

## CSWD Ordinance, Proposed language, effective July 1, 2025

\*Key

Red underline denotes new language or new numbering. ~~Red strikethrough (red strikethrough)~~ denotes deleted language.

~~Green double strikethrough (double strikethrough)~~ and green double underline denote current language that was moved from an existing section to a new section.

### ARTICLE II DEFINITIONS

ZZ. “Tipping Fees” shall mean the per unit fee charged on Waste received at waste management Facilities.

### ARTICLE VIII SOLID WASTE MANAGEMENT FEE

8.1. Establishment. As provided in the District’s charter, Article I, CREATION AND POWERS, Section 5. POWERS, in in order to provide for the efficient, economical, and environmentally sound Management and regulation of Solid Waste within the District and its member municipalities, there is hereby established a Solid Waste Management Fee. The Solid Waste Management Fee is imposed on all Solid Waste generated in the District including, but not limited to, Solid Waste that is collected for Disposal, however, only twenty-five percent (25%) of the fee shall be imposed on all of the 1) Solid Waste approved by the State for use as landfill daily cover and used as landfill daily cover at Facilities within or without the District and 2) construction and demolition debris fines, derived from the processing of mixed construction and demolition debris for Recycling, and processed concrete contaminated with lead paint, when approved by the State for use in landfill site improvements. ~~The following categories of Solid Waste shall be exempt from the Solid Waste Management Fee: 1) Recyclables that are separated from other Solid Waste and recycled; 2) Compostables that are separated from other Solid Waste and Composted or anaerobically digested at Composting Facilities; 3) Biosolids; 4) nontandfilled Untreated Wood; 5) Hazardous Waste and non-hazardous Solid Waste delivered to certified Hazardous Waste Facilities as defined in the Vermont Hazardous Waste Management Regulations; 6) Regulated Medical Waste delivered to certified Regulated Medical Waste treatment or Regulated Medical Waste Disposal Facilities; 7) Inert Materials, stumps, root masses, rotted wood, and animal carcasses delivered to certified categorical disposal Facilities; 8) Inert Materials approved by the District Executive Director that are used for landfill site improvements; and 9) screened municipal street sweepings, that are approved by the Vermont Agency of Natural Resources to be used in clean fill applications, as well as alternative daily landfill cover, when used as alternative daily landfill cover.~~ The Solid Waste Management Fee is also imposed on 1) any Solid Waste residues generated and collected in the District that are mixed with Recyclables and exceed ten percent (10%) of those Recyclables delivered to Recycling end market Facilities and 2) mixed Solid Waste used in the production of raw materials or products.

8.2. Exemptions. The following categories of Solid Waste shall be exempt from the Solid Waste Management Fee: 1) Recyclables that are separated from other Solid Waste and recycled; 2) Compostables that are separated from other Solid Waste and Composted or anaerobically digested at Composting Facilities; 3) Biosolids; 4) non-landfilled Untreated Wood; 5) Hazardous Waste and non-hazardous Solid Waste delivered to certified Hazardous Waste Facilities as defined in the Vermont Hazardous Waste Management Regulations; 6) Regulated Medical Waste delivered to certified Regulated Medical Waste treatment or Regulated Medical Waste Disposal Facilities; 7) Inert Materials, stumps, root masses, rotted wood, and animal carcasses delivered to certified categorical disposal Facilities; 8) Inert Materials approved by the District Executive Director that are used for landfill site improvements; and 9) screened municipal street sweepings, that are approved by the Vermont Agency of Natural Resources to be used in clean fill applications, as well as alternative daily landfill cover, when used as alternative daily landfill cover. The Board of Commissioners may exempt or partially exempt other materials from the imposition of the Solid Waste Management Fee upon good cause shown.

8.3. Purpose and Uses. The purpose of the Solid Waste Management Fee is to generate revenue to defray some or all of District costs other than those to be defrayed by the Tipping Fees, by the sale of goods, by grants received by the District, or by any other revenue due to the District. In establishing the annual budget the Board will include all or portions of the costs which it desires to defray by the District Fee, which may include, but are not limited to: debt service (principal and interest), capital reserves, any portion of the costs of operation not being defrayed by the Tipping Fees, Special Waste programs, Recycling programs, educational programs, administration costs, and other District Facilities, programs, and service costs.

8.4. Amount of Fee. The Solid Waste Management Fee is Forty Dollars (\$40.00) per ton and may be subject to change as follows: \$30 per ton.

**ALT Language: The baseline Solid Waste Management Fee is Forty Dollars (\$40.00) per ton as of July 1, 2025, and may be subject to adjustment as follows:**

The Solid Waste Management Fee shall be subject to annual adjustment in accordance with the budget appropriation procedures in Article IV of the District Charter. Adjustments to the Solid Waste Management Fee shall be at the discretion of the Board when it is reviewing its annual financial position, and be determined by the Board who shall consider the Purpose and Uses of the Solid Waste Management Fee as identified in Section 8.3, and Consumer Price Indices as determined and published by the U.S. Bureau of Labor Statistics, referencing both the Northeast Urban Class B/C Consumer Price Index and the Garbage and Trash Index for the twelve (12) month period immediately preceding January 31 of the current fiscal year. The proposed adjustment shall be calculated as of January 31 for the subsequent fiscal year.

All Solid Waste Management Fee adjustments shall become effective on July 1 of the same calendar year in which the calculation is made.

In the event of unanticipated extraordinary circumstances, the Board may determine that an adjustment to the Solid Waste Management Fee is warranted outside of the annual budget process. Such adjustment shall take effect not less than 60 calendar days from the date of the Board action authorizing the adjustment.

8.35. Waiver of the Solid Waste Management Fee. For good cause shown, the District Executive Board may waive or partially waive the imposition of the Solid Waste Management Fee to provide economic incentives to comply with the provisions of this Ordinance, any other ordinance or regulations adopted by the District, District policies, or to reduce the cost of alleviating a specific environmental hazard.

8.46. Weighing. The District shall license one or more Scales for determining the weight of Solid Waste collected within the District for Disposal within or without the District. Any Person required to obtain a Hauler's License and any Self-Hauler delivering Solid Waste to a Transfer/Disposal Facility shall cause any vehicle that has been or is being used to collect any such Solid Waste to be weighed on a District-licensed Scale. Weighings at any District-licensed Scale shall be performed: 1) before any Solid Waste is removed from such vehicle at a Transfer/Disposal Facility of any kind, either within or without the District, and 2) when such vehicle is empty. In the event weighing of a vehicle is performed at other than a Transfer/Disposal Facility for the Solid Waste in such vehicle, the average tare weight of the vehicle may be used in lieu of actual weighing of the empty vehicle upon approval of the Executive Director. It is presumed that all Solid Waste in every such vehicle was generated within the District. The owner or operator of each such vehicle shall have the burden to demonstrate to the District, by a preponderance of the evidence, that any Solid Waste in any such vehicle was generated outside of the District. If weighing facilities are not readily available, or upon a showing of undue burden, a Hauler may request the approval of the District to pay the Solid Waste Management Fee based upon the estimated weight of Solid Waste such Hauler will collect within the District. Such request shall be made in a License application or an amendment to an existing License. Estimated weights shall be based upon information and evidence reasonably satisfactory to the District and shall be valid for no longer than one (1) year, or such shorter period of time as the District may designate. If weighing facilities are not readily available, or if an undue burden would be imposed on the Hauler, the District Executive Director may authorize the Hauler to use estimated weights for specific and isolated loads of Solid Waste for purposes of calculating the Solid Waste Management Fee due the District.