

**S.285. An Act Relating to Universal Recycling Requirements**  
Section by Section Summary

**Overview**

- S.285 makes revisions to Act 148 of 2012, an act relating to universal recycling. Act 148 is almost fully implemented, and parties requested changes based on their experience in implementing the act.
- S.285 also reclaims to the State the unclaimed beverage container deposits (escheats), but prior to implementation of the requirement that the deposits be returned to the State, ANR shall report back to the General Assembly regarding the success of a proposed, privately-funded pilot project for plastic film waste—plastic carryout bags or plastic wrapping.

**Sec. 1. 10 V.S.A. § 6605. Solid Waste Management Facilities**

- Sec. 1 amends recycling requirements for certified solid waste facilities in the State.
- The first proposed change is in § 6605(b)(3). Currently, if a facility accepts waste from a municipality that does not have an approved implementation plan, 100 percent of mandated recyclables must be removed from the waste.
  - However, some of the recycling material being transported to the materials recycling facilities (MRFs) in Vermont is coming from MRFs in municipalities out of state.
  - These out of state municipalities do not have approved implementation plans.
  - There are process residuals—unusable left overs in most MRF processed materials.
- The amendment to § 6605(b)(3) would exempt a facility from the requirement to separate 100% of the mandated recyclable from MRF process residuals from a municipality without a plan if ANR approves and the receiving facility has a plan to remove as much mandated recyclables from the process residuals as possible.
  - House Natural added this language. It was not in the Senate proposal.
- Sec. 1, also provides that under subdivision § 6605(j)(2), a solid waste management facility is required to accept leaf and yard residuals only between April 1 and December 15.
  - Leaf and yard residuals are not delivered to facilities in the winter, and the facilities do not want to dedicate staffing or funds for operation during the winter.
  - The Senate included this language in its proposal.
- Sec. 1 also authorizes a solid waste facility to charge for the collection of mandated recyclables.
  - The current prohibition on a facility charging for mandated recyclable provides haulers with an incentive to not bundle the prices of solid waste and recycling charges as required by law.
  - By authorizing a facility to charge for mandated recyclables, it may give homeowners incentive to use bundled services.
  - However, this is discretionary authority. A facility or town that does not charge for mandated recyclables can continue to collect free of charge.
  - House Natural added this change. It was not in the Senate proposal.

## **Sec. 2. 10 V.S.A. § 6607a. Commercial Hauler Requirements**

- Sec. 2 amends section § 6607a to strike the requirement that that a commercial hauler offer leaf and yard residual collection services.
- Haulers have received little to no requests for these services. People are handling these materials on their own property or personally delivering them to a facility.
- The Senate repealed the requirement to offer collection and instead stated that a hauler “may” provide the services. But if services are discretionary, they do not need to be referenced in statute.
- Sec. 2 delays until July 1, 2020 the requirement that a hauler offer collection of food residuals.
  - Some haulers think that the requirement to offer food residuals collection is too expensive considering the lack of requests for services.
  - The requirement for all food residuals to be separated does not go into effect until July of 2020.
  - Prior to July 2020, Sec. 3 of the bill requests a recommendation from a universal recycling stakeholder group as to whether haulers should be required to offer collection of food residuals.
  - The Senate simply banned the requirement that haulers offer collection of food residuals.
- Sec. 2 also provides that if a commercial hauler operates a bag-drop or fast-trash site at a fixed location to collect municipal solid waste, it must also offer collection of mandated recyclables, leaf and yard residuals, and food residuals, just as a solid waste facility must do.

## **Sec. 3. Universal Recycling Stakeholder Group**

- Sec. 3 requires ANR to consult with the stakeholder group for Act 148 regarding whether haulers should be required to offer food residual collection and if the group recommends, the section requests that the group address how such a requirement should be implemented.
- This was added by the House Natural Committee.

## **Sec. 4. 10 V.S.A. § 6621a. Landfill Disposal Requirements**

- Effective in July of 2020, Sec. 4 would strike the requirement that a person is required to separate food residuals from solid waste only if they are located within 20 miles of a composting facility that will accept the residuals.
- In 2020 all persons will be required to separate food residuals from solid waste, and the 20 mile limitation is no longer necessary.
  - Sec. 4 was added by the House Natural Committee.

## **Sec. 5. Plastic Film Private Pilot Project**

- Sec. 5 directs ANR to request information from a private pilot project for the collection and recycling of plastic film—i.e. plastic bags.
- ANR will report on the effectiveness of the private program and whether beverage manufacturers and distributors should be allowed to retain the escheats to help subsidize container redemption and the plastic film program.
- Sec. 5 was added by House Natural.

## **Sec. 6. 10 V.S.A. § 1530. Abandoned Beverage Container Deposits**

- Sec. 6 requires the first beverage distributor or manufacturer who collects the deposit for a beverage container to open an interest bearing account in which all deposits are placed.
- The requirement to place the deposits in the special account would begin July 1, 2020.
- Beginning October 10, 2020, a beverage distributor or manufacturer would be required to report to ANR and the Department of Taxes regarding the deposits collected.
- Also beginning October 10, 2020, the beverage distributors and manufacturers will be required to remit to the Department of Taxes the amount of abandoned beverage containers for the previous calendar quarter.
  - The abandoned deposits are calculated by subtracting from the amount of deposits collected the amount refunded plus any interest on the account.
- If a distributor or manufacturer redeems more than the amount collected in a calendar quarter, they can apply for reimbursements from the Department of Taxes.
- ANR may prohibit the sale of a beverage by a beverage distributor or manufacture for fails to remit the abandoned beverage container deposits.
- The bill currently does not direct for what use the reclaimed deposits will be used. As a result, by statute, the remitted deposits would be deposited in the General Fund.

## **Sec. 7. Effective Date**

- The act takes effect on passage, except that Sec. 4 related to repealing the requirement to collect food residuals goes into effect on July 1, 2020.