

1 H.628

2 Introduced by Representative Lefebvre of Newark

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; recycling

6 Statement of purpose of bill as introduced: This bill proposes to amend  
7 requirements for the recycling of mandated recyclables, leaf and yard  
8 residuals, and food residuals. The bill would remove glass bottles and  
9 containers from the definition of mandated recyclables and would increase the  
10 scope of the beverage container redemption system to include wine and other  
11 alcoholic beverages. The bill would also amend the definition of solid waste  
12 management facility to include bag-drop or fast-trash sites. The bill would  
13 allow a solid waste management facility to charge a separate fee for the  
14 collection of mandated recyclables. The bill would strike the requirement that  
15 a person who produces more than 18 tons per year of food residuals arrange for  
16 their transfer to a facility that manages food residuals. The bill would also  
17 strike the requirement that commercial haulers, beginning on July 1, 2018,  
18 offer the service of collection of food residuals separate from other solid waste.  
19 In addition, the bill would exempt commercial haulers from collecting  
20 mandated recyclables and leaf and yard residuals in municipalities that meet  
21 specified criteria.

1 An act relating to universal recycling requirements

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

3 \* \* \* Glass Recycling \* \* \*

4 Sec. 1. 10 V.S.A. § 6602(29) is amended to read:

5 (29) “Mandated recyclable” means the following source separated  
6 materials: aluminum and steel cans; aluminum foil and aluminum pie plates;  
7 ~~glass bottles and jars from foods and beverages~~; polyethylene terephthalate  
8 (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles  
9 and jugs; corrugated cardboard; white and colored paper; newspaper;  
10 magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

11 Sec. 2. 10 V.S.A. § 1521 is amended to read:

12 § 1521. DEFINITIONS

13 ~~For the purpose of~~ As used in this chapter:

14 (1) “Beverage” means beer or other malt beverages ~~and~~<sub>2</sub> mineral waters,  
15 wine, mixed wine drink, soda water ~~and~~<sub>2</sub> carbonated soft drinks in liquid form  
16 and intended for human consumption, and all other alcoholic beverages not  
17 otherwise listed. As of January 1, 1990 “beverage” also shall mean liquor.

18 \* \* \*

19 (11) “Alcoholic beverages” shall have the same meaning as in

20 7 V.S.A. § 2.

1 Sec. 3. 10 V.S.A. § 1524 is amended to read:

2 § 1524. LABELING

3 (a) Every beverage container sold or offered for sale at retail in this ~~state~~  
4 State shall clearly indicate by embossing or imprinting on the normal product  
5 label, or in the case of a metal beverage container on the top of the container,  
6 the word “Vermont” or the letters “VT” and the refund value of the container  
7 in not less than one-eighth inch type size or ~~such~~ other alternate indications as  
8 may be approved by the ~~secretary~~ Secretary. This subsection does not prohibit  
9 including names or abbreviations of other states with deposit legislation  
10 comparable to this chapter.

11 (b) The ~~commissioner of the department of liquor control~~ Commissioner of  
12 Liquor Control may allow, in the case of liquor bottles, a conspicuous,  
13 adhesive sticker to be attached to indicate the deposit information required in  
14 subsection (a) of this section, provided that the size, placement, and adhesive  
15 qualities of the sticker are as approved by the ~~commissioner~~ Commissioner.  
16 The stickers shall be affixed to the bottles by the manufacturer, except that  
17 liquor ~~which that~~ is sold in the ~~state~~ State in quantities less than 100 cases per  
18 year may have stickers affixed by personnel employed by the ~~department~~  
19 Commissioner of Liquor Control.

20 (c) This section shall not apply to permanently labeled beverage containers.

1       (d) The Secretary may allow, in the case of wine bottles, a conspicuous,  
2       adhesive sticker to be attached to indicate the deposit information required in  
3       subsection (a) of this section, provided that the size, placement, and adhesive  
4       qualities of the sticker are as approved by the Secretary. The stickers shall be  
5       affixed by the manufacturer.

6                   \* \* \* Solid Waste Management Facilities \* \* \*

7       Sec. 4. 10 V.S.A. § 6602(10) is amended to read:

8           (10) “Facility” means all contiguous land, structures, other  
9       appurtenances, and improvements on the land, used for treating, storing, or  
10       disposing of waste. A facility may consist of several treatment, storage, or  
11       disposal operational units. A facility shall include a site referred to as a bag-  
12       drop or fast-trash site where solid waste, mandated recyclables, leaf and yard  
13       residuals, or food residuals are temporarily collected by a commercial hauler,  
14       solid waste district, or other person on specified days or at specified times.

15       Sec. 5. 10 V.S.A. § 6605 is amended to read:

16       § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

17       (a)(1) No person shall construct, substantially alter, or operate any solid  
18       waste management facility without first obtaining certification from the  
19       Secretary for such facility, site, or activity, except for sludge or septage  
20       treatment or storage facilities located within the fenced area of a domestic  
21       wastewater treatment plant permitted under chapter 47 of this title. This

1 exemption for sludge or septage treatment or storage facilities shall exist  
2 only if:

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

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

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

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

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

13 \* \* \*

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

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

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

5           (3) Beginning on July 1, 2017, collect food residuals separate from other  
6 solid waste and deliver food residuals to a location that manages food residuals  
7 in a manner consistent with the priority uses established under subdivisions  
8 6605k(a)(2)-(5) of this title.

9           (k) The Secretary may, by rule, adopt exemptions to the requirements of  
10 subsection (j) of this section, provided that the exemption is consistent with the  
11 purposes of this chapter and the objective of the State plan.

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

1                                   \* \* \* Food Residuals Management \* \* \*

2           Sec. 6. 10 V.S.A. § 6605k is amended to read

3           § 6605k. FOOD RESIDUALS; MANAGEMENT HIERARCHY

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

7                   (1) reduction of the amount generated at the source;

8                   (2) diversion for food consumption by humans;

9                   (3) diversion for agricultural use, including consumption by animals;

10                  (4) composting, land application, and digestion; and

11                  (5) energy recovery.

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

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

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

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

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

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

11           (3) beginning on July 1, 2016, a person whose acts or processes produce  
12 more than 26 tons per year of food residuals; and

13           (4) ~~beginning July 1, 2017, a person whose acts or processes produce~~  
14 ~~more than 18 tons per year of food residuals; and~~ [Repealed.]

15           (5) beginning on July 1, 2020, any person who generates any amount of  
16 food residuals.

17                           \* \* \* Commercial Hauler Requirements \* \* \*

18           Sec. 7. 10 V.S.A. § 6607a is amended to read:

19           § 6607a. WASTE TRANSPORTATION

20           (a) A commercial hauler desiring to transport waste within the State shall  
21 apply to the Secretary for a permit to do so; by submitting an application on a



1 form prepared for this purpose by the Secretary and by submitting the  
2 disclosure statement described in section 6605f of this title. These permits  
3 shall have a duration of five years and shall be renewed annually. The  
4 application shall indicate the nature of the waste to be hauled. The Secretary  
5 may specify conditions that the Secretary deems necessary to assure  
6 compliance with State law.

7 (b) As used in this section:

8 (1) "Commercial hauler" means:

9 (A) any person that transports regulated quantities of hazardous  
10 waste; and

11 (B) any person that transports solid waste for compensation in a  
12 vehicle.

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

17 (3) The Secretary shall not require a commercial hauler to obtain a  
18 permit under this section, comply with the disclosure requirements of this  
19 section, comply with the reporting and registration requirements of section  
20 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

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

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

6 \* \* \*

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

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

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

18 (C) ~~Beginning on July 1, 2018, offer collection of food residuals~~  
19 ~~separate from other solid waste and deliver to a location that manages food~~  
20 ~~residuals in a manner consistent with the priority uses established under~~  
21 ~~subdivisions 6605k(a)(2)-(5) of this title.~~ [Repealed.]

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

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

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

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

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

15                   (A) the Secretary has approved a solid waste implementation plan for  
16 the municipality;

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

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

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

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

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

13           (4) A commercial hauler is not required to comply with the requirements  
14 of subdivision (1)(A), (B), or (C) of this subsection for mandated recyclables,  
15 leaf and yard residuals, or food residuals collected as part of a litter collection  
16 event operated or administered by a nonprofit organization or municipality.

17           (5) A commercial waste hauler is not required to comply with the  
18 requirements of subdivision (1)(A) or (B) of this subsection for mandated  
19 recyclables or leaf and yard residuals in a municipality that satisfies one or  
20 both of the following conditions:

1           (A) The municipality has an approved solid waste implementation  
2           plan or belongs to a group of municipalities with an approved solid waste  
3           implementation plan and the geographic area served by the implementation  
4           plan has a housing density of fewer than 35 units per square mile as  
5           determined by the most recent U.S. Census Bureau data available.

6           (B) The municipality has an approved solid waste implementation  
7           plan or belongs to a group of municipalities with an approved solid waste  
8           implementation plan and there is a facility within the municipality or an  
9           adjacent municipality that accepts mandated recyclables and leaf and yard  
10           residuals.

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

1 waste may charge a separate fee for the collection of mandated recyclables,  
2 leaf and yard residuals, or food residuals from a residential customer.

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

4 Sec. 8. EFFECTIVE DATES

5 (a) This section and Secs. 4 and 5 (solid waste management facilities),  
6 6 (food residuals management) and 7 (commercial haulers) shall take effect on  
7 passage.

8 (b) Secs. 1–3 (glass recycling; beverage container redemption) shall take  
9 effect on January 1, 2019.