

Draft House E&E Committee Amendment

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred House
3 Bill No. 158 entitled “An act relating to the beverage container redemption
4 system” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. chapter 53 is amended to read:

8 CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION
9 SYSTEM

10 § 1521. DEFINITIONS

11 As used in this chapter:

12 (1) “Beverage” means ~~beer or other malt beverages and mineral waters,~~
13 ~~mixed wine drink, soda water and carbonated soft~~ all drinks in liquid form and
14 intended for human consumption, except for milk, dairy products, plant-based
15 beverages, infant formula, meal replacement drinks, or nonalcoholic cider.

16 ~~“Beverage” also means liquor and ready to drink spirits beverage.~~

17 (2) ~~“Biodegradable material” means material that is capable of being~~
18 ~~broken down by bacteria into basic elements. [Repealed.]~~

19 (3) “Container” means the individual, and separate, bottle, can, or jar, ~~or~~
20 ~~carton~~ composed of glass, aluminum or other metal, ~~paper, plastic,~~
21 polyethylene terephthalate, high density polyethylene, or any combination of

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1 those materials, and containing a ~~consumer product~~ beverage. This definition
2 ~~shall~~ does not include ~~containers made of biodegradable material~~
3 noncarbonated beverage containers with a volume greater than two and one-
4 half liters and carbonated beverage containers with a volume greater than three
5 liters.

6 (4) “Distributor” means every person who engages in the sale of
7 consumer products in containers to a dealer in this State, including any
8 manufacturer who engages in such sales. Any dealer or retailer who sells, at
9 the retail level, beverages in containers without having purchased them from a
10 person otherwise classified as a distributor ~~shall be~~ is a distributor.

11 (5) “Manufacturer” means every person bottling, canning, packing, or
12 otherwise filling containers for sale to distributors or dealers.

13 (6) “Recycling” means the process of sorting, cleansing, treating, and
14 reconstituting waste and other discarded materials for the purpose of reusing
15 the materials in the same or altered form.

16 (7) “Redemption center” means a store or other location where any
17 person may, during normal business hours, redeem the amount of the deposit
18 for any empty beverage container labeled or certified pursuant to section 1524
19 of this title.

20 (8) “Secretary” means the Secretary of Natural Resources.

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1 (9) “Mixed wine drink” means a beverage containing wine and more
2 than 15 percent added plain, carbonated, or sparkling water and that contains
3 added natural or artificial blended material, such as fruit juices, flavors,
4 flavoring, adjuncts, coloring, or preservatives; that contains not more than
5 16 percent alcohol by volume; or other similar product marketed as a wine
6 cooler.

7 (10) “Liquor” means spirits as defined in 7 V.S.A. § 2.

8 (11) “Cider” has the same meaning as in 7 V.S.A. § 2.

9 (12) “Hard kombucha” means a fermented beverage produced from a
10 mixture of steeped tea and sugar, combined with a culture of yeast strains and
11 bacteria, that has an alcohol content of 0.5 percent or more alcohol by volume.

12 (13) “Plant-based beverage” means a liquid intended for human
13 consumption that imitates dairy milk, consists of plant material suspended in
14 water, and the primary protein source in the beverage is from plant material or
15 a derivative of plant materials. Plant-based beverages include beverages made
16 from rice, soy, nuts, oats, and hemp.

17 (14) “Vinous beverages” means all fermented beverages of any name or
18 description manufactured or obtained for sale from the natural sugar content of
19 fruits or other agricultural product, containing sugar, the total alcoholic content
20 of which is not less than one percent nor more than 16 percent by volume at 60

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1 degrees Fahrenheit. As used in this section, “vinous beverages” does not mean
2 cider, hard kombucha, or a mixed wine drink.

3 § 1522. BEVERAGE CONTAINERS; DEPOSIT

4 (a) Except with respect to beverage containers that contain liquor, a deposit
5 of not less than five cents shall be paid by the consumer on each beverage
6 container sold at the retail level and refunded to the consumer upon return of
7 the empty beverage container. With respect to beverage containers that
8 contain a vinous beverage, a deposit of 15 cents shall be paid by the consumer
9 on each beverage container sold at the retail level and refunded to the
10 consumer upon return of the empty beverage container. With respect to
11 beverage containers of volume greater than 50 ml. that contain liquor, a deposit
12 of 15 cents shall be paid by the consumer on each beverage container sold at
13 the retail level and refunded to the consumer upon return of the empty
14 beverage container. The difference between liquor bottle deposits collected
15 and refunds made is hereby retained by the Liquor Control Enterprise Fund for
16 administration of this subsection. Beginning on January 15, 2024 and annually
17 thereafter, the Commissioner of Liquor and Lottery shall report to the
18 Secretary of Natural Resources:
19 (1) the amount and tonnage of liquor bottles that the Department of
20 Liquor and Lottery collected in the previous calendar year; and
21 (2) the redemption rate for liquor bottles in the previous calendar year.

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1 (b) A retailer or a person operating a redemption center who redeems
2 beverage containers shall be reimbursed by the manufacturer or distributor of
3 such beverage containers in an amount that is three and one-half cents per
4 container for containers of beverage brands that are part of a commingling
5 program and ~~four~~ five cents per container for containers of beverage brands
6 that are not part of a commingling program.

7 (c) [Repealed.]

8 (d) Containers shall be redeemed during no fewer than 40 hours per week
9 during the regular operating hours of the establishment. [Repealed.]

10 § 1522a. RULES

11 The Secretary may adopt rules, in accordance with ~~3 V.S.A. chapter 25,~~
12 ~~necessary for the administration of this chapter.~~ These rules may include the
13 following:

14 (1) ~~Provisions to ensure that beverage containers not labeled in~~
15 ~~accordance with section 1524 of this title are not redeemed.~~

16 (2) ~~Provisions to ensure that beverage containers are commingled.~~

17 (3) ~~Administrative penalties for the failure by a redemption center or~~
18 ~~retailer to remove beverage containers that are not labeled prior to pickup by a~~
19 ~~distributor or manufacturer. Penalties may include nonpayment of the deposit~~
20 ~~and handling fee established under section 1522 of this title for a reasonable~~
21 ~~period of time and for the number of beverage containers that were not labeled.~~

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1 ~~(4) Any other provision that may be necessary for the implementation of~~
2 ~~this chapter. [Repealed.]~~

3 § 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

4 (a) Except as provided in section 1522 of this title:

5 (1) A retailer shall not refuse to accept from any person any empty
6 beverage containers, labeled in accordance with section 1524 of this title, of
7 the kind, size, and brand sold by the retailer, or refuse to pay to that person the
8 refund value of a beverage container as established by section 1522 of this
9 title, except as provided in subsection (b) of this section.

10 (2) A manufacturer or distributor may not refuse to pick up from a
11 retailer that sells its product or a person operating a certified redemption center
12 any empty beverage containers, labeled in accordance with section 1524 of this
13 title, of the kind, size, and brand sold by the manufacturer or distributor, or
14 refuse to pay the retailer or a person operating a redemption center the refund
15 value of a beverage container as established by section 1522 of this title.

16 (b) A retailer, ~~with the prior approval of the Secretary,~~ may refuse to
17 redeem beverage containers if a ~~redemption center or centers are established~~
18 ~~that serve the public need~~ stewardship plan that meets the requirements of
19 section 1532 of this title has been implemented by the producer responsibility
20 organization in the State and the retailer's building is less than 5,000 square
21 feet.

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1 (c) A retailer ~~or that is not exempt,~~ a person operating a redemption center,
2 or any other point of redemption may only refuse to redeem beverage
3 containers that are not clean, or are broken, and shall not redeem beverage
4 containers that are not labeled in accordance with section 1524 of this title.

5 § 1524. LABELING

6 (a)(1) Every beverage container sold or offered for sale at retail in this
7 State shall clearly indicate by embossing ~~or,~~ imprinting on the normal product
8 label, or ~~in the case of a metal beverage container on the top of the container,~~
9 other approved method secured to the container the word “Vermont” or the
10 letters “VT” and ~~the refund value of the container~~ one of the following in not
11 less than one-eighth inch type size or such other alternate indications as may be
12 approved by the Secretary:

13 (A) the refund value of the container;

14 (B) the words “refund value”; or

15 (C) the letters “RV”.

16 (2) The label shall be on the top lid of the beverage container, the side of
17 the beverage container, or in a clearly visible location on the beverage
18 container. This subsection does not prohibit including names or abbreviations
19 of other states with deposit legislation comparable to this chapter.

20 (b) Each beverage container sold or offered for sale in the State that has a
21 deposit pursuant to section 1522 of this title shall include a Universal Product

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1 Code and barcode. Each distributor shall provide the Universal Product Code
2 and barcode as part of its beverage registration or within 60 days following
3 March 1, 2025, whichever occurs first.

4 (c) The Commissioner of Liquor and Lottery may allow, in the case of
5 liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the
6 deposit information required in subsection (a) of this section, provided that the
7 size, placement, and adhesive qualities of the sticker are as approved by the
8 Commissioner. The stickers shall be affixed to the bottles by the
9 manufacturer, except that liquor that is sold in the State in quantities less than
10 100 cases per year may have stickers affixed by personnel employed by the
11 Division of Liquor Control.

12 ~~(e) This section shall not apply to permanently labeled beverage containers.~~

13 (d) The Secretary may allow a manufacturer, a distributor, or a retailer of
14 vinous beverage containers to attach a conspicuous adhesive sticker to the
15 beverage containers to indicate the deposit information required in subsection
16 (a) of this section, provided that the size, placement, and adhesive qualities of
17 the sticker are as approved by the Secretary. If the Secretary allows the use of
18 an adhesive sticker under this subsection, the sticker shall be affixed by the
19 manufacturer, the distributor, or the retailer.

20 * * *

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1 § 1527. ~~PENALTY~~

2 ~~A person who violates a provision of this chapter shall be fined not more~~
3 ~~than \$1,000.00 for each violation. [Repealed.]~~

4 § 1528. BEVERAGE REGISTRATION

5 No distributor or manufacturer shall sell a beverage container in the State of
6 Vermont without ~~the manufacturer registering the beverage container with the~~
7 ~~Agency of Natural Resources prior to sale, registering 30 days in advance of~~
8 ~~initiating sale of the beverage container and participating in a stewardship plan~~
9 ~~approved by the Secretary~~ unless distributed by the Department of Liquor and
10 Lottery. ~~This registration shall take place on a form provided by the Secretary~~
11 ~~and include the following:~~

12 ~~(1) the name and principal business address of the manufacturer;~~

13 ~~(2) the name of the beverage and the container size;~~

14 ~~(3) whether the beverage is a part of an approved commingling~~
15 ~~agreement; and~~

16 ~~(4) the name of the person picking up the empty beverage container, if~~
17 ~~that person is different from the manufacturer.~~

18 § 1529. REDEMPTION CENTER CERTIFICATION

19 A person operating a redemption center may obtain a certification from the
20 Secretary. A redemption center certification shall include the following:

21 (1) Specification of the name and location of the facility;

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1 (1) the producer responsibility organization has the capacity to
2 administer the requirements of a stewardship plan required by section 1532 of
3 this title; and

4 (2) the producer responsibility organization does not create any
5 unreasonable barriers to joining the producer responsibility organization and
6 shall take into the consideration the needs of small manufacturers that do not
7 generate a significant volume of containers.

8 (d) After approval, the producer responsibility organization shall maintain a
9 website that identifies:

10 (1) the name and principal business address of each manufacturer
11 participating in the producer responsibility organization; and

12 (2) the name of each beverage and the container size covered by the
13 stewardship plan.

14 (e) If the producer responsibility organization fails to implement the
15 requirements of this chapter, the rules adopted by the Secretary, or an approved
16 stewardship plan, the Secretary may dissolve the producer responsibility
17 organization.

18 (f) If no producer responsibility organization is formed, the Secretary shall
19 either require the formation of the producer responsibility organization or
20 adopt and administer a plan that meets the requirements of section 1532 of this
21 title. If the Secretary administers the plan adopted under section 1532, the

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1 Secretary shall charge each manufacturer the costs of plan administration, the
2 Agency's oversight costs, and a recycling market development assessment of
3 10 percent of the plan's total cost to be deposited in the Solid Waste
4 Management Assistance Account of the Waste Management Assistance Fund,
5 for the purpose of providing grants to develop markets to recycle materials.

6 (g) The producer responsibility organization shall reimburse the Agency of
7 Natural Resources for all oversight costs in administering this chapter.

8 (h) Manufacturers and distributors of liquor are exempt from the
9 requirements of this section and the requirement to implement a stewardship
10 plan under section 1532 of this title.

11 § 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

12 (a) Plan elements. On or before October 1, 2024, an approved producer
13 responsibility organization shall submit a stewardship plan to the Secretary. A
14 stewardship plan shall, at a minimum, meet all of the following requirements
15 of this section:

16 (1) Convenience of collection. A plan shall ensure that consumers have
17 convenient opportunities to redeem beverage containers. The plan shall take
18 reasonable efforts to site points of redemption equitably across all regions of
19 the State to allow for convenient and reasonable access of all Vermonters to
20 redemption opportunities. A plan shall document how redemption services
21 will be available to consumers as follows:

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1 (A) at least three points of redemption per county that provide an
2 immediate return of a deposit to a consumer unless a waiver is granted by the
3 Secretary;

4 (B) at least one point of redemption per municipality with a
5 population of 7,000 or more persons that provides an immediate return of a
6 deposit to a consumer unless a waiver is granted by the Secretary; and

7 (C) how sites of redemption are or will be sited in areas with high
8 population density or located in centers designated under 24 V.S.A. chapter
9 76A.

10 (2) Fair operation and compensation to redemption centers. The plan
11 shall satisfy all of the following requirements.

12 (A) The plan shall describe how all locations that redeem beverage
13 containers are fairly compensated for their participation in the collection
14 program.

15 (B) There shall not be barriers to the participation in the collection
16 program for a redemption center, except for restrictions that are authorized by
17 the Secretary.

18 (C) The plan shall describe how management and sorting of
19 containers at redemption centers is minimized. The plan shall document how
20 brand sorting will be eliminated at points of redemption.

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1 (D) The plan shall describe how materials will be picked up from
2 redemption centers on a timely basis.

3 (E) The plan shall maximize the use of existing infrastructure when
4 establishing points of collection under subdivision (1) of this subsection (a).

5 (3) Education to consumers. The plan shall describe what education
6 efforts will be undertaken to increase the number of beverage containers
7 redeemed in the State.

8 (4) Consultation with stakeholders. The producer responsibility
9 organization shall consult with stakeholders on the development of the plan.
10 The plan shall include processes for regular consultation, which shall not be
11 less than annually, with stakeholders including the Agency, redemption
12 centers, municipal and private recycling organizations, and other stakeholders.

13 (b) Reporting. At a frequency required by the Secretary but not less than
14 annually, the producer responsibility organization shall report the following to
15 the Secretary:

16 (1) the name, address, and business hours of each redemption center
17 participating in the approved stewardship plan;

18 (2) the amount, in containers and tons, and material type of beverage
19 containers redeemed under the plan and the redemption rate by the following
20 categories of:

21 (A) vinous beverage containers; and

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1 (B) all other beverage containers:

2 (3) the location and amount of beverage container material that was
3 recycled and what products that beverage container material was recycled into;

4 (4) the carbon impacts associated with the administration of the
5 stewardship plan;

6 (5) the costs associated with administration of the stewardship plan,
7 including the costs of collection, management, and transportation of redeemed
8 containers and the amount received for commodities;

9 (6) a description of any improvements made in the reporting year to
10 increase ease and convenience for consumers to return beverage containers for
11 redemption;

12 (7) efforts taken by or on behalf of the manufacturer or distributor to
13 reduce environmental impacts throughout the product life cycle and to increase
14 reusability or recyclability at the end of the life cycle by material type;

15 (8) efforts taken by or on behalf of the producer responsibility
16 organization to improve the environmental outcomes of the program by
17 improving operational efficiency, such as reduction of truck trips through
18 improved material handling or compaction or the increased use of refillable
19 containers in a local refilling system;

20 (9) a description and copies of educational materials and educational
21 strategies the producer uses for the purposes of this program; and

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1 (10) any additional information required by the Secretary.

2 (c) Secretary of Natural Resources approval. The plan shall be submitted
3 to the Secretary, and, after concluding that the elements of the plan will
4 maximize diversion of recyclable materials, provide convenience to users, and
5 create a more circular economy, the Secretary’s approval pursuant to this
6 subsection shall be for a period not greater than five years.

7 § 1533. PROGRAM AND FISCAL AUDIT

8 (a) Program audit. Beginning on March 1, 2030 and every five years
9 thereafter, the producer responsibility organization shall conduct an
10 independent third-party program audit of the operation of the stewardship plan.
11 The audit shall make recommendations to improve the operation of the
12 collection program established by this chapter.

13 (b) Fiscal audit. Beginning on March 1, 2026 and annually thereafter, the
14 producer responsibility organization shall conduct an independent third-party
15 fiscal audit of the program. The fiscal audit shall provide a transparent fiscal
16 analysis of the producer responsibility organization, its expenditures, the
17 number of beverage containers collected, and the amount of unclaimed
18 deposits. The audit shall also provide the redemption rate of beverage
19 containers redeemed in the State after approval by the Secretary.

20 (c) Submission to Secretary. The results of each audit required under
21 subsections (a) and (b) of this section shall be submitted to the Secretary for

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1 purposes of reviewing performance of the stewardship plan and for oversight
2 of the requirements of this chapter.

3 § 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;

4 REPORT

5 (a) It is a goal of the State that the following minimum beverage container
6 redemption rates shall be satisfied by the specified dates:

7 (1) Beginning on July 1, 2026: 75 percent.

8 (2) Beginning on July 1, 2030: 80 percent.

9 (3) Beginning on July 1, 2035: 85 percent.

10 (4) Beginning on July 1, 2040: 90 percent.

11 (b) Beginning on July 1, 2025 and every five years thereafter, the Secretary
12 of Natural Resources shall submit to the Senate Committees on Natural
13 Resources and Energy and on Finance and the House Committees on
14 Environment and Energy and on Ways and Means a written report containing
15 the current beverage container redemption rate in the State for the following
16 three categories of beverage containers:

17 (1) liquor bottles;

18 (2) vinous beverage containers; and

19 (3) all other beverage containers.

20 (c) Beginning on January 1, 2028, if the Secretary determines that the
21 redemption rate goal established in subsection (a) of this section was not met

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1 for one or more of the beverage container categories listed under subsection (b)
2 of this section for two consecutive years, the beverage container deposit for the
3 category shall increase by five cents, provided that the maximum deposit for
4 any beverage container category shall not exceed 20 cents for vinous beverage
5 containers and liquor bottles and shall not exceed 10 cents for every other
6 container. Within one year following the Secretary’s determination under this
7 section, manufacturers and distributors shall comply with the labeling
8 requirements of section 1524 of this title before assessing the relevant deposit
9 established under this subsection for the beverage container.

10 § 1535. RULEMAKING

11 The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25,
12 necessary for the administration of this chapter.

13 Sec. 2. 10 V.S.A. § 1530(c)(1) is amended to read:

14 (c)(1) ~~On or before January 1, 2020, and quarterly thereafter,~~ Every quarter,
15 at the time a report is filed pursuant to subsection (d) of this section, each
16 deposit initiator shall remit to the Commissioner of Taxes ~~any~~ 50 percent of the
17 abandoned beverage container deposits from the preceding quarter. The
18 remaining 50 percent of the abandoned beverage container deposits shall be
19 retained by the producer responsibility organization implementing the
20 requirements of this chapter for the deposit initiator. The amount of
21 abandoned beverage container deposits for a quarter is the amount equal to the

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1 amount of deposits that the deposit initiator collected in the quarter less the
2 amount of the total refund value paid out by the deposit initiator for beverage
3 containers during the quarter.

4 Sec. 3. 10 V.S.A. § 1530(c)(1) is amended to read:

5 (c)(1) Every quarter, at the time a report is filed pursuant to subsection (d)
6 of this section, each deposit initiator shall remit to the Commissioner of Taxes
7 ~~50 percent of the any~~ abandoned beverage container deposits from the
8 preceding quarter. ~~The remaining 50 percent of the abandoned beverage~~
9 ~~container deposits shall be retained by the producer responsibility organization~~
10 ~~implementing the requirements of this chapter for the deposit initiator.~~ The
11 amount of abandoned beverage container deposits for a quarter is the amount
12 equal to the amount of deposits that the deposit initiator collected in the quarter
13 less the amount of the total refund value paid out by the deposit initiator for
14 beverage containers during the quarter.

15 Sec. 4. 10 V.S.A. § 7714 is amended to read:

16 § 7714. TYPE 3 PROCEDURES

17 (a) Purpose; scope.

18 (1) The purpose of this section is to establish the public notice and
19 comment requirements that the Department must follow when adopting general
20 permits, except for general permits governed by section 7712 of this chapter,
21 and when considering other permits listed in this section.

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1 (2) The procedures under this section shall be known as Type 3
2 Procedures. This section governs each of the following:

3 (A) Each general permit issued pursuant to the Secretary’s authority
4 under this title other than a general permit subject to section 7712 of this
5 chapter. However, this section does not apply to a notice of intent under a
6 general permit.

7 (B) Issuance of a dam safety order under chapter 43 of this title,
8 except for an unsafe dam order under section 1095 of this title.

9 (C) An application or request for approval of:

10 (i) an aquatic nuisance control permit under chapter 50 of this
11 title;

12 (ii) a change in treatment for a public water supply under chapter
13 56 of this title;

14 (iii) a collection plan for mercury-containing lamps under section
15 7156 of this title;

16 (iv) an individual plan for the collection and recycling of
17 electronic waste under section 7554 of this title; ~~and~~

18 (v) a primary battery stewardship plan under section 7586 of this
19 title; and

20 (vi) approval of a stewardship plan required under chapter 53 of
21 this title.

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1 (b) Notice of application. The Secretary shall provide notice of an
2 administratively complete application through the environmental notice
3 bulletin.

4 (c) Notice of draft decision; comment period. The Secretary shall provide
5 notice of the draft decision through the environmental notice bulletin and shall
6 post the draft decision to the bulletin. The Secretary shall provide a public
7 comment period.

8 (d) Public meeting. The Secretary shall hold a public meeting whenever
9 any person files a written request for such a meeting. The Secretary otherwise
10 may hold a public meeting at ~~his or her~~ the Secretary's discretion.

11 (e) Notice of final decision. The Secretary shall provide notice of the final
12 decision through the environmental notice bulletin and shall post the final
13 decision to the bulletin. The Secretary shall provide a response to comments.

14 Sec. 5. 10 V.S.A. § 1388 is amended to read:

15 § 1388. CLEAN WATER FUND

16 (a) There is created a special fund to be known as the Clean Water Fund to
17 be administered by the Secretary of Administration. The Fund shall consist of:

18 (1) revenues from the Property Transfer Tax surcharge established under
19 32 V.S.A. § 9602a;

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1 (2) other gifts, donations, and impact fees received from any source,
2 public or private, dedicated for deposit into the Fund and approved by the
3 Secretary of Administration;

4 (3) 50 percent of the unclaimed beverage container deposits (escheats)
5 remitted to the State under chapter 53 of this title;

6 (4) six percent of the revenues from the meals and rooms taxes imposed
7 under 32 V.S.A. chapter 225; and

8 (5) other revenues dedicated for deposit into the Fund by the General
9 Assembly.

10 (b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,
11 subchapter 5, unexpended balances and any earnings shall remain in the Fund
12 from year to year.

13 Sec. 6. 10 V.S.A. § 6618(a) is amended to read:

14 (a) There is hereby created in the State Treasury a fund to be known as the
15 Waste Management Assistance Fund, to be expended by the Secretary of
16 Natural Resources. The Fund shall have three accounts: one for Solid Waste
17 Management Assistance, one for Hazardous Waste Management Assistance,
18 and one for Electronic Waste Collection and Recycling Assistance. The
19 Hazardous Waste Management Assistance Account shall consist of a
20 percentage of the tax on hazardous waste under the provisions of 32 V.S.A.
21 chapter 237, as established by the Secretary, the toxics use reduction fees

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1 under subsection 6628(j) of this title; and appropriations of the General
2 Assembly. In no event shall the amount of the hazardous waste tax that is
3 deposited to the Hazardous Waste Management Assistance Account exceed
4 40 percent of the annual tax receipts. The Solid Waste Management
5 Assistance Account shall consist of the franchise tax on waste facilities
6 assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13;
7 50 percent of the unclaimed beverage container deposits remitted to the State
8 under chapter 53 of this title; and appropriations of the General Assembly.
9 The Electronic Waste Collection and Recycling Account shall consist of the
10 program and implementation fees required under section 7553 of this title. All
11 balances in the Fund accounts at the end of any fiscal year shall be carried
12 forward and remain a part of the Fund accounts, except as provided in
13 subsection (e) of this section. Interest earned by the Fund shall be deposited
14 into the appropriate Fund account. Disbursements from the Fund accounts
15 shall be made by the State Treasurer on warrants drawn by the Commissioner
16 of Finance and Management.

17 **Sec. 7. SYSTEMS ANALYSIS OF BEVERAGE CONTAINER SYSTEM**

18 On or before January 15, 2025, the Agency of Natural Resources shall
19 submit to the House Committee on Environment and Energy and the Senate
20 Committee on Natural Resources and Energy a written report on:

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1 (1) an estimate of the total system costs and savings associated with the
2 implementation of the expanded beverage container redemption system under
3 10 V.S.A. chapter 53, including climate impacts;

4 (2) an estimate of the impacts of an expanded beverage container
5 redemption system on the recycling system, including how much additional
6 beverage container material will be collected by the expansion of the bottle
7 bill; the operational savings, if any, on material recovery facilities; the loss to
8 material recovery facilities from the removal of bottle bill material from the
9 recycling system; and an estimate of the impacts on tipping fees at each
10 material recovery facility; and

11 (3) an estimate of the costs of operating a redemption center and other
12 alternate points of redemption under a stewardship plan and a recommendation
13 on whether the handling fee should be altered or replaced with an alternative
14 means of compensating points of redemption.

15 Sec. 8. REPEAL

16 10 V.S.A. § 1528 (beverage registration with ANR) and 10 V.S.A. § 1529
17 (redemption center certification by ANR) are repealed on March 1, 2025.

18 Sec. 9. IMPLEMENTATION; TRANSITION

19 (a) In the implementation and enforcement of the requirements of this act,
20 the Secretary of Natural Resources may:

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1 (1) allow beverage containers to be sold or redeemed that do not meet
2 the labeling requirements of 10 V.S.A. § 1524;

3 (2) determine whether a beverage or container is subject to the
4 requirements of 10 V.S.A. chapter 53 due to the nature of the beverage or the
5 composition or size of the container; and

6 (3) exercise discretion in the administration and enforcement of the
7 requirements of 10 V.S.A. chapter 53 for categories or types of beverages or
8 beverage containers.

9 (b) This section shall be repealed on March 1, 2028.

10 **Sec. 10. BOTTLE BILL RECYCLING AND MATERIALS REPORTING**

11 A manufacturer or distributor collecting beverage containers subject to 10
12 V.S.A chapter 53 shall report recycling information to the Secretary of Natural
13 Resources in the same manner as recycled materials are reported to the
14 Secretary under 10 V.S.A. chapter 159. The information shall include:

15 (1) the amount in containers and tons and material type of beverage
16 container collected; and

17 (2) the location and amount of beverage container material and what
18 products the beverage containers were recycled into.

19 **Sec. 11. EFFECTIVE DATES**

20 This act shall take effect on July 1, 2023, except that:

Draft House E&E Committee Amendment

1 (1) in Sec. 1, 10 V.S.A. § 1521(1) (expansion of the definition of
2 beverage types) and 10 V.S.A. § 1522(a)(deposit for vinous beverages) shall
3 take effect on January 1, 2027;

4 (2) in Sec. 1, 10 V.S.A. § 1528 (requiring product registration to take
5 place with the producer responsibility organization) shall take effect on
6 March 1, 2025;

7 (3) in Sec. 1, 10 V.S.A. § 1524(b) (requiring a UPC label on containers)
8 shall take effect on March 1, 2025;

9 (4) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting the sale or distribution
10 without participating in the producer responsibility organization) shall take
11 effect on March 1, 2025;

12 (5) Sec. 2 (remittance of abandoned beverage container deposits) shall
13 take effect on January 1, 2026;

14 (6) Sec. 3. (repeal of remittance of beverage container deposit) shall take
15 effect on July 1, 2031;

16 (7) Sec. 5 (changing the amount of funds deposited in the Clean Water
17 Fund) shall take effect on July 1, 2031; and

18 (8) Sec. 6 (Waste Management Assistance Fund) shall take effect on
19 July 1, 2031.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE