

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; Pilot Project * * *

8 Sec. 1. FINDINGS

9 The General Assembly finds that, for the purposes of Secs. 1–2 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, sheetrock, 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.

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 sheetrock, metal, shingles,
6 clean wood, and treated or painted wood derived from the construction or
7 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 the construction and demolition waste
16 from the project to a certified solid waste facility for recycling; or

17 (2) arrange for a method of disposition of the architectural waste that the
18 Secretary of Natural Resources deems appropriate as an end use.

19 (c) Transition; application. The requirements of this section shall not apply
20 to a commercial project subject to a contract entered into on or before

1 January 1, 2015 for the disposal or recycling of architectural waste from the
2 project.

3 (d) Report. On or before January 1, 2017, the Secretary of Natural
4 Resources, after consultation with interested persons, shall submit to the
5 Senate and House Committees on Natural Resources and Energy a report
6 regarding architectural waste recycling in the State. The report shall include:

7 (1) a summary of the implementation of the requirements of this section
8 for the recycling of architectural waste;

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

11 (3) whether viable markets exist for the cost-effective recycling or reuse
12 of components of waste from commercial development projects other than
13 architectural waste;

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

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

18 (e) Guidance on separation of hazardous materials. The Secretary of
19 Natural Resources shall publish informational material regarding the need for a
20 solid waste facility that recycles architectural waste to manage properly and

1 provide for the disposition of hazardous waste and hazardous material in
2 construction and demolition waste delivered to a facility.

3 * * * **Solid Waste Management Facility Certification** * * *

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

5 **§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION**

6 * * *

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

9 * * *

10 (l) A facility certified under this section that offers the collection of
11 municipal solid waste shall not charge a separate fee for the collection of
12 mandated recyclables. A facility certified under this section may incorporate
13 the cost of the collection of mandated recyclables into the cost of the collection
14 of municipal solid waste and may adjust the charge for the collection of
15 municipal solid waste. A facility certified under this section may charge a
16 separate fee for the collection of leaf and yard residuals or food residuals. If a
17 facility collects mandated recyclables from a commercial hauler, the facility
18 may charge a fee for the collection of those mandated recyclables.

19 **Sec. 4. 10 V.S.A. § 6605c(a) is amended to read:**

20 (a) Notwithstanding sections 6605, 6605f, and 6611 of this title, no person
21 may construct, substantially alter, or operate any categorical solid waste

1 facility without first obtaining a certificate from the Secretary. Certificates
2 shall be valid for a period not to exceed ~~five~~ 10 years.

3 * * * Solid Waste Transporters; Mandated Recyclables * * *

4 Sec. 5. 10 V.S.A. § 6607a is amended to read:

5 § 6607a. WASTE TRANSPORTATION

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

14 (b) As used in this section:

15 (1) “Commercial hauler” means:

16 (A) any person that transports regulated quantities of hazardous
17 waste; and

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

20 (2) The commercial hauler required to obtain a permit under this section
21 is the legal or commercial entity that is transporting the waste, rather than the

1 individual employees and subcontractors of the legal or commercial entity. In
2 the case of a sole proprietorship, the sole proprietor is the commercial entity.

3 * * *

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

7 (A) Beginning July 1, 2015, offer to collect mandated recyclables
8 separated from other solid waste and deliver mandated recyclables to a facility
9 maintained and operated for the management and recycling of mandated
10 recyclables.

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

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

19 (2) In a municipality that has adopted a solid waste management
20 ordinance addressing the collection of mandated recyclables, leaf and yard
21 residuals, or food residuals, a transporter in that municipality is not required to

1 comply with the requirements of subdivision (1) of this subsection and
2 subsection (h) of this section for the material addressed by the ordinance if the
3 ordinance:

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

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

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

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

12 (A) the Secretary has approved a solid waste implementation plan for
13 the municipality;

14 (B) the approved plan would need to demonstrate achievement of the
15 goal in the State Solid Waste Plan for the per capita disposal rate, while
16 making adequate progress towards meeting the diversion goal in the State
17 Solid Waste Plan;

18 (C) the approved plan delineates an area where solid waste
19 management services required by subdivision (1)(A), (B), or (C) of this
20 subsection are not required; and

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

6 * * * Solid Waste Infrastructure Advisory Committee * * *

7 Sec. **6**. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

19 (4) review options for generating the revenue sufficient to fund the costs
20 of constructing necessary infrastructure.

