

1 H.173

2 Introduced by Representative Yantachka of Charlotte

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; beverage container  
6 redemption

7 Statement of purpose of bill as introduced: This bill proposes to repeal the  
8 beverage container redemption system and require manufacturers of beverages  
9 in glass containers to pay a \$0.05 fee for every glass container sold to a retailer  
10 in the State. The Glass Container Recycling Fee would be deposited in the  
11 Waste Management Assistance Fund for the sole use of solid waste  
12 management and recycling activities. The Glass Container Recycling Fee  
13 would be repealed when \$20,000,000.00 in fees is collected or on January 1,  
14 2028, whichever occurs first.

15 An act relating to solid waste management of beverage containers

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

17 Sec. 1. 10 V.S.A. chapter 54 is added to read:

18 CHAPTER 54. GLASS BEVERAGE CONTAINERS

19 § 1541. DEFINITIONS

20 As used in this chapter:

1           (1) “Beverage” means beer or other malt beverages, mineral waters,  
2           mixed wine drink, wine, liquor, soda water, and carbonated soft drinks in  
3           liquid form and intended for human consumption.

4           (2) “Glass container” means an individual, separate, bottle or jar  
5           composed of glass.

6           (3) “Manufacturer” means a person bottling, packing, or otherwise  
7           filling glass containers with a beverage for sale to retailers in the State.

8           (4) “Retailer” means a person in Vermont who sells beverages in glass  
9           containers to a consumer at the retail level.

10           § 1542. GLASS CONTAINER RECYCLING FEE

11           (a) Every manufacturer of beverages in glass containers shall pay the Glass  
12           Container Recycling Fee at the rate of \$0.05 per glass container sold to a  
13           retailer during any month.

14           (b) Manufacturers of beverages in glass containers shall pay the Glass  
15           Container Recycling Fee to the Department of Taxes on or before the 20th day  
16           of the following month. The monthly returns shall be accompanied by a  
17           certified statement on forms required by the Department of Taxes showing the  
18           number of glass containers sold and the amount of fees collected.

19           (c) Fees collected by the Department of Taxes under this section shall be  
20           deposited in the Solid Waste Management Assistance Account of the Waste  
21           Management Assistance Fund under section 6618 of this title.

1 Sec. 2. 10 V.S.A. § 6618 is amended to read:

2 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

3 (a) There is ~~hereby~~ created in the State Treasury a fund to be known as the  
4 Waste Management Assistance Fund, to be expended by the Secretary of  
5 Natural Resources. The Fund shall have three accounts: one for Solid Waste  
6 Management Assistance, one for Hazardous Waste Management Assistance,  
7 and one for Electronic Waste Collection and Recycling Assistance. The  
8 Hazardous Waste Management Assistance Account shall consist of a  
9 percentage of the tax on hazardous waste under the provisions of 32 V.S.A.  
10 chapter 237, as established by the Secretary, the toxics use reduction fees  
11 under subsection 6628(j) of this title, and appropriations of the General  
12 Assembly. In no event shall the amount of the hazardous waste tax ~~which~~ that  
13 is deposited to the Hazardous Waste Management Assistance Account exceed  
14 40 percent of the annual tax receipts. The Solid Waste Management  
15 Assistance Account shall consist of the franchise tax on waste facilities  
16 assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13; the  
17 Glass Container Recycling Fee assessed under chapter 54 of this title; and  
18 appropriations of the General Assembly. The Electronic Waste Collection and  
19 Recycling Account shall consist of the program and implementation fees  
20 required under section 7553 of this title. All balances in the Fund accounts at  
21 the end of any fiscal year shall be carried forward and remain a part of the

1 Fund accounts, except as provided in subsection (e) of this section. Interest  
2 earned by the Fund shall be deposited into the appropriate Fund account.  
3 Disbursements from the Fund accounts shall be made by the State Treasurer on  
4 warrants drawn by the Commissioner of Finance and Management.

5 (b) The Secretary may authorize disbursements from the Solid Waste  
6 Management Assistance Account for the purpose of enhancing solid waste  
7 management in the State in accordance with the adopted ~~waste management~~  
8 plan Waste Management Plan. This includes:

9 (1) The costs of implementation planning, design, obtaining permits,  
10 construction, and operation of State or regional facilities for the processing of  
11 recyclable materials and of waste materials that because of their nature or  
12 composition create particular or unique environmental, health, safety, or  
13 management problems at treatment or disposal facilities. The Secretary shall  
14 annually allocate 100 percent of the Glass Container Recycling Fee for the  
15 purposes of this subdivision.

16 (2) The costs of assessing existing landfills, and eligible costs for  
17 closure and any necessary steps to protect public health at landfills operating  
18 before January 1, 1987, provided those costs are the responsibility of the  
19 municipality or solid waste management district requesting assistance. The  
20 Secretary of Natural Resources shall adopt by procedure technical and  
21 financial criteria for disbursements of funds under this subdivision.

1           (3) The costs of preparing the State ~~waste management plan~~ Waste  
2           Management Plan.

3           (4) Hazardous waste pilot projects consistent with this chapter.

4           (5) The costs of developing markets for recyclable material.

5           (6) The costs of the Agency of Natural Resources in administering solid  
6           waste management functions that may be supported by the Fund established in  
7           subsection (a) of this section.

8           (7) A portion of the costs of administering the Environmental Division  
9           established under 4 V.S.A. chapter 27. The amount of \$120,000.00 per fiscal  
10          year shall be disbursed for this purpose.

11          (8) The costs, not related directly to capital construction projects, that  
12          are incurred by a district; or by a municipality that is not a member of a  
13          district, in the design and permitting of implementation programs included in  
14          the adopted Solid Waste Implementation Plan of the district or of the  
15          municipality that is not a member of a district. These disbursements shall be  
16          issued in the form of advances requiring repayment. These advances shall bear  
17          interest at an annual rate equal to the interest rate ~~which~~ that the State pays on  
18          its bonds. These advances shall be repaid in full by the grantee no later than  
19          24 months after the advance is awarded.

20          (9) The Secretary shall annually allocate 17 percent of the receipts of  
21          this account, based on the projected revenue for that year, for implementation

1 of the Plan adopted pursuant to section 6604 of this title and Solid Waste  
2 Implementation Plans adopted pursuant to 24 V.S.A. § 2202a.

3 (10) The costs of the proper disposal of waste tires. Prior to disbursing  
4 funds under this subsection, the Secretary shall provide a person with notice  
5 and opportunity to dispose of waste tires properly. The Secretary may  
6 condition a disbursement under this subsection on the repayment of the  
7 disbursement. If a person fails to provide repayment subject to the terms of a  
8 disbursement, the Secretary may initiate an action against the person for  
9 repayment to the Fund or may record against the property of the person a lien  
10 for the costs of cleaning up waste tires at a property.

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12 Sec. 3. REPEAL; BEVERAGE CONTAINER REDEMPTION SYSTEM

13 10 V.S.A. chapter 53 (beverage container redemption system) shall be  
14 repealed on January 1, 2018.

15 Sec. 4. GLASS CONTAINER RECYCLING FEE; REPEAL

16 10 V.S.A. chapter 54 (Glass Container Recycling Fee) shall be repealed  
17 when a cumulative total of \$20,000,000.00 of fees has been deposited in the  
18 Solid Waste Management Assistance Account of the Waste Management  
19 Assistance Fund under section 6618 of this title or on January 1, 2028,  
20 whichever occurs first.

1       Sec. 5. EFFECTIVE DATE

2       This act shall take effect on July 1, 2017.