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H.674

Introduced by Representatives Templeman of Brownington, Anthony of Barre
City, Campbell of St. Johnsbury, Carpenter of Hyde Park,
Christie of Hartford, Cina of Burlington, Cole of Hartford,
Dolan of Waitsfield, Farlice-Rubio of Barnet, Headrick of
Burlington, Lalley of Shelburne, McGill of Bridport, Page of
Newport City, Priestley of Bradford, Roberts of Halifax, Sims
of Craftsbury, Stebbins of Burlington, and Surprenant of
Barnard

Referred to Committee on

Date:

Subject: Conservation and development; solid waste; land application; septage

Statement of purpose of bill as introduced: This bill proposes to prohibit the
land application of septage in the State. The bill would prohibit the landfill
disposal of waste containing perfluoroalkyl and polyfluoroalkyl substances in
excess of State standards or from municipalities lacking a solid waste
management implementation or from facilities lacking certification from the
State. In addition, the bill would ban the use of sludge for daily cover at a
landfill.

1 An act relating to regulation of septage and other materials containing
2 perfluoroalkyl and polyfluoroalkyl substances

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

4 Sec. 1. SHORT TITLE

5 This act shall be known as the Protecting Soils and Waters from Forever
6 Chemicals Act.

7 Sec. 2. FINDINGS

8 The General Assembly finds that:

9 (1) The spreading of treated or untreated septage on land has led to
10 surface water and groundwater contamination, soil contamination, and farm
11 closures due to milk contamination.

12 (2) Septage contain multiple chemicals, the most concerning of which
13 are chemicals identified colloquially as “forever chemicals,” such as
14 perfluoroalkyl and polyfluoroalkyl substances and heavy metals, that
15 bioaccumulate to become an escalating concern.

16 (3) To prevent contamination of the State’s surface water, groundwater,
17 and soil, the State should prohibit the land application of septage.

18 Sec. 3. 10 V.S.A. § 6602 is amended to read:

19 § 6602. DEFINITIONS

20 As used in this chapter:

21 (1) “Secretary” means the Secretary of Natural Resources or ~~his or her~~
22 the Secretary’s duly authorized representative.

1 (50) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means
2 a class of fluorinated organic chemicals containing at least one fully
3 fluorinated carbon atom.

4 (51) “Septage” means the liquid and solid materials pumped from a
5 septic tank, portable toilet, or cesspool during cleaning.

6 (52) “Sludge” means any solid, semisolid, or liquid generated from a
7 municipal, commercial, or industrial wastewater treatment plant or process,
8 water supply treatment plant, air pollution control facility, or any other such
9 waste having similar characteristics and effects. “Sludge” includes Class A
10 and Class B sewage sludge as those terms are defined under 40 C.F.R.
11 Part 503.

12 (53) “Wastewater treatment facility” has the same meaning as in section
13 1252 of this title.

14 Sec. 4. 10 V.S.A. § 6604(e) is added to read:

15 (e) On or before January 15, 2025, the Secretary of Natural Resources and
16 the Secretary of Agriculture, Food and Markets shall develop a memorandum
17 of understanding for the enforcement of State standards for the regulation of
18 PFAS in soil in the State. The memorandum of understanding shall be
19 incorporated into the State solid waste management plan. The memorandum
20 of understanding shall be issued according to the notice and public
21 participation requirements of section 7714 of this title.

1 (g)(1) Notwithstanding any contrary provision of this section, the Secretary
2 may authorize the land disposal or management of sludge ~~or septage~~ by an
3 applicant at any certified site or facility with available capacity, provided the
4 Secretary finds:

5 (A) that the applicant needs to dispose of accumulated sludge ~~or~~
6 ~~septage~~ promptly, and that delay would likely cause public health, or
7 environmental damage, or nuisance conditions, or would result in excessive
8 and unnecessary cost to the public, and that the applicant has lost authority to
9 use previously certified sites through no act or omission of the applicant; and

10 (B) that at the certified site or facility to be used:

11 (i) the certificate holder agrees in writing to allow use of the site
12 or facility by the applicant;

13 (ii) management of the applicant's sludge ~~or septage~~ is compatible
14 with the site or facility certificate;

15 (iii) all terms and conditions of the original certification will
16 continue to be met with addition of the applicant's sludge ~~or septage~~; and

17 (iv) ~~beginning January 1, 2013,~~ any sludge or septage applied to
18 land shall be applied according to a nutrient management plan approved by the
19 Secretary.

20 (2) Issuance of an approval under this subsection shall comply with
21 section 7716 of this title.

1 (d) The landfill disposal ban under subdivisions (a)(9)–(11) of this section
2 shall not apply to mandated recyclables, leaf and yard residuals, or food
3 residuals collected as part of a litter collection event operated or administered
4 by a nonprofit organization or municipality.

5 (e) Sludge shall not be used as daily cover at a landfill operating in the
6 State.

7 Sec. 7. AGENCY OF NATURAL RESOURCES; REPORT ON PFAS
8 REGULATION

9 (a) As used in this section, “perfluoroalkyl and polyfluoroalkyl substances”
10 or “PFAS” means a class of fluorinated organic chemicals containing at least
11 one fully fluorinated carbon atom.

12 (b) On or before January 15, 2025, the Agency of Natural Resources shall
13 submit to the House Committees on Environment and Energy and on
14 Agriculture, Food Resiliency, and Forestry and the Senate Committees on
15 Natural Resources and Energy and on Agriculture a report on the status of the
16 regulation of PFAS in the State. The report shall include:

17 (1) the soil standards that the State has adopted for the presence of and
18 regulation of PFAS, including the standard for the presence of PFAS in sludge
19 prior to land application;

1 (2) the water quality and groundwater standards that the State has
2 adopted for the discharge of effluent containing PFAS and for the presence of
3 PFAS in surface water, groundwater, and drinking water;

4 (3) a proposal for the siting and operation of additional biodriers for
5 sludge in the State, including the necessary budget for the proposed biodriers;
6 and

7 (4) a method or registry for tracking the application of exceptional
8 quality biosolids in the State.

9 Sec. 8. EFFECTIVE DATE

10 This act shall take effect on July 1, 2024.