

1 TO THE HONORABLE SENATE:

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 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 \* \* \* Construction and Demolition Waste; Pilot Project \* \* \*

8 Sec. 1. FINDINGS

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

10 (1) Construction and demolition waste create significant issues for the  
11 capacity and operation of landfills in the State.

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

15 (3) Substantial opportunity exists in Vermont for the recovery and  
16 recycling of certain materials in the construction and demolition waste stream,  
17 including wood, sheetrock, asphalt shingles, and metal.

18 (4) To reduce the amount of construction and demolition waste in  
19 landfills and improve materials recovery, the construction industry should  
20 attempt to recover as much construction and demolition waste as possible from  
21 the overall waste stream.

1           (5) To initiate and facilitate the recycling of construction and demolition  
2           waste, a pilot program should be established to promote increased recycling  
3           and reuse of construction and demolition waste, inform interested parties of  
4           recycling and reuse opportunities, and evaluate the costs and effectiveness of  
5           construction and demolition waste recycling in the State.

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

7           § 6605m. CONSTRUCTION AND DEMOLITION WASTE; PILOT

8                           PROJECT

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

11           (1) “Commercial project” means construction, renovation, or demolition  
12           of a commercial building or of a residential building with two or more  
13           residential units.

14           (2) “Construction and demolition waste” means waste derived from the  
15           construction or demolition of buildings, roadways, or structures, including  
16           clean wood, treated or painted wood, plaster, sheetrock, roofing paper and  
17           shingles, insulation, glass, stone, soil, flooring materials, brick, concrete,  
18           masonry, mortar, incidental metal, furniture, and mattresses. Construction and  
19           demolition waste shall not mean asbestos waste, regulated hazardous waste,  
20           hazardous waste generated by households, hazardous waste from conditionally

1 exempt generators, or any material banned from landfill disposal under section  
2 6621a of this title.

3 (b) Materials recovery requirement. Beginning on or after July 1, 2014, if a  
4 person produces 40 cubic yards or more of construction and demolition waste  
5 at a commercial project located within 20 miles of a solid waste facility that  
6 recycles construction and demolition waste and meets the requirements of  
7 subsection (c) of this section, the person shall:

8 (1) arrange for the transfer of the construction and demolition waste  
9 from the project to a solid waste facility that recycles construction and  
10 demolition waste, provided that the facility meets the requirements of  
11 subsection (c) of this section; or

12 (2) arrange for a method of disposition of the construction and  
13 demolition waste that the Secretary of Natural Resources deems appropriate as  
14 an end use.

15 (c) Minimum requirements of facility. For the purposes of this section, a  
16 solid waste facility that recycles construction and demolition waste under this  
17 section:

18 (1) shall dispose of 50 percent or less of the construction and demolition  
19 waste received at the facility in a solid waste landfill as indicated by the  
20 facility's previous quarterly report to the Secretary of Natural Resources;

1           (2) shall not charge a fee for construction and demolition waste that  
2           exceeds the published gate rate for trash disposal at the facility; and

3           (3) may dispose of residuals generated from the processing or recycling  
4           of construction and demolition waste at a certified solid waste landfill.

5           (d) Calculation of bulk material.

6           (1) Concrete, asphalt, brick, and other similar bulk materials shall not be  
7           calculated as construction and demolition waste for the purposes of  
8           determining under subsection (b) of this section if 40 cubic yards of  
9           construction and demolition waste is generated at a commercial project.

10           (2) Concrete, asphalt, brick, and other similar bulk materials shall not be  
11           included in the calculation under subsection (c) of this section of the disposal  
12           rate at a solid waste facility that recycles construction and demolition waste,  
13           provided that:

14           (A) the bulk material is recycled or processed as part of a mixed load  
15           of construction and demolition waste; and

16           (B) the facility shall not recycle soil from a contaminated property  
17           unless the soil is suitably treated for use as clean fill.

18           (e) Transition; application. The requirements of this section shall not apply  
19           to a commercial project subject to a contract entered into on or before July 1,  
20           2014 for the disposal or recycling of the construction and demolition waste  
21           from the project.

1        (f) Report. On or before January 1, 2017, the Secretary of Natural  
2        Resources, after consultation with interested persons, shall submit to the  
3        Senate and House Committees on Natural Resources and Energy a report  
4        regarding the implementation of the construction and demolition waste pilot  
5        project. The report shall include:

6                (1) a summary of the implementation of the pilot project;

7                (2) an estimate of the amount of construction and demolition waste  
8        recycled or reused under the pilot project;

9                (3) the economic feasibility of continuing the pilot project, including  
10        whether viable markets exist for the cost-effective recycling or reuse of  
11        components of the construction and demolition waste stream; and

12                (4) a recommendation as to whether the pilot project should be  
13        permanent, and, if so, any recommended changes to the statutory requirements.

14        (g) Guidance on separation of hazardous materials. The Secretary of  
15        Natural Resources shall publish informational material regarding the need for a  
16        solid waste facility that recycles construction and demolition waste to manage  
17        properly and provide for the disposition of hazardous waste and hazardous  
18        material in construction and demolition waste delivered to a facility.

19        Sec. 3. REPEAL

20        10 V.S.A. § 6605m (construction and demolition waste pilot project) shall  
21        be repealed on July 1, 2017.

1                   \* \* \* Categorical Solid Waste Facility; Certification \* \* \*

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

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

7                   \* \* \* Solid Waste Transporters; Mandated Recyclables \* \* \*

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

9           § 6607a. WASTE TRANSPORTATION

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

18          (b) As used in this section:

19               (1) “Commercial hauler” means:

20                   (A) any person that transports regulated quantities of hazardous  
21                   waste; and

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

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

7 \* \* \*

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

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

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

19 (C) Beginning July 1, 2017, offer collection of food residuals  
20 separate from other solid waste and deliver to a location that manages food

1 residuals in a manner consistent with the priority uses established under  
2 subdivisions 6605k(a)(2)-(5) of this title.

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

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

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

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

14 (3) A transporter is not required to comply with the requirements of  
15 subdivision (1)~~(A)~~,~~(B)~~<sub>2</sub> or (C) of this subsection in a specified area within a  
16 municipality if:

17 (A) the Secretary has approved a solid waste implementation plan for  
18 the municipality;

19 (B) the approved plan delineates an area where solid waste  
20 management services required by subdivision (1)~~(A)~~,~~(B)~~<sub>2</sub> or (C) of this  
21 subsection are not required; and



1 (C) 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 \* \* \* Waste Management Assistance Fund; Solid Waste Franchise Tax \* \* \*

7 Sec. 6. 10 V.S.A. § 6618 is amended to read:

8 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

9 (a) There is hereby created in the State Treasury a fund to be known as the  
10 Waste Management Assistance Fund, to be expended by the Secretary of  
11 Natural Resources. The Fund shall have ~~three~~ four accounts: one for Solid  
12 Waste Management Assistance, one for Solid Waste Infrastructure Assistance,  
13 one for Hazardous Waste Management Assistance, and one for Electronic  
14 Waste Collection and Recycling Assistance. The Hazardous Waste  
15 Management Assistance Account shall consist of a percentage of the tax on  
16 hazardous waste under the provisions of 32 V.S.A. chapter 237, as established  
17 by the Secretary, the toxics use reduction fees under subsection 6628(j) of this  
18 title, and appropriations of the General Assembly. In no event shall the  
19 amount of the hazardous waste tax, which is deposited to the Hazardous Waste  
20 Management Assistance Account, exceed 40 percent of the annual tax receipts.  
21 The Solid Waste Management Assistance Account shall consist of 90 percent

1 of revenue from the franchise tax on waste facilities assessed under the  
2 provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the  
3 General Assembly. The Electronic Waste Collection and Recycling Account  
4 shall consist of the program and implementation fees required under section  
5 7553 of this title. The Solid Waste Infrastructure Assistance Account shall  
6 consist of 14 percent of the franchise tax on waste facilities assessed under the  
7 provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the  
8 General Assembly. All balances in the Fund accounts at the end of any fiscal  
9 year shall be carried forward and remain a part of the Fund Accounts, except as  
10 provided in subsection (e) of this section. Interest earned by the Fund shall be  
11 deposited into the appropriate fund account. Disbursements from the fund  
12 accounts shall be made by the State Treasurer on warrants drawn by the  
13 Commissioner of Finance and Management.

14 (b) The Secretary may authorize disbursements from the Solid Waste  
15 Management ~~assistance account~~ Assistance Account for the purpose of  
16 enhancing ~~Solid Waste Management~~ solid waste management in the State in  
17 accordance with the adopted waste management plan. This includes:

18 (1) ~~the~~ The costs of implementation planning, design, obtaining permits,  
19 construction, and operation of ~~state~~ State or regional facilities for the  
20 processing of recyclable materials and of waste materials that because of their

1 nature or composition create particular or unique environmental, health, safety,  
2 or management problems at treatment or disposal facilities;.

3 (2) ~~the~~ The costs of assessing existing landfills, and eligible costs for  
4 closure and any necessary steps to protect public health at landfills operating  
5 before January 1, 1987, provided those costs are the responsibility of the  
6 municipality or ~~Solid Waste Management~~ solid waste management district  
7 requesting assistance. The Secretary of Natural Resources shall adopt by  
8 procedure technical and financial criteria for disbursements of funds under this  
9 subdivision;.

10 (3) ~~the~~ The costs of preparing the State waste management plan;.

11 (4) ~~hazardous~~ Hazardous waste pilot projects consistent with this  
12 chapter;.

13 (5) ~~the~~ The costs of developing markets for recyclable material;.

14 (6) ~~the~~ The costs of the Agency of Natural Resources in administering  
15 ~~Solid Waste Management~~ solid waste management functions that may be  
16 supported by the Fund established in subsection (a) of this section;.

17 (7) a A portion of the costs of administering the ~~environmental division~~  
18 Environmental Division established under 4 V.S.A. chapter 27. The amount of  
19 \$120,000.00 per fiscal year shall be disbursed for this purpose;.

20 (8) ~~the~~ The costs, not related directly to capital construction projects,  
21 that are incurred by a district, or a municipality that is not a member of a

1 district, in the design and permitting of implementation programs included in  
2 the adopted ~~Solid Waste Implementation Plan~~ solid waste implementation plan  
3 of the district or of the municipality that is not a member of a district. These  
4 disbursements shall be issued in the form of advances requiring repayment.  
5 These advances shall bear interest at an annual rate equal to the interest rate  
6 which the State pays on its bonds. These advances shall be repaid in full by  
7 the grantee no later than 24 months after the advance is awarded.

8 (9) ~~the~~ The Secretary shall annually allocate 17 percent of the receipts of  
9 this account, based on the projected revenue for that year, for implementation  
10 of the Plan adopted pursuant to section 6604 of this title and ~~Solid Waste~~  
11 ~~Implementation Plans~~ solid waste implementation plans adopted pursuant to  
12 24 V.S.A. § 2202a.

13 (10) ~~the~~ The costs of the proper disposal of waste tires. Prior to  
14 disbursing funds under this subsection, the Secretary shall provide a person  
15 with notice and opportunity to dispose of waste tires properly. The Secretary  
16 may condition a disbursement under this subsection on the repayment of the  
17 disbursement. If a person fails to provide repayment subject to the terms of a  
18 disbursement, the Secretary may initiate an action against the person for  
19 repayment to the Fund or may record against the property of the person a lien  
20 for the costs of cleaning up waste tires at a property.

1 (c) The Secretary may authorize disbursements from the Hazardous Waste  
2 Management Assistance Account for the purpose of enhancing hazardous  
3 waste management in the State in accordance with this chapter. This includes:

4 (1) ~~The~~ the costs of supplementing the State Waste Management Plan  
5 with respect to hazardous waste management;

6 (2) ~~The~~ the costs of the Agency of Natural Resources in administering  
7 hazardous waste management functions that may be supported by the Fund  
8 established in subsection (a) of this section; and

9 (3) ~~The~~ the costs of administering the Hazardous Waste Facility Grant  
10 Program under section 6603g of this title.

11 (d) The Secretary shall annually allocate from the fund accounts the  
12 amounts to be disbursed for each of the functions described in subsections (b),  
13 (c), and (f) of this section. The Secretary, in conformance with the priorities  
14 established in this chapter, shall establish a system of priorities within each  
15 function when the allocation is insufficient to provide funding for all eligible  
16 applicants.

17 (e) The Secretary may allocate funds at the end of the fiscal year from the  
18 Solid Waste Management Assistance Account to the Fund, established  
19 pursuant to section 1283 of this title, upon a determination that the Funds  
20 available in the Environmental Contingency Fund are insufficient to meet the  
21 State's obligations pursuant to subdivision 1283(b)(9) of this title. Any

1 expenditure of funds transferred shall be restricted to funding the activities  
2 specified in subdivision 1283(b)(9) of this title. In no case shall the  
3 unencumbered balance of the Solid Waste Account following the transfer  
4 authorized under this subsection be less than \$300,000.00.

5 (f) The Secretary may authorize disbursements from the Solid Waste  
6 Infrastructure Assistance Account for the following:

7 (1) costs of solid waste districts, municipalities, or other private or  
8 public entities to construct solid waste management facilities or infrastructure  
9 identified by the Solid Waste Infrastructure Advisory Committee as necessary  
10 to comply with the requirements of subsection 6605(j) of this title, and meet  
11 any demand for the processing or recycling of mandated recyclables, leaf and  
12 yard residuals, or food residuals; and

13 (2) up to 50 percent of the costs to a commercial hauler or transporter  
14 certified under this chapter to acquire or modify a vehicle:

15 (A) when the hauler or transporter demonstrates to the Secretary the  
16 need for financial assistance; and

17 (B) the vehicle will be used to transport mandated recyclables, leaf  
18 and yard residuals, or food residuals in rural or under populated areas of the  
19 State.

20 Sec. 7. 32 V.S.A. § 5952 is amended to read:

21 § 5952. IMPOSITION OF TAX

1           (a)(1) A tax is imposed for each calendar quarter or part thereof upon the  
2 franchise or privilege of doing business of every person required by 10 V.S.A.  
3 chapter 159 to obtain certification for a facility. The tax shall be imposed in  
4 the amount of ~~\$6.00~~ \$7.00 per ton of waste delivered for disposal or  
5 incineration at the facility, regardless of the amount charged by the operator to  
6 recoup its expenses of operation, including the expense of this tax.

7           (2) The tax shall be similarly imposed on waste delivered to a transfer  
8 facility for shipment to an incinerator or other treatment facility or disposal  
9 facility that is located outside the ~~state~~ State. However, if the transfer station is  
10 located within a district which is authorized by an interstate compact to enter  
11 into cooperative agreements with a district in another state, the tax shall only  
12 be imposed if the treatment or disposal facility is located outside the ~~state~~ State  
13 and also outside the cooperating district in another state. For purposes of this  
14 determination, a treatment or disposal facility may be considered to be located  
15 within a district only if that district existed before July 1, 1987.

16           (3) The tax shall be similarly imposed on waste shipped to an  
17 incinerator or other treatment facility or disposal facility that is located outside  
18 the ~~state~~ State, without having been delivered to a transfer station located in  
19 this ~~state~~ State. In this situation, the tax is imposed for each calendar quarter or  
20 part thereof upon the franchise or privilege of doing business of every person  
21 regulated under 10 V.S.A. § 6607a as a commercial hauler of solid waste. This

1 tax shall not be imposed on waste exempt under subdivision (2) of this  
2 subsection.

3 (b) The tax imposed by this section shall be in addition to any other taxes  
4 imposed on the taxpayer.

5 (c) If a return required by this chapter is not filed, or if a return, when filed,  
6 is incorrect or insufficient, the ~~commissioner~~ Commissioner shall determine  
7 the amount of tax due from any information available. If adequate information  
8 is not available to determine the tax otherwise due under this section, the  
9 ~~commissioner~~ Commissioner may assess a tax at the rate of \$3.50 per year per  
10 person served by the facility. The number of persons served by a facility shall  
11 be determined by the ~~commissioner~~ Commissioner based upon any available  
12 information and with regard given to seasonal and recreational use.

13 (d) Every person required to pay the tax imposed by this subchapter shall  
14 use a weight scale that accurately gauges the weight of the waste and shall  
15 keep accurate contemporaneous records of the volume or weight of all waste  
16 delivered for disposal; provided, however, that a landfill receiving less than  
17 1,000 tons of municipal solid waste per year which does not have scales which  
18 accurately gauge the weight of the waste may compute weight indirectly from  
19 volume using accurate records of the volume of waste delivered for disposal  
20 and a conversion rate approved by the ~~commissioner~~ Commissioner. The  
21 taxpayer's records relating to imposition of the tax imposed by this subchapter



1 shall be available for inspection or examination at any time upon demand by  
2 the ~~commissioner of taxes~~ Commissioner of Taxes or the ~~secretary of the~~  
3 ~~agency of natural resources,~~ Secretary of Natural Resources or their duly  
4 authorized agents or employees and shall be preserved for a period of three  
5 years.

6 Sec. 8. 10 V.S.A. § 6618 is amended to read:

7 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

8 (a) There is hereby created in the State Treasury a fund to be known as the  
9 Waste Management Assistance Fund, to be expended by the Secretary of  
10 Natural Resources. The Fund shall have ~~four~~ three accounts: one for Solid  
11 Waste Management Assistance, ~~one for Solid Waste Infrastructure Assistance,~~  
12 one for Hazardous Waste Management Assistance, and one for Electronic  
13 Waste Collection and Recycling Assistance. The Hazardous Waste  
14 Management Assistance Account shall consist of a percentage of the tax on  
15 hazardous waste under the provisions of 32 V.S.A. chapter 237, as established  
16 by the Secretary, the toxics use reduction fees under subsection 6628(j) of this  
17 title, and appropriations of the General Assembly. In no event shall the  
18 amount of the hazardous waste tax, which is deposited to the Hazardous Waste  
19 Management Assistance Account, exceed 40 percent of the annual tax receipts.  
20 The Solid Waste Management Assistance Account shall consist of ~~90 percent~~  
21 ~~of revenue from~~ the franchise tax on waste facilities assessed under the

1 provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the  
2 General Assembly. The Electronic Waste Collection and Recycling Account  
3 shall consist of the program and implementation fees required under section  
4 7553 of this title. ~~The Solid Waste Infrastructure Assistance Account shall~~  
5 ~~consist of 10 percent of the franchise tax on waste facilities assessed under the~~  
6 ~~provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the~~  
7 ~~General Assembly.~~ All balances in the Fund accounts at the end of any fiscal  
8 year shall be carried forward and remain a part of the Fund Accounts, except as  
9 provided in subsection (e) of this section. Interest earned by the Fund shall be  
10 deposited into the appropriate fund account. Disbursements from the fund  
11 accounts shall be made by the State Treasurer on warrants drawn by the  
12 Commissioner of Finance and Management.

13 \* \* \*

14 (f) ~~The Secretary may authorize disbursements from the Solid Waste~~  
15 ~~Infrastructure Assistance Account for the following:~~

16 (1) ~~costs of solid waste districts, municipalities, or other private or~~  
17 ~~public entities to construct solid waste management facilities to accept,~~  
18 ~~process, or recycle mandated recyclables, leaf and yard residuals, or food~~  
19 ~~residuals; and~~

20 (2) ~~costs of commercial haulers or transporters certified under this~~  
21 ~~chapter to acquire or modify vehicles intended to transport mandated~~

1 ~~recyclables, leaf and yard residuals, or food residuals, provided that assistance~~  
2 ~~under this fund shall be limited to 50 percent per vehicle for which the~~  
3 ~~commercial hauler or transporter applies for assistance.~~ [Repealed.]

4 \* \* \* Solid Waste Infrastructure Advisory Committee \* \* \*

5 Sec. 9. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

18           (d) Report. On or before January 15, 2015 and annually thereafter, the  
19           Solid Waste Infrastructure Advisory Committee shall submit to the Senate and  
20           House Committees on Natural Resources and Energy a report with an  
21           accounting of disbursements from the Solid Waste Infrastructure Assistance

1 Fund, a summary of the financial stability of the Fund, and any  
2 recommendations for legislative action. The report submitted to the General  
3 Assembly on January 15, 2015 under this subsection shall include the  
4 information and data developed under subsection (c) of this section.

5 \* \* \* Municipal Participation in Solid Waste District \* \* \*

6 Sec. 10. 24 V.S.A. § 2202a is amended to read:

7 § 2202a. MUNICIPALITIES-RESPONSIBILITIES FOR SOLID WASTE

8 (a) Municipalities are responsible for joining a solid waste district for the  
9 purpose of the management and regulation of the storage, collection,  
10 processing, and disposal of solid wastes within their jurisdiction in  
11 conformance with the State Solid Waste Management Plan authorized under  
12 10 V.S.A. chapter 159. ~~Municipalities~~ Solid waste districts may issue  
13 exclusive local franchises and may make, amend, or repeal rules necessary to  
14 manage the storage, collection, processing, and disposal of solid waste  
15 materials within their limits and impose penalties for violations thereof,  
16 provided that the rules are consistent with the State Plan and rules adopted by  
17 the Secretary of Natural Resources under 10 V.S.A. chapter 159. A fine may  
18 not exceed \$1,000.00 for each violation. This section shall not be construed to  
19 permit the existence of a nuisance.

20 (b) ~~Municipalities~~ Solid waste districts may satisfy the requirements of the  
21 State Solid Waste Management Plan and the rules of the Secretary of Natural

1 Resources through agreement between any other unit of government or any  
2 operator having a permit from the Secretary, as the case may be.

3 (c)(1) ~~No later than~~ On or before July 1, 1988 2016, each municipality, as  
4 defined in subdivision 4303(12) of this title, shall join or participate in a solid  
5 waste management district organized pursuant to chapter 121 of this title ~~no~~  
6 ~~later than January 1, 1988 or participate in a regional planning commission's~~  
7 ~~planning effort for purposes of solid waste implementation planning, as~~  
8 ~~implementation planning is defined in 10 V.S.A. § 6602.~~

9 (2) ~~No later than July 1, 1990 each regional planning commission shall~~  
10 ~~work on a cooperative basis with municipalities within the region to prepare a~~  
11 ~~solid waste implementation plan for adoption by all of the municipalities~~  
12 ~~within the region which are not members of a solid waste district, that~~  
13 ~~conforms to the State Waste Management Plan and describes in detail how the~~  
14 ~~region will achieve the priorities established by 10 V.S.A. § 6604(a)(1). A~~  
15 ~~solid waste implementation plan adopted by a municipality that is not a~~  
16 ~~member of a district shall not in any way require the approval of a district. The~~  
17 Secretary shall not approve a solid waste implementation plan submitted by a  
18 person or entity other than a solid waste management district. ~~No later than~~ On  
19 or before July 1, 1990, each solid waste district shall adopt a solid waste  
20 implementation plan that conforms to the State Waste Management Plan,  
21 describes in detail how the district will achieve the priorities established by

1 10 V.S.A. § 6604(a), and is in conformance with any regional plan adopted  
2 pursuant to chapter 117 of this title. Municipalities or solid waste management  
3 districts that have contracts in existence as of January 1, ~~1987~~ 2016, which  
4 contracts are inconsistent with the requirement to join a solid waste  
5 management district, the State Solid Waste Plan ~~and~~, or the priorities  
6 established in 10 V.S.A. § 6604(a), shall not be required to breach those  
7 contracts, provided they make good faith efforts to renegotiate those contracts  
8 in order to comply. ~~The Secretary may extend the deadline for completion of a~~  
9 ~~plan upon finding that despite good faith efforts to comply, a regional planning~~  
10 ~~commission or solid waste management district has been unable to comply,~~  
11 ~~due to the unavailability of planning assistance funds under 10 V.S.A.~~  
12 ~~§ 6603b(a) or delays in completion of a landfill evaluation under 10 V.S.A.~~  
13 ~~§ 6605a.~~

14 (3) A municipality that does not join or participate in a solid waste  
15 management district as ~~provided~~ required in this subsection shall not be  
16 eligible for State funds from the Solid Waste Management Assistance Account  
17 or the Solid Waste Infrastructure Assistance Account to plan and construct  
18 solid waste facilities, nor can it use facilities certified for use by the region or  
19 by the solid waste management district.

20 \* \* \*

1           \* \* \* Municipal Reporting Regarding Solid Waste Management \* \* \*

2           Sec. 11. 24 V.S.A. § 2202b is added to read:

3           § 2202b. SOLID WASTE DISTRICT REPORTING; SOLID WASTE  
4                                   MANAGEMENT

5           (a) Beginning July 1, 2016 and annually thereafter, a solid waste district,  
6           individually or through a solid waste management district by the Secretary of  
7           Natural Resources, shall submit the following data to the Secretary of Natural  
8           Resources:

9                   (1) the number and type of solid waste collection facilities owned,  
10           operated, or used by the solid waste district;

11                   (2) a list of the commercial haulers doing business in the solid waste  
12           district and the services provided by each commercial hauler;

13                   (3) the total weight of the following collected in the solid waste district  
14           in the preceding year:

15                           (A) mandated recyclables;

16                           (B) leaf and yard residuals; and

17                           (C) food residuals.

18                   (4) the collection services that the solid waste district offers for  
19           construction and demolition materials, and, if collection services are provided:

20                           (A) the total weight of construction and demolition debris collected  
21           in the solid waste district in the preceding year;



1           (B) whether the solid waste district has established a program for the  
2           recycling of clean wood and, if so, the total weight of clean wood collected;

3           (C) whether the solid waste district has established a program for the  
4           recycling of asphalt shingles and, if so, the total weight of asphalt shingles  
5           collected; and

6           (D) whether the solid waste district has established a drywall  
7           collection program and, if so, the total weight of drywall collected;

8           (5) the collection services provided for household hazardous waste and  
9           conditionally exempt generator waste, including:

10           (A) whether the solid waste district provides year-round access to a  
11           permanent facility for the collection of household hazardous waste and  
12           conditionally exempt generator waste; and

13           (B) if a permanent facility is not available under subdivision (5)(A)  
14           of this subsection (a), the number and type of collection events in the  
15           preceding year provided for household hazardous waste and conditionally  
16           exempt generator waste; and

17           (6) a summary of how biosolids and septage are managed within the  
18           solid waste district.

19           (b) The Secretary of Natural Resources shall compile the data provided  
20           under subsection (a) of this section. Notwithstanding the requirements of  
21           2 V.S.A. § 20(d), beginning January 1, 2017 and annually thereafter, the

1 Secretary shall submit the compiled data to the Senate and House Committees  
2 on Natural Resources and Energy.

3 \* \* \* Effective Dates \* \* \*

4 Sec. 12. EFFECTIVE DATES

5 This act shall take effect on July 1, 2014, except that Sec. 8 (repeal of solid  
6 waste infrastructure assistance account) shall take effect on January 1, 2021.

7

8

9 (Committee vote: \_\_\_\_\_)

10

\_\_\_\_\_

11

Senator \_\_\_\_\_

12

FOR THE COMMITTEE

13