

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

17 Sec. 2. 10 V.S.A. § 6602(29) is amended to read:

18 (29) “Mandated recyclable” means the following source separated  
19 materials: aluminum and steel cans; aluminum foil and aluminum pie plates;  
20 ~~glass bottles and jars from foods and beverages;~~ polyethylene terephthalate  
21 (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles

1 and jugs; corrugated cardboard; white and colored paper; newspaper;  
2 magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

3 \* \* \* Solid Waste Management Facility Requirements \* \* \*

4 Sec. 3. 10 V.S.A. § 6605 is amended to read:

5 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

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

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

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

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

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

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

2 \* \* \*

3 (c) ~~The Secretary shall not issue a certification for a new facility or renewal~~  
4 ~~for an existing facility, except for a sludge or septage land application project,~~  
5 ~~unless it is included in an implementation plan adopted pursuant to 24 V.S.A.~~  
6 ~~§ 2202a, for the area in which the facility is located. [Repealed.]~~

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 November 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, if located within 20 miles of a certified  
21 organics management facility that manages food residuals, has available

1 capacity, and is willing to accept the food residuals, collect food residuals  
2 separate from other solid waste and deliver food residuals to a location that  
3 manages food residuals in a manner consistent with the priority uses  
4 established under subdivisions 6605k(a)(2)-(5) of this title.

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

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

18 \* \* \*

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

2       Sec. 4. 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;

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

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

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

18 Sec. 5. 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, shall offer to collect mandated  
11 recyclables ~~separated~~ separate from other solid waste and deliver mandated  
12 recyclables to a facility maintained and operated for the management and  
13 recycling of mandated recyclables.

14 (B) Beginning on July 1, 2016, may offer to collect leaf and yard  
15 residuals separate from other solid waste and deliver leaf and yard residuals to  
16 a location that manages leaf and yard residuals in a manner consistent with the  
17 priority 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)~~ or (B) of this subsection in a specified area  
14 within a 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)~~ or (B) 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)~~ or (B) 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)~~ or (B) of this subsection for mandated  
15 recyclables; or leaf and yard residuals; ~~or food residuals~~ collected as part of a  
16 litter collection.

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 residential 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 plan  
7           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 \* \* \* Landfill Disposal \* \* \*

4 Sec. 6. 10 V.S.A. § 6621a is amended to read:

5 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

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

8 \* \* \*

9 (9) Mandated recyclable materials after July 1, 2015.

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

12 (11) ~~Food residuals after July 1, 2020.~~ [Repealed.]

13 \* \* \*

14 (e) The Secretary of Natural Resources shall enforce violations of  
15 subsection (a) of this section against the generator of the prohibited material  
16 and not against the commercial hauler transporting the prohibited material to  
17 the landfill.

18 \* \* \* Municipal Solid Waste Pricing \* \* \*

19 Sec. 7. 24 V.S.A. § 2202a(d) is amended to read:

20 (d) ~~By no later than July 1, 2015, a municipality shall implement a variable~~  
21 ~~rate pricing system that charges for the collection of municipal solid waste~~

1 ~~from a residential customer for disposal based on the volume or weight of the~~  
2 ~~waste collected.~~ [Repealed.]

3 \* \* \* Effective Date \* \* \*

4 Sec. 8. EFFECTIVE DATE

5 This act shall take effect on passage.

6

7

8 (Committee vote: \_\_\_\_\_)

9

\_\_\_\_\_

10

Senator \_\_\_\_\_

11

FOR THE COMMITTEE