Introduced by Representatives Dolan of Waitsfield, Ode of Burlington, Roberts of Halifax, Small of Winooski, Squirrell of Underhill, and Whitman of Bennington

Referred to Committee on

Date:

Subject: Conservation and development; waste management; biosolids

Statement of purpose of bill as introduced: This bill would require the Secretary of Natural Resources to manage all biosolids and domestic septage generated or imported into the State as Class B biosolids. The Secretary of Natural Resources would be prohibited from managing biosolids and domestic septage as exceptional quality biosolids or Class A biosolids.

An act relating to the management of biosolids

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 6602 is amended to read:

§ 6602. DEFINITIONS

As used in this chapter:

(1) “Secretary” means the Secretary of Natural Resources or his or her duty authorized representative.
(2) “Solid waste” means any discarded garbage; refuse; septage; sludge from a waste treatment plant, water supply plant, or pollution control facility; and other discarded material, including solid, liquid, semi-solid semisolid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges that are point sources subject to permits under the Water Pollution Control Act, chapter 47 of this title.

* * *

(50) “Biosolids” means sewage sludge derived, in whole or in part, from domestic wastes that have been subjected to a treatment process for the reduction of pathogens and have been:

(A) demonstrated to meet the applicable requirements in Agency rules for contaminant concentrations, vector attraction reduction, and pathogen reduction; and

(B) approved by the Secretary for application to the land.

(51) “Domestic septage” means either liquid or solid material removed from a septic tank or similar treatment works that receives only domestic sewage. “Domestic septage” does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either
commercial or industrial wastewater, or a mixture of commercial or industrial
and domestic wastes, portable toilet waste, holding tank waste, cesspool waste,
waste from Type III marine sanitation devices, or grease removed from a
grease trap.

(52) “Sewage Sludge” means any solid, semisolid, or liquid generated
from a municipal, commercial, or industrial wastewater treatment facility or
process treating any amount of domestic waste.

(53) “Sludge” means any solid, semisolid, or liquid generated from a
municipal, commercial, or industrial wastewater treatment facility or process,
water supply treatment plant, air pollution control facility or any other such
waste having similar characteristics and effects.

Sec. 2. 10 V.S.A. § 6604b is amended to read:

§ 6604b  TESTING OF SOLID WASTES PRIOR TO BENEFICIAL USE
ON LAND OR DISTRIBUTION AND MARKETING
MANAGEMENT OF BIOSOLIDS AND DOMESTIC SEPTAGE

(a) The Secretary of Natural Resources, in consultation with the Secretary
of Agriculture, Food and Markets and with the Commissioner of Health, shall
adopt rules to establish a testing program for all sewage sludge, or similar
liquid wastes, biosolids and domestic septage prior to their beneficial use on
land or prior to distribution and marketing of those wastes biosolids and
domestic septage in liquid or solid form. The testing program shall establish a
process for the determination of minimum testing frequencies and specific
parameters for which analysis must be completed and shall detail procedures
by which samples are collected, stored, and tested.

(b) In establishing the process for the determination of test parameters and
frequency, the rules shall take into account the size and complexity of the
facility, the nature of the service area or collection system, including industrial
contributions, the frequency of sewage sludge biosolids and domestic septage
use on the land, and any existing data that is pertinent to the facility.

(c) Rules regarding the application of waste biosolids and domestic septage
to fields shall take into consideration the characteristics of the specific waste
involved and shall calculate the heavy metal or micronutrient soil holding
capacity based on a pH of 5.5 for the soil type at the application site, as
appropriate.

(d) A person subject to this section shall make all analytical results derived
from the testing program provided for in this section available to the public
upon request.

(e) All biosolids and domestic septage applied to land in the State shall be
regulated as Class B biosolids under the rules adopted under this section and
the requirements of 40 C.F.R. chapter 503. The Secretary shall not authorize
the land application or sale of biosolids as exceptional quality or Class A.
Sec. 3. IMPLEMENTATION

The prohibition under Sec. 2 of this act shall take effect on January 1, 2024, provided that any exceptional quality biosolids produced or imported into the State prior to January 1, 2024 may be used or sold by a solid waste management certified for use or sale of exceptional quality biosolids until July 1, 2024.

Sec. 4. EFFECTIVE DATE

This act shall take effect on January 1, 2024.