

1 H.303

2 Sec. 1. 10 V.S.A. § 6602 is amended to read:

3 § 6602. DEFINITIONS

4 As used in this chapter:

5 (1) “Secretary” means the Secretary of Natural Resources or ~~his or her~~
6 duly authorized representative.

7 * * *

8 (50) “Biosolids” means septage or sewage sludge derived, in whole or in
9 part, from domestic wastes that have been subjected to a treatment process for
10 the reduction of pathogens and have been demonstrated to meet the applicable
11 requirements in Agency rules for vector attraction reduction and pathogen
12 reduction.

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

15 (52) “Sludge” means any solid, semisolid, or liquid generated from a
16 municipal, commercial, or industrial wastewater treatment facility or process,
17 water supply treatment plant, air pollution control facility, or any other such
18 waste having similar characteristics and effects. “Sludge” includes Class A
19 and Class B sewage sludge as those terms are defined under 40 C.F.R. Part
20 503.

21 (53) “Wastewater treatment facility” has the same meaning as in section
22 1295 of this title.

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

§ 6604b. ~~TESTING OF SOLID WASTES PRIOR TO BENEFICIAL USE~~
~~ON LAND OR DISTRIBUTION AND MARKETING~~
PROHIBITION ON LAND APPLICATION OF SLUDGE,
SEPTAGE, AND BIOSOLIDS AND SALE OF COMPOST AND
OTHER AGRICULTURAL PRODUCTS AND MATERIALS
CONTAINING SLUDGE, SEPTAGE, AND BIOSOLIDS

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

(b) In establishing the process for the determination of test parameters and frequency, the rules shall take into account the size and complexity of the facility, the nature of the service area or collection system, including industrial contributions, the frequency of sewage sludge use on the land, and any existing data that is pertinent to the facility.

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

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

8 (a) Notwithstanding any provision of law to the contrary, a person shall not
9 apply to or spread on any land in the State, except as provided in paragraphs
10 (c) & (d):

11 (1) septage, sludge, or biosolids;

12 (2) compost material that includes in its production the use of septage,
13 sludge, or biosolids; or

14 (3) any other product or material that is intended for use as a fertilizer,
15 soil amendment, topsoil replacement, or mulch or for other similar agricultural
16 purpose that is derived from or contains septage, sludge, or biosolids.

17 (b) Notwithstanding any provision of law to the contrary, a person shall not
18 sell or distribute in the State, except as provided in paragraphs (c) & (d):

19 (1) compost material that includes in its production the use of septage,
20 sludge, or biosolids; or

1 (2) any other product or material that is intended for use as a fertilizer,
2 soil amendment, topsoil replacement, or mulch or for other similar agricultural
3 purpose that is derived from or contains septage, sludge, or biosolids.

4 (c) The use of bulk or commercial quantities of Class A biosolids or
5 compost material or other product or material derived from Class A biosolids
6 meeting standards established by the Secretary may be utilized only as a
7 commercial soil amendment or for use in highway construction and industrial
8 and commercial construction settings, where the amended soil will not be used
9 for residential or agricultural purposes. Class A biosolids or products
10 containing ingredients derived from Class A biosolids shall not be sold or
11 provided to non-commercial entities or to individuals for residential,
12 agricultural, or golf course uses. The sale or distribution of bagged product
13 derived in whole or part from sludge, septage, or Class A biosolids to
14 consumers for residential and agricultural use shall be strictly prohibited.

15
16 (d) Biosolids and septage land application sites in active use and
17 operating under a certification effective on or before July 1, 2025 may continue
18 to operate and receive recertification until no later than 2035 provided the land
19 applied materials and receiving soils continue to meet operational and
20 contaminant limit standards established by the Secretary.

21

Sec. 3. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

(a)(1) No person shall construct, substantially alter, or operate any solid waste management facility without first obtaining certification from the Secretary for ~~such~~ the facility, site, or activity, except for sludge or septage treatment or storage facilities located within the fenced area of a domestic wastewater treatment ~~plant~~ facility permitted under chapter 47 of this title.

This exemption for sludge or septage treatment or storage facilities shall exist only if both of the following are met:

(A) ~~the treatment facility does not use a process to reduce pathogens further in order to qualify for marketing and distribution; and~~

(B) ~~the~~ The facility is not a drying bed, lagoon, or nonconcrete bunker; ~~and~~ .

(C) ~~(B)~~ The owner of the facility has submitted a sludge and septage management plan to the Secretary and the Secretary has approved the plan as conforming with the requirements and established standard for proper management of these materials. Noncompliance with an approved sludge and septage management plan shall constitute a violation of the terms of this chapter, as well as a violation under chapters 201 and 211 of this title.

(2) Certification shall be valid for a period not to exceed 10 years.

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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. [Repealed.]~~

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1 Sec. 4. EFFECTIVE DATE

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