1	H.501
2	Introduced by Representative McCullough of Williston
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; solid waste; residual waste; digestate;
6	soil amendments; physical contaminant standards
7	Statement of purpose of bill as introduced: This bill proposes to require the
8	Secretary of Natural Resources to adopt standards for the allowable levels of
9	physical contaminants in residual waste, digestate, and soil amendments sold
10	or land applied in the State. The bill would require the rules to provide that
11	residual waste, digestate, and soil amendments shall not contain more than 0.5
12	percent by dry weight of physical contaminants greater than one millimeter and
13	that no more than 20 percent by dry weight of the 0.5 percent by dry weight of
14	physical contaminants shall be film plastic greater than one millimeter.
15 16	An act relating to physical contaminant standards for residual waste, digestate, and soil amendments
17	It is hereby enacted by the General Assembly of the State of Vermont:
18	Sec. 1. 10 V.S.A. § 6602 is amended to read:
19	§ 6602. DEFINITIONS
20	As used in this chapter:

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21

sewage or septage.

1	(1) "Secretary" means the Secretary of Natural Resources or his or her
2	duly authorized representative.
3	(2) "Solid waste" means any discarded garbage; refuse; septage; sludge
4	from a waste treatment plant, water supply plant, or pollution control facility;
5	and other discarded material, including solid, liquid, semi-solid, or contained
6	gaseous materials resulting from industrial, commercial, mining, or agricultural
7	operations and from community activities but does not include animal manure
8	and absorbent bedding used for soil enrichment; high carbon bulking agents
9	used in composting; or solid or dissolved materials in industrial discharges that
10	are point sources subject to permits under the Water Pollution Control Act,
11	chapter 47 of this title.
12	* * *
13	(13) "Waste" means a material that is discarded or is being accumulated,
14	stored, or physically, chemically, or biologically treated prior to being
15	discarded or has served its original intended use and is normally discarded or is
16	a manufacturing or mining by-product and is normally discarded.
17	* * *
18	(25) "Compost" means a stable humus-like material produced by the
19	controlled biological decomposition of organic matter through active

management, but shall not mean sewage, septage, or materials derived from

1	(26) "Household hazardous waste" means any waste from households
2	that would be subject to regulation as hazardous wastes if it were not from
3	households.
4	* * *
5	(50) "Biosolids" means sewage sludge derived, in whole or in part, from
6	domestic wastes that have been subjected to a treatment process for the
7	reduction of pathogens and have been:
8	(A) demonstrated to meet the applicable requirements in Agency
9	rules for contaminant concentrations, vector attraction reduction, and pathogen
10	reduction; and
11	(B) approved by the Secretary for application to the land.
12	(51) "Digestate" means the material remaining after the anaerobic
13	digestion of a biodegradable feedstock.
14	(52) "Domestic septage" means either liquid or solid material removed
15	from a septic tank or similar treatment works that receives only domestic
16	sewage. "Domestic septage" does not include liquid or solid material removed
17	from a septic tank, cesspool, or similar treatment works that receives either
18	commercial or industrial wastewater, or a mixture of commercial or industrial
19	and domestic wastes, portable toilet waste, holding tank waste, cesspool waste,
20	waste from Type III marine sanitation devices, or grease removed from a
21	grease trap.

1	(53) "Residual waste" mean domestic septage, sewage sludge, biosolids,
2	and sludge from drinking water treatment plants.
3	(54) "Sewage Sludge" means any solid, semisolid, or liquid generated
4	from a municipal, commercial, or industrial wastewater treatment facility or
5	process treating any amount of domestic waste.
6	(55) "Sludge" means any solid, semisolid, or liquid generated from a
7	municipal, commercial, or industrial wastewater treatment facility or process,
8	water supply treatment plant, air pollution control facility or any other such
9	waste having similar characteristics and effects.
10	(56) "Soil amendment" has the same meaning as in 6 V.S.A. § 363.
11	Sec. 2. 10 V.S.A. § 6604d is added to read:
12	§ 6604d. PHYSICAL CONTAMINANT STANDARDS FOR RESIDUAL
13	WASTE, DIGESTATE, AND SOIL AMENDMENTS
14	(a) The Secretary shall adopt by rule standards for the allowable levels of
15	physical contaminants in residual waste, digestate, and soil amendments sold
16	or land applied in the State, provided that the standards shall:
17	(1) provide that residual waste, digestate, and soil amendments shall not
18	contain more than 0.5 percent by dry weight of physical contaminants greater
19	than one millimeter;

1	(2) provide that no more than 20 percent by dry weight of the 0.5
2	percent by dry weight of physical contaminants in residual waste, digestate,
3	and soil amendments shall be film plastic greater than one millimeter; and
4	(3) establish testing or sampling standards for residual waste, digestate,
5	and soil amendments.
6	(b) A person who violates the rules adopted under this section shall be
7	subject to a civil penalty under subsection 6612(b) of this title.
8	Sec. 2. RULEMAKING; IMPLEMENTATION
9	(a) In accordance with 3 V.S.A. chapter 25, the Secretary of Natural
10	Resources shall adopt the rules required under 10 V.S.A. § 6604d for allowable
11	levels of physical contaminants in residual waste, digestate, and soil
12	amendments by September 1, 2022. The Secretary shall adopt the rules as an
13	emergency rule and concurrently propose them as a permanent rule. The
14	emergency rule shall be deemed to meet the standard for the adoption of
15	emergency rules pursuant to 3 V.S.A. § 844(a).
16	(b) Compost and soil amendments regulated by the Secretary of
17	Agriculture, Food and Markets under 6 V.S.A. chapter 218 shall be required to
18	meet the standards for physical contaminants in residual waste, digestate, and
19	soil amendments adopted by the Secretary of Natural Resources under
20	10 V.S.A. § 6604d.

- 1 Sec. 3. EFFECTIVE DATE
- 2 This act shall take effect on passage.