

1 S. 285

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; universal recycling

6 Statement of purpose of bill as introduced: This bill proposes to amend
7 requirements related to the management of solid waste, mandated recyclables,
8 leaf and yard residuals, and food residuals. The bill would eliminate the
9 requirement that solid waste facilities may be certified only if included in a
10 solid waste implementation plan. The bill would require solid waste facilities
11 to accept leaf and yard residuals only between April 1 and November 15 and
12 would require solid waste facility to collect food residuals if the facility is
13 located within 20 miles of a certified organics management facility that
14 manages food residuals. The bill also would eliminate the requirement that by
15 2020 all persons shall separate food residuals from other solid waste and
16 manage the food residuals on site or arrange for transport off site. In addition,
17 the bill would eliminate the requirement that commercial haulers must offer
18 collection services for leaf and yard residuals and food residuals, and the bill
19 would authorize commercial haulers to charge a separate fee for the collection
20 of mandated recyclables. Lastly, the bill would eliminate the requirement for

1 municipalities to implement a variable rate pricing system that charges for the
2 collection of municipal solid waste from a residential customer.

3 An act relating to universal recycling requirements

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

5 * * * Solid Waste Management Facility Requirements * * *

6 Sec. 1. 10 V.S.A. § 6605 is amended to read:

7 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

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

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

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

19 (C) the owner of the facility has submitted a sludge and septage
20 management plan to the Secretary and the Secretary has approved the plan.

1 Noncompliance with an approved sludge and septage management plan shall
2 constitute a violation of the terms of this chapter, as well as a violation under
3 chapters 201 and 211 of this title.

4 (2) Certification shall be valid for a period not to exceed 10 years.

5 * * *

6 (c) ~~The Secretary shall not issue a certification for a new facility or renewal~~
7 ~~for an existing facility, except for a sludge or septage land application project,~~
8 ~~unless it is included in an implementation plan adopted pursuant to 24 V.S.A. §~~
9 ~~2202a, for the area in which the facility is located. [Repealed.]~~

10 * * *

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

13 (1) Beginning on July 1, 2014, collect mandated recyclables separate
14 from other solid waste and deliver mandated recyclables to a facility
15 maintained and operated for the management and recycling of mandated
16 recyclables. A facility shall not be required to accept mandated recyclables
17 from a commercial hauler.

18 (2) Beginning on July 1, 2015, collect leaf and yard residuals between
19 April 1 and November 15 separate from other solid waste and deliver leaf and
20 yard residuals to a location that manages leaf and yard residuals in a manner

1 consistent with the priority uses established under subdivisions 6605k(a)(3)-(5)
2 of this title.

3 (3) Beginning on July 1, 2017, if located within 20 miles of a certified
4 organics management facility that manages food residuals, collect food
5 residuals separate from other solid waste and deliver food residuals to a
6 location that manages food residuals in a manner consistent with the priority
7 uses established under subdivisions 6605k(a)(2)-(5) of this title.

8 * * * Food Residuals Management * * *

9 Sec. 2. 10 V.S.A. § 6605k is amended to read

10 § 6605k. FOOD RESIDUALS; MANAGEMENT HIERARCHY

11 (a) It is the policy of the State that food residuals collected under the
12 requirements of this chapter shall be managed according to the following order
13 of priority uses:

- 14 (1) reduction of the amount generated at the source;
15 (2) diversion for food consumption by humans;
16 (3) diversion for agricultural use, including consumption by animals;
17 (4) composting, land application, and digestion; and
18 (5) energy recovery.

19 (b) A person who produces more than an amount identified under
20 subsection (c) of this section in food residuals and is located within 20 miles of

1 a certified organics management facility that has available capacity and that is
2 willing to accept the food residuals shall:

3 (1) ~~Separate~~ separate food residuals from other solid waste, provided
4 that a de minimis amount of food residuals may be disposed of in solid waste
5 when a person has established a program to separate food residuals and the
6 program includes a component for the education of program users regarding
7 the need to separate food residuals; and

8 (2) ~~Arrange~~ arrange for the transfer of food residuals to a location that
9 manages food residuals in a manner consistent with the priority uses
10 established under subdivisions (a)(2)-(5) of this section or shall manage food
11 residuals on site.

12 (c) The following persons shall be subject to the requirements of subsection
13 (b) of this section:

14 (1) beginning on July 1, 2014, a person whose acts or processes produce
15 more than 104 tons per year of food residuals; and

16 (2) beginning on July 1, 2015, a person whose acts or processes
17 produce more than 52 tons per year of food residuals;

18 ~~(3) beginning July 1, 2016, a person whose acts or processes produce~~
19 ~~more than 26 tons per year of food residuals;~~

20 ~~(4) beginning July 1, 2017, a person whose acts or processes produce~~
21 ~~more than 18 tons per year of food residuals; and~~

1 ~~(5) beginning July 1, 2020, any person who generates any amount of~~
2 ~~food residuals.~~

3 * * * Commercial Hauler Requirements * * *

4 Sec. 3. 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 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.

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 (3) The Secretary shall not require a commercial hauler to obtain a
4 permit under this section, comply with the disclosure requirements of this
5 section, comply with the reporting and registration requirements of section
6 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

7 (A) the commercial hauler does not transport more than four cubic
8 yards of solid waste at any time; and

9 (B) the solid waste transportation services performed are incidental to
10 other nonwaste transportation-related services performed by the commercial
11 hauler.

12 * * *

13 (g)(1) Except as set forth in subdivisions (2), (3), ~~and (4)~~, and (5) of this
14 subsection, a commercial hauler that offers the collection of municipal solid
15 waste ~~shall~~:

16 (A) Beginning on July 1, 2015, shall offer to collect mandated
17 recyclables ~~separated~~ separate from other solid waste and deliver mandated
18 recyclables to a facility maintained and operated for the management and
19 recycling of mandated recyclables.

20 (B) Beginning on July 1, 2016, may offer to collect leaf and yard
21 residuals separate from other solid waste and deliver leaf and yard residuals to

1 a location that manages leaf and yard residuals in a manner consistent with the
2 priority uses established under subdivisions 6605k(a)(3)-(5) of this title.

3 (C) Beginning on July 1, 2018, may offer collection of food residuals
4 separate from other solid waste and deliver to a location that manages food
5 residuals in a manner consistent with the priority uses established under
6 subdivisions 6605k(a)(2)-(5) of this title.

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

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

14 (B) prohibits a resident from opting out of municipally provided solid
15 waste services; and

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

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

1 (A) the Secretary has approved a solid waste implementation plan for
2 the municipality;

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

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

7 (ii) the municipality demonstrates that its progress toward meeting
8 the diversion goal in the State Solid Waste Plan is substantially equivalent to
9 that of municipalities complying with the requirements of subdivision (1)(A)
10 of this subsection (g);

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

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

19 (4) A commercial hauler is not required to comply with the requirements
20 of subdivision (1)(A), (B), or (C) of this subsection for mandated recyclables,
21 leaf and yard residuals, or food residuals collected as part of a litter collection.

