

1 Introduced by Committee on Environment

2 Date:

3 Subject: Conservation and development; beverage container redemption;
4 extended producer responsibility

5 Statement of purpose of bill as introduced: This bill proposes to require all
6 manufacturers and distributors of covered beverage containers to participate in
7 a producer responsibility organization that shall manage the collection and
8 disposition of beverage containers.

9 An act relating to establishing an extended producer responsibility program
10 for beverage containers

11 It is hereby enacted by the General Assembly of the State of Vermont:

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

13 CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION
14 SYSTEM

15 § 1521. DEFINITIONS

16 As used in this chapter:

17 (1) “Beverage” means beer or other malt beverages and mineral waters,
18 mixed wine drink, soda water and carbonated soft drinks in liquid form and
19 intended for human consumption. “Beverage” also means liquor and ready-to-
20 drink spirits beverage.

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 [Repealed.]~~

3 (3) “Container” means the individual, and separate, bottle, can, or jar, ~~or~~
4 ~~carton~~ composed of glass, aluminum or other metal, paper, plastic polyethylene
5 terephthalate, high density polyethylene, or any combination of those
6 materials, and containing a ~~consumer product~~ beverage. This definition ~~shall~~
7 does not include containers made of biodegradable material carbonated
8 beverage containers with a volume greater than three liters.

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

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

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

19 (7) “Redemption center” means a store or other location where any
20 person may, during normal business hours, redeem the amount of the deposit

1 for any empty beverage container labeled or certified pursuant to section 1524
2 of this title.

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

4 (9) “Mixed wine drink” means a beverage containing wine and more
5 than 15 percent added plain, carbonated, or sparkling water and that contains
6 added natural or artificial blended material, such as fruit juices, flavors,
7 flavoring, adjuncts, coloring, or preservatives; that contains not more than
8 16 percent alcohol by volume; or other similar product marketed as a wine
9 cooler.

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

11 § 1522. BEVERAGE CONTAINERS; DEPOSIT

12 (a) Except with respect to beverage containers that contain liquor, a deposit
13 of ~~not less than~~ five cents shall be paid by the consumer on each beverage
14 container sold at the retail level and refunded to the consumer upon return of
15 the empty beverage container. With respect to beverage containers of volume
16 greater than 50 ml. that contain liquor, a deposit of 15 cents shall be paid by
17 the consumer on each beverage container sold at the retail level and refunded
18 to the consumer upon return of the empty beverage container. The difference
19 between liquor bottle deposits collected and refunds made is hereby retained
20 by the Liquor Control Enterprise Fund for administration of this subsection.

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. The handling fee shall not apply
7 to beverages that are covered by a stewardship plan approved by the Secretary
8 under this chapter.

9 * * *

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

12 § 1522a. RULES

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

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

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

19 (3) ~~Administrative penalties for the failure by a redemption center or~~
20 ~~retailer to remove beverage containers that are not labeled prior to pickup by a~~
21 ~~distributor or manufacturer. Penalties may include nonpayment of the deposit~~

1 and handling fee established under section 1522 of this title for a reasonable
2 period of time and for the number of beverage containers that were not labeled.

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

5 § 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

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

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

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

18 (b)(1) A retailer, ~~with the prior approval of the Secretary,~~ may refuse to
19 redeem beverage containers if a ~~redemption center or centers are established~~
20 ~~that serve the public need~~ stewardship plan that meets the requirements of
21 section 1532 of this title has been implemented by the producer responsibility

1 organization in the State and the retailer's building is less than 5,000 square
2 feet.

3 (2) A manufacturer or distributor that sells directly to a consumer from a
4 retail location may refuse to redeem beverage containers if the retail location
5 where the manufacturer or distributor sells beverage containers is less than
6 5,000 square feet.

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

11 § 1524. LABELING

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

19 (2) The label shall be on the top lid of the beverage container, the side of
20 the beverage container, or in a clearly visible location on the beverage

1 container. This subsection does not prohibit including names or abbreviations
2 of other states with deposit legislation comparable to this chapter.

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

11 ~~(c) This section shall not apply to permanently labeled beverage containers~~
12 Every beverage container sold or offered for sale in the State shall contain a
13 Universal Product Code and a barcode displayed on the container.

14 * * *

15 § 1527. PENALTY REDEMPTION OF LIQUOR BOTTLES

16 ~~A person who violates a provision of this chapter shall be fined not more~~
17 ~~than \$1,000.00 for each violation~~ Notwithstanding any other provision of this
18 chapter to the contrary, redemption of beverage containers of volume greater
19 than 50 ml that contain liquor shall be subject to the following requirements:

1 (1) Deposit. Beverage containers subject to this section shall have a
2 deposit of 15 cents on each container sold at the retail level and returned to the
3 consumer upon return of the empty beverage container.

4 (2) Handling fee. Distributors of beverage containers subject to this
5 section shall pay a retailer that redeems a beverage container three and one-
6 half cents per container.

7 (3) Retail redemption. A retailer shall not refuse to accept beverage
8 containers subject to this section or refuse to pay that person the refund value
9 established by subdivision (1) of this section for any container sold by the
10 retailer unless the container is not clean, broken, or has an exemption issued by
11 the Secretary. The Department of Liquor and Lottery shall not refuse to pick
12 up empty beverage containers subject to this section, pay the refund value, or
13 pay the handling fee to a retailer subject to this section.

14 (4) Coordination with producer responsibility organization. The
15 Department of Liquor and Lottery may coordinate with and compensate the
16 producer responsibility organization to collect beverages subject to this section
17 at points of redemption that are a part of the collection plan developed by the
18 producer responsibility organization. Containers collected at these points of
19 collection shall not be subject to the handling fee established by subdivision
20 (2) of this section.

1 (5) Performance goals and reporting. The Department of Liquor and
2 Lottery shall be subject to the redemption rate goals established in section
3 1534 of this title for beverage containers containing liquor. Beginning on
4 January 15, 2027, and annually thereafter, the Commissioner of Liquor and
5 Lottery shall report to the Secretary of Natural Resources:

6 (A) the amount and tonnage of liquor bottles that the Department of
7 Liquor and Lottery collected in the previous calendar year; and

8 (B) the redemption rate for liquor bottles in the previous calendar
9 year.

10 * * *

11 § 1529. REDEMPTION CENTER CERTIFICATION

12 A person operating a redemption center ~~may~~ shall obtain a certification
13 from the Secretary. A redemption center certification shall include the
14 following:

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

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

19 (3) Additional conditions, requirements, and restrictions as the Secretary
20 may deem necessary to implement the requirements of this chapter. This ~~may~~

1 shall include requirements concerning reporting, recording, and inspections of
2 the operation of the site.

3 * * *

4 § 1531. MANUFACTURER AND DISTRIBUTOR PARTICIPATION IN
5 PRODUCER RESPONSIBILITY ORGANIZATION

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

9 (b) On or before January 1, 2027, manufacturers or distributors of beverage
10 containers sold or distributed within the State shall apply to the Secretary to
11 form a producer responsibility organization to fulfill the requirements of
12 manufacturers or distributors under this chapter.

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

15 (1) the producer responsibility organization or its subsidiary is registered
16 under 26 U.S.C. § 501(c)(3) as a nonprofit entity;

17 (2) 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 (3) 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 or
6 distributor participating in the producer responsibility organization;

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

9 (3) for each beverage container subject to the plan, a Universal Product
10 Code and a barcode shall be displayed on the container.

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

15 (f) If no producer responsibility organization is formed, the Secretary shall
16 either require the formation of the producer responsibility organization or
17 adopt and administer a plan that meets the requirements of section 1532 of this
18 title. If the Secretary administers the plan adopted under section 1532, the
19 Secretary shall charge each manufacturer or distributor the costs of plan
20 administration, the Agency's oversight costs, and a recycling market
21 development assessment of 10 percent of the plan's total cost to be deposited

1 in the Solid Waste Management Assistance Account of the Waste Management
2 Assistance Fund, for the purpose of providing grants to develop markets to
3 recycle materials.

4 (g) The producer responsibility organization shall reimburse the Secretary
5 for the costs of overseeing the administration of the program under this chapter
6 as follows:

7 (1) The Secretary shall annually provide an estimate of the costs of
8 overseeing the administration of the program to the producer responsibility
9 program, including staff costs, compliance, and oversight of the system.

10 (2) The producer responsibility organization shall provide any
11 comments to the Secretary's budget within 30 days following receipt. The
12 Agency of Natural Resources shall respond to all comments provided by the
13 producer responsibility organization and may make changes to its budget in
14 response to those comments. These comments and the responses shall be
15 provided to the General Assembly as a part of the Secretary's budget.

16 (3) Reimbursement of Agency of Natural Resources costs under this
17 subsection shall be subject to the State budgeting process, and the producer
18 responsibility organization shall not be required to reimburse any Agency cost
19 unless that cost is approved as a part of the Agency's budget.

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

4 § 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

5 (a) Plan elements. On or before April 1, 2028, an approved producer
6 responsibility organization shall submit a stewardship plan to the Secretary. A
7 stewardship plan shall, at a minimum, meet all of the following requirements
8 of this section:

9 (1) Convenience of collection.

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

16 (i) at least three points of redemption per county, at least one of
17 which provides an immediate return of a deposit to a consumer;

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

1 (iii) 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 (B) When approving the convenience of collection requirements in a
5 proposed plan, the Secretary may alter the number of points of redemption,
6 depending on the adequacy of redemption service in that area, provided that, in
7 no case, shall the Secretary reduce the number of redemption points below the
8 levels required under subdivisions (1)(A)(i) and (ii) of this subsection (a).

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

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

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

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

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

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

3 (3) Collection location standards. All locations that provide for
4 redemption of beverage containers shall:

5 (A) provide expeditious redemption services that limit the need for
6 persons redeeming containers to wait for redemption services;

7 (B) be at sites that are secure, sufficiently lighted, and managed to
8 ensure the safety of persons redeeming containers at a location; and

9 (C) comply with all applicable laws related to the collection,
10 transportation and disposition of mandated recyclables.

11 (4) Education to consumers. The plan shall describe what education
12 efforts will be undertaken to increase the number of beverage containers
13 redeemed in the State.

14 (5) Consultation with stakeholders. The producer responsibility
15 organization shall consult with stakeholders on the development of the plan.
16 The plan shall include processes for regular consultation, which shall not be
17 less than annually, with stakeholders including the Agency, redemption
18 centers, municipal and private recycling organizations, and other stakeholders.
19 Prior to submitting a proposed plan to the Agency, the producer responsibility
20 organization shall allow the stakeholders to comment on the proposed plan.
21 The producer responsibility organization shall either make changes in response

1 to those comments or provide a written response on why the change was not
2 made to the stakeholders and the Agency.

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

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

8 (2) the amount, in containers and tons, and material type of beverage
9 containers redeemed under the plan and the redemption rate of beverage
10 containers;

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

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

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

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

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

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

9 (9) a description and copies of educational materials and educational
10 strategies the producer responsibility organization uses for the purposes of this
11 program; and

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

13 (c) Secretary of Natural Resources approval. Within 90 days after receipt
14 of a plan submitted under this section, the Secretary shall review the plan and
15 determine whether or not to approve the plan. The plan shall be approved after
16 concluding that the plan meets the criteria established in section 1532 of this
17 title and the elements of the plan will maximize diversion of recyclable
18 materials, provide convenience to users, and create a more circular economy.
19 The Secretary’s approval pursuant to this subsection shall be for a period not
20 greater than five years.

1 (d) Plan implementation. The producer responsibility organization shall
2 implement an approved plan not later than nine months after the Secretary's
3 approval.

4 (e) Revision of stewardship goals. If the producer responsibility
5 organization fails to meet the beverage container redemption rate in section
6 1534 of this title for all other beverage containers, the Secretary may require
7 the producer responsibility organization to implement activities to enhance the
8 rate of redemption, including additional public education and outreach,
9 additional redemption sites, or additional redemption opportunities.

10 § 1533. PROGRAM AND FISCAL AUDIT

11 (a) Program audit. Beginning on October 1, 2033, and every five years
12 thereafter, the producer responsibility organization shall conduct an
13 independent third-party program audit of the operation of the stewardship plan.
14 The program audit shall examine how the product stewardship organization
15 compensates redemption centers as a part of its report. The audit shall make
16 recommendations to improve the operation of the collection program
17 established by this chapter, including any recommendation to the
18 compensation structure for redemption centers.

19 (b) Fiscal audit. Beginning on October 1, 2029, and annually thereafter,
20 the producer responsibility organization shall conduct an independent third-
21 party fiscal audit of the program. The fiscal audit shall provide a transparent

1 fiscal analysis of the producer responsibility organization, its expenditures, the
2 number of beverage containers collected, and the amount of unclaimed
3 deposits. The audit shall also provide the redemption rate of beverage
4 containers redeemed in the State. The Secretary shall approve the audit results
5 and the redemption rate of beverage containers included in the audit.

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

10 § 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;

11 REPORT

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

14 (1) Beginning on July 1, 2029: 75 percent.

15 (2) Beginning on July 1, 2032: 80 percent.

16 (b)(1) Beginning on July 1, 2029, and annually thereafter, the Secretary of
17 Natural Resources shall submit to the House Committees on Environment and
18 on Ways and Means and the Senate Committees on Natural Resources and
19 Energy and on Finance a written report containing the current beverage
20 container redemption rate in the State for the following two categories of
21 beverage containers:

1 (A) liquor bottles; and

2 (B) all other beverage containers.

3 (2) Each annual report submitted under subdivision (1) of this subsection
4 shall include a recommendation of whether the beverage container deposit for
5 either of the beverage categories should be increased to improve redemption of
6 that category of beverage container.

7 § 1535. RULEMAKING

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

10 § 1536. ANTITRUST; CONDUCT AUTHORIZED

11 (a) Activity authorized. A manufacturer, distributor, group of
12 manufacturers or distributors, or producer responsibility organization
13 implementing or participating in an approved collection plan under this chapter
14 for the collection, transport, processing, and management of beverage
15 container is individually or jointly immune from liability for conduct under
16 State laws relating to antitrust, restraint of trade, unfair trade practices, and
17 other regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1
18 to the extent that the conduct is reasonably necessary to plan, implement, and
19 comply with the producer responsibility organization's chosen system for
20 beverage containers.

1 (b) Limitations on antitrust activity. Subsection (a) of this section shall not
2 apply to an agreement among manufacturers, distributors, groups of
3 manufacturers or distributors, retailers, wholesalers, or the producer
4 responsibility organization affecting the price of beverage containers or any
5 agreement restricting the geographic area in which or customers to whom
6 beverage containers shall be sold.

7 Sec. 2. 10 V.S.A. § 7714 is amended to read:

8 § 7714. TYPE 3 PROCEDURES

9 (a) Purpose; scope.

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

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

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

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

- 1 (C) An application or request for approval of:
- 2 (i) an aquatic nuisance control permit under chapter 50 of this
- 3 title;
- 4 (ii) a change in treatment for a public water supply under chapter
- 5 56 of this title;
- 6 (iii) a collection plan for mercury-containing lamps under section
- 7 7156 of this title;
- 8 (iv) an individual plan for the collection and recycling of
- 9 electronic waste under section 7554 of this title;
- 10 (v) a primary battery stewardship plan under section 7586 of this
- 11 title;
- 12 (vi) a covered household products collection plan under section
- 13 7813 of this title; and
- 14 (vii) a stewardship plan required under chapter 53 of this title.
- 15 (b) Notice of application. The Secretary shall provide notice of an
- 16 administratively complete application through the environmental notice
- 17 bulletin.
- 18 (c) Notice of draft decision; comment period. The Secretary shall provide
- 19 notice of the draft decision through the environmental notice bulletin and shall
- 20 post the draft decision to the bulletin. The Secretary shall provide a public
- 21 comment period.

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

4 (e) Notice of final decision. The Secretary shall provide notice of the final
5 decision through the environmental notice bulletin and shall post the final
6 decision to the bulletin. The Secretary shall provide a response to comments.

7 Sec. 3. 10 V.S.A. § 1388 is amended to read:

8 § 1388. CLEAN WATER FUND

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

11 (1) revenues from the Property Transfer Tax surcharge established under
12 32 V.S.A. § 9602a;

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

16 (3) the unclaimed beverage container deposits (escheats) remitted to the
17 State under chapter 53 of this title, except as follows:

18 (A) In State fiscal year 2030, the Secretary may transfer up to
19 \$1,000,000.00 to the Solid Waste Management Assistance Account of the fund
20 created pursuant to section 6618 of this title for grants pursuant to section
21 6618(b)(11) of this title;

1 (B) In State fiscal year 2031, the Secretary may transfer up to
2 \$1,000,000.00 to the Solid Waste Management Assistance Account of the fund
3 created pursuant to section 6618 of this title for grants pursuant to section
4 6618(b)(11) of this title;

5 (C) In State fiscal year 2032, the Secretary may transfer up to
6 \$750,000.00 to the Solid Waste Management Assistance Account of the fund
7 created pursuant to section 6618 of this title for grants pursuant to section
8 6618(b)(11) of this title; and

9 (D) In State fiscal year 2033, the Secretary may transfer up to
10 \$750,000.00 to the Solid Waste Management Assistance Account of the fund
11 created pursuant to section 6618 of this title for grants pursuant to section
12 6618(b)(11) of this title;

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

15 (5) other revenues dedicated for deposit into the Fund by the General
16 Assembly.

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

20 Sec. 4. 10 V.S.A. § 6618 is amended to read:

21 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

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 40
12 percent of the annual tax receipts. The Solid Waste Management Assistance
13 Account shall consist of the franchise tax on waste facilities assessed under the
14 provisions of 32 V.S.A. chapter 151, subchapter 13, transfers from the Clean
15 Water Fund, and appropriations of the General Assembly. The Electronic
16 Waste Collection and Recycling Account shall consist of the program and
17 implementation fees required under section 7553 of this title. All balances in
18 the Fund accounts at the end of any fiscal year shall be carried forward and
19 remain a part of the Fund accounts, except as provided in subsection (e) of this
20 section. Interest earned by the Fund shall be deposited into the appropriate
21 Fund account. Disbursements from the Fund accounts shall be made by the

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

3 (b) The Secretary may authorize disbursements from the Solid Waste
4 Management Assistance Account for the purpose of enhancing solid waste
5 management in the State in accordance with the adopted waste management
6 plan. This includes:

7 * * *

8 (11) Bottle bill implementation grants. The Secretary shall enter a grant
9 with the producer responsibility organization approved under chapter 53 of this
10 title. The grant shall be for four years and reimburse the cost of equipment and
11 improvements to infrastructure documented by the producer responsibility
12 organization in its approved stewardship plan.

13 Sec. 5. BOTTLE BILL RECYCLING AND MATERIALS REPORTING

14 A manufacturer or distributor collecting beverage containers subject to
15 10 V.S.A chapter 53 shall report recycling information to the Secretary of
16 Natural Resources in the same manner as recycled materials are reported to the
17 Secretary under 10 V.S.A. chapter 159. The information shall include:

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

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

1 Sec. 6. REPEAL

2 In Sec. 1, 10 V.S.A. § 1529 (redemption center certification) shall be
3 repealed on March 1, 2028.

4 Sec. 7. EFFECTIVE DATES

5 This act shall take effect on July 1, 2026, except that:

6 (1) in Sec. 1, 10 V.S.A. § 1524(c) (requiring a UPC label on containers)
7 shall take effect on July 1, 2027; and

8 (2) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting the sale or distribution
9 without participating in the producer responsibility organization) shall take
10 effect on March 1, 2028.