

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Jen Holliday, Director of Public Policy and Waste Diversion Facilities
DATE: June 12, 2019
RE: 2019 Legislative Round-up

The 2019 legislative session resulted in the following three bills related to solid waste. All three bills are likely to be signed into law.

[S.113](#)

This bill has three sections.

The first relates to restrictions on single-use plastic bags, plastic straws, expanded polystyrene food service products and single-use plastic stirrers including:

- a prohibition for stores and food service establishments to provide single-use plastic bags;
- a prohibition of food service establishments to provide single-use stirrers;
- a prohibition for a store or food service establishment from selling or providing food or beverages in an expanded polystyrene food service product;
- a prohibition on polystyrene food service products from being sold in the State;
- a prohibition on food service establishments from providing plastic straws to customers unless requested.

There are exceptions to these prohibitions. This section takes effect on July 1, 2020. The Agency of Natural Resources (ANR), is responsible for enforcement. CSWD will be advising businesses and institutions of the law in our outreach efforts.

The second section of S.113 establishes a single-use product working group to convene by July 1, 2019 and report to the legislature recommendations by December 1, 2019. Single-use products are defined as single-use bags, packaging, food service ware, plastic film, expanded polystyrene food service products and printed materials. The make-up of the working group consists of about a dozen stakeholders including a representative of a single-stream MRF and two representatives from solid waste management entities (1- urban, 1- rural). Therefore, it is likely that CSWD will serve on the working group. The group is tasked with evaluating the existing management of single-use products, the impact of these products on landfill capacity, litter and human health from toxics in single-use products and to make recommendations on how to make improvements in these areas. The bill specifies what to include if extended producer responsibility (EPR) is considered and recommended.

The last section of the bill directs ANR to Report to the legislature a feasibility study addressing issues related to opening a second landfill in the State including:

- An assessment of the capacity of the two sites that are currently permitted and certified for landfill operations
- evaluation of the environmental costs of trucking to Coventry including GHG and impact on transportation infrastructure.
- Estimated time frame to activate one or both permitted landfills that are currently not operating.
- Estimated time frame to locate and operate an additional landfill in the State.

The Greater Upper Valley Solid Waste District and the Northwest Solid Waste District each own one of the two landfill sites that are currently permitted and being studied. Neither District intends to move forward with building a landfill currently.

S.160

This is a large agricultural development bill that includes a provision that modifies the Act 148 requirements for commercial haulers to collect food residuals. The July 1, 2020 requirement of offering food residual collection to all their customers has changed to only requiring commercial haulers to offer food residual collection to nonresidential customers and apartment buildings with four or more residential units. There is an exception made to haulers that they do not have to offer food scrap collection to these customers if another commercial hauler provides collection services for food residuals in the same area.

S.49 – signed into law

This law concerns polyfluoroalkyl substances including a requirement for ANR to submit a report by January 15, 2020 to the legislature regarding the management at landfills of leachate containing contaminants of emerging concern (CECs). The report includes:(1) the findings of the leachate treatment evaluation conducted at any landfill in Vermont;(2) ANR’s assessment of the results of landfill leachate evaluations; and (3) ANR’s recommendations for treatment of CECs in leachate from landfills, including whether the State should establish a pilot project to test methods for testing or managing CECs in landfill leachate.

CSWD has tested and has found PFAs in our landfill leachate at levels that did not warrant any further action at this time.

The law also requires ANR to publish a plan by January 15, 2020 for public review and comment for adoption of surface water quality standards for PFAS. Our landfill leachate would potentially be subject to these standards.