

1 H.303

2 Introduced by Representatives Burr of Cabot, Bos-Lun of Westminster,
3 Branagan of Georgia, Burditt of West Rutland, Charlton of
4 Chester, Cole of Hartford, Dolgin of St. Johnsbury, Harvey of
5 Castleton, Higley of Lowell, Lipsky of Stowe, McGill of
6 Bridport, Morgan, L. of Milton, Nelson of Derby, North of
7 Ferrisburgh, O'Brien of Tunbridge, Ode of Burlington,
8 Surprenant of Barnard, Tagliavia of Corinth, and Toof of St.
9 Albans Town

10 Referred to Committee on

11 Date:

12 Subject: Conservation and development; solid waste; septage; sludge;
13 biosolids; prohibition on land application

14 Statement of purpose of bill as introduced: This bill proposes to ban the land
15 application of septage, sludge, and biosolids. The bill also would prohibit the
16 sale of compost or other agricultural products containing or produced from
17 septage, sludge, or biosolids.

18 An act relating to the use of septage, sludge, and biosolids

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

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.

1 (53) “Wastewater treatment facility” has the same meaning as in section
2 1295 of this title.

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

4 § 6604b. ~~TESTING OF SOLID WASTES PRIOR TO BENEFICIAL USE~~
5 ~~ON LAND OR DISTRIBUTION AND MARKETING~~
6 PROHIBITION ON LAND APPLICATION OF SLUDGE,
7 SEPTAGE, AND BIOSOLIDS AND SALE OF COMPOST AND
8 OTHER AGRICULTURAL PRODUCTS AND MATERIALS
9 CONTAINING SLUDGE, SEPTAGE, AND BIOSOLIDS

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

18 ~~(b) In establishing the process for the determination of test parameters and~~
19 ~~frequency, the rules shall take into account the size and complexity of the~~
20 ~~facility, the nature of the service area or collection system, including industrial~~

1 ~~contributions, the frequency of sewage sludge use on the land, and any existing~~
2 ~~data that is pertinent to the facility.~~

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

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

10 (a) Notwithstanding any provision of law to the contrary, a person shall not
11 apply to or spread on any land in the State:

12 (1) septage, sludge, or biosolids;

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

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

18 (b) Notwithstanding any provision of law to the contrary, a person shall not
19 sell or distribute in the State:

20 (1) compost material that includes in its production the use of septage,
21 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 Sec. 3. 10 V.S.A. § 6605 is amended to read:

5 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

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

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

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

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

17 ~~(C)(B) the~~ The owner of the facility has submitted a sludge and
18 septage management plan to the Secretary and the Secretary has approved the
19 plan as conforming with the requirements and established standard for proper
20 management of these materials. Noncompliance with an approved sludge and

1 septage management plan shall constitute a violation of the terms of this
2 chapter, as well as a violation under chapters 201 and 211 of this title.

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

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5 ~~(g)(1) Notwithstanding any contrary provision of this section, the Secretary~~
6 ~~may authorize the land disposal or management of sludge or septage by an~~
7 ~~applicant at any certified site or facility with available capacity, provided the~~
8 ~~Secretary finds:~~

9 ~~(A) that the applicant needs to dispose of accumulated sludge or~~
10 ~~septage promptly, and that delay would likely cause public health, or~~
11 ~~environmental damage, or nuisance conditions, or would result in excessive~~
12 ~~and unnecessary cost to the public, and that the applicant has lost authority to~~
13 ~~use previously certified sites through no act or omission of the applicant; and~~

14 ~~(B) that at the certified site or facility to be used:~~

15 ~~(i) the certificate holder agrees in writing to allow use of the site~~
16 ~~or facility by the applicant;~~

17 ~~(ii) management of the applicant's sludge or septage is compatible~~
18 ~~with the site or facility certificate;~~

19 ~~(iii) all terms and conditions of the original certification will~~
20 ~~continue to be met with addition of the applicant's sludge or septage; and~~

