

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 [Repealed.]~~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
22 those materials, and containing a ~~consumer product~~ beverage. This definition

1 ~~shall~~ does not include ~~containers made of biodegradable material~~
2 noncarbonated beverage containers with a volume greater than two and one-
3 half liters and carbonated beverage containers with a volume greater than three
4 liters.

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

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

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

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

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

20 (9) “Mixed wine drink” means a beverage containing wine and more
21 than 15 percent added plain, carbonated, or sparkling water and that contains
22 added natural or artificial blended material, such as fruit juices, flavors,

1 flavoring, adjuncts, coloring, or preservatives; that contains not more than
2 16 percent alcohol by volume; or other similar product marketed as a wine
3 cooler.

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

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

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

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

14 (14) “Vinous beverages” means all fermented beverages of any name or
15 description manufactured or obtained for sale from the natural sugar content of
16 fruits or other agricultural product, containing sugar, the total alcoholic content
17 of which is not less than one percent nor more than 16 percent by volume at 60
18 degrees Fahrenheit. As used in this section, “vinous beverages” does not mean
19 cider, hard kombucha, or a mixed wine drink.

20 § 1522. BEVERAGE CONTAINERS; DEPOSIT

21 (a) Except with respect to beverage containers that contain liquor, a deposit
22 of not less than five cents shall be paid by the consumer on each beverage

1 container sold at the retail level and refunded to the consumer upon return of
2 the empty beverage container. With respect to beverage containers that
3 contain a vinous beverage, a deposit of 15 cents shall be paid by the consumer
4 on each beverage container sold at the retail level and refunded to the
5 consumer upon return of the empty beverage container. With respect to
6 beverage containers of volume greater than 50 ml. that contain liquor, a deposit
7 of 15 cents shall be paid by the consumer on each beverage container sold at
8 the retail level and refunded to the consumer upon return of the empty
9 beverage container. The difference between liquor bottle deposits collected
10 and refunds made is hereby retained by the Liquor Control Enterprise Fund for
11 administration of this subsection. Beginning on January 15, 2024 and annually
12 thereafter, the Commissioner of Liquor and Lottery shall report to the
13 Secretary of Natural Resources:

14 (1) the amount and tonnage of liquor bottles that the Department of
15 Liquor and Lottery collected in the previous calendar year; and

16 (2) the redemption rate for liquor bottles in the previous calendar year.

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

1 (c) [Repealed.]

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

4 § 1522a. RULES

5 The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25,
6 necessary for the administration of this chapter. These rules may include the
7 following:

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

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

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

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

18 § 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

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

20 (1) A retailer shall not refuse to accept from any person any empty
21 beverage containers, labeled in accordance with section 1524 of this title, of
22 the kind, size, and brand sold by the retailer, or refuse to pay to that person the

1 refund value of a beverage container as established by section 1522 of this
2 title, except as provided in subsection (b) of this section.

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

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

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

19 § 1524. LABELING

20 (a)(1) Every beverage container sold or offered for sale at retail in this
21 State shall clearly indicate by embossing ~~or~~, imprinting on the normal product
22 label, or ~~in the case of a metal beverage container on the top of the container,~~

1 other approved method secured to the container the word “Vermont” or the
2 letters “VT” and ~~the refund value of the container~~ one of the following in not
3 less than one-eighth inch type size or such other alternate indications as may be
4 approved by the Secretary;

5 (A) the refund value of the container;

6 (B) the words “refund value”; or

7 (C) the letters “RV”.

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

12 (b) Each beverage container sold or offered for sale in the State that has a
13 deposit pursuant to section 1522 of this title shall include a Universal Product
14 Code and barcode. Each distributor shall provide the Universal Product Code
15 and barcode as part of its beverage registration or within 60 days following
16 March 1, 2025, whichever occurs first.

17 (c) The Commissioner of Liquor and Lottery may allow, in the case of
18 liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the
19 deposit information required in subsection (a) of this section, provided that the
20 size, placement, and adhesive qualities of the sticker are as approved by the
21 Commissioner. The stickers shall be affixed to the bottles by the
22 manufacturer, except that liquor that is sold in the State in quantities less than

1 100 cases per year may have stickers affixed by personnel employed by the
2 Division of Liquor Control.

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

4 (d) The Secretary may allow a manufacturer, a distributor, or a retailer of
5 vinous beverage containers to attach a conspicuous adhesive sticker to the
6 beverage containers to indicate the deposit information required in subsection
7 (a) of this section, provided that the size, placement, and adhesive qualities of
8 the sticker are as approved by the Secretary. If the Secretary allows the use of
9 an adhesive sticker under this subsection, the sticker shall be affixed by the
10 manufacturer, the distributor, or the retailer.

11 * * *

12 § 1527. PENALTY

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

15 * * *

16 § 1529. REDEMPTION CENTER CERTIFICATION

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

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

20 (2) ~~If the certified redemption center redeems more than 250,000~~
21 ~~containers per year, a requirement that the certified redemption center shall~~
22 ~~participate in an approved commingling agreement; and~~

1 ~~(3)~~ Additional conditions, requirements, and restrictions as the Secretary
2 may deem necessary to implement the requirements of this chapter. This may
3 include requirements concerning reporting, recording, and inspections of the
4 operation of the site.

* * *

6 § 1531. MANUFACTURER PARTICIPATION IN PRODUCER

7 RESPONSIBILITY ORGANIZATION

8 (a) No manufacturer or distributor may sell or distribute a beverage
9 container in this State without participating in a Secretary-approved producer
10 responsibility organization.

11 (b) On or before January 1, 2024, manufacturers of beverage containers
12 sold or distributed within the State shall apply to the Secretary to form a
13 producer responsibility organization to fulfill the requirement of manufacturers
14 under this chapter.

15 (c) The Secretary may approve, for a period not longer than 10 years, the
16 producer responsibility organization, provided that:

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

20 (2) the producer responsibility organization does not create any
21 unreasonable barriers to joining the producer responsibility organization and

1 shall take into the consideration the needs of small manufacturers that do not
2 generate a significant volume of containers.

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

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

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

9 (e) If the producer responsibility organization fails to implement the
10 requirements of this chapter, the rules adopted by the Secretary, or an approved
11 stewardship plan, the Secretary may dissolve the producer responsibility
12 organization.

13 (f) If no producer responsibility organization is formed, the Secretary shall
14 either require the formation of the producer responsibility organization or
15 adopt and administer a plan that meets the requirements of section 1532 of this
16 title. If the Secretary administers the plan adopted under section 1532, the
17 Secretary shall charge each manufacturer the costs of plan administration, the
18 Agency's oversight costs, and a recycling market development assessment of
19 10 percent of the plan's total cost to be deposited in the Solid Waste
20 Management Assistance Account of the Waste Management Assistance Fund,
21 for the purpose of providing grants to develop markets to recycle materials.

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

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

6 § 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

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

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

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

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

1 (C) how sites of redemption are or will be sited in areas with high
2 population density or located in centers designated under 24 V.S.A. chapter
3 76A.

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

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

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

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

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

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

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

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

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

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

11 (2) the amount, in containers and tons, and material type of beverage
12 containers redeemed under the plan and the redemption rate by the following
13 categories of:

14 (A) vinous beverage containers; and

15 (B) all other beverage containers;

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

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

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

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

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

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

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

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

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

20 § 1533. PROGRAM AND FISCAL AUDIT

21 (a) Program audit. Beginning on March 1, 2030 and every five years
22 thereafter, the producer responsibility organization shall conduct an

1 independent third-party program audit of the operation of the stewardship plan.
2 The audit shall make recommendations to improve the operation of the
3 collection program established by this chapter.

4 (b) Fiscal audit. Beginning on March 1, 2026 and annually thereafter, the
5 producer responsibility organization shall conduct an independent third-party
6 fiscal audit of the program. The fiscal audit shall provide a transparent fiscal
7 analysis of the producer responsibility organization, its expenditures, the
8 number of beverage containers collected, and the amount of unclaimed
9 deposits. The audit shall also provide the redemption rate of beverage
10 containers redeemed in the State after approval by the Secretary.

11 (c) Submission to Secretary. The results of each audit required under
12 subsections (a) and (b) of this section shall be submitted to the Secretary for
13 purposes of reviewing performance of the stewardship plan and for oversight
14 of the requirements of this chapter.

15 § 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;

16 REPORT

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

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

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

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

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

1 (b) Beginning on July 1, 2025 and annually thereafter, the Secretary of
2 Natural Resources shall submit to the Senate Committees on Natural
3 Resources and Energy and on Finance and the House Committees on
4 Environment and Energy and on Ways and Means a written report containing
5 the current beverage container redemption rate in the State for the following
6 three categories of beverage containers:

7 (1) liquor bottles;

8 (2) vinous beverage containers; and

9 (3) all other beverage containers.

10 (c) Beginning on January 1, 2028, if the Secretary determines that the
11 redemption rate goal established in subsection (a) of this section was not met
12 for one or more of the beverage container categories listed under subsection (b)
13 of this section for two consecutive years, the beverage container deposit for the
14 category shall increase by five cents, provided that the maximum deposit for
15 any beverage container category shall not exceed 20 cents for vinous beverage
16 containers and liquor bottles and shall not exceed 10 cents for every other
17 container. Within one year following the Secretary's determination under this
18 section, manufacturers and distributors shall comply with the labeling
19 requirements of section 1524 of this title before assessing the relevant deposit
20 established under this subsection for the beverage container.

21 § 1535. RULEMAKING

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

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

4 (c)(1) ~~On or before January 1, 2020, and quarterly thereafter,~~ Every quarter,
5 at the time a report is filed pursuant to subsection (d) of this section, each
6 deposit initiator shall remit to the Commissioner of Taxes ~~any~~ 50 percent of the
7 abandoned beverage container deposits from the preceding quarter. The
8 remaining 50 percent of the abandoned beverage container deposits shall be
9 retained by the producer responsibility organization implementing the
10 requirements of this chapter for the deposit initiator. The amount of
11 abandoned beverage container deposits for a quarter is the amount equal to the
12 amount of deposits that the deposit initiator collected in the quarter less the
13 amount of the total refund value paid out by the deposit initiator for beverage
14 containers during the quarter.

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

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

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

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

5 § 7714. TYPE 3 PROCEDURES

6 (a) Purpose; scope.

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

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

13 (A) Each general permit issued pursuant to the Secretary's authority
14 under this title other than a general permit subject to section 7712 of this
15 chapter. However, this section does not apply to a notice of intent under a
16 general permit.

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

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

20 (i) an aquatic nuisance control permit under chapter 50 of this
21 title;

1 (ii) a change in treatment for a public water supply under chapter
2 56 of this title;

3 (iii) a collection plan for mercury-containing lamps under section
4 7156 of this title;

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

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

9 (vi) approval of a stewardship plan required under chapter 53 of
10 this title.

11 (b) Notice of application. The Secretary shall provide notice of an
12 administratively complete application through the environmental notice
13 bulletin.

14 (c) Notice of draft decision; comment period. The Secretary shall provide
15 notice of the draft decision through the environmental notice bulletin and shall
16 post the draft decision to the bulletin. The Secretary shall provide a public
17 comment period.

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

1 (e) Notice of final decision. The Secretary shall provide notice of the final
2 decision through the environmental notice bulletin and shall post the final
3 decision to the bulletin. The Secretary shall provide a response to comments.

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

5 § 1388. CLEAN WATER FUND

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

8 (1) revenues from the Property Transfer Tax surcharge established under
9 32 V.S.A. § 9602a;

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

13 (3) 50 percent of the unclaimed beverage container deposits (escheats)
14 remitted to the State under chapter 53 of this title;

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

17 (5) other revenues dedicated for deposit into the Fund by the General
18 Assembly.

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

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

1 (a) There is hereby created in the State Treasury a fund to be known as the
2 Waste Management Assistance Fund, to be expended by the Secretary of
3 Natural Resources. The Fund shall have three accounts: one for Solid Waste
4 Management Assistance, one for Hazardous Waste Management Assistance,
5 and one for Electronic Waste Collection and Recycling Assistance. The
6 Hazardous Waste Management Assistance Account shall consist of a
7 percentage of the tax on hazardous waste under the provisions of 32 V.S.A.
8 chapter 237, as established by the Secretary, the toxics use reduction fees
9 under subsection 6628(j) of this title; and appropriations of the General
10 Assembly. In no event shall the amount of the hazardous waste tax that is
11 deposited to the Hazardous Waste Management Assistance Account exceed
12 40 percent of the annual tax receipts. The Solid Waste Management
13 Assistance Account shall consist of the franchise tax on waste facilities
14 assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13;
15 50 percent of the unclaimed beverage container deposits remitted to the State
16 under chapter 53 of this title; and appropriations of the General Assembly.
17 The Electronic Waste Collection and Recycling Account shall consist of the
18 program and implementation fees required under section 7553 of this title. All
19 balances in the Fund accounts at the end of any fiscal year shall be carried
20 forward and remain a part of the Fund accounts, except as provided in
21 subsection (e) of this section. Interest earned by the Fund shall be deposited
22 into the appropriate Fund account. Disbursements from the Fund accounts

1 shall be made by the State Treasurer on warrants drawn by the Commissioner
2 of Finance and Management.

3 Sec. 7. SYSTEMS ANALYSIS OF BEVERAGE CONTAINER SYSTEM

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

7 (1) an estimate of the total system costs and savings associated with the
8 implementation of the expanded beverage container redemption system under
9 10 V.S.A. chapter 53, including climate impacts;

10 (2) an estimate of the impacts of an expanded beverage container
11 redemption system on the recycling system, including how much additional
12 beverage container material will be collected by the expansion of the bottle
13 bill; the operational savings, if any, on material recovery facilities; the loss to
14 material recovery facilities from the removal of bottle bill material from the
15 recycling system; and an estimate of the impacts on tipping fees at each
16 material recovery facility;

17 (3) an estimate of the costs of operating a redemption center and other
18 alternate points of redemption under a stewardship plan and a recommendation
19 on whether the handling fee should be altered or replaced with an alternative
20 means of compensating points of redemption;

21 (4) an estimate of the impact on overall recycling in the State and the
22 redemption rates of beverage containers under 10 V.S.A. chapter 53 if the

1 producer responsibility organization (PRO) implementing the stewardship plan
2 under that chapter were authorized to retain 100 percent of the abandoned
3 beverage container deposits, including:

4 (A) the number of beverage container redemption sites in the State
5 under the PRO's stewardship plan; and

6 (B) the geographic distribution of beverage container redemption
7 sites across the State under the PRO's stewardship plan; and

8 (5) an estimate of the impact on the Clean Water Fund and State
9 implementation of the State's water quality programs and regulatory
10 requirements if the abandoned beverage container deposits were not deposited
11 into the Clean Water Fund under 10 V.S.A. § 1388.

12 Sec. 8. REPEAL

13 10 V.S.A. § 1528 (beverage registration with ANR) and 10 V.S.A. § 1529
14 (redemption center certification by ANR) are repealed on March 1, 2025.

15 Sec. 9. IMPLEMENTATION; TRANSITION

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

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

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

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

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

5 Sec. 10. BOTTLE BILL RECYCLING AND MATERIALS REPORTING

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

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

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

14 Sec. 11. EFFECTIVE DATES

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

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

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

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

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

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

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

10 (7) Sec. 6 (Waste Management Assistance Fund) shall take effect on
11 July 1, 2031.

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(Committee vote: _____)

Representative _____
FOR THE COMMITTEE