

1 H.158

2 An act relating to the beverage container redemption system

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

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

5 CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION

6 SYSTEM

7 § 1521. DEFINITIONS

8 As used in this chapter:

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

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

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 [Repealed.]~~

16 (3) “Container” means the individual, and separate, bottle, can, or jar, ~~or~~
17 ~~carton~~ composed of glass, aluminum or other metal, ~~paper,~~ plastic polyethylene
18 terephthalate, high density polyethylene, or any combination of those
19 materials, and containing a ~~consumer product~~ beverage. This definition ~~shall~~
20 does not include containers made of biodegradable material noncarbonated
21 beverage containers with a volume greater than two and one-half liters and
22 carbonated beverage containers with a volume greater than three liters.

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

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

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

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

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

16 (9) “Mixed wine drink” means a beverage containing wine and more
17 than 15 percent added plain, carbonated, or sparkling water and that contains
18 added natural or artificial blended material, such as fruit juices, flavors,
19 flavoring, adjuncts, coloring, or preservatives; that contains not more than
20 16 percent alcohol by volume; or other similar product marketed as a wine
21 cooler.

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

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

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

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

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

17 § 1522. BEVERAGE CONTAINERS; DEPOSIT

18 (a) Except with respect to beverage containers that contain liquor, a deposit
19 of ~~not less than~~ five cents shall be paid by the consumer on each beverage
20 container sold at the retail level and refunded to the consumer upon return of
21 the empty beverage container. With respect to beverage containers that

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

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

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

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

1 (c) Alcoholic beverages permitted to be shipped directly to a consumer
2 under 7 V.S.A. § 277 shall be exempt from:

3 (1) the beverage container deposit requirement of subsection (a) of this
4 section;

5 (2) the labeling requirements of section 1524 of this title; and

6 (3) the abandoned beverage container deposit requirements of section
7 1530 of this title.

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.~~

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~~ shall 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)(1) 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.

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

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

9 § 1524. LABELING

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

17 (A) the refund value of the container;

18 (B) the words “refund value”; or

19 (C) the letters “RV”.

20 (2) The label shall be on the top lid of the beverage container, the side of
21 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) Each beverage container sold or offered for sale in the State that has a
4 deposit pursuant to section 1522 of this title shall include a Universal Product
5 Code and barcode. Each distributor shall provide the Universal Product Code
6 and barcode as part of its beverage registration or within 60 days following
7 March 1, 2025, whichever occurs first.

8 (c) The Commissioner of Liquor and Lottery may allow, in the case of
9 liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the
10 deposit information required in subsection (a) of this section, provided that the
11 size, placement, and adhesive qualities of the sticker are as approved by the
12 Commissioner. The stickers shall be affixed to the bottles by the
13 manufacturer, except that liquor that is sold in the State in quantities less than
14 100 cases per year may have stickers affixed by personnel employed by the
15 Division of Liquor Control.

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

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

1 an adhesive sticker under this subsection, the sticker shall be affixed by the
2 manufacturer, the distributor, or the retailer.

3 * * *

4 § 1527. ~~PENALTY~~

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

7 * * *

8 § 1529. REDEMPTION CENTER CERTIFICATION

9 A person operating a redemption center ~~may~~ shall obtain a certification
10 from the Secretary. A redemption center certification shall include the
11 following:

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

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

16 (3) Additional conditions, requirements, and restrictions as the Secretary
17 may deem necessary to implement the requirements of this chapter. This ~~may~~
18 shall include requirements concerning reporting, recording, and inspections of
19 the operation of the site.

20 * * *

1 § 1531. MANUFACTURER PARTICIPATION IN PRODUCER

2 RESPONSIBILITY ORGANIZATION

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

6 (b) On or before January 1, 2024, manufacturers of beverage containers
7 sold or distributed within the State shall apply to the Secretary to form a
8 producer responsibility organization to fulfill the requirements of
9 manufacturers under this chapter.

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

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

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

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

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

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

5 (e) If the producer responsibility organization fails to implement the
6 requirements of this chapter, the rules adopted by the Secretary, or an approved
7 stewardship plan, the Secretary may dissolve the producer responsibility
8 organization.

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

18 (g) The producer responsibility organization shall reimburse the Secretary
19 for the costs of overseeing the administration of the program under this chapter
20 as follows:

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

4 (2) The producer responsibility organization shall provide any
5 comments to the Secretary's budget within 30 days of receipt. The Agency of
6 Natural Resources shall respond to all comments provided by the producer
7 responsibility organization and may make changes to its budget in response to
8 those comments. These comments and the responses shall be provided to the
9 General Assembly as a part of the Secretary's budget.

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

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

17 § 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

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

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

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

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

13 (C) how sites of redemption are or will be sited in areas with high
14 population density or located in centers designated under 24 V.S.A. chapter
15 76A.

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

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

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

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

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

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

11 (3) 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 (4) 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 (b) Reporting. At a frequency required by the Secretary but not less than
20 annually, the producer responsibility organization shall report the following to
21 the Secretary:

- 1 (1) the name, address, and business hours of each redemption center
2 participating in the approved stewardship plan;
- 3 (2) the amount, in containers and tons, and material type of beverage
4 containers redeemed under the plan and the redemption rate by the following
5 categories of:
- 6 (A) vinous beverage containers; and
7 (B) all other beverage containers;
- 8 (3) the location and amount of beverage container material that was
9 recycled and what products that beverage container material was recycled into;
- 10 (4) the carbon impacts associated with the administration of the
11 stewardship plan;
- 12 (5) the costs associated with administration of the stewardship plan,
13 including the costs of collection, management, and transportation of redeemed
14 containers and the amount received for commodities;
- 15 (6) a description of any improvements made in the reporting year to
16 increase ease and convenience for consumers to return beverage containers for
17 redemption;
- 18 (7) efforts taken by or on behalf of the manufacturer or distributor to
19 reduce environmental impacts throughout the product life cycle and to increase
20 reusability or recyclability at the end of the life cycle by material type;

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

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

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

10 (c) Secretary of Natural Resources approval. The plan shall be submitted
11 to the Secretary, and, after concluding that the elements of the plan will
12 maximize diversion of recyclable materials, provide convenience to users, and
13 create a more circular economy, the Secretary's approval pursuant to this
14 subsection shall be for a period not greater than five years.

15 (d) Revision of stewardship goals. If the producer responsibility
16 organization fails to meet the beverage container redemption rate in section
17 1534 of this title for vinous beverage containers or for all other beverage
18 containers, the Secretary may require the producer responsibility organization
19 to implement activities to enhance the rate of redemption, including additional
20 public education and outreach, additional redemption sites, or additional
21 redemption opportunities.

1 § 1533. PROGRAM AND FISCAL AUDIT

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

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

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

1 § 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;

2 REPORT

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

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

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

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

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

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

15 (A) liquor bottles;

16 (B) vinous beverage containers; and

17 (C) all other beverage containers.

18 (2) Each annual report submitted under subdivision (1) of this subsection
19 shall include a recommendation of whether the beverage container deposit for
20 any of the three beverage categories should be increased to improve
21 redemption of that category of beverage container.

1 § 1535. RULEMAKING

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

4 § 1536. ANTITRUST; CONDUCT AUTHORIZED

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

14 (b) Limitations on antitrust activity. Subsection (a) of this section shall not
15 apply to an agreement among producers, groups of manufacturers, retailers,
16 wholesalers, or the producer responsibility organization affecting the price of
17 beverage containers or any agreement restricting the geographic area in which
18 or customers to whom beverage containers shall be sold.

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

20 (c)(1) ~~On or before January 1, 2020, and quarterly thereafter,~~ Every quarter,
21 at the time a report is filed pursuant to subsection (d) of this section, each

1 deposit initiator shall remit to the Commissioner of Taxes any abandoned
2 beverage container deposits from the preceding quarter. The Commissioner of
3 Taxes shall deposit the first \$3,000,000.00 of the abandoned beverage
4 container deposits into the Clean Water Fund under 10 V.S.A. § 1388. The
5 Commissioner shall return to the producer responsibility organization
6 implementing the requirements of this chapter any abandoned beverage
7 container deposits in excess of the amount deposited into the Clean Water
8 Fund. The amount of abandoned beverage container deposits for a quarter is
9 the amount equal to the amount of deposits that the deposit initiator collected
10 in the quarter less the amount of the total refund value paid out by the deposit
11 initiator for beverage containers during the quarter.

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

13 (c)(1) Every quarter, at the time a report is filed pursuant to subsection (d)
14 of this section, each deposit initiator shall remit to the Commissioner of Taxes
15 any abandoned beverage container deposits from the preceding quarter. The
16 Commissioner of Taxes shall deposit the first ~~\$3,000,000.00~~ \$4,000,000.00 of
17 the abandoned beverage container deposits into the Clean Water Fund under 10
18 V.S.A. § 1388. The Commissioner shall return to the producer responsibility
19 organization implementing the requirements of this chapter any abandoned
20 beverage container deposits in excess of the amount deposited into the Clean
21 Water Fund. The amount of abandoned beverage container deposits for a

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

4 Sec. 3a. 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 any abandoned beverage container deposits from the preceding quarter. The
8 Commissioner of Taxes annually shall deposit 50 percent or the first
9 \$4,000,000.00, whichever is greater, of the abandoned beverage container
10 deposits into the Clean Water Fund under 10 V.S.A. § 1388. The
11 Commissioner shall ~~return to the producer responsibility organization~~
12 ~~implementing the requirements of this chapter~~ deposit into the Solid Waste
13 Management Assistance Account of the Waste Management Assistance Fund
14 any abandoned beverage container deposits in excess of the amount deposited
15 into the Clean Water Fund. The amount of abandoned beverage container
16 deposits for a quarter is the amount equal to the amount of deposits that the
17 deposit initiator collected in the quarter less the amount of the total refund
18 value paid out by the deposit initiator for beverage containers during the
19 quarter.

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

2 § 7714. TYPE 3 PROCEDURES

3 (a) Purpose; scope.

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

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

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

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

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

17 (i) an aquatic nuisance control permit under chapter 50 of this
18 title;

19 (ii) a change in treatment for a public water supply under chapter
20 56 of this title;

1 (iii) a collection plan for mercury-containing lamps under section
2 7156 of this title;

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

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

7 (vi) approval of a stewardship plan required under chapter 53 of
8 this title.

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

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

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

19 (e) Notice of final decision. The Secretary shall provide notice of the final
20 decision through the environmental notice bulletin and shall post the final
21 decision to the bulletin. The Secretary shall provide a response to comments.

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

2 § 1388. CLEAN WATER FUND

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

5 (1) revenues from the Property Transfer Tax surcharge established under
6 32 V.S.A. § 9602a;

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

10 (3) the unclaimed beverage container deposits (escheats) ~~remitted to the~~
11 State required to be deposited to the Fund under chapter 53 of this title;

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

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

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

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

20 (a) There is hereby created in the State Treasury a fund to be known as the
21 Waste Management Assistance Fund, to be expended by the Secretary of

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

4 (a) The Agency of Natural Resources shall contract with an independent
5 third-party consultant to conduct a systems analysis of the efficacy and cost of
6 Vermont's beverage container redemption system. The analysis shall estimate:

7 (1) 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) the cost to consumers of complying with an expanded beverage
11 container redemption system, including transportation costs, compliance costs,
12 carbon impact, and externalities, such as lost time;

13 (3) the impacts of an expanded beverage container redemption system
14 on the recycling system, including how much additional beverage container
15 material will be collected by the expansion of the beverage container
16 redemption system; the cost to solid waste entities of an expanded beverage
17 container redemption system, including lost revenues from the sale of
18 recyclable materials; the operational savings, if any, on material recovery
19 facilities; the loss to material recovery facilities from the removal of material
20 collected under the beverage container redemption system material from the

1 recycling system; and an estimate of the impacts on tipping fees or solid waste
2 fees at each material recovery facility or solid waste transfer station;

3 (4) the costs of operating a redemption center and other alternate points
4 of redemption under a stewardship plan and a recommendation on whether the
5 handling fee for redeemed containers should be altered or replaced with an
6 alternative means of compensating points of redemption;

7 (5) the impact on overall recycling in the State and the redemption rates
8 of beverage containers under 10 V.S.A. chapter 53 if the producer
9 responsibility organization (PRO) implementing the stewardship plan under
10 that chapter were authorized to retain 100 percent, 50 percent, or none of the
11 abandoned beverage container deposits, including:

12 (A) the estimated number of beverage container redemption sites in
13 the State under the PRO's stewardship plan under each option for the PRO's
14 retention of the abandoned beverage container deposits; and

15 (B) the geographic distribution of beverage container redemption
16 sites across the State under the PRO's stewardship plan under each option for
17 the PRO's retention of the abandoned beverage container deposits; and

18 (6) the impact on the Clean Water Fund and State implementation of the
19 State's water quality programs and regulatory requirements if the abandoned
20 beverage container deposits were not deposited into the Clean Water Fund
21 under 10 V.S.A. § 1388.

1 (b) On or before January 15, 2025, the Agency of Natural Resources shall
2 submit to the House Committee on Environment and Energy and the Senate
3 Committee on Natural Resources and Energy a written report containing the
4 results of the systems analysis required under subsection (a) of this section.

5 Sec. 7a. ANR REPORT ON STATUS REPORT OF RECYCLING SYSTEM

6 On or before January 15, 2026, the Secretary of Natural Resources shall
7 submit to the Senate Committees on Natural Resources and Energy and on
8 Finance and the House Committees on Environment and Energy and on Ways
9 and Means a report on the status of the State's recycling system prior to the
10 expansion of the beverage container redemption system required under this act.

11 The report shall include:

12 (1) a summary of the operation of the Agency of Natural Resources'
13 approved stewardship plan since March 1, 2025 by the producer responsibility
14 organization registered with the Agency;

15 (2) identification of the points of redemption under the existing
16 stewardship plan, including:

17 (A) an assessment of whether the existing points of redemption allow
18 for convenient and reasonable access of all Vermonters to redemption
19 opportunities;

1 (B) an assessment of whether the existing points of redemption are
2 suitable for redemption by all Vermonters under the planned expansion of the
3 beverage container system; and

4 (C) any recommendations to improve the convenience of redemption
5 prior to the expansion of the beverage container redemption system; and

6 (3) a summary of the infrastructure in the State, other than points of
7 redemption, available for the management and processing of beverage
8 containers and an assessment of whether additional infrastructure is needed
9 prior to the expansion of the beverage container redemption system.

10 Sec. 8. REPEAL

11 10 V.S.A. § 1528 (beverage registration with ANR) and 10 V.S.A. § 1529
12 (redemption center certification by ANR) are repealed on March 1, 2025.

13 Sec. 9. IMPLEMENTATION; TRANSITION

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

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

18 (2) determine whether a beverage or container is subject to the
19 requirements of 10 V.S.A. chapter 53 due to the nature of the beverage or the
20 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
7 10 V.S.A chapter 53 shall report recycling information to the Secretary of
8 Natural 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 (abandoned beverage container deposits; initial Clean Water
5 Fund amount) shall take effect on January 1, 2026;

6 (5) Sec. 3 (abandoned beverage container deposit; Clean Water Fund
7 amount on expansion) shall take effect on January 1, 2027;

8 (6) Sec. 3a (abandoned beverage container deposit; Solid Waste
9 Management Assistance Account) shall take effect on July 1, 2031;

10 (7) Sec. 5 (deposits to Clean Water Fund) shall take effect January 1,
11 2026; and

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