1	H.641
2	Introduced by Representative Klein of East Montpelier
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; solid waste; recycling; beverage
6	cartons
7	Statement of purpose of bill as introduced: This bill proposes to require food
8	and beverage cartons, such as milk cartons and juice boxes, to be recycled and
9	not disposed of in landfills.
10	An act relating to the recycling of beverage cartons
11	It is hereby enacted by the General Assembly of the State of Vermont:
12	Sec. 1. FINDINGS
13	The General Assembly finds and declares that:
14	(1) Each year, Vermont citizens generate approximately 600,000 tons of
15	waste—one ton per person per year.
16	(2) For over 35 years, Vermont has encouraged the recycling of waste
17	products, and currently Vermont recycles or diverts from disposal over

one-third of waste generated each year.

1	(3) However, a recent Agency of Natural Resources study indicated that
2	approximately one-third of the waste disposed of annually in municipal solid
3	waste could be recycled.

- (4) Food and beverage carton recycling is a standard practice in other regions of the world. In the United States, food and beverage carton recycling is increasing due to better access and improved recycling infrastructure.
- (5) A collaborative of food and beverage carton manufacturers, known as the Carton Council, formed in 2009 to expand availability of recycling infrastructure for carton recycling and, thereby, increase recycling rates in the United States of food and beverage cartons.
- (6) In Vermont, the Carton Council worked with solid waste districts, municipalities, private companies, universities, and schools to develop the infrastructure for carton recycling in the State and to educate Vermonters regarding the opportunity and benefits of food and beverage carton recycling.
- (7) In 2012, the Vermont General Assembly enacted 2012 Acts and Resolves No. 148, known as Act 148, relating to establishing universal recycling of solid waste.
- (8) Act 148 mandated that containers, such as aluminum cans and plastic bottles, be banned from landfill disposal and instead recycled, but

  Act 148 did not define food and beverage cartons as a mandated recyclable.

(9) Because food and beverage cartons are recyclable in Vermont and
because the Carton Council has worked and will continue to work with State
and local entities to provide the necessary infrastructure and education
regarding the recyclable nature of food and beverage cartons, the State should
amend Act 148 to add food and beverage cartons to the definition of mandated
recyclables.
Sec. 2. 10 V.S.A. § 6602 is amended to read:
§ 6602. DEFINITIONS
As used in this chapter:
(1) "Secretary" means the Secretary of Natural Resources, or his or her
duly authorized representative.
(2) "Solid waste" means any discarded garbage, refuse, septage, sludge
from a waste treatment plant, water supply plant, or pollution control facility
and other discarded material, including solid, liquid, semi-solid, or contained
gaseous materials resulting from industrial, commercial, mining, or agricultural
operations and from community activities but does not include animal manure
and absorbent bedding used for soil enrichment; high carbon bulking agents
used in composting; or solid or dissolved materials in industrial discharges
which are point sources subject to permits under the Water Pollution Control

Act, chapter 47 of this title.

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1	(13) "Waste" means a material that is discarded or is being accumulated,
2	stored, or physically, chemically, or biologically treated prior to being
3	discarded or has served its original intended use and is normally discarded or is
4	a manufacturing or mining by-product and is normally discarded.
5	* * *
6	(24) "Municipal solid waste" means combined household, commercial,
7	and industrial waste materials generated in a given area.
8	* * *
9	(29) "Mandated recyclable" means the following source separated
10	materials: aluminum and steel cans; aluminum foil and aluminum pie plates;
11	glass bottles and jars from foods and beverages; polyethylene terephthalate
12	(PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles
13	and jugs; corrugated cardboard; white and colored paper; newspaper;
14	magazines; catalogues; paper mail and envelopes; boxboard; food and
15	beverage cartons; and paper bags.
16	* * *
17	(37) "Aseptic carton" means a container for drinks or food in liquid
18	form that is:
19	(A) constructed of approximately 74 percent paper or cardboard, 22
20	percent polyethylene, and four percent aluminum; and
21	(B) not wax coated.

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1	(38) "Food and beverage cartons" means gable-top cartons and aseptic
2	<u>cartons.</u>
3	(39) "Gable-top carton" means a container for drinks or food in liquid
4	form that is:
5	(A) constructed of approximately 80 percent paper or cardboard and
6	20 percent polyethylene; and
7	(B) not wax coated.
8	Sec. 3. 10 V.S.A. § 6604(e) is added to read:
9	(e) Any education or outreach program of the Secretary under the solid
10	waste management plan or other requirements of this chapter regarding the
11	recycling of mandated recyclables shall specifically reference or denote that
12	beverage cartons are recyclable under State law and shall not be disposed of in
13	<u>a landfill.</u>
14	Sec. 4. 10 V.S.A. § 6622 is amended to read:
15	§ 6622. SOURCE SEPARATION INCENTIVES
16	(a) Any municipality or solid waste management district that meets the

requirements of subsection (d) of this section has met the requirements of

in the source separation requirements under subsection (d) of this section.

eligible, on a priority basis, for implementation grants under subdivision

subsection subdivision 6604(a)(1)(B) of this title for those materials identified

(b) A municipality or a solid waste management district that wishes to be

1	6603c(c)(2)(C)(ii) of this title shall include a source separation plan in its solid
2	waste management plan. At a minimum, that source separation plan shall
3	include the following components:
4	(1) a recycling awareness component which that includes education and
5	public outreach; and
6	(2) a strategy to require source separation, including enforcement
7	provisions; and
8	(3) a list of those materials subject to any source separation program,
9	including at least five of the following materials:
10	(A) cardboard, including corrugated and boxboard;
11	(B) glass containers;
12	(C) yard waste, food waste, and other compostables;
13	(D) newsprint;
14	(E) office paper, including white, colored, and mixed office paper;
15	(F) metal food and beverage containers including tin-plated steel
16	bi-metal and aluminum cans; and
17	(G) plastic containers made from high density polyethylene (HDPE),
18	polyethylene terephthalate (PET), and polyvinyl chloride (PVC); and
19	(H) food and beverage cartons.

1	(c) If necessary, the secretary of the agency of natural resources Secretary,
2	by rule, shall add or delete materials to the above list in subsection (b) of this
3	section, after considering the following:
4	(1) adequacy of markets;
5	(2) availability of process facilities; and
6	(3) the costs of collecting, processing, and transporting the material to
7	market.
8	(d) Municipalities or districts that have an ordinance in effect that includes
9	enforcement provisions and requires source separation of at least five materials
10	identified in this section shall be eligible to receive priority consideration for
11	implementation grants according to the provisions of subsection 6603c(c) of
12	this title.
13	(e) [Repealed.]
14	(f) The deadlines established under subsection (d) of this section may be
15	modified by the secretary Secretary, depending on the availability of funds in
16	the capital budget.
17	(g) For purposes of As used in this section, "source separation" means
18	systems which separate compostable and recyclable materials from
19	noncompostable, nonrecyclable materials at the point of generation.

Recyclable materials may be commingled.

1	(h) For purposes of As used in this section, "compostable" means that a
2	product, package or material will safely decompose, in a composting system,
3	into a humus-rich material, containing no persistent synthetic residues, that car
4	be safely used as a beneficial soil amendment.
5	Sec. 5. EFFECTIVE DATE

6 This act shall take effect on passage.