

DRAFT
CHITTENDEN SOLID WASTE DISTRICT
IN-PERSON/ZOOM MEETING
December 20, 2023 - Regular Meeting

PRESENT

BOARD MEMBERS:

Bolton	-----
Burlington	Lee Perry
Charlotte	Ken Spencer
Colchester	-----
Essex	Alan Nye
Essex Junction	Mike Sullivan
Hinesburg	-----
Huntington	-----
Jericho	Leslie Nulty
	Tom Joslin, alt.
Milton	-----
Richmond	Andrew French
Shelburne	Margy Wiener
So. Burlington	Paul Stabler
	Allison Lazarz, alt.
St. George	-----
Underhill	Paul Ruess
	Dan Steinbauer, alt.
Westford	Katie Frederick
Williston	Caylin McCamp, alt.
Winooski	Bryn Oakleaf

STAFF: Sarah Reeves, Amy Jewell, Josh Estey, Jeannine McCabe

OTHERS PRESENT: Thomas Melloni, Staff Attorney
Josh Kelly & Steven Young, State of Vermont, ANR

AGENDA:

1. Agenda
2. Public Comment Period
3. Consent Agenda
4. Skid Steer purchases
5. ANR Presentation
4. Other Business

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1. **CALL TO ORDER and AGENDA** - Chair Paul Ruess called the meeting to order at 6:00 p.m.
 2. **PUBLIC COMMENT PERIOD** – No public comments

3. **CONSENT AGENDA** – Request to remove 3.2 Program Update and 3.3 Executive Director report. Program updates: Discussion on continuing to see a shortfall on the tonnage received at the Organics Recycling and whether there is concern for be able to have enough organic matter to compost our leaves. S. Reeves said that we are carefully watching our tonnage and have moved an employee into the Compliance division and have hired a new Business Outreach Coordinator to help with diverting more organics from the waste stream. We are running under budgeted tonnage amounts but are running close to the previous year's actuals. We also continue to make facility improvements, including moving wood to the ORF and shredding that material onsite. She noted that incoming tonnage is Director Dan Goossen's primary concern and it being closely watched with plans in place to increase tonnage. Sales are up at that facility.

Executive Director update: Asked about how profitable the contract with Addison Solid Waste for blue bin materials. S. Reeves said it's about 2,000 tons at \$85/ton for the remainder of FY2024, and will remain at \$85/ton for the first half of FY2025. This means CSWD will not realize full tip fee revenue on approximately 2,000 tons for six months of FY2025. Discussion was held on the proximity of our MRF, and it was noted that it is about the same distance for them as their previous outlet. There are no staffing concerns at the MRF as a result of this additional tonnage. K. Spencer congratulated S. Reeves for the work in securing this contract.

The consent agenda was accepted as presented.

4. **MRF Skid Steer Procurement**

J. Estey reviewed the memo and noted that this purchase is for two skid steers, one to replace a current John Deere skid steer, and the other was a budgeted and approved replacement. He reviewed the ongoing issues with the John Deere skid steer, which has been covered by warranties and John Deere has been responsive with repair, but it's been ongoing, requires a rental, and has negatively impacted operations at the MRF. The last attempt to fix the John Deere has resulted in CSWD requesting that John Deere purchase the skid steer back from CSWD. It was requested that CSWD consider requesting that United pay for the rental, while the current John Deere under warranty was not operating. J. Estey said he would investigate this, and it might be included in the buyback price. Discussion was held on sole sourcing the proposed purchase from Cat and the reasons for selecting Cat.

Motion by P. Stabler, Second A. Nye, BE IT RESOLVED that the Board of Commissioners authorizes the Executive Director to enter into a contractual agreement for the purchase of two Caterpillar 242D3 skid steers from Milton Cat, in Milford, MA, for an amount not to exceed \$150,000.00. Voting: Motion Carried. All Ayes.

5. **ANR – Meeting discussion with ANR**

P. Ruess noted that the CSWD Board is extremely focused on the long-term solutions in the State regarding solid waste and is thankful that ANR is here tonight to hear the viewpoints from ANR and for ANR to hear our concerns as the largest solid waste generators in the State.

S. Reeves introduced Solid Waste Program Director Josh Kelly. J. Kelly saw the presentation that S. Reeves presented to this Board in September and said that he'd keep the presentation brief, knowing that the dialogue after is most important to the Board. He noted that waste comes from the products that we need and use and as managers of solid waste we have to handle the material that is in the waste stream. Josh Kelly introduced the landfill issues.

He noted that PFAS is the major concern and even though the public focus is PFAS in sludge, the highest concentration of PFAs is in textiles and bulky items like mattresses and furniture according to a landfill study done in October 2019. He reviewed disposal capacity in Coventry, the State's only operating landfill, which is about 18 years at current fill rates and is permitted for about 600,000 tons and takes in about 500,000 tons annually (approximately 80% of the State's waste). He noted that is about 1/10th the amount that Massachusetts produces.

He reviewed the material in the waste stream which is 73% MSW. He credited Jen Holliday for working on bills to get material out of the waste stream. The State has a waste composition study happening that will be complete next year. The State has implemented EPR, landfill bans, product bans, Act 175 PFAS product ban, and VT universal recycling law. There are 11 (soon to be 12) landfill bans. The 12th is household hazardous products.

Vermont has ongoing solid waste issues on our horizon, which include:

- PFAS & microplastics
- Highs costs of HHW
- Bottle bill expansion, recycling, and packaging EPR
- Rechargeable batteries (and tires)
- Climate changes & waste reduction
- Disposal capacity

J. Kelly shared that the state is wrapping up end the 2019 State Materials Management Plan and is drafting the 2024 five-year plan. Vermont requires municipalities to manage solid waste generated within their boundaries and that is enforced through the State plan. ANR has been focused on diversion and recycling and not on disposal capacity. It is economically challenging to operate regional landfills in the State and that is why we have not required municipalities to have that plan in place.

S. Reeves said that we will be working on our Strategic Plan, which will look further than five years out and we really need to start this conversation now regarding alternatives to the Coventry landfill.

Discussion followed:

- P. Stabler (South Burlington): What will happen when the Coventry Landfill closes? I'd hate to think we'd ship everything out of state.
 - J. Kelly: the landfill has ~18 years end of life. There are some possible options to increase the life of the landfill, although not ideal, and agreed on the concern. One option described was excavating one of the unlined cells, lining it, and reburying the waste. This option could provide an additional five years of capacity, but is not without challenges.
 - Cost is a driving factor, and the private sector plays a large role in capacity challenges. It is not out of the question to move materials to other states, more than we are doing now. There is currently Northeast regional capacity constriction, forcing waste to move outside the region.
 - ANR will develop a stakeholder process to discuss disposal capacity as part of the upcoming Materials Management Plan revision in 2024.
- L. Nulty (Jericho): Are there no developing technologies for an alternative landfilling? The Northeast is densely populated like western Europe. Are there no lessons to be learned from their experience?

- J. Kelly: The jury is still out, but the door isn't closed to waste to energy. It comes with emissions concerns, ash disposal needs, and negative public perception. Another possibility is a dirty MRF, but those are also problematic.
- There are certainly lessons we can learn from Europe, but the question is who should/could dig deep enough to fund a waste to energy option? The state doesn't want to run a facility, so either a municipality or the private sector would need to act. It's up to others to figure out how to run a facility safely.
- L. Nulty: Is it not the state's role to learn about and educate yourselves about options?
 - J. Kelly: It's the applicant's role to propose something to the state, and the state's role to evaluate it and regulate.
- K. Spencer (Charlotte): Will recycling help the long-term capacity issue? What about the bottle bill – what is the State's perspective?
 - J. Kelly: We're not going to recycle our way out of this issue, but we need to continue to recycle and focus on waste reduction. Some feel that waste to energy produces an appetite for plastics, others believe it helps focus on waste reduction.
 - Regarding Bottle bill expansion, the State has supported expansion, even with the materials siphoned from the MRF. It is hard to take a position because there are benefits to recycling and the benefits of the bottle bill.
- M. Wiener (Shelburne): Thirty percent of material in the landfill is organics – shouldn't we focus on that to extend landfill life?
 - J. Kelly: The State is making progress, but the 2023 Waste Composition Study does not show as much progress as we would like to see.
- A. Nye (Essex): Landfill siting requirements should include areas away from water ways, with impervious soil, and to explore the county south of Chittenden County.
 - J. Kelly: We need to do more to study suitable landfill locations, not just identify unsuitable locations which is easy to do and is usually done first. It's very hard to avoid water bodies in Vermont. The stakeholder group will be looking at opportunities.
 - Vermont has economy of scale issues. When you don't produce much, you don't have many people competing to make money on landfill management.
- M. Sullivan (Essex Junction): You mentioned New Hampshire. What is their capacity?
 - J. Kelly: NH has five active landfills and a waste-to-energy facility in Concord. Not sure of total waste generated.
- A. Lazarz (South Burlington, alt): 18 years from now if the carbon footprint is reduced by electric vehicle transporting material what other consideration do we have for landfill location?
 - J. Kelly: The biggest concern is losing out of state capacity, meaning those locations could refuse service and we'd be out of luck. It's also impossible to impose Vermont solid waste rules and regulations outside of the state. Being able to regulate an instate landfill versus the inability to control an out-of-state facility is a big factor. He noted rail could also be a possibility to help keep long-distance transportation emissions down. However, this option isn't without concern either because Vermont might have trouble competing for rail space. Bottom line, sending waste out of state means less backup options and less regulatory control.
- B. Oakleaf (Winooski): How much waste as a result of 2023 flooding?
 - J. Kelly: about 20,000 out of the 400,000 tons for MSW. Having one landfill does convey a sense of urgency. Most of July's waste went to Coventry.
- B. Oakleaf: Will the stakeholder committee coordinate with the ANR Climate Office?

- J. Kelly: Yes, especially if looking at alternate technologies. The new climate pollution reduction plan has a waste category, and a survey is going out to solid waste districts. There is a new life cycle analysis requirement in the law as well.
- D. Steinbauer (Underhill): Concerned about packaging. Are we not looking at this?
 - J. Kelly: ANR has to provide a biennial report to the legislature. We've been focused on problematic materials and PFAS, but there are EPR bills which could lead to incentivizing lightweighting packaging. We're watching Oregon and California, which may pass laws that change what we see in the grocery stores.
- S. Reeves: Can you tell us more about PFAs and where State and EPA will go to require owners of landfills to treat PFAs and speak to the economic impact of landfill owners?
 - J. Kelly: You're not alone, and in addition to landfills there are concerns with PFAS in drinking water and wastewater treatment. The Casella pilot project in Coventry is removing 90% of the PFAs in the leachate. He said that while we are waiting to see what happens with EPA, we have some positive things going on in the state and learning what's working and how it can work. Leachate needs to be treated at a certificated facility and are now working on a broader PFAs.
- C. McCamp (Williston): How are compostable food service products being characterized in the composition study:
 - J. Kelly: I believe Compostable containers are categorized in the latest waste characterization, and their presence in the waste stream is growing.
- P. Ruess (Underhill): There is a single entity in Vermont that owns the landfill, owns a MRF, manages organics, and is vertically integrated. We are close to a monopoly. Is the state concerned and is this being addressed?
 - J. Kelly: That's under the purview of the Attorney General's office. They stepped in once many years ago to slow down an acquisition activity, but the reality is they're the only ones able to buy out the smaller haulers who are starting to retire. Consolidation leads to price increases. We hope that the AG will continue to keep an eye on it, but there's power in strong municipal voices.
- P. Stabler: If a regional solution were considered would creative solutions, such as a landfill bond bank be considered to help municipalities with the large expense?
 - J. Kelly: The closest comparison is a revolving loan fund, but this is a legislative issue and this year their primary concerns will be housing and mental health.
- A. Nye: I see the Solid Waste Division as an adversary. CSWD has spent a lot of money on programs and infrastructure. The District was fined for PGA, which could go to the landfill for alternate daily cover like is allowed in other states. We were fined for trying to do the right thing, trying to find alternative solutions for glass aggregate, following state guidelines, and did not feel supported.
 - J. Kelly: That occurred before I was in the seat, but the State does support CSWD as demonstrated through large grants for infrastructure, including ORF and HHW Depot and ANR continues to work with Josh Estey and looking at glass management. We want to look forward, but glass is challenging.

6. Other Business – No other discussion was held.

**Motion to adjourn. Moved by A. Nye, seconded by P. Stabler. VOTING: All ayes. Motion passes.
Meeting adjourned at 7:44 p.m.**

Amy Jewell, Recording Secretary

I agree that this is an original copy of minutes and they have been approved by motion of the Board of Commissioners at the _____ meeting held in Williston.

Amy Jewell, Secretary