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H.292

Introduced by Representatives Masland of Thetford, Mrowicki of Putney, and  
Olson of Starksboro

Referred to Committee on

Date:

Subject: Conservation and development; solid waste; PFAS; biosolids; land  
application; sale of

Statement of purpose of bill as introduced: This bill proposes to ban the land  
application or sale of biosolids, sewage sludge, or similar liquid wastes in  
which testing indicates the presence of perfluoroalkyl and polyfluoroalkyl  
substances (PFAS). The bill would also prohibit the landfill disposal of  
biosolids, sewage sludge, or similar liquid wastes in which PFAS levels exceed  
the State standards for hazardous waste.

An act relating to the land application and sale of biosolids containing  
PFAS

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

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

12   \* \* \*

13           (50) “Biosolids” means septage or sewage sludge derived, in whole or in  
14       part, from domestic wastes that have been subjected to a treatment process for  
15       the reduction of pathogens and have been demonstrated to meet the applicable  
16       requirements in Agency rules for contaminant concentrations, vector attraction  
17       reduction, and pathogen reduction.

18           (51) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means  
19       a class of fluorinated organic chemicals containing at least one fully  
20       fluorinated carbon atom.

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

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

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

10          § 6604b. TESTING OF SOLID WASTES PRIOR TO BENEFICIAL USE

11                               ON LAND OR DISTRIBUTION AND MARKETING

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

20          (b) In establishing the process for the determination of test parameters and  
21          frequency, the rules shall take into account the size and complexity of the

1 facility; the nature of the service area or collection system, including industrial  
2 contributions; the frequency of sewage sludge use on the land; and any  
3 existing data that is pertinent to the facility.

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

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

11 (e) The Secretary shall test all biosolids, sewage sludge, or similar liquid  
12 wastes for the presence of PFAS prior to land application of biosolids, sewage  
13 sludge, or similar liquid wastes or prior to sale of biosolids.

14 (f) If PFAS are identified in biosolids, sewage sludge, or similar liquid  
15 wastes under the testing required by subsection (e) of this section, a person  
16 shall not:

17 (1) land apply the biosolids, sewage sludge, or similar liquid wastes; and

18 (2) sell the biosolids or products containing the biosolids.

19 Sec. 3. 10 V.S.A. § 6621a is amended to read:

20 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

1 (a) In accordance with the following schedule, no person shall knowingly  
2 dispose of the following materials in solid waste or in landfills:

3 \* \* \*

4 (13) Solid waste, landfill leachate, septage, or sludge that has PFAS  
5 levels exceeding the State standards for hazardous waste.

6 (b) This section shall not prohibit the designation and use of separate areas  
7 at landfills for the storage or processing, or both, of material specified in this  
8 section.

9 (c) Insofar as it applies to the operator of a solid waste management  
10 facility, the Secretary may suspend the application of this section to material  
11 specified in subdivision (a)(2), (3), (4), (5), or (6) of this section, or any  
12 combination of these, upon finding that insufficient markets exist and adequate  
13 uses are not reasonably available to serve as an alternative to disposal.

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

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

20 Sec. 4. EFFECTIVE DATE

21 This act shall take effect on July 1, 2025.