

1 H.485

2 Introduced by Representatives Klein of East Montpelier, Cheney of Norwich

3 and Edwards of Brattleboro

4 Referred to Committee on

5 Date:

6 Subject: Conservation; solid waste; recycling

7 Statement of purpose: This bill proposes to require the agency of natural  
8 resources to assess the current capacity, cost, and efficiency of solid waste  
9 collection in Vermont and to report to the general assembly. The bill would  
10 also require solid waste certified facilities and transporters that offer to collect  
11 municipal solid waste also to offer to collect mandated recyclables and leaf and  
12 yard residual separately from other solid waste at no additional charge. The  
13 bill also would ban the landfill disposal of mandated recyclables and leaf and  
14 yard residual. In addition, the bill requires a person producing more than 104  
15 tons of source-separated organic material to separate the waste from other  
16 waste and arrange for its disposal in a compost facility. The bill also amends  
17 the requirements for the state solid waste management plan. Additionally, the  
18 bill authorizes municipalities to impose charges for the collection of municipal  
19 solid waste that increase as the volume or weight of the waste collected  
20 increases.

1 An act relating to establishing universal recycling of solid waste

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

3 Sec. 1. 10 V.S.A. § 6602 is amended to read:

4 § 6602. DEFINITIONS

5 For the purposes of this chapter:

6 (1) "Secretary" means the secretary of the agency of natural resources,  
7 or his or her duly authorized representative.

8 (2) "Solid waste" means any discarded garbage, refuse, septage, sludge  
9 from a waste treatment plant, water supply plant, or pollution control facility  
10 and other discarded material including solid, liquid, semi-solid, or contained  
11 gaseous materials resulting from industrial, commercial, mining, or agricultural  
12 operations and from community activities but does not include animal manure  
13 and absorbent bedding used for soil enrichment; high carbon bulking agents  
14 used in composting; or solid or dissolved materials in industrial discharges  
15 which are point sources subject to permits under the Water Pollution Control  
16 Act, chapter 47 of this title.

17 \* \* \*

18 (12) "Disposal" means the discharge, deposit, injection, dumping,  
19 spilling, leaking, or placing of any solid waste or hazardous waste into or on  
20 any land or water so that such solid waste or hazardous waste or any

1 constituent thereof may enter the environment or be emitted into the air or  
2 discharged into any ground or surface waters.

3 (13) "Waste" means a material that is discarded or is being accumulated,  
4 stored, or physically, chemically or biologically treated prior to being  
5 discarded or has served its original intended use and is normally discarded or is  
6 a manufacturing or mining by-product and is normally discarded.

7 \* \* \*

8 (27) "Mandated recyclable" means aluminum and steel cans; aerosol  
9 cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods  
10 and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high  
11 density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard;  
12 white and colored paper; newspaper; magazines; catalogues; paper mail and  
13 envelopes; boxboard; paper bags; and any material or group of materials  
14 designated by the secretary by rule under this chapter that can be collected and  
15 sold or used for recycling purposes.

16 (28) "Leaf and yard residual" means compostable untreated vegetative  
17 matter, including grass clippings, leaves, kraft paper bags, and brush, which  
18 are free from noncompostable materials. It does not include such materials as  
19 pre- and postconsumer food residuals, food processing residuals, or soiled  
20 paper.

1           (29) “Source-separated organic material” means organic material, other  
2           than organic yard waste, that has been separated at the point or source of  
3           generation from nonorganic material, including food scraps, food processing  
4           residue, or unrecyclable paper.

5           Sec. 2. 10 V.S.A. § 6604 is amended to read:

6           § 6604. WASTE MANAGEMENT ~~PLANS~~ PLAN

7           (a) No later than ~~April 30, 1988~~ November 1, 2013, the secretary shall  
8           ~~publish and~~ adopt, after notice and public hearing pursuant to chapter 25 of  
9           Title 3, a solid waste management plan which sets forth a comprehensive  
10          statewide strategy for the management of waste, ~~including whey. No later than~~  
11          ~~July 1, 1991, the secretary shall publish and adopt, after notice and public~~  
12          ~~hearing pursuant to chapter 25 of Title 3, a hazardous waste management plan,~~  
13          ~~which sets forth a comprehensive statewide strategy for the management of~~  
14          ~~hazardous waste.~~

15          (1)(A) The ~~plans plan~~ shall ~~be based upon~~ promote the following  
16          priorities, ~~in descending order~~:

17                  (i) the promotion of sustainable materials management, which  
18                  promotes the development of products that will generate less waste and  
19                  manufacturer responsibility for waste generated from its products;

20                  (ii) the greatest feasible reduction in the amount of waste  
21                  generated;

1                   ~~(ii)~~(iii) the reuse and recycling of waste to reduce to the greatest  
2 extent feasible the volume remaining for processing and disposal;

3                   (iv) the reduction of the state's reliance on waste disposal to the  
4 greatest extent feasible;

5                   (v) the creation of an integrated waste management system that  
6 promotes energy conservation, reduces greenhouse gases, and limits adverse  
7 environmental impact

8                   ~~(iii) waste processing to reduce the volume or toxicity of the waste~~  
9 ~~stream necessary for disposal;~~

10                  ~~(iv) land disposal of the residuals.~~

11                  (B) Processing and disposal alternatives shall be preferred which do  
12 not foreclose the future ability of the state to reduce, reuse, and recycle waste.  
13 In determining feasibility, the secretary shall evaluate alternatives in terms of  
14 their expected life-cycle costs.

15                  (2) The ~~plans~~ plan shall be revised at least once every five years and  
16 shall include:

17                  (A) methods to reduce and remove material from the waste stream,  
18 including commercially generated and other organic wastes, used clothing, and  
19 construction and demolition debris, and to separate, collect, and recycle, treat  
20 or dispose of specific waste materials that create environmental, health, safety,  
21 or management problems, including, ~~but not limited to,~~ tires, batteries,

1       obsolete electronic equipment, and unregulated hazardous wastes. These  
2       portions of the plans shall include strategies to assure recycling in the state,  
3       and to prevent the incineration or other disposal of marketable recyclables.  
4       They shall consider both the current solid waste stream and its projected  
5       changes, and shall be based on:

6               (i) an analysis of the volume and nature of wastes generated in the  
7       state, the sources of those wastes, and the current fate or disposition of those  
8       wastes;

9               (ii) an assessment of the feasibility and cost of recycling each type  
10      of waste, including an assessment of the feasibility of providing the option of  
11      single source recycling;

12              (iii) a survey of existing and potential markets for each type of  
13      waste that can be recycled;

14              (B) a proposal for the development of facilities and programs  
15      necessary at the state, regional or local level to achieve the priorities identified  
16      in subdivision (a)(1) of this section. Consideration shall be given to the need  
17      for additional regional or local composting facilities, the need to expand the  
18      collection of commercially generated organic wastes, and the cost-  
19      effectiveness of developing single stream waste management infrastructure  
20      adequate to serve the entire population, which may include material recovery  
21      centers. These portions of the plan shall be based, in part, on an assessment of

1 the status, capacity, and life expectancy of existing treatment and disposal  
2 facilities, and they shall include siting criteria for waste management facilities,  
3 and shall establish requirements for full public involvement.

4 (b) The secretary may manage the hazardous wastes generated, transported,  
5 treated, stored, or disposed in the state by administering a regulatory and  
6 management program which, at a minimum, meets the requirements of  
7 subtitle C of the Resource Conservation and Recovery Act of 1976, and  
8 amendments thereto, codified as 42 U.S.C. chapter 82, subchapter 3, and the  
9 Comprehensive Environmental Response, Compensation, and Liability Act of  
10 1980, as amended.

11 ~~(1) Removal of hazardous waste from the waste stream. The secretary is~~  
12 ~~authorized to carry out studies, evaluations and pilot projects to remove~~  
13 ~~significant quantities of unregulated hazardous wastes from the waste stream,~~  
14 ~~when in the secretary's opinion the public health and safety will not be~~  
15 ~~adversely affected. One or more of these projects shall investigate the~~  
16 ~~feasibility and effectiveness of separating from the rest of the waste stream~~  
17 ~~those nonhazardous materials which require disposal in landfills, but which~~  
18 ~~may not require the use of liners and leachate collection systems.~~

19 ~~(2) Report on disposal of hazardous wastes. The secretary shall consult~~  
20 ~~with interested persons on the disposal of hazardous waste, including persons~~  
21 ~~with relevant expertise and representatives from state and local government,~~

1 industry, the agricultural sector, the University of Vermont, and the general  
2 public. The secretary shall conduct public hearings, take relevant testimony,  
3 perform appropriate analysis and report to the general assembly and the  
4 governor by January 1, 1990, on the following:

5 (A) the nature, origin and amount of hazardous waste generated in  
6 the state;

7 (B) the cost and environmental impact of current disposal practices;

8 (C) options for the treatment and disposal of leachate collected from  
9 sanitary landfills;

10 (D) steps that can be taken to reduce waste flows, or recycle wastes;

11 (E) the need for recycling, treatment and disposal facilities to be  
12 located within the state; and

13 (F) a proposed process and proposed criteria for use in siting and  
14 constructing needed facilities within the state, and for obtaining the maximum  
15 amount of public input in any such process.

16 (c) The secretary shall hold public hearings, perform studies as required,  
17 conduct ongoing analyses, and make recommendations to the general assembly  
18 with respect to the reduction of the waste stream. In this process, the secretary  
19 shall consult with manufacturers of commercial products and of packaging  
20 used with commercial products, retail sales enterprises, health and  
21 environmental advocates, waste management specialists, the general public,



1 and state agencies. The goal of the process is to ensure that packaging used  
2 and products sold in the state are not an undue burden to the state's ability to  
3 manage its waste. The secretary shall seek voluntary changes on the part of the  
4 industrial and commercial sector in both their practices and the products they  
5 sell, so as to serve the purposes of this section. In this process, the secretary  
6 may obtain voluntary compliance schedules from the appropriate industry or  
7 commercial enterprise, and shall entertain recommendations for alternative  
8 approaches. The secretary shall report at the beginning of each biennium to  
9 the general assembly, with any recommendations or options for legislative  
10 consideration.

11 (1) In carrying out the provisions of this subsection, the secretary first  
12 shall consider ways to keep ~~hazardous~~ problem material and nonrecyclable,  
13 nonbiodegradable material out of the waste stream, as soon as possible. In this  
14 process, immediate consideration shall be given to the following:

15 (A) evaluation of products and packaging that contain large  
16 concentrations of chlorides, such as packaging made with polyvinyl chloride  
17 (PVC);

18 (B) evaluation of polystyrene packaging, particularly that used to  
19 package fast food on the premises where the food is sold;

1           (C) evaluation of products and packaging that bring heavy metals  
2 into the waste stream, such as disposable batteries, paint and paint products  
3 and containers, and newspaper supplements and similar paper products;

4           (D) identification of unnecessary packaging, which is nonrecyclable  
5 and nonbiodegradable.

6           (2) With respect to the above, the secretary shall consider the following:

7           (A) product and packaging bans, products or packaging which ought  
8 to be exempt from such bans, the existence of less burdensome alternatives,  
9 and alternative ways that a ban may be imposed;

10          (B) tax incentives, including the following options:

11           (i) product taxes, based on a sliding scale, according to the degree  
12 of undue harm caused by the product, the existence of less harmful  
13 alternatives, and other relevant factors;

14           (ii) taxes on all nonrecyclable, nonbiodegradable products or  
15 packaging;

16          (C) deposit and return legislation or extended producer responsibility  
17 legislation for certain products.

18          (d) A portion of the state's solid waste management plan shall set forth a  
19 comprehensive statewide program for the collection, treatment, beneficial use  
20 and disposal of septage and sludge. The secretary shall work cooperatively  
21 with the department of health and the agency of agriculture, food and markets

1 in developing this portion of the plan and the rules to carry it out, both of  
2 which shall be consistent with or more stringent than that prescribed by section  
3 405 of the Clean Water Act (33 U.S.C. § 1251, et seq.). In addition, the  
4 secretary shall consult with local governmental units and the interested public  
5 in the development of the plans. The sludge management plan and the septage  
6 management plan shall be developed and adopted by January 15, 1987. In the  
7 development of these portions of the plan, consideration shall be given to, but  
8 shall not be limited to, the following:

- 9 (1) the varying characteristics of septage and sludge;
- 10 (2) its value as a soil amendment;
- 11 (3) the need for licensing or other regulation of septage and sludge  
12 handlers;
- 13 (4) the need for seasonal storage capability;
- 14 (5) the most appropriate burdens to be borne by individuals,  
15 municipalities, and industrial and commercial enterprises;
- 16 (6) disposal site permitting procedures;
- 17 (7) appropriate monitoring and reporting requirements;
- 18 (8) actions which can be taken through existing state programs to  
19 facilitate beneficial use of septage and sludge;
- 20 (9) the need for regional septage facilities;
- 21 (10) an appropriate public information program; and

1           (11) the need for and proposed nature and cost of appropriate pilot  
2 projects.

3           (e) Although the ~~plans~~ plan adopted under this section and any  
4 amendments to ~~these plans~~ the plan shall be adopted by means of a public  
5 process that is similar to the process involved in the adoption of administrative  
6 rules, the ~~plans~~ plan, as initially adopted or as amended, shall not be a rule.

7           (f)(1) On or before January 15, 2013 and annually thereafter, the secretary  
8 shall assess whether the state has met or satisfied:

9                   (A) the priorities for solid waste management set forth under  
10 subsection (a) of this section; and

11                   (B) the goals for reduction of the waste stream set forth under  
12 subsection (b) of this section.

13           (2) On or before January 15, 2013 and annually thereafter, the secretary  
14 shall report to the house and senate committees on natural resources and  
15 energy with the results of the assessment required under subdivision (1) of this  
16 subsection. The report shall include:

17                   (A) a summary of the state's success in meeting the priorities and  
18 goals of the state waste management plan;

19                   (B) an estimate of the landfill capacity available in Vermont and an  
20 estimated time at which there will be no landfill capacity remaining in the  
21 state;

1           (C) an estimate of the cost of implementation of the existing solid  
2 waste management system for the state;

3           (D) an estimate of the cost of managing individual categories of solid  
4 waste; and

5           (E) an estimate of the costs, cost savings, increased efficiencies, and  
6 economic opportunities attendant to the mandatory recycling of certain  
7 categories of solid waste. The estimate should include an estimate of the cost  
8 of infrastructure necessary for the mandatory recycling of categories of solid  
9 waste.

10       Sec. 3. 10 V.S.A. § 6605 is amended to read:

11       § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

12       (a)(1) No person shall construct, substantially alter, or operate any solid  
13 waste management facility without first obtaining certification from the  
14 secretary for such facility, site, or activity, except for sludge or septage  
15 treatment or storage facilities located within the fenced area of a domestic  
16 wastewater treatment plant permitted under chapter 47 of this title. This  
17 exemption for sludge or septage treatment or storage facilities shall exist  
18 only if:

19           (A) the treatment facility does not utilize a process to further reduce  
20 pathogens in order to qualify for marketing and distribution; and

1           (B) the facility is not a drying bed, lagoon, or nonconcrete  
2 bunker; and

3           (C) the owner of the facility has submitted a sludge and septage  
4 management plan to the secretary and the secretary has approved the plan.  
5 Noncompliance with an approved sludge and septage management plan shall  
6 constitute a violation of the terms of this chapter, as well as a violation under  
7 chapters 201 and 211 of this title.

8           (2) Certification shall be valid for a period not to exceed ten years,  
9 except that a certification issued to a sanitary landfill or a household hazardous  
10 waste facility under this section shall be for a period not to exceed five years.

11          (b) Certification for a solid waste management facility, where appropriate,  
12 shall:

13           (1) Specify the location of the facility, including limits on its  
14 development;

15           (2) Require proper operation and development of the facility in  
16 accordance with the engineering plans approved under the certificate;

17           (3) Specify the projected amount and types of waste material to be  
18 disposed of at the facility, which, in case of landfills and incinerators, shall  
19 include the following:

1 (A) if the waste is being delivered from a municipality that has an  
2 approved implementation plan, hazardous materials and recyclables shall be  
3 removed from the waste according to the terms of that implementation plan;

4 (B) if the waste is being delivered from a municipality that does not  
5 have an approved implementation plan, yard waste shall be removed from the  
6 waste stream, as shall a minimum of approximately 75 percent of each of the  
7 following: marketable recyclables, hazardous waste from households, and  
8 hazardous waste from small quantity generators;

9 (4) Specify the type and numbers of suitable pieces of equipment that  
10 will operate the facility properly;

11 (5) Contain provisions for air, groundwater, and surface water  
12 monitoring throughout the life of the facility and provisions for erosion  
13 control, capping, landscaping, drainage systems, and monitoring systems for  
14 leachate and gas control;

15 (6) Contain such additional conditions, requirements, and restrictions as  
16 the secretary may deem necessary to preserve and protect the public health and  
17 the air, groundwater and surface water quality. This may include, ~~but is not~~  
18 ~~limited to~~, requirements concerning reporting, recording, and inspections of the  
19 operation of the site.

20 (c) The secretary shall not issue a certification for a new facility or renewal  
21 for an existing facility, except for a sludge or septage land application project,

1 unless it is included in an implementation plan adopted pursuant to 24 V.S.A.  
2 § 2202a, for the area in which the facility is located. The implementation plan  
3 must be consistent with the state plan and in conformance with any municipal  
4 or regional plan adopted in accordance with 24 V.S.A. chapter 117. ~~After~~  
5 ~~July 1, 1990, the secretary shall not recertify a facility except for a sludge or~~  
6 ~~sewage land application project unless it is included in an implementation plan~~  
7 ~~adopted pursuant to 24 V.S.A. § 2202a, for the area in which the facility is~~  
8 ~~located. The implementation plan must be consistent with the state plan,~~  
9 ~~unless the secretary determines that recertification promotes the public interest,~~  
10 ~~considering the policies and priorities established in this chapter. After July 1,~~  
11 ~~1990, the secretary shall not recertify a facility, unless it is in conformance~~  
12 ~~with any municipal or regional plan adopted in accordance with 24 V.S.A.~~  
13 ~~chapter 117.~~

14 \* \* \*

15 (j) Beginning July 1, 2015, a facility certified under this section that offers  
16 the collection of municipal solid waste shall:

17 (1) offer to collect separate mandated recyclables from other solid waste  
18 at no additional charge;

19 (2) deliver mandated recyclables to a facility maintained and operated  
20 for the management and recycling of mandated recyclables.





1 (2) Solid waste categories to be managed in a composting facility shall  
2 not present an undue threat to human health or the environment.

3 (3) ~~Solid waste managed~~ Recyclable materials either recycled or  
4 prepared for recycling at a recycling facility ~~shall be restricted to facilities that~~  
5 ~~manage 400 tons per year or less of recyclable solid waste.~~

6 \* \* \*

7 Sec. 5. 10 V.S.A. § 6605k is added to read:

8 § 6605k. SOURCE-SEPARATED ORGANIC MATERIAL; RECYCLING

9 (a) Beginning July 1, 2017, a person whose acts or process produces more  
10 than 104 tons per year of source-separated organic materials and is located  
11 within 50 miles of a certified compost facility that has available capacity shall:

12 (1) Register with the secretary on a form provided by the secretary;

13 (2) Separate source-separated organic materials from other solid  
14 waste; and

15 (3) Arrange for the transfer of source-separated organic material to a  
16 compost facility that is certified under this chapter or by the waste  
17 management program of another state.

18 (b) A person subject to the requirements of subsection (a) of this section  
19 shall be exempt from the requirements of subdivision (a)(1) of this section if  
20 the person composts or treats source-separated organic material on-site as  
21 certified under this chapter.

1 Sec. 6. 10 V.S.A. § 66051 is added to read:

2 § 66051. PUBLIC COLLECTION CONTAINERS FOR SOLID WASTE

3 If a person provides a container or containers to the public for use for solid  
4 waste destined for disposal, the person shall also provide an equal number of  
5 containers for mandatory recyclables and arrange for the recycling of the  
6 materials collected. The containers shall be labeled to clearly show the  
7 containers are for recyclables and shall be placed as close to each other as  
8 possible in order to provide equally convenient access to users. Bathrooms are  
9 exempt from this provision.

10 Sec. 7. 10 V.S.A. § 6607a is amended to read:

11 § 6607a. WASTE TRANSPORTATION

12 (a) A commercial hauler desiring to transport waste within the state shall  
13 apply to the secretary for a permit to do so, by submitting an application on a  
14 form prepared for this purpose by the secretary and by submitting the  
15 disclosure statement described in section 6605f of this title. These permits  
16 shall have a duration of five years. The secretary shall establish a system  
17 whereby one-fifth of the permits issued under this section, or that were issued  
18 prior to July 1, 1996, shall be renewed annually. The secretary may extend the  
19 expiration date of permits issued under this section as of July 1, 1996, for up to  
20 four years. The application shall indicate the nature of the waste to be hauled  
21 and the area to be served by the hauler. The secretary may specify conditions

1 that the secretary deems necessary to assure compliance with state law. If an  
2 area to be served is subject to a duly adopted flow control ordinance, the entity  
3 that adopted the flow control ordinance may notify the secretary of that fact on  
4 forms provided by the secretary, and shall specify the facility or facilities  
5 which must be the recipient of the waste from that area. The secretary shall  
6 issue to the applicant a permit which specifies those facilities to which the  
7 applicant must deliver waste collected from an area that is subject to a duly  
8 adopted flow control ordinance, and which otherwise contains the solid waste  
9 management conditions established by the secretary, sufficient to assure  
10 compliance with state law.

11 \* \* \*

12 (g) Beginning July 1, 2015, a transporter certified under this section that  
13 offers the collection of municipal solid waste shall:

14 (1) offer to collect separate mandated recyclables from other solid waste  
15 at no additional charge; and

16 (2) deliver mandated recyclables to a facility maintained and operated  
17 for the management and recycling of mandated recyclables.

18 (h) Beginning July 1, 2016, a transporter certified under this section that  
19 offers the collection of municipal solid waste shall:

20 (1) offer to collect leaf and yard residual separate from other solid waste  
21 at no additional charge; and

1           (2) deliver leaf and yard residual to a facility that is maintained and  
2           operated for the management of leaf and yard residual and that is certified or  
3           registered under this chapter or by another state.

4           (i) Beginning July 1, 2017, a transporter certified under this section that  
5           offers the collection of municipal solid waste shall:

6           (1) offer collection of source-separated organic materials separate from  
7           other solid waste and at no additional charge; and

8           (2) deliver source-separated organic material to a facility that is  
9           maintained and operated for the management of organic materials and that is  
10           certified or registered under this chapter.

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

12       § 6621a. LANDFILL DISPOSAL REQUIREMENTS

13           (a) In accordance with the following schedule, no person shall knowingly  
14       dispose of the following solid waste in landfills:

15           (1) Lead-acid batteries, after July 1, 1990.

16           (2) Waste oil, after July 1, 1990.

17           (3) White goods, after January 1, 1991. “White goods” include  
18       discarded refrigerators, washing machines, clothes driers, ranges, water  
19       heaters, dishwashers, and freezers. Other similar domestic and commercial  
20       large appliances may be added, as identified by rule of the secretary.

21           (4) Tires, after January 1, 1992.

1           (5) Paint (whether water based or oil based), paint thinner, paint  
2           remover, stains, and varnishes. This prohibition shall not apply to solidified  
3           water based paint in quantities of less than one gallon, nor shall this prohibition  
4           apply to solidified water based paint in quantities greater than one gallon if  
5           those larger quantities are from a waste stream that has been subject to an  
6           effective paint reuse program, as determined by the secretary.

7           (6) Nickel-cadmium batteries, small sealed lead acid batteries, and  
8           nonconsumer mercuric oxide batteries, ~~after July 1, 1992, in any district or~~  
9           ~~municipality in which there is an ongoing program to accept these wastes for~~  
10          ~~treatment.~~

11          (7)(A) Labeled mercury-added products on or before July 1, 2007.

12          (B) Mercury-added products, as defined in chapter 164 of this title,  
13          after July 1, 2007, except as other effective dates are established in that  
14          chapter.

15          (8) Banned electronic devices. After January 1, 2011, computers;  
16          peripherals; computer monitors; cathode ray tubes; televisions; printers;  
17          personal electronics such as personal digital assistants and personal music  
18          players; electronic game consoles; printers; fax machines; wireless telephones;  
19          telephones; answering machines; videocassette recorders; digital versatile disc  
20          players; digital converter boxes; stereo equipment; and power supply cords (as  
21          used to charge electronic devices).

1 (9) Mandated recyclable materials after July 1, 2015.

2 (10) Leaf and yard residual after July 1, 2016.

3 (11) Source-separated organic material required to be delivered to a  
4 compost facility under section 6605k of this title after July 1, 2017.

5 (b) This section shall not prohibit the designation and use of separate areas  
6 at landfills for the storage or processing, or both, of material specified in this  
7 section.

8 (c) Insofar as it applies to the operator of a solid waste management  
9 facility, the secretary may suspend the application of this section to material  
10 specified in subdivisions (a)(2), (3), (4), (5), or (6) of this section, or any  
11 combination of these, upon finding that insufficient markets exist and adequate  
12 uses are not reasonably available to serve as an alternative to disposal.

13 Sec. 9. 10 V.S.A. § 8003(a) is amended to read:

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

17 \* \* \*

18 (21) 10 V.S.A. chapter 166, relating to collection and recycling of  
19 electronic waste; ~~and~~

20 (22) 10 V.S.A. chapter 164A, collection and disposal of  
21 mercury-containing lamps; and

1           (23) 24 V.S.A. § 2202a, relating to a municipality's adoption and  
2           implementation of a local solid waste implementation plan that is consistent  
3           with the state solid waste plan.

4           Sec. 10. 10 V.S.A. § 8503(g) is added to read:

5           (g) This chapter shall govern all appeals of an act or decision of the  
6           secretary of natural resources that a municipal solid waste implementation plan  
7           proposed under 24 V.S.A. § 2202a conforms with the state solid waste  
8           implementation plan adopted pursuant to 10 V.S.A. § 6604.

9           Sec. 11. 24 V.S.A. § 2291 is amended to read:

10          § 2291. ENUMERATION OF POWERS

11          For the purpose of promoting the public health, safety, welfare, and  
12          convenience, a town, city, or incorporated village shall have the following  
13          powers:

14   \* \* \*

15          (12) To regulate or prohibit the storage or dumping of solid waste, as  
16          defined in 10 V.S.A. § 6602. These regulations may require:

17                    (A) the separation of specified components of the waste stream;

18                    (B) that the charges for the collection of municipal solid waste  
19                    destined for disposal from a person producing solid waste increase as the  
20                    volume or weight of the waste collected increases.

21   \* \* \*



1       Sec. 12. REPEAL

2             10 V.S.A. § 7113 (advisory committee on mercury pollution) is repealed.

3       Sec. 13. EFFECTIVE DATE

4             This act shall take effect on July 1, 2012.