1	H.674
2	Introduced by Representatives Templeman of Brownington, Anthony of Barre
3	City, Campbell of St. Johnsbury, Carpenter of Hyde Park,
4	Christie of Hartford, Cina of Burlington, Cole of Hartford,
5	Dolan of Waitsfield, Farlice-Rubio of Barnet, Headrick of
6	Burlington, Lalley of Shelburne, McGill of Bridport, Page of
7	Newport City, Priestley of Bradford, Roberts of Halifax, Sims
8	of Craftsbury, Stebbins of Burlington, and Surprenant of
9	Barnard
10	Referred to Committee on
11	Date:
12	Subject: Conservation and development; solid waste; land application; septage
13	Statement of purpose of bill as introduced: This bill proposes to prohibit the
14	land application of septage in the State. The bill would prohibit the landfill
15	disposal of waste containing perfluoroalkyl and polyfluoroalkyl substances in
16	excess of State standards or from municipalities lacking a solid waste
17	management implementation or from facilities lacking certification from the
18	State. In addition, the bill would ban the use of sludge for daily cover at a
19	landfill.

1 2	An act relating to regulation of septage and other materials containing 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.

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disposal operational units.

1	(2) "Solid waste" means any discarded garbage; refuse; septage; sludge
2	from a waste treatment plant, water supply plant, or pollution control facility;
3	and other discarded material, including solid, liquid, semi-solid semisolid, or
4	contained gaseous materials resulting from industrial, commercial, mining, or
5	agricultural operations and from community activities but does not include
6	animal manure and absorbent bedding used for soil enrichment; high carbon
7	bulking agents used in composting; or solid or dissolved materials in industrial
8	discharges that are point sources subject to permits under the Water Pollution
9	Control Act, chapter 47 of this title.
10	* * *
11	(6) "Person" means any individual; partnership; company; corporation;
12	association; unincorporated association; joint venture; trust; municipality; the
13	State of Vermont or any agency, department, or subdivision of the State;
14	federal agency; or any other legal or commercial entity.
15	* * *
16	(10) "Facility" means all contiguous land, structures, other
17	appurtenances, and improvements on the land, used for treating, storing, or

disposing of waste. A facility may consist of several treatment, storage, or

* * *

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	<u>Part 503.</u>
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	Sec. 5. 10 V.S.A. § 6605 is amended to read:
2	§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION
3	(a)(1) No person shall construct, substantially alter, or operate any solid
4	waste management facility without first obtaining certification from the
5	Secretary for such facility, site, or activity, except for sludge or septage
6	treatment or storage facilities located within the fenced area of a domestic
7	wastewater treatment plant permitted under chapter 47 of this title. This
8	exemption for sludge or septage treatment or storage facilities shall exist only
9	if:
10	(A) the treatment facility does not use a process to reduce pathogens
11	further in order to qualify for marketing and distribution; and
12	(B) the facility is not a drying bed, lagoon, or nonconcrete bunker;
13	and
14	(C) the owner of the facility has submitted a sludge and septage
15	management plan to the Secretary and the Secretary has approved the plan.
16	Noncompliance with an approved sludge and septage management plan shall
17	constitute a violation of the terms of this chapter, as well as a violation under
18	chapters 201 and 211 of this title.
19	(2) Certification shall be valid for a period not to exceed 10 years.
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section 7716 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

1	(3) A person shall not land apply septage in the State. Collected septage
2	shall be processed at certified wastewater treatment facilities.
3	* * *
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	(13) Solid waste, landfill leachate, septage, or sludge that has PFAS
10	levels exceeding the State standards for hazardous waste or that is generated in
11	a municipality that does not have an approved implementation plan or is
12	generated by a facility that lacks a certification from the Secretary under this
13	<u>chapter.</u>
14	(b) This section shall not prohibit the designation and use of separate areas
15	at landfills for the storage or processing, or both, of material specified in this
16	section.
17	(c) Insofar as it applies to the operator of a solid waste management
18	facility, the Secretary may suspend the application of this section to material
19	specified in subdivision (a)(2), (3), (4), (5), or (6) of this section, or any
20	combination of these, upon finding that insufficient markets exist and adequate
21	uses are not reasonably available to serve as an alternative to disposal.

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	<u>and</u>
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.