

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 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 (c) ~~The Secretary shall not issue a certification for a new facility or renewal~~
17 ~~for an existing facility, except for a sludge or septage land application project,~~
18 ~~unless it is included in an implementation plan adopted pursuant to 24 V.S.A.~~
19 ~~§ 2202a, for the area in which the facility is located. [Repealed.]~~

20 * * *

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

3 (1) Beginning on July 1, 2014, collect mandated recyclables separate
4 from other solid waste and deliver mandated recyclables to a facility
5 maintained and operated for the management and recycling of mandated
6 recyclables. A facility shall not be required to accept mandated recyclables
7 from a commercial hauler.

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

13 (3) Beginning on July 1, 2017, if located within 20 miles of a certified
14 organics management facility that manages food residuals, has available
15 capacity, and is willing to accept the food residuals, collect food residuals
16 separate from other solid waste and deliver food residuals to a location that
17 manages food residuals in a manner consistent with the priority uses
18 established under subdivisions 6605k(a)(2)-(5) of this title.

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

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), and (5)~~ 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

1 and subsection (h) of this section for the material addressed by the ordinance if
2 the ordinance:

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

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

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

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

11 (A) the Secretary has approved a solid waste implementation plan for
12 the municipality;

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

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

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

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

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

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

13 (5) A commercial waste hauler is not required to comply with the
14 requirements of subdivision (1)(A) or (B) of this subsection for mandated
15 recyclables or leaf and yard residuals in a municipality that satisfies one or
16 both of the following conditions:

17 (A) The municipality has an approved solid waste implementation
18 plan or belongs to a group of municipalities with an approved solid waste
19 implementation plan and the geographic area served by the implementation
20 plan has a housing density of fewer than 35 residential units per square mile as
21 determined by the most recent U.S. Census Bureau data available.

1 (B) The municipality has an approved solid waste implementation plan
2 or belongs to a group of municipalities with an approved solid waste
3 implementation plan and there is a facility within the municipality or an
4 adjacent municipality that accepts mandated recyclables and leaf and yard
5 residuals.

6 (h) A commercial hauler ~~certified under this section that offers the~~
7 ~~collection of municipal solid waste may not charge a separate line item fee on~~
8 ~~a bill to a residential customer for the collection of mandated recyclables,~~
9 ~~provided that a commercial hauler~~ may charge a fee for all service calls, stops,
10 or collections at a residential property, and a commercial hauler may charge a
11 tiered or variable fee based on the size of the collection container provided to a
12 residential customer or the amount of waste collected from a residential
13 customer. A commercial hauler certified under this section may incorporate
14 the cost of the collection of mandated recyclables into the cost of the collection
15 of solid waste and may adjust the charge for the collection of solid waste. A
16 commercial hauler certified under this section that offers the collection of solid
17 waste may charge a separate fee for the collection of mandated recyclables,
18 leaf and yard residuals, or food residuals from a residential customer.

19 (i) A commercial hauler that operates a bag-drop or fast-trash site at a fixed
20 location to collect municipal solid waste shall offer at the site all collection
21 services required under this section for commercial haulers, including

1 collection of mandated recyclable, leaf and yard residuals, and food residuals,
2 if these collection services are not otherwise provided at the site.

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.

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