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Study Reports Related to Act 250

This report examines recent bills enacted by the Vermont legislature that relate to the criteria found in Act 250. Further, it describes study reports that have been requested by the Vermont General Assembly relating to those criteria. The primary purpose of this report is to determine the number of outstanding study reports related to the criteria of Act 250, and as such, this report will only focus on laws passed in the most recent two legislative sessions. The report is structured by describing each law and the subsequent requested study reports included within.

Every legislative session, the Vermont General Assembly passes laws that include requests for different state agencies and departments to deliver study reports on various topics that legislators want more information on.¹ For each study report requested, the General Assembly includes an explicit deadline for the report to be completed by, assigns one or multiple senate or house committees for that report to be delivered to, and often includes funding for those reports.² These reports, once published, are available to the public on the internet.³

2023 Act 18 (S.5)

In Vermont's 2023-2024 legislative session, both the House and the Senate passed S.5 (Act 18) also known as the "Affordable Heat Act." This act works on meeting mandated greenhouse gas reduction and transitions Vermont to cleaner and more effective heating practices.⁴ The act establishes a Clean Heat Standard with a performance standard created to reduce Vermont's greenhouse gas emissions from the thermal sector.⁵ The Clean Heat Standard is administered by the Public Utility Commission (PUC) with assistance from the Clean Heat Standard Technical Advisory Group and the Equity Advisory Group.⁶ The PUC is responsible for creating a platform in which fuel companies can purchase or generate a certain number of clean heat

¹ Vermont General Assembly, *Reports and Research Overview*, accessed 13 November 2023, <https://legislature.vermont.gov/reports-and-research/>

² Vermont General Assembly, *Reports and Research Overview*.

³ Vermont General Assembly, *Reports and Research Overview*.

⁴ Vermont General Assembly, "S.5 (Act 18)," accessed 13 November 2023, <https://legislature.vermont.gov/bill/status/2024/S.5>

⁵ Committee on Energy and Technology, *H.715*, 2022, <https://legislature.vermont.gov/Documents/2022/Docs/BILLS/H-0715/H-0715%20As%20passed%20by%20the%20House%20Official.pdf>

⁶ Committee on Energy and Technology, *H.715*.

credits. Clean heat credits "represent the total reduction of greenhouse gas emissions from specific clean measures delivered to end use customers."⁷ The Clean Heat Standard Technical Advisory Group assists the PUC with implementation of the Affordable Heat Act.⁸ The Equity Advisory Group ensures that the PUC implements the act in a manner that guarantees equal implementation and share of clean heat to Vermonters with low and moderate income.⁹ By 2025, the PUC must deliver a report that estimates the economic impact of the program, and the legislature must determine whether to pass a second law that would enact the full clean heat standard.¹⁰

2023 Act 44 (S.137)

The Vermont General Assembly enacted S.137 (Act 44) during the 2023-2024 legislative session.¹¹ The act encourages modernization of energy efficiency through a three-year extension of a state pilot program which began in 2020.¹² By denoting the PUC as the main authoritative entity, Act 44 resolves Act 151 of the former 2020 legislative session. The PUC is responsible for the development of standards and methods to measure the effectiveness of thermal energy efficiency programs.¹³ Act 44 additionally requires the PUC, on or before April 30, 2021, and every April 30 for the following six years, to submit a written report concerning programs, measures and services created toward thermal and overall energy efficiency in the state. These reports are to be submitted to the House Committee on Environment and Energy, the Senate Committee on Natural Resources and Energy, and the Senate Committee on Finance.¹⁴ Four of these reports remain outstanding and are to be considered among this grouping until delivery to their respective House and Senate Committees.

2023 Act 59 (H.126)

The 2023-2024 Vermont Legislature passed H.126 (Act 59), also called the "Community Resilience and Biodiversity Protection Act" (CRBPA).¹⁵ In relation to land use and development

⁷ Vermont General Assembly, "H.715: An act relating to the Clean Heat Standard," accessed December 29, 2023, <https://legislature.vermont.gov/Documents/2022/Docs/BILLS/H-0715/H-0715%20As%20passed%20by%20the%20House%20Official.pdf>

⁸ Vermont General Assembly, "The Affordable Heat Act," 2023, accessed December 29, 2023.

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT018/ACT018%20As%20Enacted.pdf>

⁹ Vermont General Assembly, "The Affordable Heat Act."

¹⁰ National Caucus of Environmental Legislators, "Vermont Enacts Clean Heat Standard," accessed November 13, 2023. <https://www.ncelenviro.org/articles/vermont-enacts-nations-first-clean-heat-standard/#:~:text=Clean%20Heat%20Credits%20and%20Measures,pumps%20or%20home%20weatherization%20improvements>

¹¹ Vermont General Assembly, "Bill Status S.137 (Act 44)," accessed 13 November 2023, <https://legislature.vermont.gov/bill/status/2024/S.137>.

¹² The Vermont Statutes Online, 30 V.S.A. § 209, accessed 13 November 2023. <https://legislature.vermont.gov/statutes/section/30/005/00209>

¹³ Vermont General Assembly, "An act relating to energy efficiency modernization, Act No. 44 §1," 2023, accessed December 29, 2023, <https://www.legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT044/ACT044%20As%20Enacted.pdf>

¹⁴ Vermont General Assembly, "An act relating to energy efficiency modernization, Act No 44 §1.

¹⁵ Vermont General Assembly, "H.136 (Act 59)," accessed 13 November 2023, <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT059/ACT059%20As%20Enacted.pdf>

objectives presented in Act 250, the CRBPA outlines state land conservation goals of thirty percent by 2030 and fifty percent by 2050.¹⁶ The Act requires the conservation of a mix of ecological reserve areas, biodiversity conservation areas, and natural resource management areas, also deemed conservation categories, to reach these total land area conservation percentages by 2030 and 2050.¹⁷ The Secretary of Natural Resources and the Vermont Housing and Conservation Board are responsible for creating an inventory of the conservation and conserved land policies of the state of Vermont.¹⁸ This Conserved Land Inventory has a deadline of July 1, 2024, and will include reviews, assessments, and summaries of conservation categories, goals, and implementation strategies.¹⁹ Further, both the Vermont Housing and Conservation Board, as well as the Secretary of Natural Resources, are responsible for the creation of a conservation plan on or before December 31, 2025.²⁰ In implementing the goals of Vermont Conservation Design, an additional framework to sustain the future of an ecologically functional Vermont landscape, the conservation plan will allow Vermont to reach the land conservation percentages outlined by the CRBPA.²¹ These reports remain outstanding until their anticipated deadlines as outlined within the Act.

2023 Act 79 (S.80)

Senate Bill 80, or Act 73, of the 2023-2024 legislative session is “An Act Relating to Miscellaneous Environmental Conservation Subjects” and was signed into law on June 28, 2023.²² Act 73 makes amendments to multiple environmental statutes in Vermont, and it affects dam design standards, water quality standards, solid waste requirements, and several environmental grants and economic credits.²³ Act 73 request four different study reports, but only three of them are relevant to the criteria of Act 250. First, by January 1, 2025, the Department of Environmental Conservation shall submit a report on the Vermont dam registration program containing an evaluation of the program, a recommendation on potential

¹⁶ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2802,” 2023, accessed December 29, 2023,

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT059/ACT059%20Act%20Summary.pdf>

¹⁷ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2802.”

¹⁸ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2802.”

¹⁹ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2803,” 2023, accessed December 29, 2023,

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT059/ACT059%20Act%20Summary.pdf>

¹⁹ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2803.”

²⁰ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2804,” 2023

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT059/ACT059%20Act%20Summary.pdf>

²¹ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §1,” 2023, <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT059/ACT059%20Act%20Summary.pdf>

²² Vermont General Assembly, “Bill Status S.80 (Act 79),” accessed 13 November 2023.

<https://legislature.vermont.gov/bill/status/2024/S.80>.

²³ Vermont General Assembly, *Act Summary: Act No. 79 (S.80). An act relating to miscellaneous environmental conservation subjects*, 2023. <https://legislature.vermont.gov/bill/status/2024/S.80>.

modifications, a summary of registered dams, and an evaluation of other dam safety concerns.²⁴ Second, by December 15, 2023, there will be a report from the Agency of Natural Resources on the development of a riparian protection program, including recommendations, stakeholder meetings, and what elements should be included in a future program.²⁵ Third, by July 1, 2024, the Secretary of Natural Resources shall submit a report regarding the implementation of market-based water quality credits and will include information on the cost to develop and manage said program.²⁶ All three of these reports remain undelivered to their respective Senate and House Committees and are outstanding.

2022 Act 154 (S.148)

Vermont's 2021-2022 Legislative Session saw the passage by the House and Senate of S.148 (Act 154) on May 31, 2022.²⁷ The act encourages the incorporation of environmental justice into work, rules, and procedures of state agencies, while also establishing a statewide environmental justice policy for Vermont.²⁸ Act 154 encourages enforcement of environmental justice goals and oversight by covered agencies, comprising of: the Agencies of Natural Resources, Transportation, Commerce and Community Development, Agriculture, Food and Markets, and Education; the Public Utility Commission; the Natural Resources Board; and the Departments of Health, Public Safety, and Public Service.²⁹ Covered agencies are to pull from an investment guide created by the Agency of Natural Resources, the Interagency Environmental Justice Committee and the Environmental Justice Council, to generate baseline spending reports that cover where investments were made and provide descriptions of environmental benefits as outcomes of investment on or before February 15, 2024.³⁰ Further, on an annual basis beginning on January 15, 2026, the covered agencies will issue annual spending reports regarding where investments were made, and the percentage of overall environmental benefits from those investments for focus populations.³¹ Beginning on January 15, 2025, covered agencies will publicly issue annual reports summarizing actions taken toward environmental justice in policies, rulemaking, permitting, and project review.³²

²⁴ An act relating to miscellaneous environmental conservation subjects, Act No. 79 §1, 2023.

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT079/ACT079%20As%20Enacted.pdf>

²⁵ An act relating to miscellaneous environmental conservation subjects, Act No. 79 §7, 2023.

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT079/ACT079%20As%20Enacted.pdf>

²⁶ An act relating to miscellaneous environmental conservation subjects, Act No. 79 §10, 2023.

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT079/ACT079%20As%20Enacted.pdf>

²⁷ Vermont General Assembly, "Bill Status S.148 (Act 154)," accessed 13 November 2023.

<https://legislature.vermont.gov/bill/status/2022/S.148>

²⁸ Vermont General Assembly, *Act Summary: Act No, 154 (S.148). An act relating to environmental justice in Vermont, 2022.*

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT154/ACT154%20Act%20Summary.pdf>

²⁹ An act relating to environmental justice in Vermont, Act No. 154 §6004, 2022.

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT154/ACT154%20As%20Enacted.pdf>

³⁰ An act relating to environmental justice in Vermont, Act No. 154 §6004.

³¹ An act relating to environmental justice in Vermont, Act No. 154 §6004.

³² An act relating to environmental justice in Vermont, Act No. 154 §6004.

2022 Act 170 (H.446)

House Bill 446, also known as Act 170, was passed by both the Vermont State Senate and House during the 2021-2022 Legislative Session.³³ While the act covers miscellaneous natural resources and development subjects, they relate closely to the goals, standards, and criteria of Act 250 at large. The Secretary of the Agency of Natural Resources, beginning January 15, 2019, is to report annually on the status of Lake Champlain Total Maximum Daily Load implementation plan milestones.³⁴ Beginning in January 2023, a summary of the administration of grant programs funding the Clean Water Initiative is anticipated. Additionally, on or before September 1 of each year, the Secretary of Administration is expected to provide a summary of available funding regarding water quality efforts in the state of Vermont.³⁵ Moreover, the Secretary of Natural Resources and the Secretary of Agriculture, Food and Markets are to submit a report regarding the prevalence of microplastics and polyfluoroalkyl substances in food waste and food packaging in Vermont on or before January 15, 2024.³⁶

2022 Act 184 (H.736)

House Bill 736, or Act 184, is “An act relating to the Transportation Program and miscellaneous changes to laws related to transportation,” and was signed into law on June 9, 2022.³⁷ This law focuses on investments towards transportation projects across the state for the Fiscal Year 2023, including for electric vehicles, Burlington International Airport, highway repair, and multi-modal transportation.³⁸ In addition, Act 184 includes one study report related to the criteria of Act 250 requesting the Agency of Transportation to publish a report by January 31, 2023, on the Impacts of Zero-Fare Transit Service in State Fiscal Year 2024.³⁹ This report is no longer outstanding, being published on January 16, 2023, and it examines how recent ridership trends have changed since transit has become free in Vermont and the economic impacts if transit were to remain free.⁴⁰

³³ Vermont General Assembly, “Bill Status H.446 (Act 184),” accessed 13 November 2023, <https://legislature.vermont.gov/bill/status/2022/H.446>

³⁴ Vermont General Assembly, “An act relating to miscellaneous natural resources and development subjects, Act No. 170 §1386,” 2022, accessed December 29, 2023, <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT170/ACT170%20As%20Enacted.pdf>

³⁵ Vermont General Assembly, “An act relating to miscellaneous natural resources and development subjects.”

³⁶ Vermont General Assembly, “An act relating to miscellaneous natural resources and development subjects.”

³⁷ Vermont General Assembly, “Bill Status H.736 (Act 184),” accessed 13 November 2023, <https://legislature.vermont.gov/bill/status/2022/H.736>

³⁸ Vermont General Assembly, “Act Summary: Act No. 184 (H.736). An act relating to the Transportation Program and miscellaneous changes to laws related to transportation,” 2022, accessed December 29, 2023, <https://legislature.vermont.gov/bill/status/2024/S.80>

³⁹ Vermont General Assembly, “An act relating to the Transportation Program and miscellaneous changes to laws related to transportation, Act No. 184 §16d,” 2022, <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT184/ACT184%20As%20Enacted.pdf>

⁴⁰ Vermont Agency of Transportation, “Report on Impacts of Zero-Fare Transit Service in State Fiscal Year 2024,” January 2023, accessed December 29, 2023, <https://legislature.vermont.gov/assets/Legislative-Reports/Impacts-of-Zero-Fare-Transit-Service-in-State-Fiscal-Year-2024.pdf>.

Conclusion

This report has presented a collection of study reports requested by the Vermont General Assembly within environmental laws related to Act 250. Only the 2021-2022 and 2023-2024 legislative session were analyzed. The Vermont General Assembly pulls from varying agencies to conduct these study reports. These study reports provide legislators with expanded information concerning environmental laws and the implications of the laws with regard to Act 250.

This report was completed on December 29, 2023, by Christopher Lamm, Madeleine Levesque, and Kendall Turney under the supervision of VLRS Director, Professor Anthony “Jack” Gierzynski, and Dr. Jonathan “Doc” Bradley in response to a request from Representative Lisa Hango.

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