

1 H.130

2 Introduced by Representatives Dolan of Waitsfield, Ode of Burlington,
3 Roberts of Halifax, Small of Winooski, Squirrell of Underhill,
4 and Whitman of Bennington

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; waste management; biosolids

8 Statement of purpose of bill as introduced: This bill would require the
9 Secretary of Natural Resources to manage all biosolids and domestic septage
10 generated or imported into the State as Class B biosolids. The Secretary of
11 Natural Resources would be prohibited from managing biosolids and domestic
12 septage as exceptional quality biosolids or Class A biosolids.

13 An act relating to the management of biosolids

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

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

16 § 6602. DEFINITIONS

17 As used in this chapter:

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

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

10 * * *

11 (50) “Biosolids” means sewage sludge derived, in whole or in part, from
12 domestic wastes that have been subjected to a treatment process for the
13 reduction of pathogens and have been:

14 (A) demonstrated to meet the applicable requirements in Agency
15 rules for contaminant concentrations, vector attraction reduction, and pathogen
16 reduction; and

17 (B) approved by the Secretary for application to the land.

18 (51) “Domestic septage” means either liquid or solid material removed
19 from a septic tank or similar treatment works that receives only domestic
20 sewage. “Domestic septage” does not include liquid or solid material removed
21 from a septic tank, cesspool, or similar treatment works that receives either

1 commercial or industrial wastewater, or a mixture of commercial or industrial
2 and domestic wastes, portable toilet waste, holding tank waste, cesspool waste,
3 waste from Type III marine sanitation devices, or grease removed from a
4 grease trap.

5 (52) “Sewage Sludge” means any solid, semisolid, or liquid generated
6 from a municipal, commercial, or industrial wastewater treatment facility or
7 process treating any amount of domestic waste.

8 (53) “Sludge” means any solid, semisolid, or liquid generated from a
9 municipal, commercial, or industrial wastewater treatment facility or process,
10 water supply treatment plant, air pollution control facility or any other such
11 waste having similar characteristics and effects.

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

13 § 6604b ~~TESTING OF SOLID WASTES PRIOR TO BENEFICIAL USE~~
14 ~~ON LAND OR DISTRIBUTION AND MARKETING~~
15 MANAGEMENT OF BIOSOLIDS AND DOMESTIC SEPTAGE

16 (a) The Secretary of Natural Resources, in consultation with the Secretary
17 of Agriculture, Food and Markets and with the Commissioner of Health, shall
18 adopt rules to establish a testing program for all ~~sewage sludge, or similar~~
19 ~~liquid wastes,~~ biosolids and domestic septage prior to ~~their~~ beneficial use on
20 land or prior to distribution and marketing of ~~those wastes~~ biosolids and
21 domestic septage in liquid or solid form. The testing program shall establish a

1 process for the determination of minimum testing frequencies and specific
2 parameters for which analysis must be completed and shall detail procedures
3 by which samples are collected, stored, and tested.

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

9 (c) Rules regarding the application of ~~waste~~ biosolids and domestic septage
10 to fields shall take into consideration the characteristics of the specific waste
11 involved and shall calculate the heavy metal or micronutrient soil holding
12 capacity based on a pH of 5.5 for the soil type at the application site, as
13 appropriate.

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

17 (e) All biosolids and domestic septage applied to land in the State shall be
18 regulated as Class B biosolids under the rules adopted under this section and
19 the requirements of 40 C.F.R. chapter 503. The Secretary shall not authorize
20 the land application or sale of biosolids as exceptional quality or Class A.

1 Sec. 3. IMPLEMENTATION

2 The prohibition under Sec. 2 of this act shall take effect on January 1, 2024,
3 provided that any exceptional quality biosolids produced or imported into the
4 State prior to January 1, 2024 may be used or sold by a solid waste
5 management certified for use or sale of exceptional quality biosolids until July
6 1, 2024.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on January 1, 2024.