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H.198

Introduced by Representatives Sharpe of Bristol and Baser of Bristol

Referred to Committee on

Date:

Subject: Conservation and development; solid waste; landfills

Statement of purpose of bill as introduced: This bill proposes to increase the amount of waste that a municipally owned unlined landfill may receive to 5,000 tons per year of waste for disposal.

An act relating to municipally owned landfills

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

Sec. 1. 10 V.S.A. § 6605a is amended to read:

§ 6605a. REVIEW OF EXISTING LANDFILLS

(a) By July 1, 1990, the ~~secretary of natural resources~~ Secretary of Natural Resources shall complete a review of each landfill that is operating or certified as of July 1, 1987, to determine whether it should be closed or continue to operate and whether remedial action is necessary. The review shall assess:

(1) ~~The~~ the impact of the landfill on groundwater, surface water, and air quality;

(2) ~~The~~ the operating history and compliance status of the landfill;

1 (3) ~~The~~ the potential of the landfill to affect the public health, taking
2 into account:

3 (A) the proximity of drinking water supplies or buildings in
4 regular use;

5 (B) the nature and extent of actual or expected air and water
6 contamination;

7 (C) the ownership and use of surrounding land; and

8 (D) the size, age, capacity, and use of the landfill.

9 (b) Within 120 days after the review is completed, the ~~secretary~~ Secretary
10 shall propose to certify the landfill or to grant an interim certification pursuant
11 to section 6605b of this title to close or upgrade the landfill. A landfill shall be
12 closed or remedial action shall be required if the ~~secretary~~ Secretary finds that
13 it has caused or is likely to cause a significant risk to public health or the
14 environment.

15 (c) No later than July 1, 1991, the operating portion of each landfill shall be
16 lined, if required under the provisions of subsection 6605(d) of this title, except
17 that those in operation as of July 1, 1987, that are certified to receive or
18 actually receive less than ~~1,000~~ 5,000 tons of municipal waste per year may be
19 exempted from this requirement according to the provisions of subsection (d)
20 of this section, or if, considering the factors established in subdivision (a)(3) of
21 this section, the ~~secretary~~ Secretary finds that they will not create a significant

1 risk to public health and that they will not cause irreparable harm to the
2 environment. Violations of secondary safe drinking water standards, standing
3 alone, will not be construed under this subsection or under subsection 6605(b)
4 of this title to constitute significant risks to public health or to cause irreparable
5 harm to the environment. Where the ~~secretary~~ Secretary has determined, by
6 clear and convincing evidence, that the operation of a solid waste landfill, or
7 the existence of a solid waste landfill closed after July 1, 1987, has increased
8 the level of any secondary drinking water quality contaminant, in the
9 downgradient groundwater, so that the resulting water quality exceeds the
10 secondary drinking water standards, the ~~secretary~~ Secretary shall require the
11 operator of the landfill facility to institute remedial activities. These remedial
12 activities may include the installation of water treatment systems to remove
13 secondary contaminants from the affected drinking water supplies, or the
14 replacement of the contaminated drinking water source or sources.

15 (d) The ~~secretary~~ Secretary may authorize continued operation of a
16 municipally owned unlined landfill which is in operation on July 1, 1992, and
17 which will receive less than ~~4,000~~ 5,000 tons per year of waste for disposal, if
18 the legislative body of the municipality has voted to continue to operate the
19 landfill and if the ~~secretary~~ Secretary has approved a plan submitted by the
20 municipality which shall be implemented by October 1, 1992, which
21 demonstrates how approximately 90 percent of yard waste and hazardous

1 waste from households and small quantity generators, along with a substantial
2 portion of marketable recyclables, will be removed from the waste stream
3 before disposal. Approval under this section shall exempt the landfill from
4 compliance with those provisions of the solid waste rules that require a
5 minimum vertical separation to bedrock of ten feet, that require a minimum of
6 six feet vertical separation from the high seasonal water table, and that require
7 a minimum distance of 300 feet to the waters of the ~~state~~ State. Violations of
8 secondary safe drinking water standards, standing alone, will not be construed
9 under this subsection or under subsection 6605(b) of this title to allow or
10 require the ~~secretary~~ Secretary to deny approval of landfills regulated under
11 this subsection. Where the ~~secretary~~ Secretary has determined, by clear and
12 convincing evidence, that the operation of a solid waste landfill, or the
13 existence of a solid waste landfill closed after July 1, 1987, has increased the
14 level of any secondary drinking water quality contaminant; in the
15 downgradient groundwater; so that the resulting water quality exceeds the
16 secondary drinking water standards, the ~~secretary~~ Secretary shall require the
17 operator of the landfill facility to institute remedial activities. These remedial
18 activities may include the installation of water treatment systems to remove
19 secondary contaminants from the affected drinking water supplies, or the
20 replacement of the contaminated drinking water source or sources.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.