

Highlighting = Change from Dr. 1.1 of SNRE Proposal of Amendment

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 208 entitled “An act relating to solid waste management”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Architectural Waste Recycling* * *

8 Sec. 1. FINDINGS

9 The General Assembly finds that, for the purposes of Secs. 1–3 of this act:

10 (1) Certain waste from commercial development projects can create
11 significant issues for the capacity and operation of landfills in the State.

12 (2) There are opportunities for materials recovery of certain waste from
13 commercial development projects in a manner consistent with Vermont’s solid
14 waste management priorities of reuse and recycling.

15 (3) Substantial opportunity exists in Vermont for the recovery and
16 recycling of certain materials in the waste from commercial development
17 projects, including wood, drywall, asphalt shingles, and metal.

18 (4) To reduce the amount of waste from commercial development
19 projects in landfills and improve materials recovery, the construction industry
20 should attempt to recover certain waste from commercial development projects
21 from the overall waste stream.

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1 Sec. 2. 10 V.S.A. § 6605m is added to read:

2 § 6605m. ARCHITECTURAL WASTE RECYCLING

3 (a) Definitions. In addition to the definitions in section 6602 of this
4 chapter, as used in this section:

5 (1) “Architectural waste” means discarded drywall, metal, asphalt
6 shingles, clean wood, and treated or painted wood derived from the
7 construction or demolition of buildings or structures.

8 (2) “Commercial project” means construction, renovation, or demolition
9 of a commercial building or of a residential building with two or more
10 residential units.

11 (b) Materials recovery requirement. Beginning on or after January 1, 2015,
12 if a person produces 40 cubic yards or more of architectural waste at a
13 commercial project located within 20 miles of a solid waste facility that
14 recycles architectural waste, the person shall:

15 (1) arrange for the transfer of architectural waste from the project to a
16 certified solid waste facility, which shall be required to recycle the
17 architectural waste or arrange for its reuse unless the facility demonstrates the
18 lack of a market for recycling or reuse and a plan for re-establishing the
19 market; or

20 (2) arrange for a method of disposition of the architectural waste that the
21 Secretary of Natural Resources deems appropriate as an end use, including

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1 transfer of the architectural waste to an out-of-state facility that recycles
2 architectural waste and similar materials.

3 (c) Transition; application. The requirements of this section shall not apply
4 to a commercial project subject to a contract entered into on or before
5 January 1, 2015 for the disposal or recycling of architectural waste from the
6 project.

7 (d) Guidance on separation of hazardous materials. The Secretary of
8 Natural Resources shall publish informational material regarding the need for a
9 solid waste facility that recycles architectural waste to manage properly and
10 provide for the disposition of hazardous waste and hazardous material in
11 architectural waste delivered to a facility.

12 Sec. 3. ANR REPORT ON ARCHITECTURAL WASTE RECYCLING

13 On or before January 1, 2017, the Secretary of Natural Resources, after
14 consultation with interested persons, shall submit to the Senate and House
15 Committees on Natural Resources and Energy a report regarding
16 implementation of the requirements for architectural waste recycling in the
17 State under 10 V.S.A. § 6605m. The report shall include:

18 (1) a summary of the implementation of the requirements of 10 V.S.A.
19 § 6605m for the recycling of architectural waste;

20 (2) an estimate of the amount of architectural waste recycled or reused
21 since January 1, 2015;

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1 (3) whether viable markets exist for the cost-effective recycling or reuse
2 of additional components of the waste stream from commercial projects;

3 (4) a recommendation as to whether architectural waste should be
4 banned from landfill disposal; and

5 (5) any other recommended statutory changes to the requirements of this
6 section.

7 * * * Solid Waste Management Facility Certification * * *

8 Sec. 4. 10 V.S.A. § 6605 is amended to read:

9 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

10 * * *

11 (j) A facility certified under this section that offers the collection of
12 municipal solid waste shall:

13 * * *

14 (l) A facility certified under this section that offers the collection of
15 municipal solid waste shall not charge a separate fee for the collection of
16 mandated recyclables. A facility certified under this section may incorporate
17 the cost of the collection of mandated recyclables into the cost of the collection
18 of municipal solid waste and may adjust the charge for the collection of
19 municipal solid waste. A facility certified under this section may charge a
20 separate fee for the collection of leaf and yard residuals or food residuals. If a

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1 facility collects mandated recyclables from a commercial hauler, the facility
2 may charge a fee for the collection of those mandated recyclables.

3 Sec. 5. 10 V.S.A. § 6605c(a) is amended to read:

4 (a) Notwithstanding sections 6605, 6605f, and 6611 of this title, no person
5 may construct, substantially alter, or operate any categorical solid waste
6 facility without first obtaining a certificate from the Secretary. Certificates
7 shall be valid for a period not to exceed ~~five~~ 10 years.

8 * * * Solid Waste Transporters; Mandated Recyclables * * *

9 Sec. 6. 10 V.S.A. § 6607a is amended to read:

10 § 6607a. WASTE TRANSPORTATION

11 (a) A commercial hauler desiring to transport waste within the State shall
12 apply to the Secretary for a permit to do so, by submitting an application on a
13 form prepared for this purpose by the Secretary and by submitting the
14 disclosure statement described in section 6605f of this title. These permits
15 shall have a duration of five years and shall be renewed annually. The
16 application shall indicate the nature of the waste to be hauled. The Secretary
17 may specify conditions that the Secretary deems necessary to assure
18 compliance with ~~state~~ State law.

19 (b) As used in this section:

20 (1) “Commercial hauler” means:

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1 (A) any person that transports regulated quantities of hazardous
2 waste; and

3 (B) any person that transports solid waste for compensation in a
4 vehicle ~~having a rated capacity of more than one ton.~~

5 (2) The commercial hauler required to obtain a permit under this section
6 is the legal or commercial entity that is transporting the waste, rather than the
7 individual employees and subcontractors of the legal or commercial entity. In
8 the case of a sole proprietorship, the sole proprietor is the commercial entity.

9 * * *

10 (g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a
11 transporter certified under this section that offers the collection of municipal
12 solid waste shall:

13 (A) Beginning July 1, 2015, offer to collect mandated recyclables
14 separated from other solid waste and deliver mandated recyclables to a facility
15 maintained and operated for the management and recycling of mandated
16 recyclables.

17 (B) Beginning July 1, 2016, offer to collect leaf and yard residuals
18 separate from other solid waste and deliver leaf and yard residuals to a location
19 that manages leaf and yard residuals in a manner consistent with the priority
20 uses established under subdivisions 6605k(a)(3)–(5) of this title.

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1 (C) Beginning July 1, 2017, offer collection of food residuals
2 separate from other solid waste and deliver to a location that manages food
3 residuals in a manner consistent with the priority uses established under
4 subdivisions 6605k(a)(2)–(5) of this title.

5 (2) In a municipality that has adopted a solid waste management
6 ordinance addressing the collection of mandated recyclables, leaf and yard
7 residuals, or food residuals, a transporter in that municipality is not required to
8 comply with the requirements of subdivision (1) of this subsection and
9 subsection (h) of this section for the material addressed by the ordinance if the
10 ordinance:

11 (A) is applicable to all residents of the municipality;

12 (B) prohibits a resident from opting out of ~~municipally provided~~
13 municipally provided solid waste services; and

14 (C) does not apply a variable rate for the collection for the material
15 addressed by the ordinance.

16 (3) A transporter is not required to comply with the requirements of
17 subdivision (1)(A), (B), or (C) of this subsection in a specified area within a
18 municipality if:

19 (A) the Secretary has approved a solid waste implementation plan for
20 the municipality;

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1 (B) for purposes of waiver of the requirements of subdivision (1)(A)
2 of this subsection (g), the Secretary determines that under the approved plan:

3 (i) the municipality is achieving the per capita disposal rate in the
4 State Solid Waste Plan; and

5 (ii) the municipality is progressing toward meeting the diversion
6 goal in the State Solid Waste Plan in a manner that is substantially equivalent
7 to that of municipalities complying with the requirements of subdivision (1)(A)
8 of this subsection (g);

9 (C) the approved plan delineates an area where solid waste
10 management services required by subdivision (1)(A), (B)₂ or (C) of this
11 subsection (g) are not required; and

12 ~~(C)~~(D) in the delineated area, alternatives to the services, including
13 ~~on-site~~ on-site management, required under subdivision (1)(A), (B)₂ or (C) of
14 this subsection (g) are offered, the alternative services have capacity to serve
15 the needs of all residents in the delineated area, and the alternative services are
16 convenient to residents of the delineated area.

17 (h) A transporter certified under this section that offers the collection of
18 municipal solid waste may not charge a separate line item fee on a bill to a
19 residential customer for the collection of mandated recyclables, provided that a
20 transporter may charge a fee for all service calls, stops, or collections at a
21 residential property and a transporter may charge a tiered or variable fee based

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1 on the size of the collection container provided to a residential customer or the
2 amount of waste collected from a residential customer. A transporter certified
3 under this section may incorporate the cost of the collection of mandated
4 recyclables into the cost of the collection of solid waste and may adjust the
5 charge for the collection of solid waste. A transporter certified under this
6 section that offers the collection of solid waste may charge a separate fee for
7 the collection of leaf and yard residuals or food residuals from a residential
8 customer.

9 * * * Solid Waste Infrastructure Advisory Committee * * *

10 Sec. 7. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE

11 (a) The Secretary of Natural Resources shall convene a Solid Waste
12 Infrastructure Advisory Committee to review the current solid waste
13 management infrastructure in the State, evaluate the sufficiency of existing
14 solid waste management infrastructure to meet the requirements of subsection
15 6605(j) of this title, and recommend development or construction of new solid
16 waste management infrastructure in the State.

17 (b) The Solid Waste Infrastructure Advisory Committee shall be composed
18 of the Secretary of Natural Resources or his or her designee and the following
19 members, to be appointed by the Secretary of Natural Resources:

20 (1) three representatives of the solid waste management districts or other
21 solid waste management entities in the State;

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1 (2) one representative of a solid waste collector that owns or operates a
2 material recovery facility;

3 (3) two representatives of solid waste commercial haulers, provided that
4 one of the commercial haulers shall serve rural or underpopulated areas of the
5 State;

6 (4) one representative of recyclers of food residuals or leaf and yard
7 residuals; and

8 (5) one Vermont institution or business subject to the requirements
9 under subsection 6605(j) of this title for the management of food residuals.

10 (c) The Solid Waste Infrastructure Advisory Committee shall:

11 (1) review the existing systems analysis of the State waste stream to
12 determine whether the existing solid waste management facilities operating in
13 the State provide sufficient services to comply with the requirements of
14 subsection 6605(j) of this title, and meet any demand for services;

15 (2) summarize the locations or service sectors where the State lacks
16 sufficient infrastructure or resources to comply with the requirements of and
17 demand generated by subsection 6605(j) of this title, including the
18 infrastructure necessary in each location;

19 (3) estimate the cost of constructing the necessary infrastructure
20 identified under subdivision (2) of this subsection; and

