

1 H.218

2 Introduced by Representatives Cheney of Norwich, Edwards of Brattleboro

3 and Sharpe of Bristol

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; solid waste; producer responsibility

7 Statement of purpose: This bill proposes to enact a solid waste program under  
8 which producers of packaging and printed material would be required to  
9 develop, implement, and fund a program to expand the amount of such  
10 material collected and recycled.

11 An act relating to producer responsibility for solid waste

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The general assembly finds:

15 (1) An essential component of Vermont's solid waste management  
16 system is to divert as much solid waste from the state's landfills as is possible.  
17 Vermont has historically sought to recycle a large percentage of the solid waste  
18 created in the state and to be a national leader in the design and  
19 implementation of advanced waste management policies.

1           (2) Recycling rates in Vermont have plateaued at approximately 32  
2           percent and have remained at that level for many years.

3           (3) An essential component to any policy for reducing the amount of  
4           waste disposed is for producers to take responsibility for managing the waste  
5           created by their products and the packaging used for those products.

6           (4) Extended producer responsibility (EPR) regulatory programs have  
7           been enacted throughout the world, including in the United States, and have  
8           resulted in significant improvements in recycling rates.

9           (5) Vermont has endorsed extended producer responsibility as the  
10           preferred policy for managing specific types of waste, including electronic  
11           waste and mercury-containing waste.

12           (6) Extending EPR requirements to all packaging and printed material  
13           can result in a solid waste management system that diverts in excess of 60  
14           percent of packaging and printed material from Vermont's landfills.

15           (7) EPR systems for packaging can address the problem of  
16           hard-to-recycle materials by creating incentives for producers to shift to more  
17           recyclable packaging or to invest in research and infrastructure development to  
18           overcome obstacles to recycling.

19           (8) While Vermont's beverage container redemption system (known as  
20           the bottle bill) diverts a high percentage of the beverage containers included  
21           under the redemption system, the bottle bill has resulted in the development of

1 two separate recycling systems, one for covered beverage containers and one  
2 for other recyclable packaging and printed materials. Maintaining two separate  
3 recycling systems results in unnecessarily high costs for consumers,  
4 significantly increased vehicle traffic to recycling centers, and a higher carbon  
5 footprint for the state.

6 (9) Developing a single, integrated, statewide EPR program for all  
7 containers, packaging, and printed material generated in the state will enhance  
8 beverage container recycling, increase consumer convenience, increase overall  
9 material recycling rates, reduce municipal waste management costs, and create  
10 sustainable jobs.

11 (10) Through this innovative approach to directing and funding the  
12 recycling of printed material and packaging, Vermont shall regain its  
13 reputation as a leading jurisdiction in advanced waste management policy.

14 (11) The establishment of a regulatory program to divert a higher  
15 percentage of a wider range of recyclable material from Vermont's landfills is  
16 consistent with the state's duty to protect the health, safety, and welfare of its  
17 citizens; maintain and enhance the quality of the environment; conserve natural  
18 resources; prevent pollution of air, water, and land; reduce greenhouse gas  
19 emissions; and stimulate economic growth.

1 Sec. 2. 10 V.S.A. chapter 160A is added to read:

2 CHAPTER 160A. EXTENDED PRODUCER RESPONSIBILITY FOR

3 PACKAGING AND PRINTED MATERIAL

4 § 6671. SHORT TITLE

5 This chapter shall be known as the Vermont extended producer  
6 responsibility act of 2011.

7 § 6672. DEFINITIONS

8 As used in this chapter:

9 (1) “Agency” means the agency of natural resources.

10 (2) “Distribute” means the sale, offer for sale, issuance, delivery, or  
11 other dissemination of printed material or packaging.

12 (3) “Extended producer responsibility (EPR)” means a requirement for a  
13 producer to finance and provide for the collection, transportation, and  
14 recycling of all packaging and printed paper.

15 (4) “Packaging” means materials that are used for the containment,  
16 protection, handling, delivery, and presentation of goods distributed in  
17 Vermont.

18 (5) “Printed materials” means any form of printed matter distributed in  
19 Vermont, including newsprint, catalogues, magazines, brochures, and  
20 advertising flyers.

1           (6) “Processor” means an entity recovering materials from unwanted  
2 products for use as feedstock in new products.

3           (7) “Producer” means a person that:

4                 (A) Has or had legal ownership of the brand, brand-name, or  
5 co-brand of a product or material sold, offered for sale, or otherwise  
6 disseminated that results in printed material or packaging waste in the state,  
7 whether or not the producer is located in Vermont;

8                 (B) Makes or made an unbranded package or printed material that is  
9 distributed in the state;

10                (C) Distributes at wholesale or retail printed material or packaging,  
11 does not have legal ownership of the brand, and elects to fulfill the  
12 responsibilities of the producer for those products; or

13                (D) Imports or has imported a printed material or packaging branded  
14 by a producer that meets the requirements of subdivisions (7)(A)–(C) of this  
15 section when the producer is not located in the state.

16                (8) “Producer responsibility organization” means an organization  
17 approved by the agency to act as an agent on behalf of a producer to develop  
18 and operate an extended producer responsibility program for printed material  
19 or packaging.

1           (9) “Program plan” means a detailed plan required under section 6674 of  
2 this title that describes the manner in which an extended producer  
3 responsibility program will be implemented and financed.

4           (10) “Recovery” means the process of collecting and preparing printed  
5 material or packaging for use in manufacturing processes or for recovery of  
6 usable materials followed by delivery of such materials for use. “Recovery”  
7 does not include destruction by incineration, waste-to-energy incineration, or  
8 land disposal.

9           (11) “Recovery rate” means the quantity of printed material and  
10 packaging collected by a producer or producer responsibility organization for  
11 recycling divided by the quantity of printed material and packaging distributed  
12 in the state.

13           (12) “Retailer” means a person that, as part of a retail sales operation,  
14 distributes printed material or packaging through any means, including remote  
15 offerings such as sales outlets, catalogues, or the Internet. For purposes of this  
16 subdivision, “retailer” does not include a person engaged in wholesale  
17 transactions with a distributor or a retailer.

18           (13) “Secretary” means the secretary of the agency of natural resources.

19           (14) “Variable rate pricing” means a mechanism by which households  
20 are directly charged a fee for waste collection and disposal services in relation  
21 to the quantity of waste generated by each household.

1     § 6673. PRODUCER RESPONSIBILITY

2           (a) Distribution prohibited. No person may distribute printed materials or  
3     packaging in Vermont unless the following have been met:

4           (1) The producer of printed materials or packaging has implemented an  
5     described in section 6674 of this title and approved in accordance with section  
6     6675 of this title, or the producer qualifies for one of the de minimis  
7     exemptions established in section 6675 of this title;

8           (2) At least 60 days before the effective date of the program plan:

9           (A) The producer has verified in writing to a person selling or  
10     distributing printed materials and packaging in the state that the producer is  
11     participating in an extended producer responsibility program plan approved by  
12     the secretary; and

13           (B) The producer's name and brands appear on an agency website  
14     listing producers and brands covered by an approved plan;

15           (3) If a producer is a member of a producer responsibility organization  
16     in order to fulfill its obligation under this act, the producer is in good standing  
17     with that organization;

18           (4) The producer has paid all applicable fees or costs required by this  
19     subchapter; and

20           (5) The producer has submitted an annual report as required by  
21     subsection (d) of this section.

1           (b) Initial reporting.

2           (1) For the purposes of program planning, a producer shall compile data  
3           or estimates of the types and quantities of printed materials and packaging  
4           distributed in the state for the previous year. This information shall be  
5           compiled within six months of the effective date of this act.

6           (2) Prior to collection of data, a producer shall consult with the agency  
7           to specify the material types into which packaging and printed material will be  
8           categorized for the purposes of data collection and reporting.

9           (c) Extended producer responsibility program costs.

10           (1) A producer shall pay all costs associated with the administration and  
11           operation of the producer's extended producer responsibility program,  
12           development of an approved program plan, and implementation of an approved  
13           program plan, including: costs of recycling, collection, and transport; and  
14           costs of any reuse, processing, or processing residuals management for printed  
15           materials and packaging;

16           (2) No producer or collector operating on behalf of a producer operating  
17           under an approved program plan shall charge a fee to a generator of discarded  
18           print material or packaging for the collection, transportation, or processing of  
19           printed material or packaging for recycling.

1           (d) Producer annual report.

2           (1) A producer shall submit an annual report to the secretary beginning  
3           six months after the end of the first full year of a program plan's operation and  
4           annually thereafter.

5           (2) The annual report shall describe for the preceding year:

6           (A) The weight, by type of material, of printed material and  
7           packaging distributed by a producer in the state;

8           (B) The weight, by type of material, of printed materials and  
9           packaging collected by the producer for recycling in the state;

10          (C) For the printed material and packaging reported under  
11          subdivision (B) of this subsection, the amount of material processed for  
12          recycling at each processing facility used and the amount of processing  
13          residuals disposed of at each disposal facility receiving the residuals;

14          (D) The degree to which recovery rate goals established in the  
15          program plan were achieved and, if the program did not attain those recovery  
16          rates, the proposed actions for future achievement of the recovery rate goals;

17          (E) The financing system for the producer's extended producer  
18          responsibility program;

19          (F) The public education and outreach activities implemented,  
20          including an analysis of the activities' effectiveness; and

21          (G) Other information the secretary may request.

1           (e) Producer responsibility organizations.

2           (1) A producer may satisfy its obligations under this chapter by  
3 participating in a producer responsibility organization that assumes the  
4 producer's obligations and requirements under this chapter.

5           (2) A producer responsibility organization shall:

6           (A) Not create unreasonable barriers for participation in the  
7 organization.

8           (B) Maintain a public website that lists all producers and brands  
9 covered by the organization's program plan.

10          (C) Satisfy the requirements of this chapter for each producer that is a  
11 member of the producer responsibility organization.

12          (D) In the annual report required under subsection (d) of this section,  
13 submit a list of any participating company that is more than 180 days past due  
14 for fee payments.

15          (3) Exemption from antitrust provisions. A producer responsibility  
16 organization and its producer members may engage in anticompetitive  
17 behavior to the extent necessary to develop and implement the organization's  
18 producer responsibility plan. In developing and implementing the plan, a  
19 producer responsibility organization is immune from liability for conduct  
20 under state laws relating to antitrust, restraint of trade, unfair trade practices,  
21 and other regulation of trade or commerce.

1           (4) A producer responsibility organization may participate in regional,  
2           multistate organizations or compacts to assist in carrying out the requirements  
3           of this chapter.

4           § 6674. PROGRAM PLAN

5           (a) Plan preparation and submission.

6           (1) Each producer or producer responsibility organization within 12  
7           months of the effective date of this act shall develop a written program plan for  
8           printed material and packaging distributed in the state and shall submit the plan  
9           to the secretary for review and approval.

10          (2) A producer or producer responsibility organization shall consult with  
11          stakeholders during the development of the plan, solicit stakeholder comment,  
12          and attempt to address any stakeholder concerns regarding the plan before  
13          submitting the plan to the secretary for review.

14          (3) At least every five years, a producer or producer responsibility  
15          organization operating an extended producer responsibility program shall  
16          update its program plan and submit the updated plan to the secretary for review  
17          and approval.

18          (b) Plan content. A program plan shall contain:

19           (1) Participant information, including:

20           (A) Contact information for the producer or organization submitting  
21           the plan; and

1           (B) If the plan is submitted by a producer responsibility organization:

2                   (i) A description of the producers eligible to participate in the  
3 plan;

4                   (ii) A list of producers and brands included in the plan;

5                   (iii) A description of the method by which additional producers  
6 subject to the requirements of this chapter and eligible for participation in a  
7 producer responsibility program will be identified.

8           (2) Recovery program elements. The plan shall include a description of  
9 the methods by which printed materials and packaging will be collected and  
10 recovered in a statewide program. A recovery program shall, at a minimum:

11                   (A) Provide for collection and recovery of printed materials and  
12 packaging within six months of plan approval by the secretary;

13                   (B) Be designed to be convenient and to provide a reasonable level of  
14 service to meet the needs of residents in all areas of the state;

15                   (C) Provide for collection of printed material and packaging from  
16 households; industrial, commercial, and institutional generators; and public  
17 spaces, regardless of who produced the printed material or packaging;

18                   (D) Be designed to reduce the quantities of printed material and  
19 packaging improperly disposed of as litter or at unlicensed sites;

20                   (E) Provide for the safe and secure transport, tracking, and handling  
21 of collected printed materials and packaging, including provisions for the

1 environmentally sound collection, handling, and management of printed  
2 materials and packaging and for adequate insurance and financial assurance for  
3 collection, handling, recycling, and processing residual disposal operations  
4 under the program plan;

5 (F) Be designed to encourage the highest and best use for collected  
6 printed material and packaging; and

7 (G) Describe the public education and outreach efforts that will be  
8 implemented in all areas of the state to support the program, including  
9 descriptions of the materials that: publicize the location and operation of  
10 collection programs throughout the state; publicize a website listing collection  
11 programs; promote the program to retailers, wholesalers, collectors, and other  
12 interested parties; and identify quantitative and qualitative research to monitor  
13 public awareness of the program and effectiveness of outreach efforts.

14 (3) Existing infrastructure use and transition. A plan shall maximize use  
15 of existing recovery infrastructure to the extent practical and shall include:

16 (A) Baseline information on collectors, transporters, and processors  
17 involved in the recovery of printed materials and packaging generated in  
18 Vermont and their anticipated role in the program;

19 (B) A description of how municipalities, solid waste districts, and  
20 waste management service providers will be involved in the program;

1           (C) A proposal for incorporating existing public infrastructure into  
2 the program. Such a proposal may include a transition period of up to five  
3 years from the effective date of the program plan during which reasonable  
4 transfer of and fair compensation for assets, the responsibilities for existing  
5 contracts, and the role of existing solid waste districts can be determined.

6           (c) Performance goals. The minimum overall recovery goal for a program  
7 plan is to achieve a recovery rate of no less than 60 percent within five years of  
8 implementation of the plan. The plan shall include:

9           (1) An estimate of the total quantity and percentage of printed material  
10 and packaging that will be collected for recovery during each of the five years  
11 following approval of the program plan;

12           (2) A description of how data on the quantities of printed material and  
13 packaging collected for recovery will be collected and reported;

14           (3) An assessment of anticipated issues, challenges, and barriers to  
15 achieving program goals and objectives. If a producer considers it infeasible to  
16 comply with the minimum overall recovery goal of 60 percent within five  
17 years from plan implementation, the producer shall apply to the secretary for  
18 approval of a revised minimum overall recovery goal. An application for a  
19 reduced overall recovery goal shall include:

20           (A) an explanation of why a 60-percent recovery goal is not feasible;

21           (B) a proposed, alternative recovery goal;

1           (C) a demonstration of how the plan shall achieve significant and  
2           continuous improvement toward a 60-percent overall recovery goal; and

3           (4) Research and development activities that will be undertaken to  
4           improve program performance including market development activities and  
5           actions to overcome other barriers to recovery, including those for  
6           nonrecyclable or difficult-to-recycle material used by producers.

7           (d) Program costs. A program plan shall include:

8           (1) The projected first-year budget for implementing the program  
9           including operating and administrative costs, costs to develop the plan, and  
10           agency administrative and oversight costs;

11           (2) If the plan is submitted by a producer responsibility program, a  
12           description of how program costs will be allocated among member producers  
13           in a manner that reflects the differential costs to manage different types of  
14           materials;

15           (3) If the plan is submitted by a producer responsibility program, the  
16           methodology that will be used for calculating fees to be assessed against  
17           producers participating in the program; and

18           (4) If the plan is submitted by a producer responsibility program, a  
19           schedule of fee rates to cover the costs for the first year of the program.

1     § 6675. AGENCY RESPONSIBILITIES

2         (a) Review and approve producer responsibility plans for printed paper and  
3     packaging.

4             (1) Within 90 days after receiving a plan, the secretary shall approve  
5     plans that comply with the requirements of this chapter and reject plans that do  
6     not meet the requirements. The secretary shall notify the applicant of a plan  
7     approval in writing. If the secretary rejects a plan, the secretary shall notify the  
8     applicant in writing of the reasons for rejecting the plan. An applicant whose  
9     plan has been rejected by the secretary shall submit a revised plan to the  
10    secretary within 60 days after receiving notice of the rejection.

11            (2) Public input. As part of the 90-day review period under this  
12    subsection (a), the agency shall establish a process under which a proposed  
13    program plan is available for public comment for 30 days. The agency shall  
14    consult with interested persons, including producers, environmental groups,  
15    wholesalers, retailers, municipalities, and solid waste districts regarding a  
16    proposed program plan.

17            (3) Criteria. The secretary shall approve a plan if it:

18                (A) Provides convenient collection opportunities for printed material  
19    and packaging throughout the state;

20                (B) Provides adequate notice to the public of the collection  
21    opportunities available;

1           (C) Provides sufficient collection and program support to achieve the  
2 program performance goals after five years; and

3           (D) Adequately addresses the requirements of section 6674 of this  
4 title.

5           (b) De minimis exemption. The secretary, after consultation with  
6 producers, producer responsibility organizations, and other stakeholders as  
7 required under subsection (d) of this section, shall establish administratively  
8 simple de minimis exemptions for identified categories of printed materials  
9 and packaging. For the first year of the program, a producer with total gross  
10 annual sales in Vermont of less than \$750,000.00 shall be exempt from the  
11 requirements of this chapter. The secretary annually shall review the de  
12 minimis exemptions for each category of printed material or packaging and  
13 may amend the threshold for a de minimis exemption by procedure.

14           (c) Public access. All program plans approved by the secretary, annual  
15 reports, and lists of producers and brands included in an approved plan shall be  
16 available on an agency website or by a link to a producer's or producer  
17 responsibility organization's website and shall be available at the agency's  
18 headquarters for public review within 30 days of receipt by the secretary.

19           (d) Consultation. The agency shall consult with producers and producer  
20 responsibility organizations regarding:

1           (1) the development of material types or categories of printed material  
2           or packaging for reporting and other regulation;

3           (2) additional printed materials or packaging, the disposal of which  
4           should be prohibited under section 6679 of this title;

5           (3) issues that may arise in the development and operation of program  
6           plans.

7           (e) Public comment. One year after the effective date of a program and  
8           every other year thereafter, the secretary shall solicit comments from  
9           municipalities, solid waste districts, the public, nonprofit organizations, and  
10           other interested parties regarding their satisfaction with the services provided  
11           under the program plan. The secretary shall use this information and the  
12           reports submitted by producers, groups of producers, and producer  
13           responsibility organizations operating on behalf of producers to determine the  
14           degree to which the programs are meeting the convenience requirements under  
15           section 6674 of this title and to evaluate future plans.

16           (f) Variable rate pricing. One year after the effective date of this act, the  
17           agency shall propose by procedure standards for the variable rate pricing  
18           programs required under section 6677 of this title, including minimum criteria  
19           that municipalities and solid waste districts shall meet while implementing  
20           variable rate pricing, provided that criteria adopted under this section shall

1 allow for flexibility in how variable rate pricing programs are designed and  
2 implemented.

3 § 6676. AGENCY FEES AND COSTS

4 (a) Agency fees. The secretary may establish and charge fees to producers  
5 and producer responsibility organizations for:

6 (1) reviewing program plans submitted for approval;

7 (2) monitoring the effectiveness of approved plans; and

8 (3) enforcing this chapter.

9 (b) Reimbursement of agency costs.

10 (1) The secretary may require:

11 (A) an applicant submitting a program plan to pay for the cost of  
12 research, scientific, or engineering expertise or services that the agency does  
13 not have when such expertise or services are required for the processing of the  
14 application for review and approval of the program plan; or

15 (B) a producer or a producer responsibility organization to pay for  
16 the time of agency personnel providing research, scientific, or engineering  
17 services or for the cost of expert witnesses when agency personnel or expert  
18 witnesses are required for the monitoring and enforcement of provisions of an  
19 approved program plan.

20 (2) Prior to commencing or contracting for research, scientific, or  
21 engineering expertise or services or contracting for expert witnesses for which

1 the secretary intends to seek cost reimbursement under this subsection, the  
2 secretary shall notify the applicant in writing of the secretary's intent to assess  
3 costs under this subsection and shall provide the applicant with a cost estimate.

4 (3) The secretary may enter into agreements with an applicant for a  
5 program plan under which either the applicant or the agency shall provide or  
6 pay for the necessary research, scientific, or engineering expertise or services  
7 or expert witnesses.

8 (c) Creation of printed material and packaging fund. There is hereby  
9 established a fund in which fees charged and penalties assessed under this  
10 chapter shall be deposited. The funds shall be used by the agency for the costs  
11 incurred to implement, administer, and enforce this chapter. Once these costs,  
12 including costs for outside expertise, are paid, balances shall be used by the  
13 agency first to further the purposes of this chapter, including identifying  
14 additional actions required of producers to meet recovery goals, and second to  
15 achieve any additional environmental purpose of the state of Vermont. Interest  
16 earned by the fund shall be credited to and deposited in the fund. All balances  
17 in the fund at the end of the fiscal year shall be carried forward and remain a  
18 part of the fund.

19 § 6677. MUNICIPALITIES AND SOLID WASTE DISTRICTS

20 (a) Within one year of approval of a program plan for printed material and  
21 packaging, municipalities and solid waste districts shall implement variable

1 rate pricing for the collection and disposal of household waste that is not  
2 collected or disposed of under a producer responsibility plan required by this  
3 chapter.

4 (b) Municipalities and other public agencies are encouraged to work with  
5 producers and producer responsibility organizations to assist them in meeting  
6 their recycling obligations under this chapter.

7 § 6678. RETAILERS

8 (a) Sale prohibited. No retailer shall sell or offer for sale printed material  
9 or packaging unless the retailer has reviewed the agency website required in  
10 subdivision 6673(a)(2)(B) of this title to determine that the producer of the  
11 printed material or packaging is implementing an approved extended producer  
12 responsibility program plan or is a member of a producer responsibility  
13 organization that is implementing an approved extended producer  
14 responsibility program plan or is exempt through the de minimis provisions  
15 established in section 6675 of this title.

16 (b) Exceptions. A retailer shall not be responsible for an unlawful sale  
17 under this chapter if the retailer took possession of the printed material or  
18 packaging prior to the effective date of a producer responsibility plan for the  
19 material or if the sale takes place after the expiration or revocation of a  
20 producer responsibility plan.

1     § 6679. PROHIBITIONS ON DISPOSAL

2             Beginning one year after the effective date of this act or of an approved  
3     program plan for printed materials and packaging, no person shall knowingly  
4     dispose in landfills the following printed material or packaging material types:  
5     aluminum cans, glass bottles and jars, high density polyethylene (HDPE)  
6     bottles and jugs, old corrugated cardboard (OCC), old magazines (OMG), old  
7     newsprint (ONP), polyethylene terephthalate (PET) bottles and jars, or steel  
8     cans.

9     § 6680. ENFORCEMENT; PENALTIES

10            A person who violates any provision of this chapter, rules adopted under  
11     this chapter, or the terms or conditions of any program plan approved by the  
12     secretary shall be subject to an administrative penalty. All penalties assessed  
13     under this section shall be deposited in the fund established under  
14     subsection 6676(c) of this title.

15     § 6681. RULEMAKING

16            The secretary may adopt rules to implement the requirements of this  
17     chapter.

1       Sec. 3. 10 V.S.A. § 8003 is amended to read:

2       § 8003. APPLICABILITY

3           (a) The secretary may take action under this chapter to enforce the  
4       following statutes and rules, permits, assurances, or orders implementing the  
5       following statutes:

6           (1) [Deleted.]

7           (2) 10 V.S.A. chapter 23, relating to air quality;

8           (3) 10 V.S.A. chapters 47 and 56, relating to water pollution control,  
9       water quality standards, and public water supply;

10          (4) 10 V.S.A. chapters 41 and 43, relating to dams and stream  
11       alterations;

12          (5) 10 V.S.A. chapter 37, relating to wetlands protection and water  
13       resources management;

14          (6) 10 V.S.A. chapter 48, relating to well drillers and groundwater  
15       withdrawal;

16          (7) 10 V.S.A. chapter 53, relating to beverage containers;

17          (8) 10 V.S.A. chapter 59, relating to underground storage tanks;

18          (9) 10 V.S.A. chapter 64, relating to potable water supplies and  
19       wastewater systems;

20          (10) 10 V.S.A. chapter 151, relating to land use;

21          (11) [Deleted.]

1           (12) 10 V.S.A. chapter 159, relating to solid waste, hazardous waste and  
2 hazardous materials;

3           (13) 10 V.S.A. chapter 161, relating to low-level radioactive waste;

4           (14) [Deleted.]

5           (15) 29 V.S.A. chapter 11, relating to lands under public waters;

6           (16) 10 V.S.A. chapter 162, relating to the Texas Low-Level  
7 Radioactive Waste Disposal Compact;

8           (17) 10 V.S.A. § 2625, relating to heavy cutting of timber;

9           (18) 10 V.S.A. chapter 164, relating to comprehensive mercury  
10 management;

11           (19) 24 V.S.A. chapter 61, subchapter 10, relating to salvage yards;

12           (20) 10 V.S.A. chapter 50, relating to the control of aquatic species and  
13 introduction of algicides, pesticides, and herbicides; and

14           (21) 10 V.S.A. chapter 166, relating to collection and recycling of  
15 electronic waste; and

16           (22) 10 V.S.A. chapter 160A, relating to producer responsibility for the  
17 collection and recycling of printed materials and packaging.

18           (b) The secretary's administrative enforcement authority established by this  
19 chapter shall supplement any authority of the secretary established by the  
20 chapters set forth in subsection (a) of this section to initiate criminal

1 proceedings, or civil proceedings under chapters 47, 56, 59, and 159 of this  
2 title.

3 (c) The authority established by this chapter shall not be construed as  
4 negating any constitutional, common law or statutory rights of persons.

5 Sec. 4. 10 V.S.A. § 8503 is amended to read:

6 § 8503. APPLICABILITY

7 (a) This chapter shall govern all appeals of an act or decision of the  
8 secretary, excluding enforcement actions under chapters 201 and 211 of this  
9 title and rulemaking, under the following authorities and under the rules  
10 adopted under those authorities:

11 (1) The following provisions of this title:

12 (A) chapter 23 (air pollution control).

13 (B) chapter 50 (aquatic species control).

14 (C) chapter 41 (regulation of stream flow).

15 (D) chapter 43 (dams).

16 (E) chapter 47 (water pollution control).

17 (F) chapter 48 (groundwater protection).

18 (G) chapter 53 (beverage containers; deposit-redemption system).

19 (H) chapter 55 (aid to municipalities for water supply, pollution  
20 abatement, and sewer separation).

21 (I) chapter 56 (public water supply).

1 (J) chapter 59 (underground and aboveground liquid storage tanks).

2 (K) chapter 64 (potable water supply and wastewater system permit).

3 (L) section 2625 (regulation of heavy cutting).

4 (M) chapter 123 (protection of endangered species).

5 (N) chapter 159 (waste management).

6 (O) chapter 37 (wetlands protection and water resources  
7 management).

8 (P) chapter 166 (collection and recycling of electronic waste).

9 (Q) chapter 160A (producer responsibility for the collection and  
10 recycling of printed materials and packaging).

11 (2) 29 V.S.A. chapter 11 (management of lakes and ponds).

12 (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

13 (b) This chapter shall govern:

14 (1) All appeals from an act or decision of a district commission under  
15 chapter 151 of this title, excluding appeals of application fee refund requests.

16 (2) Appeals from district coordinator jurisdictional opinions under  
17 chapter 151 of this title.

18 (3) Appeals from findings of fact and conclusions of law issued by the  
19 land use panel in its review of a designated growth center for conformance  
20 with the criteria of subsection 6086(a) of this title, pursuant to authority  
21 granted at 24 V.S.A. § 2793c(f).

1           (c) This chapter shall govern all appeals arising under 24 V.S.A. chapter  
2 117, the planning and zoning chapter.

3           (d) This chapter shall govern all appeals from an act or decision of the  
4 environmental division under this chapter.

5           (e) This chapter shall not govern appeals from rulemaking decisions by the  
6 natural resources board under chapter 151 of this title or enforcement actions  
7 under chapters 201 and 211 of this title.

8           (f) This chapter shall govern all appeals of acts or decisions of the  
9 legislative body of a municipality arising under 24 V.S.A. chapter 61,  
10 subchapter 10, relating to the municipal certificate of approved location for  
11 salvage yards.

12       Sec. 5. EFFECTIVE DATE

13           This act shall take effect on July 1, 2011.