

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 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 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