

**S.208 – An Act Relating to Solid Waste Management: Comparison of bill as Passed the House and Senate
5/5/14**

Sec.	S.208 As Passed House	Sec.	S.208 As Passed Senate
Architectural Waste/Construction and Demolition Waste Program			
1.	<p><u>Findings section for architectural waste.</u></p> <p>First four subdivisions are similar to Senate passed findings, except for removal of reference to the term construction and demolition waste.</p>	1.	<p><u>Findings section for Construction and Demolition Waste; Pilot Project.</u></p> <ul style="list-style-type: none"> • Similar to House findings, except that Senate includes a subdivision (5) noting the need to establish a pilot program. • The House language is not a pilot program.
2.	<p><u>Architectural Waste Recycling Program</u></p> <ul style="list-style-type: none"> • Defines “architectural waste” as discarded drywall, metal, asphalt shingles, clean wood, and treated or painted wood derived from the construction or demolition of buildings or structures. • House limited the definitions/program to those materials with markets for recycling. • Commercial project defined the same as the Senate. • Beginning January 1, 2015, a person who produces 40 cubic yards or more of architectural waste at a commercial project located within 20 miles of a solid waste facility that recycles architectural waste shall: <ol style="list-style-type: none"> 1) arrange for the transfer of the waste to a solid waste facility that recycles architectural waste; or 2) arrange for a method of disposition approved by ANR. 	2.	<p><u>Construction and Demolition Waste Pilot Project.</u></p> <ul style="list-style-type: none"> • “Construction and demolition waste” means waste derived from the construction or demolition of buildings, roadways, or structures, including clean wood, treated or painted wood, plaster, sheetrock, roofing paper and shingles, insulation, glass, stone, soil, flooring materials, brick, concrete, masonry, mortar, incidental metal, furniture, and mattresses. Construction and demolition waste shall not mean asbestos waste, hazardous waste, or any material banned from landfill disposal under 10 VSA 6621a. • A commercial project means construction or demolition of a commercial building or a residential building with 2 or more units. • Beginning July 1, 2014, a person who produces 40 cubic yards or more of C&D waste at a commercial project shall recycle the C&D waste if a qualifying solid waste facility that recycles C&D waste is located within 20 miles of the commercial project.

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	<ul style="list-style-type: none"> ANR can waive a recycling requirement for a component of architectural waste if no markets exists for its recycling. 		<ul style="list-style-type: none"> A solid waste facility qualifies under the bill if it disposes of 50% or less of the C&D waste delivered to the facility and it does not charge a fee for processing C&D wastes that exceeds the published gate rate for solid waste. Bulk material—concrete, brick, etc—in C&D waste shall not count toward the 40 cubic yard threshold, and will not be calculated as disposed waste at a facility if processed as part of a mixed load. The C&D pilot project does not apply to commercial projects with a contract for waste disposal entered into before July 1, 2014. ANR reports back Jan. 1, 2017 with progress on the C&D pilot project. The report shall include: 1) whether it is an economically feasible program; and 2) a recommendation whether it should be permanent.
3.	<p><u>ANR Report on Architectural Waste</u></p> <ul style="list-style-type: none"> ANR reports back Jan. 1, 2017 with progress on requirements for architectural waste recycling. The report shall include: 1) a summary of the program; 2) an estimate of the amount of architectural waste recycled; 3) whether viable markets exists for additional components from construction projects; 4) a recommendation of whether architectural waste should be banned from landfills; and 5) any other recommended changes. 		ANR report for C&D Waste is in Sec. 1.
	Not in House bill. Architectural waste program is not a pilot program.	3.	<p><u>Repeal of C&D Waste Pilot Project</u></p> <p>C&D Waste Pilot Project repealed on July 1, 2017.</p>

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Solid Waste Management Facility Certification			
4.	<u>Amendment to Solid Waste Facility Certification.</u> <ul style="list-style-type: none"> • Corrects an error from Act 148 in 2012. The term “municipal” before “solid waste” was struck in a floor amendment. “Municipal solid waste” is a term of art and “municipal” was added back to the language for certification of solid waste facilities. 		Not in Senate Bill.
5.	Same as the Senate bill.	4.	<u>Term of categorical solid waste facility certification.</u> <ul style="list-style-type: none"> • Extends the permit term from 5 years to 10 years for categorical solid waste facilities. • These facilities manage low hazard waste, such as stump dumps and road construction waste. • The permit term for other solid waste management facilities, such as landfills, is 10 years.
Solid Waste Transporters			
6.	<u>Requirements for Solid Waste Haulers.</u> <ul style="list-style-type: none"> • Struck one-ton vehicle exemption from permit requirement for commercial haulers. • Authorizes exemption for haulers from the requirement to collect mandated recyclables when collecting solid waste. • Includes Senate conditions for the exemption, but also requires municipality to be achieving the per capita disposal rate from the State Solid Waste Plan, and the municipality must demonstrate progress toward meeting the diversion goal in State plan. 	5.	<u>Requirements for Solid Waste Haulers</u> <ul style="list-style-type: none"> • Struck one-ton vehicle exemption from permit requirement for commercial haulers • Authorizes an exemption for waste haulers from the requirement that they collect mandated recyclables when collecting solid waste. • The exemption applies in a municipality with an approved solid waste plan that designates an area where collection of mandated recyclables is not required and where there are alternatives for recycling of mandated recyclables.

Sec.	S.208 As Passed House	Sec.	S.208 As Passed Senate
Waste Management Assistance Fund; Solid Waste Franchise Tax			
	Not in House Bill.	6.	<p data-bbox="1244 316 1851 349"><u>Solid Waste Infrastructure Assistance Account</u></p> <ul data-bbox="1244 373 1968 828" style="list-style-type: none"> • Establishes a Solid Waste Infrastructure Assistance Account in the Waste Management Assistance Fund. • The Infrastructure Assistance Account will be used to provide financial assistance to: (1) solid waste districts for infrastructure necessary to comply with Act 148; or (2) waste haulers to buy the motor vehicles necessary to comply with Act 148. • 14% of the Solid Waste Franchise Tax would be deposited in the Infrastructure Assistance Account. • 86% of the Solid Waste Franchise Tax would be deposited in the Infrastructure Assistance Account.
	Not in House Bill	7.	<p data-bbox="1244 933 1596 966"><u>Solid Waste Franchise Tax</u></p> <ul data-bbox="1244 990 1947 1055" style="list-style-type: none"> • Increases solid waste franchise tax from \$6.00 per ton to \$7.00 per ton.
	Not in House Bill	8.	<p data-bbox="1244 1161 1819 1193"><u>Repeal of Infrastructure Assistance Account</u></p> <ul data-bbox="1244 1218 1925 1323" style="list-style-type: none"> • Repeals the Infrastructure Assistance Account in 2021 after all requirements of Act 148 are implemented. (The tax increase is not repealed).

Sec.	S.208 As Passed House	Sec.	S.208 As Passed Senate
Solid Waste Infrastructure Advisory Committee			
7.	Same as Senate Bill.	9.	<ul style="list-style-type: none"> • Establishes a 9 member Solid Waste Infrastructure Assistance Committee to evaluate the sufficiency of existing solid waste infrastructure in the State. • The Committee will make recommendations where additional infrastructure is needed, how much it will cost, and potential methods for revenue generation. • The Committee also will report to the General Assembly regarding the stability of the Solid Waste Infrastructure Assistance Account.
Greenup Checkoff			
7a.	<u>Greenup Checkoff</u> <ul style="list-style-type: none"> • Authorizes a Green Up checkoff on income tax returns. 		Not in Senate Bill.
ANR Report on Solid Waste Governance			
	Not in House Bill.	10.	<u>ANR Report on Solid Waste Governance</u> <ul style="list-style-type: none"> • On or before December 15, 2014, ANR shall report to General Assembly with recommendation of the most efficient and cost effective solid waste management governance systems for implementation of Act 148.

Sec.	S.208 As Passed House	Sec.	S.208 As Passed Senate
Solid Waste District Reporting			
	Not in House Bill.	11.	<p data-bbox="1244 321 1819 354"><u>Uniform Reporting by Solid Waste Districts</u></p> <ul style="list-style-type: none"> <li data-bbox="1244 378 1947 443">• Beginning July 1, 2016, a solid waste district shall submit specified data to ANR, including: <ul style="list-style-type: none"> <li data-bbox="1293 467 1959 532">○ The number and type of solid waste facilities in the district <li data-bbox="1293 557 1942 621">○ The commercial haulers doing business on the district <li data-bbox="1293 646 1932 743">○ The weight of mandated recyclables, leaf and yard residual, and food residuals collected by the solid waste district <li data-bbox="1293 768 1968 865">○ The collection services offered by the district for C&D waste, clean wood, asphalt shingles, or drywall. <li data-bbox="1293 889 1836 954">○ The collection activities for household hazardous waste <li data-bbox="1293 979 1964 1044">○ A summary of the biosolids or septage managed by the district <li data-bbox="1244 1068 1947 1133">• ANR shall compile data submitted by districts and report it to the General Assembly.
Effective Dates			
8	The act takes effect on July 1, 2014, except that Greenup Checkoff takes effect January 1, 2015.	12.	The act takes effect on July 1, 2014, except that repeal of solid waste assistance account shall take effect on January 1, 2021.