

Vermont Universal Recycling Law

1. Act 148 of 2012. An Act Relating to Establishing Universal Recycling of Solid Waste

- Generally, Act 148 required solid waste facilities, solid waste haulers, and the public to manage mandated recyclables, leaf and yard residuals, and food residuals separate from solid waste.
- Mandated recyclable, means source-separated, traditional recyclable materials, such as cans, glass bottles, PET or HDPE plastic bottles or containers, cardboard, boxboard, paper, newspaper, etc. 10 V.S.A. § 6602(28).
- Leaf and yard residual, means source-separated, compostable untreated vegetative matter, including grass clippings, brush, leaves, and kraft paper bags. 10 V.S.A. § 6602(29):
- Food residual, source-separated, uncontaminated material derived from the processing or discarding of food and that is recyclable. Food residuals may include preconsumer and postconsumer food scraps. Food residuals does not mean meat and meat-related products when food residuals are composted by a resident on site. 10 V.S.A. § 6602(31):
- Source-separated, means separation of compostable and recyclable materials from noncompostable, nonrecyclable materials at the point of generation. 10 V.S.A. § 6602(32).

2. Solid Waste Facilities. 10 V.S.A. § 6605(j) and (l)

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

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

(2) Beginning on July 1, 2015, collect leaf and yard residuals between April 1 and December 15 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.

(3) Beginning on July 1, 2017, collect food residuals separate from other solid waste and deliver food residuals 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. (Added 2012, No. 148, § 4)

* * *

(l) A facility certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of municipal solid waste and may adjust the charge for the collection of municipal solid waste. A facility certified under this section may charge a separate fee for the collection of mandated recyclables, leaf and yard residuals, or food residuals. (Amended 2018, No. 208, § 1)

3. Public Collection Containers. 10 V.S.A. § 6605l

(a) As used in this section:

(1) "Public building" means a State, county, or municipal building; airport terminal; bus station; railroad station; school building; or school.

(2) "Public land" means all land that is owned or controlled by a municipal or State governmental body.

(b) Beginning July 1, 2015, when a container or containers in a public building or on public land are provided to the public for use for solid waste destined for disposal, an equal number of containers shall be provided for the collection of mandated recyclables. The containers shall be labeled to clearly show the containers are for recyclables and shall be placed as close to each other as possible in order to provide equally convenient access to users. Bathrooms in public buildings and on public land shall be exempt from the requirement of this section to provide an equal number of containers for the collection of mandated recyclables. (Added 2012, No. 148, § 7.)

3. Solid Waste Haulers. 10 V.S.A. § 6607a(g)-(h)

(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:

(A) Beginning on July 1, 2015, shall offer to collect mandated recyclables 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, 2020, shall offer to nonresidential customers and apartment buildings with four or more residential units 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. Commercial haulers shall not be required to offer collection of food residuals if another commercial hauler provides collection services for food residuals in the same area and has sufficient capacity to provide service to all customers.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables 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:

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

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

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

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

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

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

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

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

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

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

(4) A commercial hauler is not required to comply with the requirements of subdivision (1)(A) or (B) of this subsection for mandated recyclables or food residuals collected as part of a litter collection.

(h) A commercial hauler certified under this section that offers the collection of municipal solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a commercial hauler may charge a fee for all service calls, stops, or collections at a residential property and a commercial hauler may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A commercial hauler certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A commercial hauler certified under this section that offers the collection of solid waste may charge a separate fee for the collection of food residuals from a residential customer. (Added 2012 No. 148, Amended 2014, No. 175, § 6; 2015, No. 57, § 23; 2016, No. 95 § 2; 2017, No. 47, § 3b; 2018, No. 208, § 2; 2019, No. 83, § 17.)

4. Food Residuals; Management Hierarchy. 10 V.S.A. § 6605k

(a) It is the policy of the State that food residuals collected under the requirements of this chapter shall be managed according to the following order of priority uses:

- (1) reduction of the amount generated at the source;
- (2) diversion for food consumption by humans;
- (3) diversion for agricultural use, including consumption by animals;
- (4) composting, land application, and digestion; and
- (5) energy recovery.

(b) A person who produces more than an amount identified under subsection (c) of this section in food residuals shall:

(1) separate food residuals from other solid waste, provided that a de minimis amount of food residuals may be disposed of in solid waste when a person has established a program to separate food residuals and the program includes a component for the education of program users regarding the need to separate food residuals; and

(2) arrange for the transfer of food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions (a)(2)-(5) of this section or shall manage food residuals on site.

(c) The following persons shall be subject to the requirements of subsection (b) of this section:

(1) beginning July 1, 2014, a person whose acts or processes produce more than 104 tons per year of food residuals;

(2) beginning July 1, 2015, a person whose acts or processes produce more than 52 tons per year of food residuals;

(3) beginning July 1, 2016, a person whose acts or processes produce more than 26 tons per year of food residuals;

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

(5) beginning July 1, 2020, any person who generates any amount of food residuals. (Added 2012, No. 148, § 6; amended 2018, No. 208, § 4, eff. July 1, 2020.)

5. Landfill Disposal Requirements. 10 V.S.A. § 6621a

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

* * *

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

(10) Leaf and yard residuals and wood waste after July 1, 2016.

(11) Food residuals after July 1, 2020.

* * *

(d) The landfill disposal ban under subdivisions (a)(9)-(11) of this section shall not apply to mandated recyclables, leaf and yard residuals, or food residuals collected as part of a litter collection event operated or administered by a nonprofit organization or municipality. (Added 2012, No. 148, § 10; 2016, No. 95, § 3)