

1. Why is Act 148 needed?

Waste diversion rates have stagnated in VT between 30 to 36% over the past 10 years. A significant portion of the waste stream that is disposed is composed of recyclable items, leaf & yard residuals, and food residuals that could be diverted from landfills and put to better use. In addition, the recyclable materials are now valuable commodities worth significant amounts of money that should not be thrown away. Meanwhile, the landfill space in Vermont is limited and one of the two major landfills is nearing its capacity.

2. What is the goal of Act 148?

The goal of Act 148 is to improve the rate of diverting these valuable materials from landfills. By instituting phased-in bans on certain materials (recyclables, leaf and yard residuals, and food residuals) and by requiring parallel collection (requiring collection of these materials at the same location where trash is collected), more of these materials can be diverted from disposal. It has been demonstrated that the recycling of materials conserves resources while reducing energy consumption and green house gas emissions. By requiring the bans and mandates in the future, it sends a clear signal to both the private and public sector the materials will be available, which provides an incentive to invest in infrastructure, and provides time to construct infrastructure needed to meet the demand.

3. What does Act 148 do?

This bill contains several requirements:

- **Ban disposal of certain solid waste:**
 - mandated recyclables by 2015,
 - leaf & yard residuals and clean wood waste by 2016, and
 - food residuals by 2020;
 - **NOTE: 20 miles does not apply organics from 2020 on**
- **Parallel collection at facilities:** Requires facility owners that offer services for managing trash to also offer services for managing
 - mandatory recyclables by 2014,
 - leaf & yard residuals by 2015, and
 - food residuals by 2017;Facilities cannot charge a separate fee for the collection of mandate recyclables, but can charge commercial haulers of mandated recyclables. The costs of collecting recyclables can be included in the trash collection fees.
- **Parallel collection at curbside:** Requires haulers that offer services for managing trash to also offer services for managing

- mandatory recyclables by 2015,
- leaf & yard residuals by 2016, and
- food residuals by 2017;

Haulers cannot charge a separate fee for residential mandated recyclables. The costs of collecting recyclables can be included in the trash collection fees.

- Includes a **mechanism to allow exemptions/variances for facilities/ haulers** from the requirement to offer parallel collection of materials.
- Allows ANR to require **facilities and transporters to explain their rate structure** to ensure the rates are transparent to residential consumers.
- Includes **hierarchy for managing organics** (similar to EPA's hierarchy):
 - Reduction at the source
 - Diversion for food for people
 - Diversion for agricultural uses, including for animals,
 - Composting, nutrient management, & digestion,
 - Energy recovery
- Requires **larger organics generators** to manage food organics according to organics hierarchy, if a certified facility is **within 20 miles** (phase-in by amount over time):
 - 2014 for generators of more than 104 tons/year
 - 2015 for generators of more than 52 tons/year
 - 2016 for generators of more than 26 tons/year
 - 2017 for generators of more than 18 tons/year
 By 2020, all food residuals, including that from households, must be diverted with no provision for distance.
- Requires **municipalities to implement variable rate pricing** for municipal solid waste from residential customers, based on volume or weight, by 2015.
- Requires **recycling containers** to be provided and located **in publically owned places** (municipal and state) where trash cans are located (except in bathrooms) by 2015; requires the **statehouse to implement a similar program** by July 2012.

This bill also includes:

- * Clarifies the requirements for renewing solid waste certifications;
- * Eliminates the upper limit to recycling facilities to qualify for categorical certifications;
- * Allows ANR to issue certification for landfills and HHW facilities for up to 10 years (same time frame as all other certifications); changes how non-implemented waste is defined;
- * Allows municipalities to have exclusive local franchising of solid waste services;
- * Authorizes enforcement authority to ANR relating to municipalities and solid waste districts adopting and implementing SWIPs consistent with state plan;
- * Changes to definitions included in the electronic waste law; and
- * Sunsets the mercury advisory committee.

This bill requires additional evaluations and planning by ANR, including:

- Additional requirements for ANR to adopt a **solid waste management plan**, including promotion of priorities for certain components of the waste stream, costs analysis of solid waste management; an education and outreach component, and performance measures; Plan due Nov 2013 and then every 5 years;
- Requires ANR to conduct an **assessment of solid waste management**, including a waste analysis (determine the portion of various wastes/materials that are disposed), effectiveness of EPR programs (the bottle bill, mercury lamps, and the e-waste), evaluation of the cost and infrastructure of the existing system and one needed to meet the requirements of the bill, evaluation of local governance (solid waste districts and towns), and impacts to natural resources and the environment (report with recommendations to legislature by Nov, 2013);
- Requires ANR to submit a **report every 2 years to the legislature** on the status of solid waste and packaging, next one due Jan 2013 (must post for public review 45 days prior to submittal to legislature);
- Requires ANR to **compile and inventory of waste tire piles and submit a report** to the legislature by Jan 2013; also authorizes ANR to use the SWMAF for removal of tires from tire piles;
- Requires ANR to conduct an **evaluation of the cost/benefit of expansion of the beverage deposit redemption program and single stream recycling** with report and recommendations to the legislature by Nov. 2013.