

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was  
3 referred Senate Bill No. 285 entitled “An act relating to universal recycling  
4 requirements” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 \* \* \* Solid Waste Management Facility Requirements \* \* \*

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

10 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

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

18 (A) the treatment facility does not ~~utilize~~ use a process to ~~further~~  
19 reduce pathogens further in order to qualify for marketing and distribution; and

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

1 (C) the owner of the facility has submitted a sludge and septage  
2 management plan to the Secretary and the Secretary has approved the plan.  
3 Noncompliance with an approved sludge and septage management plan shall  
4 constitute a violation of the terms of this chapter, as well as a violation under  
5 chapters 201 and 211 of this title.

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

7 (b) Certification for a solid waste management facility, where appropriate,  
8 shall:

9 \* \* \*

10 (3)~~(A)~~ Specify the projected amount and types of waste material to be  
11 disposed of at the facility, which, in case of landfills and incinerators, shall  
12 include the following:

13 ~~(A)~~(i) if the waste is being delivered from a municipality that has an  
14 approved implementation plan, hazardous materials and recyclables shall be  
15 removed from the waste according to the terms of that implementation plan;

16 ~~(B)~~(ii) except as provided in subdivision (B) of this subdivision (3), if  
17 the waste is being delivered from a municipality that does not have an  
18 approved implementation plan, leaf and yard residuals shall be removed from  
19 the waste stream, and 100 percent of each of the following shall be removed  
20 from the waste stream: mandated recyclables, hazardous waste from  
21 households, and hazardous waste from small quantity generators.

1           (B) If waste delivered to the facility is process residuals from a  
2           material recovery facility, the facility receiving the waste shall not be required  
3           to remove 100 percent of mandated recyclables from the process residuals if  
4           the facility receiving the waste has a plan approved by the Secretary to remove  
5           mandated recyclables from the process residuals to the maximum extent  
6           practicable.

7                                   \* \* \*

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

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

15           (2) Beginning on July 1, 2015, collect leaf and yard residuals between  
16           April 1 and December 15 separate from other solid waste and deliver leaf and  
17           yard residuals to a location that manages leaf and yard residuals in a manner  
18           consistent with the priority uses established under subdivisions 6605k(a)(3)-(5)  
19           of this title.

20           (3) Beginning on July 1, 2017, collect food residuals separate from other  
21           solid waste and deliver food residuals to a location that manages food residuals

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

3 \* \* \*

4 (1) ~~A facility certified under this section that offers the collection of~~  
5 ~~municipal solid waste shall not charge a separate fee for the collection of~~  
6 ~~mandated recyclables.~~ A facility certified under this section may incorporate  
7 the cost of the collection of mandated recyclables into the cost of the collection  
8 of municipal solid waste and may adjust the charge for the collection of  
9 municipal solid waste. A facility certified under this section may charge a  
10 separate fee for the collection of mandated recyclables, leaf and yard residuals,  
11 or food residuals. ~~If a facility collects mandated recyclables from a~~  
12 ~~commercial hauler, the facility may charge a fee for the collection of those~~  
13 ~~mandated recyclables.~~

14 \* \* \*

15 \* \* \* Commercial Hauler Requirements \* \* \*

16 Sec. 2. 10 V.S.A. § 6607a is amended to read:

17 § 6607a. WASTE TRANSPORTATION

18 (a) A commercial hauler desiring to transport waste within the State shall  
19 apply to the Secretary for a permit to do so, by submitting an application on a  
20 form prepared for this purpose by the Secretary and by submitting the  
21 disclosure statement described in section 6605f of this title. These permits

1 shall have a duration of five years and shall be renewed annually. The  
2 application shall indicate the nature of the waste to be hauled. The Secretary  
3 may specify conditions that the Secretary deems necessary to assure  
4 compliance with State law.

5 (b) As used in this section:

6 (1) “Commercial hauler” means:

7 (A) any person that transports regulated quantities of hazardous  
8 waste; and

9 (B) any person that transports solid waste for compensation in a  
10 vehicle.

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

15 (3) The Secretary shall not require a commercial hauler to obtain a  
16 permit under this section, comply with the disclosure requirements of this  
17 section, comply with the reporting and registration requirements of section  
18 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

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

1 (B) the solid waste transportation services performed are incidental to  
2 other nonwaste transportation-related services performed by the commercial  
3 hauler.

4 \* \* \*

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

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

11 (B) ~~Beginning on 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 on July 1, 2018, 2020, offer collection of food  
16 residuals separate from other solid waste and deliver to a location that manages  
17 food 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 commercial hauler in that municipality is not

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

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

5 (B) prohibits a resident from opting out of municipally provided solid  
6 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 commercial hauler is not required to comply with the requirements  
10 of subdivision (1)(A), ~~(B)~~, ~~or (C)~~ or (B) of this subsection in a specified area  
11 within a municipality if:

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

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

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

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

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

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

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

13           (h) A commercial hauler certified under this section that offers the  
14 collection of municipal solid waste may not charge a separate line item fee on  
15 a bill to a residential customer for the collection of mandated recyclables,  
16 provided that a commercial hauler may charge a fee for all service calls, stops,  
17 or collections at a residential property and a commercial hauler may charge a  
18 tiered or variable fee based on the size of the collection container provided to a  
19 residential customer or the amount of waste collected from a residential  
20 customer. A commercial hauler certified under this section may incorporate  
21 the cost of the collection of mandated recyclables into the cost of the collection



1 of solid waste and may adjust the charge for the collection of solid waste. A  
2 commercial hauler certified under this section that offers the collection of solid  
3 waste may charge a separate fee for the collection of ~~leaf and yard residuals or~~  
4 food residuals from a residential customer.

5 (i) A commercial hauler that operates a bag-drop or fast-trash site at a fixed  
6 location to collect municipal solid waste shall offer at the site all collection  
7 services required under 10 V.S.A. § 6605(j).

8 Sec. 3. UNIVERSAL RECYCLING STAKEHOLDER GROUP;

9 COMMERCIAL HAULER SERVICES; FOOD RESIDUAL

10 COLLECTION SERVICES

11 (a) The Agency of Natural Resources has convened a Universal Recycling  
12 Stakeholder Group to provide valuable input, advice, and assistance to the  
13 Agency and the State in the implementation of 2012 Acts and Resolves  
14 No. 148 (Act 148). The work of the Stakeholder Group has been integral to  
15 the successful implementation of Act 148 and the work of the Stakeholder  
16 Group is commended by the General Assembly.

17 (b) As part of the ongoing Agency of Natural Resource's Universal  
18 Recycling Stakeholder Group, the Secretary of Natural Resources shall seek  
19 the input of the Stakeholder Group regarding the requirement under 10 V.S.A.  
20 § 6607a(g) that commercial solid waste haulers offer the service of collection

1 of food residuals separate from other solid waste beginning July 1, 2020. The  
2 Secretary shall request that the Stakeholder Group review whether:

3 (1) the requirements under subsection 6607a(g) should be amended so  
4 that commercial haulers are only required to offer collection of food residuals:

5 (A) in municipalities, solid waste management districts, or other  
6 areas based on population, housing, or route density; or

7 (B) based on other appropriate criteria specified by the Working  
8 Group.

9 (2) sufficient regional capacity to process food residuals is available to  
10 allow for the collection of food residuals by all commercial solid waste haulers  
11 beginning on July 1, 2020.

12 (b) The Secretary of Natural Resources, after consultation with the  
13 Universal Recycling Stakeholder Group, shall include in the report the Agency  
14 shall submit under 6604(b) of this title recommendations addressing  
15 subdivisions (a)(1) and (2) of this section.

16 \* \* \* Food Residual Management \* \* \*

17 Sec. 4. 10 V.S.A. § 6605k(b) is amended to read:

18 (b) A person who produces more than an amount identified under  
19 subsection (c) of this section in food residuals ~~and is located within 20 miles of~~  
20 ~~a certified organics management facility that has available capacity and that is~~  
21 ~~willing to accept the food residuals shall:~~

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

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

10                           \* \* \* Plastic Film Recycling; Unclaimed Beverage

11   Container Deposits \* \* \*

12           Sec. 5. AGENCY OF NATURAL RESOURCES REVIEW OF PRIVATE  
13                           PILOT PROJECT FOR THE RECYCLING OF PLASTIC FILM

14           (a) The Secretary of Natural Resources or designee shall provide written or  
15           oral testimony to the House Committee on Natural Resources, Fish, and  
16           Wildlife and the Senate Committee on Natural Resources and Energy in  
17           January 2019 and in January 2020 regarding the success of a pilot project  
18           funded by private beverage manufacturers and distributors and other private  
19           entities in the State for the collection and recycling of plastic film.

1        (b) The Secretary shall request from the pilot project information necessary  
2        for evaluation of the project, including:

3            (1) whether the pilot project was effectively implemented;

4            (2) the collection opportunities for plastic film, including convenience;

5            (3) the education or outreach provided regarding opportunities or  
6        methods for reducing the use or disposal of plastic film;

7            (4) costs to operate the pilot project; and

8            (5) any measurable reduction achieved in the amount of plastic film  
9        disposed of as solid waste.

10        (c) In the testimony required under subsection (a) of this section, the  
11        Secretary shall:

12            (1) summarize the effectiveness of the pilot project based on  
13        information collected under subsection (a);

14            (2) recommend whether the State should encourage the pilot project to  
15        continue; and

16            (3) recommend to what extent or at what percentage the unclaimed  
17        beverage container deposits should be allowed to be retained by beverage  
18        manufacturers or distributors to assist in paying for the costs of collection and  
19        recycling of plastic film or mandated recyclables.

20        (d) As used in this section:

1           (1) “Mandated recyclables” shall have the same meaning as in  
2           10 V.S.A. § 6601.

3           (2) “Plastic film” means single-use bags or coverings of consumer  
4           products made from plastic resins or derived from nonrenewable, petroleum-  
5           based feedstocks, including laundry or dry cleaning coverings, coverings or  
6           bags for clothes sold at retail, plastic film grocery sacks, plastic film shopping  
7           bags, fresh produce bags, and newspaper sleeves.

8           Sec. 6. 10 V.S.A. § 1530 is added to read:

9           § 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT  
10           TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND

11           (a) As used in this section, “deposit initiator” means the first distributor or  
12           manufacturer to collect the deposit on a beverage container sold to any person  
13           within the State.

14           (b) A deposit initiator shall open a separate interest-bearing account in a  
15           Vermont branch of a financial institution to be known as the deposit  
16           transaction account. The deposit initiator shall keep the deposit transaction  
17           account separate from all other revenues and accounts.

18           (c) Beginning on July 1, 2020, each deposit initiator shall deposit in its  
19           deposit transaction account the refund value established by section 1522 of this  
20           title for all beverage containers sold by the deposit initiator. The deposit  
21           initiator shall deposit the refund value for each beverage container in the

1 account not more than three business days after the date on which the beverage  
2 container is sold. All interest, dividends, and returns earned on the deposit  
3 transaction account shall be paid directly to the account. The deposit initiator  
4 shall pay all refunds on returned beverage containers from the deposit  
5 transaction account.

6 (d) Beginning on October 10, 2020, and quarterly thereafter, every deposit  
7 initiator shall report to the Secretary of Natural Resources and the  
8 Commissioner of Taxes concerning transactions affecting the deposit  
9 initiator's deposit transaction account in the preceding quarter. The deposit  
10 initiator shall submit the report on a form provided by the Commissioner of  
11 Taxes. The report shall include:

12 (1) the balance of the account at the beginning of the preceding quarter;

13 (2) the number of beverage containers sold in the preceding quarter and  
14 the number of beverage containers returned in the preceding quarter;

15 (3) the amount of beverage container deposits received by the deposit  
16 initiator and deposited into the deposit transaction account;

17 (4) the amount of refund payments made from the deposit transaction  
18 account in the preceding quarter;

19 (5) any income earned on the deposit transaction account in the  
20 preceding quarter;

1           (6) any other transactions, withdrawals, or service charges on the  
2           deposit transaction account from the preceding quarter; and

3           (7) any additional information required by the Commissioner of Taxes.

4           (e)(1) On or before October 10, 2020, and quarterly thereafter, each deposit  
5           initiator shall remit from its deposit transaction account to the Commissioner  
6           of Taxes any abandoned beverage container deposits from the preceding  
7           quarter. The amount of abandoned beverage container deposits for a quarter is  
8           the amount equal to the amount of deposits that should be in the deposit  
9           transaction account less the sum of:

10           (A) income earned on amounts on the account during that  
11           quarter; and

12           (B) the total amount of refund value paid out by the deposit initiator  
13           for beverage containers during that quarter.

14           (2) In any calendar quarter, the deposit initiator may submit to the  
15           Commissioner of Taxes a request for reimbursement of refunds paid under this  
16           chapter that exceed the funds that are or should be in the deposit initiator's  
17           deposit transaction account. The Commissioner of Taxes shall pay a request  
18           for reimbursement under this subdivision from the funds remitted to the  
19           Commissioner under subdivision (1) of this subsection, provided that:

1            (A) the Commissioner determines that the funds in the deposit  
2            initiator’s deposit transaction action are insufficient to pay the refunds on  
3            returned beverage containers; and

4            (B) a reimbursement paid by the Commissioner to the deposit  
5            initiator shall not exceed the amount paid by the deposit initiator under  
6            subdivision (1) of this subsection (e) in the preceding 12 months less amounts  
7            paid to the initiator pursuant to this subdivision (2) during that same 12-month  
8            period.

9            (f) The Secretary of Natural Resources may prohibit the sale of a beverage  
10           that is sold or distributed in the State by a deposit initiator who fails to comply  
11           with the requirements of this chapter. The Secretary may allow the sale of a  
12           beverage upon the deposit initiator’s coming into compliance with the  
13           requirements of this chapter.

14     \* \* \* Effective Dates \* \* \*

15            Sec. 7. EFFECTIVE DATES

16            (a) This act shall take effect on passage, except that Sec. 4 (food residuals)  
17            shall take effect on July 1, 2020.

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1 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE