

H.632. An Act Relating to Miscellaneous Environmental Amendments

Section by Section Summary

Sec. 1. Session Law Amendment to Battery Extended Producer Responsibility Report

- Amends a report on how to manage hard to recycle batteries, such as electric vehicle batteries, to require the stewardship organization for the Battery Stewardship Program to complete the report and to extend the deadline date a year to July of 2027.
- The stewardship organization volunteered to complete the report.

Sec. 2. Fuel Storage Tanks. 10 V.S.A. § 1927(d)

- Amends the standard for delivery of fuel to category one underground storage tanks to clarify delivery cannot be made to tanks without a valid permit or that do not meet ANR standards.
- “Category one tank” means a tank used to contain regulated substances, such as fuel, and that 10% or more of which is underground. It does not include (A) fuel oil storage tanks used for on-premises heating purposes; or (B) farm or residential tanks for storing motor fuel.

Sec. 3. Healthy Homes Initiative; Confidentiality of Information of Applicants

- The Healthy Homes Initiative was an American Rescue Plan Act program to fund repairs to drinking water, wastewater, or stormwater systems for Vermonters who have low to moderate income or who live in manufactured housing communities, or both.
- Under federal law, the personal information of applicants is supposed to be confidential. Sec. 3 clarifies that the information is confidential under State law.

Secs. 4-7. Flood Safety Act Deadline Extensions

- In 2024, the General Assembly enacted the Flood Safety Act that, among other provisions, required ANR to permit development in river corridors according to rules adopted by ANR.
 - In addition, the Flood Safety Act required ANR to adopt a uniform National Flood Insurance Act ordinance and to study whether ANR should take over administration of flood insurance for the State instead of individual towns being responsible.
- Sec. 4 extends from January 1, 2026 to January 1, 2027, the date by which ANR is required to update the river corridor base maps for purposes of permitting development in river corridors.
- Sec. 4 also extends from January 1, 2027 to January 1, 2028, the deadline for ANR to conduct education and outreach on river development permitting,
- Sec. 4 also clarifies that the ANR report on education and outreach shall be an annual report until the Agency begins permitting in river corridors.
- Sec. 5 extends from July 1, 2027 to July 15, 2028 the deadline for ANR adoption of the river corridor development rules and extends from January 1, 2028 to July 1, 2029 the deadline for the Agency to begin permitting in river corridors.
- Sec. 6 extends from August 15, 2026 to August 15, 2026 the NFIP study committee report.
- Sec. 7 is a conforming amendment to a reference to the deadline for the river corridor development rules—i.e. changing the referred date from July 1, 2027 to July 15, 2028.

Secs. 8 and 9. Clean Water Service Providers; Public Notice

- Secs. 8 and 9 relate to the public notice that ANR must provide when publishing an implementation plans or a project's pollution reduction value for Clean Water Service Providers.
- Clean Water Service Providers are entities designated to implement non-regulatory clean water programs in each specific watershed.
- The current notice ANR is required to give is different for implementation plans and projects. Secs. 8 and 9 make the notice uniform—notice to the public and a comment period of not less than 30 days.

Secs. 10-15. Concentrated Animal Feeding Operations

- Last year, in response to U.S. EPA requirements, the General Assembly amended water quality requirements for farms to clarify that farms with a certain number of animals and a discharge to waters must be permitted and regulated by ANR and not the Agency of Agriculture.
- Secs. 10 to 15 amends statutes adopted or amended last year to incorporate requests from U.S. EPA or to make technical revisions.
- Sec. 10, 6 V.S.A. § 4851(a), clarifies that the permit that the Agency of Agriculture issues for farms with 700 or more cows is a Large Farm Operation permit, and that if a Large Farm has a discharge, it must obtain a discharge permit from ANR.
- Sec. 10 and other sections also clarify that the term “cow/calf” pair means “cow and calf” not “cow or calf”
- Sec. 11, 10 V.S.A. § 1263, amends ANR's discharge permit authority to extend from December 15, 2025 to September 1, 2027, the date by which ANR must issue a Concentrated Animal Feeding Operation (CAFO) discharge permit. Sec. 11 also makes technical changes regarding approval of plans by ANR and renewal of permits by ANR.
- Sec. 12, 10 V.S.A. § 1351, amends the definitions section for ANR's CAFO permit program in order to: 1) use U.S. EPA's preferred language for treating two or more farms as one for permitting; 2) to make the cow and calf pair change; 3) to specifically set forth the text of the large farm operation and medium farm operation definitions in 10 V.S.A. § 1351 instead of cross referencing the definition in Title 6 under the Agency of Agriculture's authority.
- Sec. 13, 10 V.S.A. § 1352, amends ANR's authority under its CAFO program to clarify ANR may establish technical standards for CAFOs that are consistent with USDA standards or with CAFO requirements under the federal Clean Water Act.
- Sec. 14, 10 V.S.A. § 1353, amends the statute related to ANR requirements for CAFOs to clarify that the nutrient management practice requirements a CAFO must follow must be in accordance with federal CAFO regulations.
- Sec. 15, 10 V.S.A. § 8003, amends ANR enforcement authority to remove a reference to no longer relevant memorandum of understanding on enforcement between ANR and the Agency of Agriculture. U.S. EPA required the MOU be replaced by a document describing the two agency's authority. Replacing the reference to the MOU in this section was missed last year.

Sec. 16. Dam Permitting. 10 V.S.A. § 1086

- Sec. 16 provides that when DEC receives an application to raise, lower, remodel, reconstruct, repair or otherwise alter a dam, DEC shall notify the applicant when removal of the dam may be a more appropriate alternative. After notification by the Department, the applicant shall be allowed to revise the project application to request dam removal.

Secs. 17-18. Emergency Rules. 3 V.S.A. § 844

- Sec. 17 authorizes a State agency to use the emergency rulemaking process instead of the normal process if an amendment to a federal statute, rule, or policy will materially conflict with or threaten the ability of the agency to implement a statutory or regulatory program required under Vermont law.
- Emergency rules are valid only for 180 days, and LCAR can object to the proposed emergency rule on the basis that it does not qualify for emergency rulemaking.
- Sec. 18 repeals the new emergency rulemaking authority on July 1, 2028.

Sec. 19. Hauling of Waste Tires. 24 V.S.A. § 2201

- Sec. 19 amends the statute related to littering and the burning of waste to clarify that a person shall not transfer possession of a waste tire to an unlicensed solid waste hauler for disposal.
- “Waste tire” is defined to mean a motor vehicle tire that has been removed from a motor vehicle and is no longer suitable for its original purpose because of wear, tear, damage, defect, or other reason.

Sec. 20. ANR Waste Motor Vehicle Tire Stakeholder Process and Report

- Sec. 20 requires ANR to convene a stakeholder process on the management of waste motor vehicle tires and an approach to managing legacy waste motor vehicle tire piles and recycling or reuse options for those waste motor vehicle tires.
- ANR shall report its finding to the General Assembly on or before January 15, 2027.

Sec. 21. Emissions Repair Program

- In 2021, the General Assembly required DEC to establish a program to provide assistance to low and moderate income individuals to repair motor vehicles that fail the motor vehicle emissions inspection requirement.
- Sec. 21 would amend the income eligibility requirements for the program from the current LIHEAP standards to more efficiently and easily proven standards based on the percentage of a Vermont residents income compared to the federal poverty level.
- To date, this program has been utilized in only a few instances because until this year DMV had the authority to waive emissions failures. The waiver authority is expiring and there is belief that the emissions repair program will receive more applications for assistance.

Sec. 22. Effective Date

- The act shall take effect on passage.