

1 H.112

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation; waste management; solid waste

6 Statement of purpose: This bill proposes to amend requirements for the
7 regulation of solid waste. The agency of natural resources would be authorized
8 to adopt a solid waste management plan for the state every 10 years instead of
9 the current requirement of every five years. The maximum period for a solid
10 waste facility certification would be increased to 10 years instead of the current
11 maximum of five years. The bill would also authorize the secretary of natural
12 resources to adopt rules to ensure the proper maintenance and postclosure care
13 of facilities that disposed of municipal solid waste and any other waste stream
14 designated by the secretary. In addition, the bill would exempt from the
15 current prohibition against packages containing lead, cadmium, mercury, or
16 hexavalent chromium those packages or packaging components to which lead,
17 cadmium, mercury, or hexavalent chromium have been added in the
18 manufacturing, forming, printing, or distribution process, provided that the
19 applicant demonstrates that there is no feasible alternative to the additive. The
20 bill also redefines what constitutes an injection well and deletes the

1 requirement that proposed water supply rules of the agency of natural
2 resources receive the concurrence of the public service board.

3 An act relating to the management of solid waste

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

5 Sec. 1. 10 V.S.A. § 6604(a) is amended to read:

6 (a) No later than April 30, 1988 the secretary shall publish and adopt, after
7 notice and public hearing pursuant to chapter 25 of Title 3, a solid waste
8 management plan which sets forth a comprehensive statewide strategy for the
9 management of waste, including whey. ~~No later than July 1, 1991, the~~
10 ~~secretary shall publish and adopt, after notice and public hearing pursuant to~~
11 ~~chapter 25 of Title 3, a hazardous waste management plan, which sets forth a~~
12 ~~comprehensive statewide strategy for the management of hazardous waste.~~

13 * * *

14 (2) The ~~plans~~ plan shall be revised at least once every ~~five~~ ten years and
15 shall include:

16 * * *

17 Sec. 2. 10 V.S.A. § 6605(a)(2) is amended to read:

18 (2) Certification shall be valid for a period not to exceed ~~five~~ ten years.

1 Sec. 3. 10 V.S.A. § 6605(i) is added to read:

2 (i) The secretary may adopt rules to ensure the proper maintenance and
3 postclosure care of facilities that disposed of municipal solid waste and any
4 other waste stream designated by the secretary. These rules shall require that
5 the prior facility owner and operator maintain financial responsibility as
6 required under section 6611 of this title for the period of time determined
7 necessary to protect public health and the environment. These rules may
8 include monitoring at and surrounding the facility, physical maintenance of the
9 facility, and corrective action for any release of a solid waste from the facility.

10 Sec. 4. 10 V.S.A. § 6605c(b) is amended to read:

11 (b) The secretary may, by rule, list certain solid waste categories as eligible
12 for certification pursuant to this section:

13 * * *

14 ~~(3) Solid waste managed at a recycling facility shall be restricted to~~
15 ~~facilities that manage 400 tons per year or less of recyclable solid waste.~~

16 Sec. 5. 10 V.S.A. § 6606(a) is amended to read:

17 (a) No person shall store, treat, or dispose of any hazardous waste without
18 first obtaining certification from the secretary for such facility, site or activity.
19 Certification shall be valid for a period not to exceed ~~five~~ ten years.

1 Sec. 6. 10 V.S.A. § 6620a is amended to read:

2 § 6620a. LIMITATIONS ON THE USE OF HEAVY METALS IN
3 PACKAGING

4 * * *

5 (f) All packages and packaging components shall be subject to subsections
6 (c), (d), and (e) of this section except the following:

7 (1) ~~those~~ packages or packaging components with a code indicating date
8 of manufacture that were manufactured prior to the effective date of this
9 statute;

10 * * *

11 (3) packages and packaging components that would not exceed the
12 maximum contaminant levels set forth in this section but for the addition of
13 recycled materials; ~~and provided that the exemption under this subdivision~~
14 ~~shall expire on January 1, 2000;~~

15 (4) packages and packaging components that are reused but exceed
16 contaminant levels set forth in this section, provided that:

17 (A) the product being conveyed by that package and the package and
18 packaging itself are regulated under federal or state health or safety laws; ~~or~~
19 ~~both; and provided that~~

20 (B) transportation of those packaged products is regulated under
21 federal or state transportation provisions; ~~or both; and provided that;~~

1 forming, printing, or distribution process, provided that the applicant
2 demonstrates to the secretary that there is no feasible alternative to the
3 additive. For purposes of this subdivision, “no feasible alternative” means that
4 the regulated additive is essential to the protection, safe handling, or function
5 of the package contents and technical constraints preclude the substitution of
6 other materials. “No feasible alternative” does not include the use of any
7 regulated additive for marketing purposes. Exemptions under this subdivision
8 shall not be granted for more than two years. An applicant may apply for a
9 renewal of the exemption upon a demonstration to the secretary that no
10 feasible alternative exists at the time of the renewal;

11 (7) packages or packaging components that are glass or ceramic, have a
12 vitrified label and, when tested using the toxicity characteristics leaching
13 procedure, exceed 1.0 part per million for cadmium or 5.0 parts per million for
14 hexavalent chromium or mercury, shall not be exempt under this subsection.

15 * * *

16 (h) The secretary shall review the effectiveness of this section by the
17 second January first that follows the determination made under subsection (a)
18 of this section and shall provide a report based upon that review to the
19 governor and the natural resources and energy committees of the general
20 assembly. The report may contain recommendations to add other toxic
21 substances contained in packaging to the list set forth in this section in order to

1 further reduce the toxicity of packaging waste, and a description of the nature
2 of the substitutes used in lieu of lead, mercury, cadmium, and hexavalent
3 chromium. ~~The secretary shall, in consultation with the source reduction task~~
4 ~~force of the Coalition of North Eastern Governors (CONEG), review the~~
5 ~~extension of the recycling exemption as it is provided for in subdivision (f)(3)~~
6 ~~of this section. This review shall commence no later than January 1, 1997. A~~
7 ~~report based upon that review shall be provided to the governor and legislature~~
8 ~~by January 1, 1999.~~

9 Sec. 7. 10 V.S.A. § 1251(14) is amended to read:

10 (14) "Injection well" means ~~any opening in the ground~~ a bored, drilled,
11 or driven shaft whose depth is greater than the largest surface dimension; or a
12 dug hole whose depth is greater than the largest surface dimension; or an
13 improved sinkhole; or a subsurface fluid distribution system used as a means
14 of discharging waste except for a dry hole not exceeding seven feet in depth
15 which is constructed as, and used solely for the disposal of domestic wastes.

16 Sec. 8. 10 V.S.A. § 1672(f) is amended to read:

17 (f) Nothing in this chapter is intended to limit the authority of the public
18 service board under the provisions of Title 30. ~~The secretary shall solicit the~~
19 ~~concurrence of the public service board when proposing rules under~~
20 ~~subdivisions (b)(2) through (5) of this section, as applicable to water~~

1 ~~companies regulated under Title 30. When the secretary and the public service~~
2 ~~board concur, the rules shall be adopted jointly.~~

3 Sec. 9. WATER SUPPLY RULEMAKING

4 The failure of the secretary to solicit concurrence from the public service
5 board under subsection 1672(f) of Title 10 shall not affect the validity of any
6 rule adopted under chapter 56 of Title 10.