under 6604 of this title and other relevant factors to
14 propose the performance goals of the collection plan. If a stewardship
15 organization does not meet its performance goals, the Secretary may require
16 the stewardship organization to revise the collection plan to provide for one or
17 more of the following: additional public education and outreach, additional
18 collection events, or additional hours of operation for collection sites. A
19 stewardship organization is not authorized to reduce or cease collection,
20 education and outreach, or other activities implemented under an approved
21 plan on the basis of achievement of program performance goals.

1 (H) Collection plan funding. The collection plan shall describe how the
2 stewardship organization will fund the implementation of the collection plan
3 and collection activities under the plan, including the costs for education and
4 outreach, collection, processing, and end-of-life management of the covered
5 household hazardous product. Collection costs include facility costs,
6 equipment costs, labor, supplies, maintenance, events costs, and event
7 contractor costs, including collection event set-up fees, environmental service
8 fees, insurance fees, and shipping containers and materials. The collection
9 plan shall include how municipalities will be compensated for all costs
10 attributed to collection of covered household hazardous products. The
11 Secretary shall resolve disputes relating to compensation.

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

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

1 Sec. 6. 10 V.S.A. § 7184 is amended to read:

2 § 7184. STEWARDSHIP ORGANIZATIONS

3 (a) Participation in a stewardship organization. A manufacturer shall meet
4 the requirements of this chapter by participating in a stewardship organization
5 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this
6 title.

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

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

11 (2) not create unreasonable barriers for participation in the stewardship
12 organization; and

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

16 (c) A stewardship organization is authorized to charge its members
17 reasonable fees for the organization, administration, and implementation of the
18 programs required by this chapter.

Sec. 7. 10 V.S.A. § 7187 is amended to read:

§ 7187. AGENCY RESPONSIBILITIES

(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.

* * *

(g) Agency collection plan. If no stewardship organization is formed on or before July 1, 2025 or the stewardship organization fails to submit a plan or submits a plan that does not meet the requirements of this chapter, the Secretary shall adopt and administer a plan that meets the requirements of section 7183 of this title. If the Secretary administers the plan adopted under section 7183, the Secretary shall charge each manufacturer the prorated costs of plan administration, the Agency's oversight costs, and an additional hazardous waste reduction assessment of 10 percent of the plan's total cost to be deposited in the Solid Waste Management Assistance Account of the Waste Management Assistance Fund, for the purpose of providing grants to municipalities and small businesses to prevent pollution and reduce the generation of hazardous waste in the State. When determining a manufacturer's assessment under this section, the Agency may allocate costs to a manufacturer of covered household hazardous products based on the sales of

1 covered household hazardous products nationally prorated to the population of
2 Vermont.

3 Sec. 8. 10 V.S.A. § 6621a is amended to read:

4 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

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

7 * * *

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

9 * * *

10 Sec. 9. SOLID WASTE PLAN; FLEXIBILITY

11 (a) Notwithstanding the municipal household hazardous waste (HHW)
12 collection requirements under the State Solid Waste Plan adopted pursuant to
13 10 V.S.A. § 6604, the Secretary of Natural Resources may grant a variance
14 from the requirement to conduct at least two household hazardous waste
15 collection events in that municipality. The variance shall allow a municipality
16 to meet its obligations, as follows:

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

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

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

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

7 * * * Paint Product Stewardship Program * * *

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

9 Subchapter 4. Paint Product Stewardship Program

10 § 6671. PURPOSE

11 The purpose of this subchapter is to establish an environmentally sound,
12 cost-effective Paint Product Stewardship Program in the State that will
13 undertake responsibility for the development and implementation of strategies
14 to reduce the generation of postconsumer paint; promote the reuse of
15 postconsumer paint; and collect, transport, and process postconsumer paint,
16 including reuse, recycling, energy recovery, and disposal. The Paint Product
17 Stewardship Program will follow the waste management hierarchy for
18 managing and reducing postconsumer paint in the order as follows: reduce
19 consumer generation of postconsumer paint, reuse, recycle, provide for energy
20 recovery, and dispose. The Paint Product Stewardship Program will provide
21 more opportunities for consumers to manage properly their postconsumer

1 paint, provide fiscal relief for local government in managing postconsumer
2 paint, keep paint out of the waste stream, and conserve natural resources.

3 § 6672. DEFINITIONS

4 As used in this subchapter:

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

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

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

19 ~~(2)~~(4) “Distributor” means a company that has a contractual relationship
20 with one or more producers to market and sell architectural paint to retailers in
21 Vermont.

1 ~~(3)~~(5) “Energy recovery” means recovery in which all or a part of the
2 solid waste materials are processed in order to use the heat content or other
3 forms of energy of or from the material.

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

11 ~~(5)~~(7) “Municipality” means a city, town, or a village.

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

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

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

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

19 (8) “Nonindustrial coating” means arts and crafts paint, automotive
20 refinish paint, driveway sealer, faux finish or glaze, furniture oil, furniture
21 paint, lime wash, lime paint, marine paint, antifouling paint, road and traffic

1 marking paint, two-component paint, wood preservative, fire retardant paint,
2 dry fog paint, chalkboard paint, and conductive paint, sold in containers of five
3 gallons or less for commercial and homeowner use, but does not include
4 coatings purchased for industrial or original equipment manufacturer use.

5 (9)(A) “Paint product” includes:

6 (i) architectural paint;

7 (ii) aerosol coating products;

8 (iii) coating-related products; and

9 (iv) nonindustrial coatings.

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

11 ~~(7)~~(10) “Postconsumer paint” means ~~architectural~~ a paint product and its
12 containers not used and no longer wanted by a purchaser.

13 ~~(8)~~(11) “Producer” means a manufacturer of ~~architectural~~ paint products
14 who sells, offers for sale, or distributes that paint in Vermont under the
15 producer’s own name or brand.

16 ~~(9)~~(12) “Recycling” means any process by which discarded products,
17 components, and by-products are transformed into new usable or marketable
18 materials in a manner in which the original products may lose their identity but
19 does not include energy recovery or energy generation by means of
20 combusting discarded products, components, and by-products with or without
21 other waste products.

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

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

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

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

(14)(17) “Stewardship organization” means a nonprofit corporation or nonprofit organization created by a producer or group of producers to implement the Paint Product Stewardship Program required under this subchapter.

§ 6673. PAINT PRODUCT STEWARDSHIP PROGRAM

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

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

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

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

8 (4) Describe the Program and how it will provide for convenient and
9 available statewide collection of postconsumer ~~architectural~~ paint products in
10 urban and rural areas of the State. The producer or stewardship organization
11 shall use the existing household hazardous waste collection infrastructure when
12 selecting collection points for postconsumer ~~architectural~~ paint products. A
13 paint retailer shall be authorized as a paint collection point ~~of postconsumer~~
14 ~~architectural paint~~ for a Paint Product Stewardship Program if the paint retailer
15 volunteers to act as a ~~paint~~ collection point and complies with all applicable
16 laws, rules, and regulations.

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

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

1 (B) one additional permanent site will be established for every
2 10,000 residents of a municipality and additional sites shall be distributed to
3 provide convenient and reasonably equitable access for residents within each
4 municipality, unless otherwise approved by the Secretary.

5 (6) Establish goals to reduce the generation of postconsumer paint
6 products, to promote the reuse of postconsumer paint products, and for the
7 proper management of postconsumer paint products as practical based on
8 current household hazardous waste program information. The goals may be
9 revised by the producer or stewardship organization based on the information
10 collected for the annual report.

11 (7) Describe how postconsumer paint products will be managed in the
12 most environmentally and economically sound manner, including following
13 the waste-management hierarchy. The management of paint under the
14 Program shall use management activities that promote source reduction, reuse,
15 recycling, energy recovery, and disposal.

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

20 (b) The producer or stewardship organization shall submit a budget for the
21 Program proposed under subsection (a) of this section, and for any amendment

1 to the plan that would affect the Program's costs. The budget shall include a
2 funding mechanism under which each ~~architectural~~ paint product producer
3 remits to a stewardship organization payment of a paint product stewardship
4 assessment for each ~~container of architectural paint~~ product it sells in this
5 State. Prior to submitting the proposed budget and assessment to the
6 Secretary, the producer or stewardship organization shall provide the budget
7 and assessment to a third-party auditor agreed upon by the Secretary. The
8 third-party auditor shall provide a recommendation as to whether the proposed
9 budget and assessment is cost-effective, reasonable, and limited to covering the
10 cost of the Program. The paint product stewardship assessment shall be added
11 to the cost of all ~~architectural~~ paint products sold in Vermont. To ensure that
12 the funding mechanism is equitable and sustainable, a uniform paint product
13 stewardship assessment shall be established for all ~~architectural~~ paint products
14 sold. The paint stewardship assessment shall be ~~approved by the Secretary and~~
15 ~~shall be sufficient to recover, but not exceed, the costs of the Paint Stewardship~~
16 ~~Program~~ the amount established in section 6681 of this title.

17 (c) ~~Beginning no later than July 1, 2014, or three~~ Six months after approval
18 of the plan for a Paint Product Stewardship Program required under subsection
19 (a) of this section, ~~whichever occurs later,~~ a producer of ~~architectural~~ paint
20 products sold at retail or a stewardship organization of which a producer is a

1 member shall implement the approved plan for a Paint Product Stewardship
2 Program.

3 (d) A producer or a stewardship organization of which a producer is a
4 member shall promote a Paint Product Stewardship Program and provide
5 consumers with educational and informational materials describing collection
6 opportunities for postconsumer paint products Statewide and promotion of
7 waste prevention, reuse, and recycling. The educational and informational
8 program shall make consumers aware that the funding for the operation of the
9 Paint Product Stewardship Program has been added to the purchase price of all
10 ~~architectural~~ paint products sold in the State.

11 (e) A plan approved under this section shall provide for collection of
12 postconsumer ~~architectural~~ paint at no cost to the person from whom the
13 ~~architectural~~ paint product is collected. The program plan also shall provide
14 for the payment of municipalities for collection, processing, and end-of-life
15 management of aerosol coating products, coating-related products, and
16 nonindustrial coatings contained in the receptacle in which the product is
17 offered for retail sale. Collection costs include facility costs, equipment costs,
18 labor, supplies, maintenance, events costs, and event contractor costs,
19 including collection event set-up fees, environmental service fees, insurance
20 fees, and shipping containers and materials.

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

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

7 (1) ~~a change to a paint stewardship assessment under the plan;~~
8 ~~(2)~~ an addition to or removal of a category of products covered under
9 the Program; or

10 ~~(3)~~(2) a revision of the product stewardship organization's goals.

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

15 (i) In addition to the requirements specified in subsection (a) of this
16 section, a stewardship organization shall notify the Secretary in writing within
17 30 days ~~of~~ after any change to:

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

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

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

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

6 (j) Upon submission of a plan to the Secretary under this section, a
7 producer or a stewardship organization shall pay the fee required by 3 V.S.A.
8 § 2822(j)(31). Thereafter, the producer or stewardship organization shall pay
9 the fee required by 3 V.S.A. § 2822(j)(31) annually ~~by~~ on or before July 1 of
10 each year.

11 § 6674. RETAILER RESPONSIBILITY

12 (a) A producer or retailer may not sell or offer for sale ~~architectural~~ a paint
13 product to any person in Vermont unless the producer ~~of that architectural~~
14 ~~paint brand~~ or a stewardship program ~~of which the producer of that~~
15 ~~architectural paint brand is a member~~ that the producer is a member of is
16 implementing an approved plan for a Paint Product Stewardship Program as
17 required by section 6673 of this title. A retailer complies with the
18 requirements of this section if, on the date the ~~architectural~~ paint product was
19 ordered from the producer or its agent, the producer or paint brand is listed on
20 the Agency of Natural Resources' website as a producer or brand participating
21 in an approved plan for a Paint Product Stewardship Program.

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

7 § 6675. AGENCY RESPONSIBILITY

8 (a)(1) Within 90 days ~~of~~ after receipt of a plan submitted under section
9 6673 of this title, the Secretary shall review the plan and make a determination
10 whether or not to approve the plan. The Secretary shall issue a letter of
11 approval for a submitted plan if:

12 (A) the submitted plan provides for the establishment of a Paint
13 Product Stewardship Program that meets the requirements of subsection
14 6673(a) of this subchapter; and

15 (B) the Secretary determines that the plan:
16 (i) achieves convenient collection for consumers;
17 (ii) educates the public on proper paint product management; and
18 (iii) manages waste paint products in a manner that is
19 environmentally safe and promotes reuse and recycling; ~~and~~
20 ~~(iv) is cost-effective.~~

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

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

13 ~~(2) If an amended plan is submitted under subsection 6673(g) of this~~
14 ~~title that proposes to change the cost of the Program or proposes to change the~~
15 ~~paint stewardship assessment under the plan, the disapproval of any proposed~~
16 ~~new assessment or the failure of an approved new assessment to cover the total~~
17 ~~costs of the Program shall not relieve a producer or stewardship organization~~
18 ~~of its obligation to continue to implement the approved plan under the~~
19 ~~originally approved assessment.~~

20 (e) Facilities solely collecting paint products for the Paint Product
21 Stewardship Program that would not otherwise be subject to solid waste

1 certification requirements shall not be required to obtain a solid waste
2 certification. Persons solely transporting paint for the Paint Product
3 Stewardship Program that would not otherwise be subject to solid waste hauler
4 permitting requirements shall not be required to obtain a solid waste hauler's
5 permit.

6 § 6676. ANTICOMPETITIVE CONDUCT

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

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

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

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

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

- 1 (4) restricting the geographic area where paint products will be sold; or
- 2 (5) restricting the customers to whom paint products will be sold or the
- 3 volume of paint products that will be sold.

4 § 6677. PRODUCER REPORTING REQUIREMENTS

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

- 10 (1) a description of the methods the producer or Stewardship Program
- 11 used to reduce, reuse, collect, transport, recycle, and process postconsumer
- 12 paint products statewide in Vermont;
- 13 (2) the volume and type of postconsumer paint products collected by the
- 14 producer or Stewardship Program at each collection center in all regions of
- 15 Vermont;
- 16 (3) the volume of postconsumer paint products collected by the producer
- 17 or Stewardship Program in Vermont by method of disposition, including reuse,
- 18 recycling, energy recovery, and disposal;
- 19 (4) an independent financial audit of the Paint Product Stewardship
- 20 Program implemented by the producer or the Stewardship Program;

(5) the prior year's actual direct and indirect costs for each Program element and the administrative and overhead costs of administering the approved Program; and

(6) samples of the educational materials that the producer or stewardship program provided to consumers of architectural paint.

* * *

§ 6680. UNIVERSAL WASTE DESIGNATION FOR POSTCONSUMER
PAINT

(a) The requirements of Subchapter 9 of the Vermont Hazardous Waste Management Rules, which allow certain categories of hazardous waste to be managed as universal waste, shall apply to postconsumer paint products until the postconsumer paint is discarded, provided that:

(1) the postconsumer paint product is collected as a part of a stewardship plan approved under this subchapter; and

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

(b) When postconsumer paint product is regulated as universal waste under subsection (a) of this section, small and large quantity handlers of the postconsumer paint shall manage the postconsumer paint products in a manner that prevents releases of any universal waste or component of the universal

1 waste to the environment. Postconsumer paint products regulated as universal
2 waste shall, at a minimum, be contained in one or more of the following:

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

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

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

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

16 § 6681. PAINT CONSUMER FEES

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

1 Product Stewardship Program shall propose new stewardship assessments that
2 are sufficient to implement and sustain the Program.

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

6 (1) Half pint or smaller: No fee.

7 (2) Greater than a half pint to one gallon: \$0.65.

8 (3) Greater than one gallon to two gallons: \$1.35.

9 (4) Greater than two gallons to five gallons: \$2.45.

10 Sec. 11. IMPLEMENTATION; FEE REPORT

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

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

19 (c) The requirement under 10 V.S.A. § 6677 that an architectural paint
20 producer annually report to the Secretary of Natural Resources currently
21 applies to producers of architectural paint as required beginning on July 1,

1 2013 and shall also apply to producers of paint related products beginning on
2 March 1, 2027.

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

8 * * * Healthy Homes Initiative * * *

9 Sec. 12. 2024 Acts and Resolves No. 78, Sec. B.1103 is amended to read:

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

11 ONE-TIME APPROPRIATIONS

12 * * *

13 (j)(1) In fiscal year 2024, the amount of \$6,100,000 American Rescue Plan
14 Act (ARPA) – Coronavirus State Fiscal Recovery Funds is appropriated to the
15 Department of Environmental Conservation for the Healthy Homes Initiative.
16 Funds shall be used to make repairs or improvements to drinking water,
17 wastewater, or stormwater systems for Vermonters who have low to moderate
18 income or who live in manufactured housing communities, or both.

19 (2) All information submitted to or compiled by the Department of
20 Environmental Conservation related to the issuance of individual funding
21 awards under the Healthy Homes Initiative shall be considered confidential

1 unless the person providing the information designates that it is not
2 confidential. This shall include all personal information of applicants that
3 request or receive funding. Notwithstanding 1 V.S.A. § 214, this subdivision
4 shall take effect on passage and shall apply retroactively to July 1, 2023.

5 * * *

6 * * * Flood Safety * * *

7 Sec. 13. 2024 Act and Resolves No. 121, Sec. 3 is amended to read:

8 Sec. 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

9 RIVER CORRIDOR BASE MAP; INFILL MAPPING;

10 EDUCATION AND OUTREACH

11 (a) On or before January 1, ~~2026~~ 2027, the Department of Environmental
12 Conservation, in consultation with the Agency of Commerce and Community
13 Development and the regional planning commissions, shall amend by
14 procedure the statewide River Corridor Base Map to identify areas suitable for
15 development that are located within existing settlements and that will not cause
16 or contribute to increases in fluvial erosion hazards.

17 (b) Beginning on January 1, 2025 and ending on January 1, ~~2027~~ 2028, the
18 Department of Environmental Conservation shall conduct an education and
19 outreach program to consult with and collect input from municipalities,
20 environmental justice focus populations, the Environmental Justice Advisory
21 Council, businesses, property owners, farmers, and other members of the

1 public regarding how State permitting of development in mapped river
2 corridors will be implemented, including potential restrictions on the use of
3 land within mapped river corridors. The Department shall develop educational
4 materials for the public as part of its charge under this section. The
5 Department shall collect input from the public regarding the permitting of
6 development in mapped river corridors as proposed by this act. On or before
7 January 15, ~~2027~~ 2028 and until permitting of development in mapped river
8 corridors begins under 10 V.S.A. § 754, the Department shall submit to the
9 Senate Committee on Natural Resources and Energy, the House Committee on
10 Environment and Energy, and the Environmental Justice Advisory Council a
11 report that shall include:

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

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

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

20 (4) a summary of the Department's progress in adopting the rules
21 required under 10 V.S.A. § 754 for the regulation of development in mapped

1 river corridors.

2 Sec. 14. 10 V.S.A. § 754 is amended to read:

3 § 754. MAPPED RIVER CORRIDOR RULES

4 (a) Rulemaking authority.

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

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

9 (B) for development exempt from municipal regulation in flood
10 hazard areas.

11 (2) The Secretary shall not adopt rules under this subsection that
12 regulate agricultural activities without the consent of the Secretary of
13 Agriculture, Food and Markets, provided that the Secretary of Agriculture,
14 Food and Markets shall not withhold consent under this subdivision when lack
15 of such consent would result in the State's noncompliance with the National
16 Flood Insurance Program.

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

21 * * *

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

9 * * *

10 Sec. 15. 2024 Acts and Resolves 121, Sec. 10 is amended to read:

11 Sec. 10. STUDY COMMITTEE ON STATE ADMINISTRATION OF
12 THE NATIONAL FLOOD INSURANCE PROGRAM

13 * * *

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

18 * * *

19 Sec. 16. 2024 Acts and Resolves 121, Sec. 11(a) is amended to read:

20 (a) The Secretary of Natural Resources shall initiate rulemaking, including
21 pre-rulemaking, for the rules required in Sec. 5 of this act, 10 V.S.A. § 754

(river corridor development), not later than July 1, 2025. The rules shall be adopted on or before July 1, ~~2027~~ 2028.

Sec. 17. 2024 Acts and Resolves No. 121, Sec. 29(b) is amended to read:

(b) All other sections shall take effect July 1, 2024, except that:

(1) Secs. 6a, 7, 8, 8a, and 9 (conforming amendments to municipal river corridor planning) shall take effect on January 1, 2028, except that in Sec. 9, 24 V.S.A. § 4424(a)(2)(B)(i) (municipal compliance with the State Flood Hazard Area Standards) shall take effect on January 1, ~~2026~~ 2028;

* * *

* * * Wetlands * * *

Sec. 18. 10 V.S.A. § 918 is amended to read:

§ 918. NET GAIN OF WETLANDS; STATE GOAL; RULEMAKING

(a) On or before ~~July 1~~ December 1, 2025, the Secretary of Natural Resources shall amend the Vermont Wetlands Rules pursuant to 3 V.S.A. chapter 25 to clarify that the goal of wetlands regulation and management in the State is the net gain of wetlands to be achieved through protection of existing wetlands and restoration of wetlands that were previously adversely affected. This condition shall not apply to wetland, river, and flood plain restoration projects, including dam removals.

* * *

(c) At a minimum, the Wetlands Rules shall be revised to:

(1) Require an applicant for a wetland permit that authorizes adverse impacts to more than 5,000 square feet of wetlands to compensate for those impacts through restoration, enhancement, or creation of wetland resources.

(2) Incorporate the net gain rule into requirements for permits issued after September 1 December 1, 2025.

* * *

* * * Dams * * *

Sec. 19. 2024 Acts and Resolves No. 121, Sec. 22 is amended to read:

Sec. 22. STUDY COMMITTEE ON DAM EMERGENCY OPERATIONS

PLANNING

(a) Creation. There is created the Study Committee on Dam Emergency Operations Planning to review and recommend how to improve regional emergency action planning for hazards caused by dam failure, including how to shift responsibility for emergency planning from individual municipalities to regional authorities, how to improve regional implementation of dam emergency response plans, and how to fund dam emergency action planning at the regional level.

* * *

(e) Report. On or before December 15, ~~2024~~ 2025, the Study Committee shall submit a written report to the General Assembly with its findings and any recommendations for legislative action. Any recommendation for legislative

1 action shall be submitted as draft legislation.

2 (f) Meetings.

3 (1) The Secretary of Natural Resources or designee shall call the first
4 meeting of the Study Committee.

5 (2) The Committee shall select a chair from among its members at the
6 first meeting.

7 (3) A majority of the membership of the Study Committee shall
8 constitute a quorum.

9 (4) The Study Committee shall cease to exist on March 1, ~~2025~~ 2026.

10 * * *

11 Sec. 20. 2024 Acts and Resolves No. 121, Sec. 24(f) is amended to read:

12 (f) On or before ~~January 15~~ September 1, 2025, the Agency of Natural
13 Resources shall complete its analysis of the capital and ongoing operations and
14 maintenance costs of the Green River Dam, as authorized in 2022 Acts and
15 Resolves No. 83, Sec. 46, and shall submit the results of the analysis to the
16 House Committees on Environment ~~and Energy~~ and on Appropriations and the
17 Senate Committees on Natural Resources and Energy and on Appropriations.

18 * * * Resilience Implementation Strategy; Climate Superfund Act * * *

19 Sec. 21. 10 V.S.A. § 599a is amended to read:

20 § 599a. REPORTS; RULEMAKING

1 (a) On or before January 15, 2025, the Agency, in consultation with the
2 State Treasurer, shall submit a report to the General Assembly detailing the
3 feasibility and progress of carrying out the requirements of this chapter,
4 including any recommendations for improving the administration of the
5 Program.

6 (b) The Agency shall adopt rules necessary to implement the requirements
7 of this chapter, including:

8 (1) adopting methodologies using available science and publicly
9 available data to identify responsible parties and determine their applicable
10 share of covered greenhouse gas emissions; and

11 (2) requirements for registering entities that are responsible parties and
12 issuing notices of cost recovery demands under the Program; ~~and~~

13 ~~(3) the Resilience Implementation Strategy, which shall include:~~

14 ~~(A) practices utilizing nature-based solutions intended to stabilize~~
15 ~~floodplains, riparian zones, lake shoreland, wetlands, and similar lands;~~

16 ~~(B) practices to adapt infrastructure to the impacts of climate change;~~

17 ~~(C) practices needed to build out early warning mechanisms and~~
18 ~~support fast, effective response to climate related threats;~~

19 ~~(D) practices that support economic and environmental sustainability~~
20 ~~in the face of changing climate conditions; and~~

1 ~~(E) criteria and procedures for prioritizing climate change adaptation~~
2 ~~projects eligible to receive monies from the Climate Superfund Cost Recovery~~
3 ~~Program.~~

4 (c) On or before September 15, 2025, the Secretary shall submit to the
5 House Committee on Environment and the Senate Committee on Natural
6 Resources and Energy a report summarizing the Agency of Natural Resources'
7 adoption of the Resilience Implementation Strategy. The Strategy shall
8 include:

9 (1) practices utilizing nature-based solutions intended to stabilize
10 floodplains, riparian zones, lake shoreland, wetlands, and similar lands;

11 (2) practices to adapt infrastructure to the impacts of climate change;

12 (3) practices needed to build out early warning mechanisms and support
13 fast, effective response to climate-related threats;

14 (4) practices that support economic and environmental sustainability in
15 the face of changing climate conditions; and

16 (5) criteria and procedures for prioritizing climate change adaptation
17 projects eligible to receive monies from the Climate Superfund Cost Recovery
18 Program.

19 ~~(e)~~(d) In adopting the Strategy, the Agency shall:

20 (1) consult with the Environmental Justice Advisory Council;

1 (2) in consultation with other State agencies and departments, including
2 the Department of Public Safety’s Division of Vermont Emergency
3 Management, assess the adaptation needs and vulnerabilities of various areas
4 vital to the State’s economy, normal functioning, and the health and well-being
5 of Vermonters;

6 (3) identify major potential, proposed, and ongoing climate change
7 adaptation projects throughout the State;

8 (4) identify opportunities for alignment with existing federal, State, and
9 local funding streams;

10 (5) consult with stakeholders, including local governments, businesses,
11 environmental advocates, relevant subject area experts, and representatives of
12 environmental justice focus populations;

13 (6) consider components of the Vermont Climate Action Plan required
14 under section 592 of this title that are related to adaptation or resilience, as
15 defined in section 590 of this title; and

16 (7) conduct public engagement in areas and communities that have the
17 most significant exposure to the impacts of climate change, including
18 disadvantaged, low-income, and rural communities and areas.

19 ~~(d)~~(e) Nothing in this section shall be construed to limit the existing
20 authority of a State agency, department, or entity to regulate greenhouse gas

emissions or establish strategies or adopt rules to mitigate climate risk and
build resilience to climate change.

Sec. 22. 2024 Acts and Resolves No. 122, Sec. 3 is amended to read:

Sec. 3. IMPLEMENTATION

(a) ~~On or before July 1, 2025, the Agency of Natural Resources pursuant to
3 V.S.A. § 837 shall file with the Interagency Committee on Administrative
Rules the proposed rule for the adoption of the Resilience Implementation
Strategy required pursuant to 10 V.S.A. § 599a(b)(3). On or before January 1,
2026, the Agency of Natural Resources shall adopt the final rule establishing
the Resilience Implementation Strategy required pursuant to 10 V.S.A.
§ 599a(b)(3). [Repealed.]~~

(b) On or before July 1, ~~2026~~ 2027, the Agency of Natural Resources
pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on
Administrative Rules the proposed rules required pursuant to 10 V.S.A. §
599a(b)(1) and (b)(2). On or before January 1, ~~2027~~ 2028, the Agency of
Natural Resources shall adopt the final rule rules required pursuant to 10
V.S.A. § 599a(b)(1) and (b)(2).

Sec. 23. 10 V.S.A. § 596 is amended to read:

§ 596. DEFINITIONS

* * *

(7) “Covered greenhouse gas emissions” means the total quantity of greenhouse gases released into the atmosphere ~~during the covered period~~, expressed in metric tons of carbon dioxide equivalent, resulting from the use of fossil fuels extracted or refined by an entity during the covered period.

(22) “Responsible party” means any entity or a successor in interest to an entity that during any part of the covered period was engaged in the trade or business of extracting fossil fuel or refining crude oil and is determined by the Agency attributable to for more than one billion metric tons of covered greenhouse gas emissions ~~during the covered period~~. The term responsible party does not include any person who lacks sufficient connection with the State to satisfy the nexus requirements of the U.S. Constitution.

Sec. 24. 10 V.S.A. § 598(b) is amended to read:

1 shares of covered greenhouse gas emissions ~~resulting from the use of fossil~~
2 ~~fuels extracted or refined during the covered period.~~

3 Sec. 25. 10 V.S.A. § 599c is amended to read:

4 § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF
5 COVERED GREENHOUSE GAS EMISSIONS

6 On or before January 15, ~~2026~~ 2027, the State Treasurer, after consultation
7 with the Interagency Advisory Board to the Climate Action Office, and with
8 any other person or entity whom the State Treasurer decides to consult for the
9 purpose of obtaining and utilizing credible data or methodologies that the State
10 Treasurer determines may aid the State Treasurer in making the assessments
11 and estimates required by this section, shall submit to the Senate Committees
12 on Appropriations, on Finance, on Agriculture, and on Natural Resources and
13 Energy and the House Committees on Appropriations; on Ways and Means; on
14 Agriculture, Food Resiliency, and Forestry; and on Environment ~~and Energy~~
15 an assessment of the cost to the State of Vermont and its residents ~~of the~~
16 ~~emission~~ of covered greenhouse ~~gases for the period that began on January 1,~~
17 ~~1995 and ended on December 31, 2024~~ gas emissions. The assessment shall
18 include:

19 * * *

20 (3) a categorized calculation of the costs that have been incurred and are
21 projected to be incurred in the future within the State of Vermont to abate the

1 effects of covered greenhouse gas emissions ~~from between January 1, 1995~~
2 ~~and December 31, 2024~~ on the State of Vermont and its residents.

3 * * * Agency of Natural Rules; Federal Reference * * *

4 Sec. 26. AGENCY OF NATURAL RESOURCES' RULES; FEDERAL
5 REFERENCE

6 (a) Any federal regulation incorporated by reference into an Agency of
7 Natural Resources' Rule as of January 1, 2025 shall continue in effect as an
8 Agency rule until January 1, 2028 or when the Agency rule is next amended,
9 whichever is sooner, regardless of whether the federal regulation was later
10 repealed or amended.

11 (b) The Secretary of Natural Resources shall provide notice of any
12 incorporated federal regulations by posting them on the Agency of Natural
13 Resources' website.

14 (c) Nothing in this section shall prevent the Secretary of Natural Resources
15 from adopting or amending a rule pursuant to 3 V.S.A. chapter 25, including
16 through emergency rulemaking.

17 * * * Commercial Salt Application * * *

18 Sec. 27. PURPOSE

19 It is the purpose of Secs. 28—32 of this act to establish the accepted
20 standards of care for the application of salt and salt alternatives in an effective
21 and efficient manner that provides safe conditions for pedestrians and motor

1 vehicles on traveled surfaces while also reducing the impacts of salt and salt
2 alternatives on the quality of the waters of the State.

3 Sec. 28. 10 V.S.A. chapter 47, subchapter 3A is added to read:

4 Subchapter 3A. Chloride Contamination Reduction Program

5 § 1351. DEFINITIONS

6 As used in this subchapter:

7 (1) “Apply salt” or “application of salt” means to apply salt or a salt
8 alternative to roadways, parking lots, or sidewalks for the purpose of winter
9 maintenance or for summer dust control. “Apply salt” or “application of salt”
10 does not mean the application of salt to a transportation infrastructure
11 construction project.

12 (2) “Commercial salt applicator” means any individual who for
13 compensation applies salt but does not include municipal or State employees.

14 (3) “Master commercial salt applicator” means any individual who
15 employs and is responsible for individuals who for compensation apply salt but
16 does not include municipal or State employees.

17 (4) “Salt” means sodium chloride, calcium chloride, magnesium
18 chloride, or any other substance containing chloride used for the purpose of
19 deicing, anti-icing, or dust control.

20 (5) “Salt alternative” means any substance not containing chloride used
21 for the purpose of deicing, anti-icing, or dust control.

1 (6) “Secretary” means the Secretary of Natural Resources.

2 (7) “Transportation infrastructure construction project” means a project
3 that involves the construction of roadways, parking lots, sidewalks, or other
4 construction activities at transportation facilities or within transportation
5 rights-of-way.

6 § 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM

7 (a) The Secretary of Natural Resources, after consultation with the
8 Secretary of Transportation and other states with similar chloride reduction
9 programs, shall establish the Chloride Contamination Reduction Program for
10 the voluntary education, training, and certification of commercial salt
11 applicators regarding effective and efficient application of salt and salt
12 alternatives to provide safe conditions for pedestrians and motor vehicles on
13 traveled surfaces while also reducing the impacts of salt and salt alternatives
14 on the quality of the waters of the State.

15 (b) As part of the Program, the Secretary of Natural Resources, on or
16 before July 1, 2026, shall adopt by rule best management practices for
17 application of salt or salt alternatives by commercial salt applicators. The best
18 management practices may be based on practices currently implemented by the
19 Agency of Transportation or other entities. The best management practices
20 shall:

1 (1) establish measures or techniques to increase efficiency in the
2 application of salt or salt alternatives so that the least amount of salt or salt
3 alternatives are used while maintaining safe conditions for pedestrians and
4 motor vehicles on traveled surfaces;

5 (2) establish standards for when and how salt and salt alternatives are
6 applied in order to prevent salt or salt alternatives from entering waters of the
7 State, including:

8 (A) salt alternatives that are cost-effective and less harmful to water
9 quality while maintaining safe conditions for pedestrians and motor vehicles
10 on traveled surfaces;

11 (B) whether and how to implement equipment to calibrate, monitor,
12 or meter application of salt or salt alternatives; and

13 (C) when sand is an appropriate alternative to salt or salt alternatives
14 for deicing or dust control, particularly in regard to when application of sand
15 will be less harmful to water quality;

16 (3) establish record-keeping requirements for commercial salt
17 applicators, including records of training and records describing the type and
18 rate of application of salt or salt alternatives, the dates of use, weather
19 conditions requiring use of salt or salt alternatives, and any other factors that
20 the Secretary of Natural Resources deems necessary for the purposes of the
21 Program;

1 (4) create and circulate a model form for record-keeping information
2 required under this section;

3 (5) establish requirements for certification under this subchapter,
4 including frequency of training and manner of training;

5 (6) establish a testing requirement for applicators to complete prior to
6 receiving an initial certification under the Program; and

7 (7) establish other requirements deemed necessary by the Secretary to
8 achieve the purposes of the Program.

9 (c)(1) The Program shall offer training for commercial applicators in the
10 implementation of the best management practices required under subsection
11 (b) of this section. Upon completion of training, a commercial salt applicator
12 shall be designated a certified commercial salt applicator. The term of a
13 commercial salt applicator certification issued under the Program shall be for
14 two years from the date of issuance of certification.

15 (2) A business that employs multiple commercial salt applicators may
16 apply to the Secretary for certification of the business owner or other
17 designated employee as a master commercial salt applicator. A certified
18 master commercial salt applicator shall ensure that all persons employed by the
19 business to apply salt or salt alternatives are trained to comply with the best
20 management practices established under subsection (b) of this section.

1 (d)(1) A certified commercial salt applicator shall submit an annual
2 summary of total winter salt usage to the Secretary of Natural Resources.

3 (2) The Secretary of Natural Resources shall establish methods to
4 estimate and track the amount of salt applied by certified commercial salt
5 applicators.

6 (e) The Secretary may revoke a certification issued under this subchapter
7 after notice and opportunity for a hearing for a violation of the requirements of
8 this subchapter, the rules of this subchapter, or the provisions of a certification
9 issued under this subchapter.

10 (f)(1) The Program shall include requirements for certification of a master
11 commercial salt applicator.

12 (2) The Program shall specifically exclude salt applications related to
13 transportation infrastructure construction projects.

14 (3) The Secretary may elect to implement the Program with State
15 agency staff or through a third-party vendor, or some combination.

16 § 1353. AFFIRMATIVE DEFENSE; SALT APPLICATION;

17 (a) A commercial salt applicator or an owner, occupant, or lessee of real
18 property maintained by a certified commercial salt applicator shall have an
19 affirmative defense against a claim for damages resulting from a hazard caused
20 by snow or ice if:

21 (1) the claimed damages were caused solely by snow or ice; and

1 (2) any failure or delay in removing or mitigating the hazard is the result
2 of the certified commercial salt applicator's implementation of the best
3 management practices established under section 1352 of this title for
4 application of salt or salt alternatives.

5 (b) The affirmative defense provided under subsection (a) shall not apply
6 when the civil damages are due to gross negligence or reckless disregard of the
7 hazard.

8 (c) The affirmative defense provided under this section is not exclusive and
9 is in addition to any other defenses or immunities provided under State law.

10 (d) In order to assert the affirmative defense provided under subsection (a)
11 of this section, a commercial salt applicator or an owner, occupant, or lessee of
12 real property maintained by a certified commercial salt applicator shall keep a
13 record describing its road, parking lot, and property maintenance practices,
14 consistent with the requirements determined by the Secretary under this
15 subchapter. The record shall include the type and rate of application of salt
16 and salt alternatives used, the dates of treatment, and the weather conditions
17 for each event requiring deicing. Such records shall be retained by the
18 applicator for a period of three years.

19 § 1354. ENFORCEMENT; PRESUMPTION OF COMPLIANCE; WATER
20 QUALITY

1 (a) A certified commercial salt applicator or a commercial salt applicator
2 employed by a certified master commercial salt applicator is entitled to a
3 rebuttable presumption that the certified commercial salt applicator or
4 commercial salt applicator is in compliance with the requirements of sections
5 1263 and 1264 of this title when applying salt or salt alternatives according to
6 the best management practices established under section 1352 of this title. The
7 rebuttable presumption under this subsection shall not apply to requirements of
8 a total maximum daily load plan required under this chapter or the
9 requirements of a municipal separate storm sewer system permit required
10 under section 1264 of this title.

11 (b) The Secretary may revoke a certification issued under this subchapter
12 after notice and opportunity for a hearing for a violation of the requirements of
13 this subchapter, the rules of this subchapter, or the provisions of a certification
14 issued under this subchapter.

15 § 1355. EDUCATION AND OUTREACH

16 The Secretary of Natural Resources, through the staff of the Chloride
17 Contamination Reduction Program, shall conduct education and outreach to
18 inform:

19 (1) commercial salt applicators of the existence of the Chloride
20 Contamination Reduction Program and the training and affirmative defense
21 offered under the Program; and

1 (2) members of the public who purchase salt or salt alternatives for use
2 on driveways, sidewalks, private roads, and other paved surfaces of the
3 potential harm to water quality, pets, and wildlife from excessive application of
4 salt and salt alternatives and how to decrease the potential harm.

5 Sec. 29. ANR REPORT ON MANAGEMENT OF SALT AND SAND

6 STORAGE FACILITIES

7 On or before January 15, 2026, the Secretary of Natural Resources shall
8 submit to the Senate Committees on Natural Resources and Energy and on
9 Transportation and the House Committees on Environment and on
10 Transportation a report regarding the management of State and municipal
11 facilities (facilities) for the storage of salt, salt and sand mixtures, and sand that
12 is not mixed with salt. The report shall include:

13 (1) an inventory of facilities in the State used for the storage of salt, salt
14 and sand mixtures, or sand that is not mixed with salt;

15 (2) an estimated number of facilities that are currently covered;

16 (3) an estimate of the number of facilities that are not covered and are
17 within 100 yards of a surface water or drinking water source;

18 (4) an estimate of the number of facilities that are not covered and are
19 more than 100 yards from a surface water or drinking water source; and

20 (5) an estimate of the total cost to cover or move facilities for the
21 storage of salt, salt and sand mixtures, or sand that is not mixed with salt,

1 including a proposed annual amount of funding that would be required to meet
2 the timelines for cover or management.

3 **Sec. 30. MUNICIPAL SALT APPLICATORS; VERMONT LOCAL ROADS**
4 **CURRICULUM; AFFIRMATIVE DEFENSE**

5 (a)(1) On or before November 1, 2026, the Secretary of Natural Resources,
6 in collaboration with the Secretary of Transportation, shall identify and make
7 changes to the Vermont Local Roads curriculum needed to support municipal
8 salt applicators in meeting the purpose of this act, including training for best
9 management practices for spreading salt on roads, parking lots, and sidewalks.

10 (2) As used in this subsection, “municipal salt applicator” means any
11 individual who applies or supervises others who apply salt in the applicator’s
12 capacity as an employee or agent of a town or a municipality but does not
13 include State employees.

14 (b) Notwithstanding 24 V.S.A. § 901a to the contrary, a municipal
15 employee shall have an affirmative defense against a claim for damages
16 resulting from a hazard caused by snow or ice if:

17 (1) the municipal salt applicator completed the Vermont Local Roads
18 curriculum providing best management practices for spreading salt on roads,
19 parking lots, and sidewalks in that calendar year;

20 (2) the claimed damages were caused solely by snow or ice; and

1 (3) any failure or delay in removing or mitigating the hazard is the result
2 of the certified commercial salt applicator's implementation of the best
3 management practices learned under the Vermont Local Roads curriculum.

4 (c) The affirmative defense provided under subsection (b) of this section
5 shall not apply when the civil damages are due to gross negligence or reckless
6 disregard of the hazard.

7 (d) The affirmative defense provided under this section is not exclusive and
8 is in addition to any other defenses or immunities provided under State law.

9 (e) In order to assert the affirmative defense provided under subsection (b)
10 of this section, a municipality shall keep a record describing its road, parking
11 lot, and property maintenance practices, consistent with the requirements
12 determined by the Secretary under this subchapter. The record shall include
13 the type and rate of application of salt and salt alternatives used, the dates of
14 treatment, and the weather conditions for each event requiring deicing. Such
15 records shall be retained by the applicator for a period of three years.

16 **Sec. 31. FEE REPORT**

17 On or before January 15, 2026, the Secretary of Natural Resources shall
18 solicit interest from third-party vendors for training and certifying commercial
19 salt applicators under 10 V.S.A. chapter 47, subchapter 3A. The Secretary
20 shall recommend to the Senate Committees on Natural Resources and Energy
21 and on Finance and the House Committees on Environment and on Ways and

1 Means a fee to be charged either by the State or by a third-party vendor for
2 certification of commercial salt applicators under 10 V.S.A. chapter 47,
3 subchapter 3A. Any fee charged to commercial salt applicators by the State or
4 a third-party vendor for certification under the Chloride Contamination
5 Reduction Program shall be approved by the General Assembly.

6 **Sec. 32. CONTINGENT IMPLEMENTATION; FUNDING**

7 The duty of the Agency of Natural Resources to implement Secs. 28
8 (Chloride Contamination Reduction Program), 29 (report on management of
9 salt and sand storage facilities), 30 (municipal salt applicators), and 31 (fee
10 report) of this act is contingent upon an appropriation in fiscal year 2026 from
11 the General Fund for the specific purposes described in Secs. 2–5 of this act.

12 * * * Effective Date * * *

13 **Sec. 33. EFFECTIVE DATE**

14 This act shall take effect on passage.

15
16
17
18
19
20
21 (Committee vote: _____)

1

2

Senator _____

3

FOR THE COMMITTEE