

1 S.287

2 Introduced by Senator Rodgers

3 Referred to Committee on Natural Resources and Energy

4 Date: January 3, 2018

5 Subject: Conservation and development; solid waste; recycling

6 Statement of purpose of bill as introduced: This bill proposes to amend  
7 requirements for the recycling of mandated recyclables, leaf and yard  
8 residuals, and food residuals. The bill would remove glass bottles and  
9 containers from the definition of mandated recyclables and would increase the  
10 scope of the beverage container redemption system to include wine and ot  
11 her alcoholic beverages. The bill would also amend the definition of solid  
12 waste management facility to include bag-drop or fast-trash sites. The bill  
13 would allow a solid waste management facility to charge a separate fee for the  
14 collection of mandated recyclables. The bill would strike the requirement that  
15 a person who produces more than 18 tons per year of food residuals arrange  
16 for their transfer to a facility that manages food residuals. The would bill also  
17 strike the requirement that commercial haulers, beginning on July 1, 2018,  
18 offer the service of collection of food residuals separate from other solid  
19 waste. In addition, the bill would exempt commercial haulers from collecting  
20 mandated recyclables and leaf and yard residuals in municipalities that meet  
21 specified criteria.

1 ~~An act relating to universal recycling requirements~~

*An act relating to aquatic nuisance control*

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

3 ~~\*\*\* Glass Recycling \*\*\*~~

4 Sec. 1. 10 V.S.A. § 6602(29) is amended to read:

5 (29) "Mandated recyclable" means the following source separated  
6 materials: aluminum and steel cans; aluminum foil and aluminum pie plates;  
7 ~~glass bottles and jugs from foods and beverages;~~ polyethylene terephthalate  
8 (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles  
9 and jugs; corrugated cardboard; white and colored paper; newspaper;  
10 magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

11 Sec. 2. 10 V.S.A. § 1521 is amended to read:

12 § 1521. DEFINITIONS

13 ~~For the purpose of~~ As used in this chapter:

14 (1) "Beverage" means beer or other malt beverages and mineral waters,  
15 wine, mixed wine drink, soda water and, carbonated soft drinks in liquid form  
16 and intended for human consumption, and all other alcoholic beverages not  
17 otherwise listed. As of January 1, 1990 "beverage" also shall mean liquor.

18 \* \* \*

19 (11) "Alcoholic beverages" shall have the same meaning as in

20 ~~10 V.S.A. § 2.~~

1 ~~Sec. 3-10 V.S.A. § 1524 is amended to read:~~

2 § 1524. LABELING

3 (a) Every beverage container sold or offered for sale at retail in this state  
4 State shall clearly indicate by embossing or imprinting on the normal product  
5 label, or in the case of a metal beverage container on the top of the container,  
6 the word "Vermont" or the letters "VT" and the refund value of the container  
7 in not less than one-eighth inch type size or ~~such~~ other alternate indications as  
8 may be approved by the ~~secretary~~ Secretary. This subsection does not prohibit  
9 including names or abbreviations of other states with deposit legislation  
10 comparable to this chapter.

11 (b) ~~The commissioner of the department of liquor control~~ Commissioner of  
12 Liquor Control may allow, in the case of liquor bottles, a conspicuous,  
13 adhesive sticker to be attached to indicate the deposit information required in  
14 subsection (a) of this section, provided that the size, placement, and adhesive  
15 qualities of the sticker are as approved by the ~~commissioner~~ Commissioner.  
16 The stickers shall be affixed to the bottles by the manufacturer, except that  
17 liquor ~~which~~ that is sold in the state State in quantities less than 100 cases per  
18 year may have stickers affixed by personnel employed by the ~~department~~  
19 Department.

20 (c) This section shall not apply to permanently labeled beverage containers.

21 ~~(d) The Secretary may allow, in the case of wine bottles, a conspicuous,~~

1 ~~adhesive sticker to be attached to indicate the deposit information required in~~  
2 ~~subsection (a) of this section, provided that the size, placement, and adhesive~~  
3 ~~qualities of the sticker are as approved by the Secretary. The stickers shall be~~  
4 ~~affixed by the manufacturer.~~

5 \* \* \* Solid Waste Management Facilities \* \* \*

6 Sec. 4. 10 V.S.A. § 6602(10) is amended to read:

7 (10) "Facility" means all contiguous land, structures, other  
8 appurtenances, and improvements on the land, used for treating, storing, or  
9 disposing of waste. A facility may consist of several treatment, storage, or  
10 disposal operational units. A facility shall include a site referred to as a bag-  
11 drop or fast-trash site where solid waste, mandated recyclables, leaf and yard  
12 residuals, or food residuals are temporarily collected by a commercial hauler,  
13 solid waste district, or other person on specified days or at specified times.

14 Sec. 5. 10 V.S.A. § 6605 is amended to read:

15 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

16 (a)(1) No person shall construct, substantially alter, or operate any solid  
17 waste management facility without first obtaining certification from the  
18 Secretary for such facility, site, or activity, except for sludge or septage  
19 treatment or storage facilities located within the fenced area of a domestic  
20 wastewater treatment plant permitted under chapter 47 of this title. This  
21 exemption for sludge or septage treatment or storage facilities shall exist  
22 ~~only if.~~



1 ~~established under subdivisions 6605k(a)(3)-(5) of this title.~~

2 (3) Beginning on July 1, 2017, collect food residuals separate from  
3 other solid waste and deliver food residuals to a location that manages food  
4 residuals in a manner consistent with the priority uses established under  
5 subdivisions 6605k(a)(2)-(5) of this title.

6 (k) The Secretary may, by rule, adopt exemptions to the requirements of  
7 subsection (j) of this section, provided that the exemption is consistent with the  
8 purposes of this chapter and the objective of the State plan.

9 ~~(l) A facility certified under this section that offers the collection of~~  
10 ~~municipal solid waste shall not charge a separate fee for the collection of~~  
11 ~~mandated recyclables. A facility certified under this section may incorporate~~  
12 ~~the cost of the collection of mandated recyclables into the cost of the collection~~  
13 ~~of municipal solid waste and may adjust the charge for the collection of~~  
14 ~~municipal solid waste. A facility certified under this section also may charge a~~  
15 ~~separate fee for the collection of mandated recyclables, leaf and yard residuals,~~  
16 ~~or food residuals. If a facility collects mandated recyclables from a~~  
17 ~~commercial hauler, the facility may charge a fee for the collection of those~~  
18 ~~mandated recyclables.~~

19 \* \* \* Food Residuals Management \* \* \*

20 Sec. 6. 10 V.S.A. § 6605k is amended to read

21 § 6605k. FOOD RESIDUALS; MANAGEMENT HIERARCHY

22 ~~(a) It is the policy of the State that food residuals collected under the~~

1 ~~requirements of this chapter shall be managed according to the following order~~

2 of priority uses:

- 3 (1) reduction of the amount generated at the source;
- 4 (2) diversion for food consumption by humans;
- 5 (3) diversion for agricultural use, including consumption by animals;
- 6 (4) composting, land application, and digestion; and
- 7 (5) energy recovery.

8 (b) A person who produces more than an amount identified under  
9 subsection (c) of this section in food residuals and is located within 20 miles of  
10 a certified organics management facility that has available capacity and that is  
11 willing to accept the food residuals shall:

12 (1) ~~Separate~~ separate food residuals from other solid waste, provided  
13 that a de minimis amount of food residuals may be disposed of in solid waste  
14 when a person has established a program to separate food residuals and the  
15 program includes a component for the education of program users regarding  
16 the need to separate food residuals; and

17 (2) ~~Arrange~~ arrange for the transfer of food residuals to a location that  
18 manages food residuals in a manner consistent with the priority use  
19 established under subdivisions (a)(2)-(5) of this section or shall manage food  
20 residuals on site.

21 ~~(c) The following persons shall be subject to the requirements of~~

1 subsection (b) of this section:

2 (1) beginning on July 1, 2014, a person whose acts or processes produce  
3 more than 104 tons per year of food residuals;

4 (2) beginning on July 1, 2015, a person whose acts or processes produce  
5 more than 52 tons per year of food residuals;

6 (3) beginning on July 1, 2016, a person whose acts or processes produce  
7 more than 26 tons per year of food residuals; and

8 ~~(4) beginning July 1, 2017, a person whose acts or processes produce~~  
9 ~~more than 18 tons per year of food residuals; and [Repealed.]~~

10 (5) beginning on July 1, 2020, any person who generates any amount of  
11 food residuals.

12 \* \* \* Commercial Hauler Requirements \* \* \*

13 Sec. 7. 10 V.S.A. § 6607a is amended to read:

14 § 6607a. WASTE TRANSPORTATION

15 (a) A commercial hauler desiring to transport waste within the State shall  
16 apply to the Secretary for a permit to do so, by submitting an application on a  
17 form prepared for this purpose by the Secretary and by submitting the  
18 disclosure statement described in section 6605f of this title. These permits  
19 shall have a duration of five years and shall be renewed annually. The  
20 application shall indicate the nature of the waste to be hauled. The Secretary  
21 may specify conditions that the Secretary deems necessary to assure



1 compliance with State law

2 (b) As used in this section:

3 (1) "Commercial hauler" means:

4 (A) any person that transports regulated quantities of hazardous  
5 waste; and

6 (B) any person that transports solid waste for compensation in a  
7 vehicle.

8 (2) The commercial hauler required to obtain a permit under this section  
9 is the legal or commercial entity that is transporting the waste, rather than the  
10 individual employees and subcontractors of the legal or commercial entity. In  
11 the case of a sole proprietorship, the sole proprietor is the commercial entity.

12 (3) The Secretary shall not require a commercial hauler to obtain a  
13 permit under this section, comply with the disclosure requirements of this  
14 section, comply with the reporting and registration requirements of section  
15 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

16 (A) the commercial hauler does not transport more than four cubic  
17 yards of solid waste at any time; and

18 (B) the solid waste transportation services performed are incidental  
19 to other nonwaste transportation-related services performed by the commercial  
20 hauler.

21

1 ~~(g)(1) Except as set forth in subdivisions (2), (3), and (4) and (5) of this~~  
2 subsection, a commercial hauler that offers the collection of municipal solid  
3 waste shall:

4 (A) Beginning on July 1, 2015, offer to collect mandated recyclables  
5 ~~separated separate~~ from other solid waste and deliver mandated recyclables to  
6 a facility maintained and operated for the management and recycling of  
7 mandated recyclables.

8 (B) Beginning on July 1, 2016, offer to collect leaf and yard residuals  
9 separate from other solid waste and deliver leaf and yard residuals to a location  
10 that manages leaf and yard residuals in a manner consistent with the priority  
11 uses established under subdivisions 6605k(a)(3)-(5) of this title.

12 (C) ~~Beginning on July 1, 2018, offer collection of food residuals~~  
13 ~~separate from other solid waste and deliver to a location that manages food~~  
14 ~~residuals in a manner consistent with the priority uses established under~~  
15 ~~subdivisions 6605k(a)(2)-(5) of this title. [Repealed.]~~

16 (2) In a municipality that has adopted a solid waste management  
17 ordinance addressing the collection of mandated recyclables, leaf and yard  
18 residuals, or food residuals, a commercial hauler in that municipality is not  
19 required to comply with the requirements of subdivision (1) of this subsection  
20 and subsection (h) of this section for the material addressed by the ordinance if  
21 ~~the ordinance.~~

1           (A) is applicable to all residents of the municipality;

2           (B) prohibits a resident from opting out of municipally provided  
3 solid waste services; and

4           (C) does not apply a variable rate for the collection for the material  
5 addressed by the ordinance.

6           (3) A commercial hauler is not required to comply with the  
7 requirements of subdivision (1)(A), (B), or (C) of this subsection in a specified  
8 area within a municipality if:

9           (A) the Secretary has approved a solid waste implementation plan for  
10 the municipality;

11           (B) for purposes of waiver of the requirements of subdivision (1)(A)  
12 of this subsection (g), the Secretary determines that under the approved plan:

13           (i) the municipality is achieving the per capita disposal rate in the  
14 State Solid Waste Plan; and

15           (ii) the municipality demonstrates that its progress toward meeting  
16 the diversion goal in the State Solid Waste Plan is substantially equivalent to  
17 that of municipalities complying with the requirements of subdivision (1)(A)  
18 of this subsection (g);

19           (C) the approved plan delineates an area where solid waste  
20 management services required by subdivision (1)(A), (B), or (C) of this  
21 subsection (g) are not required, and

1 ~~(D) in the delineated area, alternatives to the services, including on-~~  
2 site management, required under subdivision (1)(A), (B), or (C) of this  
3 subsection (g) are offered, the alternative services have capacity to serve the  
4 needs of all residents in the delineated area, and the alternative services are  
5 convenient to residents of the delineated area.

6 (4) A commercial hauler is not required to comply with the  
7 requirements of subdivision (1)(A), (B), or (C) of this subsection for mandated  
8 recyclables, leaf and yard residuals, or food residuals collected as part of a  
9 litter collection event operated or administered by a nonprofit organization or  
10 municipality.

11 (5) A commercial waste hauler is not required to comply with the  
12 requirements of subdivision (1)(A) or (B) of this subsection for mandated  
13 recyclables or leaf and yard residuals in a municipality that satisfies one or  
14 both of the following conditions:

15 (A) The municipality has an approved solid waste implementation  
16 plan or belongs to a group of municipalities with an approved solid waste  
17 implementation plan and the geographic area served by the implementation  
18 plan has a housing density of fewer than 35 units per square mile as  
19 determined by the most recent U.S. Census Bureau data available.

20 (B) The municipality has an approved solid waste implementation  
21 plan or belongs to a group of municipalities with an approved solid waste

1 ~~implementation plan and there is a facility within the municipality or an~~  
2 ~~adjacent municipality that accepts mandated recyclables and leaf and yard~~  
3 ~~residuals.~~

4 ~~(h) A commercial hauler certified under this section that offers the~~  
5 ~~collection of municipal solid waste may not charge a separate line item fee on~~  
6 ~~a bill to a residential customer for the collection of mandated recyclables,~~  
7 ~~provided that a commercial hauler may charge a fee for all service calls, stops,~~  
8 ~~or collections at a residential property and a commercial hauler may charge a~~  
9 ~~tiered or variable fee based on the size of the collection container provided to a~~  
10 ~~residential customer or the amount of waste collected from a residential~~  
11 ~~customer. A commercial hauler certified under this section may incorporate~~  
12 ~~the cost of the collection of mandated recyclables into the cost of the collection~~  
13 ~~of solid waste and may adjust the charge for the collection of solid waste. A~~  
14 ~~commercial hauler certified under this section that offers the collection of solid~~  
15 ~~waste may charge a separate fee for the collection of mandated recyclables,~~  
16 ~~leaf and yard residuals, or food residuals from a residential customer.~~

17 \* \* \* Effective Dates \* \* \*

18 Sec. 8. EFFECTIVE DATES

19 ~~(a) This section and Secs. 4 and 5 (solid waste management facilities),~~  
20 ~~6 (food residuals management) and 7 (commercial haulers) shall take effect on~~  
21 ~~passage.~~

1 ~~(b) Secs. 1-3 (glass recycling; beverage container redemption) shall take~~  
2 ~~effect on January 1, 2019.~~

*Sec. 1. USE OF BOTTOM BARRIERS WITHOUT PERMIT*

(a) The Secretary of Natural Resources shall not require an aquatic nuisance control permit under 10 V.S.A. § 1455 for the use of up to 15 bottom barriers on an inland lake to control nonnative aquatic nuisance species, provided that:

(1) the bottom barriers are managed and controlled by a lake association;

(2) each bottom barrier shall be of no greater size than 14 feet by 14 feet;

(3) the bottom barriers are not installed in an area where they:

(A) create a hazard to public health; or

(B) unreasonably impede boating or navigation;

(4) the lake association notifies the Secretary of the use of the barriers:

(A) three days prior to placement of the barriers in the water if the Secretary has identified the water as containing threatened or endangered species; or

(B) on the day the barriers are placed in the water if the Secretary has not identified the water as containing threatened or endangered species; and

(5) the Secretary may require the removal of the bottom barriers upon a determination that the barriers pose a threat to a threatened or endangered species.

(b) The Secretary of Natural Resources shall designate an e-mail address, telephone number, or other publicly available method by which a lake association may provide the notice required by this section seven days a week.

*Sec. 2. ANR REPORT TO GENERAL ASSEMBLY; AQUATIC  
NUISANCE CONTROL PERMIT; RULE*

(a) On or before January 15, 2019 and prior to issuing the general permit required by 2017 Acts and Resolves No. 67 Sec. 9 or any new aquatic nuisance general permit under 10 V.S.A. chapter 50, the Secretary of Natural Resources shall submit a proposed final draft of the general permit to the Senate Committee on Natural Resources and Energy and the House Committee on

Natural Resources, Fish, and Wildlife while the General Assembly is in session so that the General Assembly may review the general permit and recommend changes.

(b) Prior to filing under 3 V.S.A. § 841, final proposed rule for aquatic nuisance control under 10 V.S.A. chapter 50, the Secretary of Natural Resources shall submit the proposed rule to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife while the General Assembly is in session so that the General Assembly may review the rule and recommend changes.

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on passage.*