

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 Facilities * * *

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

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

16 * * * Solid Waste Management Facility Requirements * * *

17 Sec. 2. 10 V.S.A. § 6605 is amended to read:

18 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

19 (a)(1) No person shall construct, substantially alter, or operate any solid
20 waste management facility without first obtaining certification from the
21 Secretary for such facility, site, or activity, except for sludge or septage

1 treatment or storage facilities located within the fenced area of a domestic
2 wastewater treatment plant permitted under chapter 47 of this title. This
3 exemption for sludge or septage treatment or storage facilities shall exist
4 only if:

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

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

9 (C) the owner of the facility has submitted a sludge and septage
10 management plan to the Secretary and the Secretary has approved the plan.
11 Noncompliance with an approved sludge and septage management plan shall
12 constitute a violation of the terms of this chapter, as well as a violation under
13 chapters 201 and 211 of this title.

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

15 * * *

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

18 (1) Beginning on July 1, 2014, collect mandated recyclables separate
19 from other solid waste and deliver mandated recyclables to a facility
20 maintained and operated for the management and recycling of mandated

1 recyclables. A facility shall not be required to accept mandated recyclables
2 from a commercial hauler.

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

8 (3) Beginning on July 1, 2017, collect food residuals separate from other
9 solid waste and deliver food residuals to a location that manages food residuals
10 in a manner consistent with the priority uses established under subdivisions
11 6605k(a)(2)-(5) of this title.

12 * * *

13 * * * Commercial Hauler Requirements * * *

14 Sec. 3. 10 V.S.A. § 6607a is amended to read:

15 § 6607a. WASTE TRANSPORTATION

16 (a) A commercial hauler desiring to transport waste within the State shall
17 apply to the Secretary for a permit to do so, by submitting an application on a
18 form prepared for this purpose by the Secretary and by submitting the
19 disclosure statement described in section 6605f of this title. These permits
20 shall have a duration of five years and shall be renewed annually. The
21 application shall indicate the nature of the waste to be hauled. The Secretary

1 may specify conditions that the Secretary deems necessary to assure
2 compliance with State law.

3 (b) As used in this section:

4 (1) “Commercial hauler” means:

5 (A) any person that transports regulated quantities of hazardous
6 waste; and

7 (B) any person that transports solid waste for compensation in a
8 vehicle.

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

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

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

19 (B) the solid waste transportation services performed are incidental to
20 other nonwaste transportation-related services performed by the commercial
21 hauler.

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

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

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

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

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

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

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

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

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

9 (A) the Secretary has approved a solid waste implementation plan for
10 the municipality;

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

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

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

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

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

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

10 * * *

11 (i) A commercial hauler that operates a bag-drop or fast-trash site at a fixed
12 location to collect municipal solid waste shall offer at the site all collection
13 services required under this section for commercial haulers, including
14 collection of mandated recyclables, leaf and yard residuals, and food residuals,
15 if these collection services are not otherwise provided at the site.

16 * * * Landfill Disposal * * *

17 Sec. 4. 10 V.S.A. § 6621a is amended to read:

18 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

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

21 * * *

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

3 * * *

4 * * * Effective Date * * *

5 **Sec. 5.** EFFECTIVE DATE

6 This act shall take effect on passage.

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9 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE