

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 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 bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Solid Waste Management Facility Requirements * * *

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

9 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

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

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

19 (B) the facility is not a drying bed, lagoon, or nonconcrete
20 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 * * *

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 * * * Commercial Hauler Requirements * * *

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

6 § 6607a. WASTE TRANSPORTATION

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

15 (b) As used in this section:

16 (1) “Commercial hauler” means:

17 (A) any person that transports regulated quantities of hazardous
18 waste; and

19 (B) any person that transports solid waste for compensation in a
20 vehicle.

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

5 (3) The Secretary shall not require a commercial hauler to obtain a
6 permit under this section, comply with the disclosure requirements of this
7 section, comply with the reporting and registration requirements of section
8 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

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

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

14 * * *

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

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

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

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

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

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

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

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

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

4 (A) the Secretary has approved a solid waste implementation plan for
5 the municipality;

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

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

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

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

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

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

5 * * *

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

9 * * * Landfill Disposal * * *

10 Sec. 3. 10 V.S.A. § 6621a is amended to read:

11 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

12 (a) In accordance with the following schedule, no person shall knowingly
13 dispose of the following materials in solid waste or in landfills:

14 * * *

15 (10) ~~Leaf~~ Source separated leaf and yard residuals and wood waste after
16 July 1, 2016.

17 * * *

18 * * * Effective Date * * *

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on passage.

21

1

2 (Committee vote: _____)

3

4

Senator _____

5

FOR THE COMMITTEE