

PROPOSED AMENDMENTS TO CSWD SOLID WASTE MANAGEMENT ORDINANCE

PREAMBLE

Amend preamble

1) add statements to the preamble to support certain proposed amendments

Background

To support some of the amendments proposed below, counsel has recommended the addition of the following statements in the preamble of the Ordinance:

Add:

WHEREAS, through the Ordinance the District seeks to promote the separation of Recyclables and Compostables from other Solid Waste in an effort to reduce the volume of materials Disposed and to facilitate the conservation of vital resources and the beneficial reuse of discarded products;

WHEREAS, the District desires to encourage Waste reduction within the District and promote a system that more fairly allocates costs of Waste management to be proportionate to the amount of Waste disposed by the generator through a unit-based rate program;

SOLID WASTE MANAGEMENT FEE

Amend definitions and 8.1

2) amend the definitions of Dispose and Disposal to include solid waste delivered to transfer stations

3) add definitions for Compost or Composting, Compostables, Composting Facility, Food Residuals, and Inert Materials

4) amend the definition of Facility to mean only facilities that have all required licenses and permits

28) clarify which materials are subject to the Solid Waste Management Fee

29) exempt materials disposed at categorical disposal facilities from the Solid Waste Management Fee

30) restrict the Solid Waste Management Fee exemption for sludge to biosolids (i.e., sludge from municipal wastewater treatment facilities)

Background

A number of new technologies are evolving that could significantly affect how solid waste generated in CSWD is managed over the next five to ten years. Three of the main alternative processes that are currently garnering attention are anaerobic digestion, gasification, and pyrolysis. In addition, mixed construction and demolition (C&D) debris processing, which uses mechanical and manual separation technologies, has arrived in Chittenden County.

The products from these processes range from compostables and recyclables to gas and liquid fuels. In anticipation of one or more of these technologies becoming available in Chittenden County in the future, staff conducted an assessment of the applicability of the Solid Waste Management Fee (SWMF)

on tonnage processed at these types of facilities under CSWD's Ordinance. The analysis revealed that additional specificity in the Ordinance may be helpful to clarify that:

- 1) materials which are separated from mixed solid waste and recycled, composted, or anaerobically digested are exempt from the fee;
- 2) mixtures of food residuals, yard trimmings, untreated wood, and soiled, compostable paper are not considered mixed solid waste; and
- 3) mixed solid waste that is further processed to produce energy or fuel products would be subject to the fee.

A second issue with the applicability of the SWMF relates to categorical disposal facilities. Technically under the Ordinance, materials accepted at categorical disposal facilities located in CSWD should be assessed the SWMF. Currently three categorical disposal facilities exist in the District and are included in CSWD's Solid Waste Management Plan. CSWD has never collected the SWMF for materials disposed at these facilities or other categorical facilities that have closed. The facilities only accept inert materials (e.g., concrete, masonry, asphalt, clean wood, stumps, soils, and/or yard debris).

A third issue with the applicability of the SWMF relates to sludge. The definition of sludge in the Ordinance includes materials from municipal, commercial, and industrial sources. If the intent of the Board is to exclude only municipal biosolids from the SWMF when the material is landfilled, then biosolids (defined in the Ordinance as sewage sludge from a municipal wastewater treatment facility) should replace the term sludge in the list of exemptions.

A fourth issue with the applicability of the SWMF regards an exemption approved by the Board on October 28, 2009 effective January 17, 2005. The Board resolved that 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, are exempt from the SWMF when used as alternative daily landfill cover.

To address these issues, staff proposes the following changes:

- a) Add definition of compost and composting.
- b) Add definition of compostables which specifies that mixed organics are not mixed solid waste if they are composted or anaerobically digested.
- c) Add definition of composting facility.
- d) Add definition of food residuals.
- e) Expand definition of disposal (and dispose) to include: 1) mixed solid waste that is processed to produce energy or fuel products and 2) solid waste that is placed in a facility for transfer to a landfill, incinerator, or mixed waste processing facility. (The second change in the definitions affects an enforcement issue that will be discussed below.)
- f) Amend definition of facility to mean only facilities that have all required licenses and permits.
- g) Replace sludge with biosolids (sludge from municipal wastewater treatment facilities) in Section 8.1 as exempt from the SWMF.
- h) Exempt from the SWMF compostables and recyclables that are separated at any facility and recycled, composted, or anaerobically digested.
- i) Exempt materials delivered to certified categorical disposal facilities from the SWMF.

- j) Add definition of inert materials which are acceptable to be delivered to certified categorical disposal facilities or may be approved for use in landfill site improvements.
- k) Add previously approved exemption of municipal street sweepings.

Add:

“Compost” or “Composting” shall mean the Separation, collection, and processing of Compostables into biologically stable organic material.

“Compostables” or “Compostable Materials” shall mean any combination of Food Residuals; Yard Trimmings; Untreated Wood; soiled, compostable paper; and compostable products approved for acceptance by a Composting Facility. Compostables shall not be considered mixed solid waste if the materials are composted or anaerobically digested. This list may be amended by resolution of the Board, upon such notice as the Board may prescribe, due to factors including, but not limited to, changes in market conditions or technology.

“Composting Facility” shall mean a Facility that processes Compostables into biologically stable organic material.

“Food Residuals” shall mean material that is derived from processing or discarding of food and includes preconsumer and postconsumer food scraps. Food Residuals does not mean meat and meat-related products when the Food Residuals are composted by a Resident on site.

“Inert Materials” shall mean stumps; brush; untreated wood; bituminous concrete; rinsed non-recycled glass; concrete; masonry; mortar; porcelain; pottery; tile; clay pipe; municipal street sweepings, car wash grit, and municipal separated storm sewer catch basin grit approved by the Vermont Agency of Natural Resources for use in clean fill applications; and dead animal carcasses, unless it has been determined by the State that burial would not sufficiently reduce the risk of transmission of a disease.

Amend:

“Disposal” shall mean 1) the incineration of any Solid Waste, 2) the placement of any Solid Waste in a landfill, 3) the placement of any Solid Waste in a Facility that aggregates the Solid Waste for transfer to a landfill, an incinerator, or a mixed Solid Waste processing Facility, 4) the processing of mixed Solid Waste to produce energy or fuel products, or 5) the discharge, deposit, injection, dumping, spilling, leaking, or placing of any Solid Waste into or on any land or water so that such Solid Waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters. Disposal does not include the placing of Solid Waste in a ~~Transfer, composting~~ Composting or Recyclables processing Facility that is in compliance with this Ordinance ~~and is fully permitted at the time of placement.~~

“Dispose” shall mean to 1) incinerate any Solid Waste, 2) place any Solid Waste in a landfill, 3) place any Solid Waste in a Facility that aggregates the Solid Waste for transfer to a landfill, an incinerator, or mixed Solid Waste processing Facility, 4) process mixed Solid Waste to produce energy or fuel products, or 5) discharge, deposit, inject, dump, spill, leak, or place any Solid Waste into or on any land or water so that such Solid Waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters. Dispose does not include the

placement of Solid Waste in a ~~Transfer, composting~~ Composting or Recyclables processing Facility that is in compliance with this Ordinance ~~and is fully permitted at the time of placement.~~

“Facility” shall mean any Disposal, Transfer, collection, or processing site, located within or without the District, and all contiguous land, structures, other appurtenances, and improvements on land used for aggregating, treating, storing, transferring, processing, or disposing of Solid Waste, where such facility holds and is in compliance with all validly issued and current licenses and permits from all applicable federal, state, and local government authorities as required by law. A Facility may consist of a single or several treatment, storage, or Disposal units.

8.1. Establishment. 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 and twenty-five percent (25%) of Solid Waste approved by the State for use as landfill daily cover and used as landfill daily cover at ~~fully permitted ff~~ facilities within or without the District. 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) Sludge/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 delivered to certified categorical disposal Facilities; 8) ~~inert~~ Inert materials approved by the District that are used for landfill site improvements; 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, and 10) other materials approved by the District. The Solid Waste Management Fee is also imposed on 1) ~~disposed any Solid Waste residues from Solid Waste~~ generated and collected in the District that are mixed with Recyclables and exceeding ten percent (10%) of those Recyclables/the incoming Solid Waste delivered to out-of-District Recycling ~~facilities~~ Facilities and 2) mixed Solid Waste used in the production of raw materials or products.

MANDATORY RECYCLABLES

Amend definition

5) update the list of mandatory recyclables as approved by the Board in December 2007

Background

By resolution at its October 24, 2007 meeting, the CSWD Board amended the definition of Mandatory Recyclables in the Solid Waste Management Ordinance to include materials that the Materials Recovery Facility had added to the list of acceptable items. The new definition became effective on December 24, 2007. Staff also recommends that the numbers 1-7 associated with the rigid plastic containers be removed. Industry educational standards have moved away from using the numbers.

Amend:

“Mandatory Recyclables” shall mean aluminum and steel cans, aerosol cans, aluminum foil and pie plates, glass bottles and jars from foods and beverages, ~~polyethylene terephthalate (PET) plastic bottles and jugs, high density polyethylene (HDPE) plastic bottles and jugs~~rigid plastic containers, corrugated cardboard, white and colored paper, newspaper, magazines and catalogs, paper mail and envelopes, boxboard, paperback books, and paper bags. This list may be amended by resolution of the Board, upon such notice as the Board may prescribe, due to factors including, but not limited to, changes in market conditions or technology.

YARD WASTE

Amend definition and 3.10, now 3.12

6) change the term “Yard Wastes” to “Yard Trimmings”

Background

In order to communicate to the public that yard trimmings are not wastes but usable and valuable materials that improve soil health, it is recommended that the term “yard wastes” be replaced with the term “yard trimmings” in the Ordinance and be further defined.

Amend:

“Yard ~~Wastes~~Trimmings” shall mean leaves, grass clippings, garden plants, prunings and twigs up to one-quarter (1/4) inch in diameter, and similar ~~compostable~~Compostable Wastes ~~Materials that are up to one-half inch in diameter~~.

~~3.1012.~~ Separation of Yard ~~Waste~~Trimmings. Yard ~~Waste~~Trimmings shall not be disposed with other Solid Waste. All Yard ~~Waste~~Trimmings shall be managed by one of the following alternative methods:

- A. Compost and/or mulch Yard ~~Waste~~Trimmings on the Generator’s property, to the extent that this does not cause such material to create a health hazard or a nuisance.*
- B. Place Yard ~~Waste~~Trimmings in Composting Facilities that manage Yard ~~Waste~~Trimmings and are fully permitted at the time of placement.*

SECURE LOADS

Add 3.3 as new provision, delete 4.7.E, and renumber subsequent provisions

7) require solid waste haulers to secure their loads

Background

Previously, the Executive Board discussed the issue of roadside debris from trucks on Redmond Road. As part of planning for the landfill, including acceptance by the public, staff and the Executive Board felt at that time that it is important to address this issue. The Executive Board recommended that staff

return with a proposed licensing change or draft language for an ordinance amendment. Staff is recommending that the ordinance be amended.

Currently, Advanced Disposal is responsible for picking up debris along Redmond Road weekly. CSWD cleans up Mountain View Road at least monthly. The Town of Williston and law enforcement officials can enforce illegal disposal under State statute 24 VSA 2201. This statute does not require that loads of solid waste be covered or secured.

ANR Solid Waste Management Rules state, "The vehicles, trailers, or containers used to collect solid wastes, must prevent the release of all solid wastes and related liquids." ANR has sent a notice of alleged violation when an eyewitness has provided enough detail on the incident. In such cases, ANR has required the hauler to provide additional training to the driver and/or required them to clean up the debris.

CSWD's Ordinance includes a provision that all vehicles used to collect solid waste must retain and prevent the release of all solid waste contained in the vehicle (4.7.E). The Ordinance does not state that loads must be covered or secured.

In order to enforce the State statute, ANR rule, or CSWD's Ordinance, someone must be caught in the act (unless the culprit can be identified from the waste itself, which is rare). A secured load provision in CSWD's Ordinance would simplify enforcement. If a vehicle does not have solid waste secured, the owner could be fined for creating the potential for debris to escape from the truck.

Add:

3.3. Secure Loads. It shall be unlawful for any Person to use a vehicle to transport Solid Waste unless such vehicle securely contains the Solid Waste in a manner that will prevent any of the Solid Waste and related liquids from escaping or leaking from the vehicle.

Delete:

~~*4.7.E. All vehicles used to collect Solid Waste must retain and prevent the release of all Solid Waste contained in the vehicle.*~~

SCAVENGING OF SOLID WASTE SET OUT FOR COLLECTION PROHIBITED

Add D to 3.8, newly numbered as 3.9

8) prohibit scavenging of solid waste set out for collection

Background

Currently there are no provisions in the Ordinance that prohibit scavenging of recyclables or trash set out for collection. Some residents have inquired about whether it was legal for people to go through their recycling bin when it was set out for their hauler. It makes them uncomfortable, and sometimes the scavengers leave a mess. There is also the concern about identity theft.

Add:

3.9.D. All Solid Waste, including Mandatory Recyclables, placed for collection shall be owned by and be the responsibility of the generator until the Solid Waste is collected by the licensed Hauler. The Sol-

id Waste then shall become the property and responsibility of the licensed Hauler. No person other than the generator or licensed Hauler shall take physical possession of any Solid Waste placed for collection before delivery to a Solid Waste Facility. Law enforcement, public health and safety, and data collection actions taken by local, state, and federal officials are exempt from this provision.

RENTAL & MULTI-UNIT PROPERTY REQUIREMENTS

Amend 3.9, newly numbered as 3.10 and renumber subsequent provisions of Section 3

9) clarify recycling requirements at multi-unit properties and add tenant education requirements

Background

The existing Rental Property Requirements provision, which requires that recycling service be provided, does not cover multi-unit properties where the units are individually owned (e.g., residential and commercial condominiums). Instead of paying for solid waste disposal through rent, it is usually paid for through fees to a property owners' association or a property management company. Adding these properties to the recycling requirements will ensure that all multi-unit properties are treated the same under the Ordinance and that all occupants will have the opportunity to recycle.

Haulers are required to provide recycling instructions to their customers when service commences and at least annually thereafter. In the case of multi-unit properties, this information is mailed to the property owner or manager and is not seen by the occupants. Adding this requirement for property owners/managers (and expanding it to special waste, unregulated hazardous waste and compostables) will help improve compliance and reduce contamination. As with haulers, the instructions would be provided at no charge by CSWD if requested.

Staff interviewed five of the larger property management companies in Chittenden County about their opinions on this provision. Some of them already provide the information. Only one of the five objected to adding this provision.

Amend:

~~3.93.10. Rental and Multi-Unit Property Requirements.~~ Solid Waste generated by Persons ~~who are rent- ing~~ occupying rental or multi-unit properties remains the responsibility of such Persons. However, if collection costs for Solid Waste destined for Disposal are included in the rent or fees charged to ~~tenants~~ occupants, the owners or managers of ~~the rental~~ property must collect or provide for the collection and recycling of Mandatory Recyclables at least once monthly. The multi-unit property owner or manager will provide instructions on proper management of Mandatory Recyclables, Special Wastes, Unregulated Hazardous Waste, and Compostables to new occupants and to all occupants on an annual basis at a minimum. The District will provide the instructions to the property owner or manager if requested.

PUBLIC SOLID WASTE RECEPTACLES

Add 3.11 as a new provision and renumber subsequent provisions of Section 3

10) add requirements for public space and special event recycling

Background

Currently there are no provisions in the Ordinance that specifically require providers of public trash containers or special event organizers to provide the opportunity for the public to recycle although recycling is mandatory. According to the Association of Postconsumer Plastic Recyclers, "Consumer data continue to show that the public wants additional opportunities to be able to recycle at public venues, offices, recreational sites, schools, and retail establishments." Staff have noted that when recycling containers are fewer in number than and/or not near trash containers, recyclables are often disposed with the trash at fairs and public locations in Chittenden County. If recycling containers are placed next to all public and special event trash containers, the amount of material recycled will increase.

Many other communities and states require that recycling containers be provided at special events: Hampton (NH), Anoka (MN), San Francisco, Pittsburgh, San Luis Obispo County, San Diego, Madison, the State of California, and the State of Wisconsin to name a few. The Institute for Local Government (the research and education affiliate of the California Association of Counties and the League of California Cities) provides sample recycling ordinance language for its members, which includes requirements for number and location, signage, and color-coding of receptacles for recyclables, compostables, and trash. The City of Portland, Oregon, requires businesses to "make internal and external recycling containers at least as conveniently located as garbage containers."

Beginning July 1, 2015, municipalities that provide trash containers for the public to use will be required by State law to provide an equal number of recycling containers. The proposed provision below would expand this requirement to the private sector. CSWD is currently offering 40% grants to purchase public recycling containers.

CSWD sought input on this amendment from local business associations. Jim Harrison, President of the Vermont Retail and Grocers Association, contacted several of his members but "didn't get much in the way of feedback." He said that chain stores and larger retailers are already doing something or starting to in this area. He thinks an exemption for small businesses would be helpful. Katie Taylor, Government Affairs Specialist for the Lake Champlain Regional Chamber of Commerce, contacted several members including hotels, convenience stores/gas stations, and a few trash haulers. She said the Chamber has no issue with the proposed amendment. Tim Vallee, President of Maplefields, said they were in the process of converting to trash and recycling units at his stores to reduce trash costs. He said, "No need for a new reg in our view" market and customers are moving the needle. We're seeing the savings in offering both trash and recycling, and the public is demanding it."

Add:

3.11. Public Solid Waste and Mandatory Recyclable Receptacles. If a Person provides a container or containers for the public to use for Solid Waste destined for Disposal, the Person must also provide an equal number of containers for Mandatory Recyclables. The Recycling and Disposal containers shall comply with the requirements in Section 4.8.J. of this Ordinance and be placed as close to each other as possible in order to provide equally convenient access to users. The Mandatory Recyclables collected must be kept separate and transported to a Recycling Facility. Bathrooms are exempt from this provision. Other exemptions may be approved by the District General Manager. The effective date of this provision is July 1, 2015 for publicly owned properties in accordance with 10 V.S.A. §66051 and July 1, 2016 for privately owned properties.

SEPARATION OF FOOD RESIDUALS

Add 3.13 as a new provision and renumber subsequent provisions of Section 3 and amend 3.13, newly numbered as 3.19

11) require the separation of food residuals from other solid waste

Background

Beginning July 1, 2014, Act 148 will require separation for diversion of food residuals, with requirements phased in based on quantities generated:

- (1) Beginning July 1, 2014, a person whose acts or processes produce more than 104 tons per year of food residuals;
- (2) Beginning July 1, 2015, a person whose acts or processes produce more than 52 tons per year of food residuals;
- (3) Beginning July 1, 2016, a person whose acts or processes produce more than 26 tons per year of food residuals;
- (4) Beginning July 1, 2017, a person whose acts or processes produce more than 18 tons per year of food residuals; and
- (5) Beginning July 1, 2020, any person who generates any amount of food residuals.

The Ordinance should be amended to reflect the new mandate.

Add:

3.13. Separation of Food Residuals. In accordance with of 10 V.S.A. §6605k, and the effective dates therein, Food Residuals shall not be disposed with other Solid Waste. Food Residuals shall be managed in accordance with the requirements of 10 V.S.A. §6605k.

Amend:

3.1319. Responsibility of Generators. Any Mandatory Recyclable, Yard Waste, Special Waste, Unregulated Hazardous Waste, *Food Residuals* or Solid Waste destined for Disposal not properly separated, placed, hauled, or disposed of in accordance with this Ordinance shall remain the responsibility of the generating Person, and shall be retrieved and corrected by such Person within twenty-four (24) hours of notice thereof.

PERMITTING OF PUBLIC EVENTS

Add 3.14 as a new provision and renumber subsequent provisions of Section 3

12) add a requirement for venue owners and permit issuers for events to include information on and require compliance with recycling and food residual diversion requirements in the permit application or reservation form

Background

As noted in the rationale for the proposed provision 3.11, several U.S. communities and states already require recycling at large events, and the public is increasingly seeking opportunities to divert recycla-

bles and compostables when at such events. In most cases, these communities also control the permitting process for these events and/or control the venue where these events occur.

Furthermore, as noted above, Act 148 will require separation for diversion of food residuals.

Because CSWD does not own nor control any venues or gathering areas, nor issue permits for use of such areas, the most effective way to ensure that event organizers are aware of Ordinance and state law mandates is to require venue owners and permit issuers to include the necessary notifications in their reservation or permit request forms.

Staff contacted five municipal park and recreation departments and three hotels that rent conference/meeting space for feedback on this amendment. No one opposed the amendment.

Add:

3.14. Inclusion of Recycling and Food Diversion Requirements in Event and Venue Reservation and Permitting Language. If a Person owns, manages, or operates a venue that requires a reservation or permit for public or private events, the Person must include language in the reservation or permitting form notifying the applicant of Recycling and Food Residual diversion requirements in Sections 3.8, 3.9, and 3.13 of this Ordinance and 10 V.S.A. §6605k and requiring the applicant to comply with these laws as a condition of the permit or reservation. The reservation or permitting form must also include the District phone number and website address as resources available to assist the event with compliance. Sample language will be provided by the District for use as needed to satisfy the requirements of this provision. The effective date of this provision is July 1, 2016.

SEPARATION OF SPECIAL WASTES

Amend 3.11, newly numbered as 3.15, and the definition of Special Wastes

- 13) require the separation of clean wood from other solid waste**
- 14) amend separation requirement for scrap metal to reduce the minimum size required to be recycled**
- 15) allow scrap metal and clean wood to be mixed with other construction debris shipped to a recycling facility**
- 16) add separation requirement for State-banned electronic devices**

Background

Act 148 bans clean wood from disposal beginning July 1, 2016. The Ordinance should be updated to reflect the new mandate. Requiring that clean wood be diverted from disposal should significantly increase CSWD's C&D diversion rate and benefit the public by reducing the disposal of recyclable materials.

The Ordinance currently requires that larger pieces of scrap metal be diverted from disposal. Staff estimates that about 3,900 tons of scrap metal are landfilled annually. Reducing the size limitation should increase diversion of this material from disposal to recycling.

With green building taking hold and LEED projects on the rise, demand for recycling opportunities for C&D has increased. Some haulers currently offer C&D recycling and ship separated or mixed materi-

als to recycling facilities in New Hampshire. In addition a private, mixed C&D recycling facility is now operating in Chittenden County. Due to the cost of siting multiple containers at a construction site, allowing generators to mix clean wood and scrap metal with other C&D that will be shipped to a mixed C&D recycling facility should increase compliance with the separation requirements.

The Vermont electronics waste law bans many electronic products from disposal. The Ordinance should be updated to reflect the new mandate. To be consistent with State statute, the description of batteries should also be amended.

Amend:

~~3.113.15. Separation of Special Wastes. Special Wastes shall not be disposed with other Solid Waste. Special Wastes include discarded major appliances (such as refrigerators, stoves, and washers), tires, untreated Regulated Medical Waste, Waste oil, lead-acid batteries, nickel-cadmium and other rechargeable batteries, mercuric oxide and silver oxide batteries, paint [excluding solidified water-based paint in quantities of less than one (1) gallon], and Scrap Metal larger than one (1) cubic foot or weighing more than twenty-five (25) pounds. A Special Waste shall be separated and placed in Facilities that manage that particular Special Waste and are fully permitted at the time of placement. Untreated Wood and scrap metal may be aggregated at a Generator's site with other construction and demolition debris that will be shipped to a Recycling Facility.~~

“Special Wastes” shall mean discarded major appliances (such as refrigerators, stoves, and washers), tires, Untreated Wood (effective July 1, 2016), State-banned electronic devices, untreated Regulated Medical Waste, Waste oil, lead-acid batteries, nickel-cadmium and other rechargeable batteries, and mercury-containing ~~ie oxide and silver oxide~~ batteries, paint [excluding solidified water-based paint in quantities of less than one (1) gallon], and scrap metal larger than ~~one~~eight (8) cubic ~~foot~~inches or weighing more than ~~twenty-five~~one (25) pounds.

QUALITY CONTROL OF RECYCLABLES, BIODEGRADABLES, SPECIAL WASTES, & UNREGULATED HAZARDOUS WASTE

Add new provision 3.17 and renumber subsequent provisions of Section 3

17) add a quality control provision addressing preparation of materials brought to CSWD facilities

Background

District staff has established standards for materials delivered to CSWD facilities to limit the amount of contamination received and maximize the amount of materials diverted from disposal. Contamination increases the cost of processing materials and reduces the value of the materials sold or shipped to market. To address contamination issues at CSWD's Materials Recovery Facility, staff has also established a quality control policy that was approved by the Board of Commissioners. The quality control policy was developed to provide incentives to haulers to work with CSWD to educate their customers or to take full responsibility for the education of their customers. CSWD provides free technical assistance and tools for all members.

The Ordinance requires that generators prepare mandatory recyclables according to instructions provided by CSWD, but does not address other materials that are required to be separated from other solid waste nor does it assign any responsibility to the hauler who delivers the materials to District facilities.

Staff recommends adding a provision to the Ordinance that codifies quality control and subjects violators to the civil fines and other penalties established.

Add:

3.17. Quality Control of Recyclables, Biodegradables, Special Wastes, and Unregulated Hazardous Waste. Materials delivered to District owned or operated Facilities by any Person shall meet the specifications provided by the District or the Materials may be rejected. The Person delivering the materials will be subject to the provisions of any quality control policies established for the Facilities by the District and the enforcement provisions of this Ordinance.

PROCESSOR'S LICENSE

Amend 4.1.B and the definition of Processor

18) clarify who is required to obtain a Processor's License

Background

There are a few businesses in Chittenden County, and we hope there will be more, who accept recyclables and/or compostables from other organizations in their neighborhood for shipment to market with their own recyclables and compostables. They are simply aggregating the materials as a service for their neighbors (sharing their containers), although there are potential market benefits as well. They may or may not share the cost.

Under the current Processor's License requirements, these types of businesses would technically need to obtain a license. Staff believes this would be an obstacle to the local cooperation that is occurring, which encourages diversion of recyclables and compostables from landfill disposal and increases the economic and environmental efficiency of the solid waste system as a whole. Staff recommends that this type of aggregation be exempt from the licensing process for the use of storage containers up to 40 cubic yards in size for each commodity.

Amend:

"Processor" shall mean any Person that 1) accepts Recyclables from off-site, and prepares the Recyclables for sale or 2) accepts ~~compostable-Compostables materials~~ from off-site and ~~compostsComposts or anaerobically digests~~ the materials.

4.1.B. Processor's License. A Processor's License shall be required for any Person, other than 1) Self-Haulers, 2) Drop-Off Facilities, 3) Mobile Solid Waste Collection Operations, 4) businesses and institutions that share Solid Waste containers, up to forty (40) cubic yards in size for each commodity, to store Solid Waste before transportation to a Recycling or Composting Facility, and 5) Persons required to accept beverage containers under 10 V.S.A. Chapter 53, to accept, receive, or allow the acceptance or receipt for storage or processing in the District of Recyclables or ~~compostable-Compostable materials~~ from off-site.

LICENSING OF CATEGORICAL FACILITIES

Amend 4.1.C

19) exempt solid waste facilities with State categorical facility certifications from licensing

Background

As discussed on page 2, categorical disposal facilities accept only inert materials. Basically, they are clean fill operations. These facilities are included in CSWD's Solid Waste Management Plan by the Board of Commissioners, which requires that their State solid waste facility certification application be reviewed by CSWD. To encourage waste diversion and reduce the amount of inert material disposed in landfills, staff recommends that these facilities be exempt from the licensing process.

Amend:

4.1.C. Transfer/Disposal Facility License. A Transfer/Disposal Facility License shall be required for any Person, other than Self-Haulers, Drop-Off Facilities, Vermont State certified categorical Disposal Facilities, and Mobile Solid Waste Collection Operations, to accept, receive, or allow the acceptance or receipt in the District of any Solid Waste destined for Disposal.

TEMPORARY HAULER'S VEHICLE PERMIT

Add 4.5 and renumber subsequent provisions of Section 4

20) establish a Temporary Hauler's Vehicle Permit

Background

On occasion a hauler has had to rent or borrow a vehicle while a truck is being repaired. Instead of adding the vehicle to the hauler's license and issuing decals, staff would prefer to issue a temporary vehicle permit for use at the solid waste facilities. We have also had cases where a new hauler has submitted a completed Hauler's License Application, but the Executive Board, which approves license applications, isn't scheduled to meet for a few weeks (or longer if a meeting is canceled). A temporary permit could be used until approval is obtained.

4.5. Temporary Hauler's Vehicle Permit. The General Manager or his or her designee may issue a Temporary Hauler's Vehicle Permit to: 1) a Hauler who has submitted a completed Hauler's License Application and is waiting for Executive Board approval or 2) a licensed Hauler for short-term use of a rented or borrowed vehicle. Temporary Hauler's Vehicle Permits will be issued for up to thirty (30) days. The General Manager may extend the validity of the Temporary Hauler's Vehicle Permit for up to an additional thirty (30) days. A Temporary Hauler's Vehicle Permit is non-transferable and considered void after the date noted on the Permit.

DELINQUENT IN PAYMENTS

Amend 4.5.C, now 4.6.C

21) under license conditions, clarify what "not delinquent in payments owed to the District" means

Background

A condition of CSWD licenses is that the license applicant is not delinquent in payments owed to the District. This is not defined; therefore, it has not been clear at what point the applicant is in violation of the Ordinance.

Amend

4.56.C The Applicant ~~has no is not delinquent in~~ payments owed to the District that are in excess of 60 days past the billing date, and the required License fee has been paid.

SHORT-TERM CONTAINER RENTALS

Amend 4.7.G, now 4.8.F

22) clarify that the recycling collection requirements for commercial haulers extend to short-term container rentals

Background

Staff routinely observes mandatory recyclables and special wastes in short-term roll-off rental containers around the County. The commercial hauler licensing requirement that recycling collection service be provided to customers that receive trash collection service could be strengthened by clarifying that it includes short-term container rentals.

Amend:

4.78.GF. The Commercial Hauler will provide (independently or through duly licensed subcontractors) collection of Mandatory Recyclables at least once monthly to all customers for whom such Hauler provides collection of Solid Waste destined for Disposal. The Commercial Hauler will also provide separate collection of Mandatory Recyclables to all of its customers for whom the Commercial Hauler provides short-term Solid Waste container service. A Hauler may not offer and his or her customers may not subscribe to trash only collection service unless Recycling collection service is provided or subcontracted by the District or a member municipality or unless they obtain an exemption from the District. Exemptions may be provided by the District for customers who market their Mandatory Recyclables directly to Recycling brokers, processors, or manufacturers or who self-haul their Mandatory Recyclables to Recycling Facilities ~~that are fully permitted at the time of delivery.~~

CUSTOMER EDUCATION REQUIREMENTS

Amend 4.7.H, now 4.8.G

23) add customer education requirements regarding management of special wastes, unregulated hazardous waste, and compostables

Background

Haulers are currently required to provide recycling instructions to new customers when service commences and to all customers on an annual basis at a minimum. CSWD provides educational materials free of charge. The Ordinance currently includes separation requirements for special wastes, unregulated hazardous waste, and yard trimmings, and food residuals will be added. By adding information to the annual educational requirement, residents and businesses will receive annual reminders that these

materials may not be landfilled and information on how to manage them properly. The information can be included in the recycling educational materials already provided by CSWD so as to not add any burden to the hauler. Haulers have the option to prepare their own materials if desired.

Amend:

~~4.78.HG.~~ *The Commercial Hauler will provide ~~Recycling~~ instructions on proper management of Mandatory Recyclables, Special Wastes, Unregulated Hazardous Waste, and Compostables to new customers when service commences and to all customers on an annual basis at a minimum. The District will provide the ~~Recycling~~ instructions to the Hauler if requested.*

TRASH, RECYCLING, & COMPOST CONTAINER LABELING

Amend 4.7.K, now 4.8.J

24) amend labeling requirement for recycling containers and add labeling requirements for trash and compost collection containers

Background

The Ordinance includes color coding and labeling requirements for recycling containers provided by haulers to make them easily recognizable throughout the District. In October 2013, the Executive Board supported amending the requirements and adding labeling requirements for trash containers.

Separation of food scraps will be mandatory, therefore, labeling of compost collection containers will also assist generators in identifying the correct container and help reduce contamination. Green is the color often used by communities for compost containers and the free labels CSWD provides will be green.

Amend:

~~4.78.K-J. 1)~~ *Recycling Containers or the lids on Recycling Containers provided by Haulers will be colored royal or medium blue ~~or~~*

OR

Recycling Containers provided by Haulers will have a royal or medium blue universal Recycling symbol (three chasing arrows) ~~deal-label~~ on the front and ~~at least one~~ both sides of dumpsters ~~used for Mandatory Recyclables collection,~~ and on the front or top of wheeled carts or other ~~similar Recycling Containers used for Mandatory Recyclables collection.~~ The Recycling symbol ~~deal-label~~ shall have:

1a) royal or medium blue printing on a white background,

2b) the standard Recycling symbol at least five and one-half inches in width and five and one-half inches in height, and

3c) the ~~words word~~ “Recycling-Only RECYCLE”, “RECYCLING”, or “RECYCLABLES” in letters at least three-quarters of an inch in height.

The District will provide the Recycling symbol ~~deals-labels~~ to the Hauler if requested.

2) Recycling Containers that are royal or medium blue or have lids that are royal or medium blue will have labels or printing that include the word "RECYCLE", "RECYCLING", or "RECYCLABLES" alongside the universal Recycling symbol (three chasing arrows) on the front and both sides of dumpsters and on the front or top of wheeled carts or other Recycling Containers.

3) Recycling Containers provided by Haulers must also be clearly labeled with a list of the Mandatory Recyclables. The District will provide the Mandatory Recyclables list ~~decals~~ labels to the Hauler if requested.

4) If the list of Mandatory Recyclables used on the Recycling Containers or lids that are royal or medium blue includes the language and symbol required by provision 4.8.J.2, the requirements of said provision will be satisfied.

5) The Hauler will not provide royal or medium blue containers for the collection of Solid Waste other than Recyclables.

6) If the Hauler provides blue containers that are not royal or medium blue for the collection of Solid Waste destined for Disposal, the containers will have black lids.

7) All containers provided by Haulers for the collection of Solid Waste destined for Disposal will have labels or printing that say "TRASH" or "LANDFILL," and include the Vermont Universal Recycling symbol for trash on the front and both sides of dumpsters, and on the front or top of wheeled carts or other containers. The word "TRASH" or "LANDFILL" must be in letters at least three-quarters of an inch in height. The District will provide "TRASH" or "LANDFILL" labels to the Hauler if requested.

8) Compost collection containers provided by Haulers must be clearly labeled with a list of the food scraps and other materials that are accepted for Composting. The label shall be medium green and white and include the Vermont Universal Recycling symbol for Composting. Labels shall be placed on the front and both sides of dumpsters used for Compostables collection and on the front or top of wheeled carts or other Compost collection containers used for curbside collection. The District will provide the Compost list labels to the Hauler if requested. Compost collection containers already labeled with a Compost decal with brown printing obtained from the District are exempt from this provision until the label is degraded.

9) Transition Period. All existing ~~Recycling Solid Waste~~ Containers provided by Haulers must meet the specifications in this Section within ~~six-nine (69)~~ months of adoption of this Ordinance. ~~Beginning six (6) months after adoption of this Ordinance, a~~All ~~Recycling Solid Waste~~ Containers provided by Haulers must meet the specifications in this Section when ~~they are put in~~ introduced into service. ~~The Hauler will not use blue containers for the collection of Solid Waste other than Recyclables.~~

UNIT-BASED RATES

Add 4.8.K

25) add a requirement that haulers implement a unit-based rate system for customers

Background

Act 148, Vermont's Universal Recycling and Composting Law, requires municipalities to implement unit-based rate systems (also known as Pay-As-You-Throw) for residential trash collection by July 1, 2015. In addition, the cost for recycling must be embedded in the price for trash collection. The specific wording in the law is:

(d) By no later than July 1, 2015, a municipality shall implement a variable rate pricing system that charges for the collection of municipal solid waste from a residential customer for disposal based on the volume or weight of the waste collected.

(h) A transporter certified under this section that offers the collection of solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a transporter may charge a fee for all service calls, stops, or collections at a residential property and a transporter may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A transporter certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A transporter certified under this section that offers the collection of solid waste may charge a separate fee for the collection of leaf and yard residuals or food residuals from a residential customer.

The purpose of unit-based rates is to provide households with an economic incentive to reduce the amount of trash they generate and recycle all they can by establishing a significant price differential between different levels of trash volume or weight.

The Agency of Natural Resources Waste Management Division will have to approve our program and has issued guidelines. Rather than implementing a Countywide system that requires the use of special bags or tags or requires that all haulers offer different sizes of trash containers for their residential customers, CSWD is proposing something much simpler and cheaper that we believe achieves the same goal. The proposal also allows haulers to use different size containers or bags or tags if they want to. ANR has reviewed the proposal and expressed no concerns.

Proposed Unit-Based Rate System

Dr. Lisa Skumatz, nationally recognized PAYT expert, of Skumatz Economic Research Associates, provides the following advice:

“We gathered data from hundreds of PAYT communities around the county, and used regression analysis to assess the two ends: the cost at which rate incentives seem to kick in (increase recycling), and the differential at which no additional diversion incentive seems to result. The window we have found seems to be in the range of 50% to 80% for double the service. Less than 50% extra for double the service doesn't provide a (strong) positive effect on recycling; more than 80% isn't necessary, as you get the same impact as you double the rates.”

Skumatz states that another key to success is that 35-gallon or smaller service is available.

In their analysis of consolidated collection systems, DSM Environmental Services recommends that CSWD require 32-gallon service as a base and choose a moderate PAYT system to reduce financial risk for haulers. This is what CSWD staff is recommending.

The City of Boulder, Colorado implemented a PAYT program in 2001 in a private subscription collection system that uses a very similar approach to what we are proposing. They witnessed tremendous results in diversion within the first year.

Staff is proposing the following:

- 1) Haulers offer a base trash collection service of 32 gallons or less weekly with one exception allowed. If only every-other-week collection of trash and recyclables is offered on a specific route, weekly 32-gallon service is not required but every-other-week collection must be offered.
- 2) The price for 64-gallon weekly, biweekly, or monthly trash service is at least 50% more in price than the corresponding 32-gallon service (with the same recycling collection frequency for each quantity). For example, weekly 64-gallon trash service with biweekly 64-gallon recycling service would cost 50% more than weekly 32-gallon trash service with biweekly 64-gallon recycling service. Similarly, biweekly 64-gallon trash service with biweekly 32-gallon recycling service would cost 50% more than 32-gallon trash service with biweekly 32-gallon recycling service.
- 3) The price for 96-gallon weekly, biweekly, or monthly trash service with the same recycling frequency is at least 33% more in price than the corresponding 64-gallon service.
- 4) Price includes overhead, transportation, tipping and other fees, taxes, and profit.
- 5) Profit for increased service levels (64-gal or 96-gal) can be higher than for 32-gal service.
- 6) Rental fee for purchase/maintenance/replacement of carts can be higher for larger carts.
- 7) Fees for yard trimmings collection, food scraps collection, backdoor service, and bulky waste pick-up can be additional line item charges not included in the price differential calculations.
- 8) **Alternatively, if haulers have successful PAYT programs already in place:**
If a hauler provides evidence that 60% or more of households they service in structures with four or fewer residential units, and households in apartments, condominiums, townhouses, and mobile home parks, where households set out individual trash containers, receive service that is less than, equal to, or an average of 32 gallons per week for trash and unlimited recyclables, then implementation of the rate structure described above would not be required.
- 9) Staff is recommending the specific PAYT rate structure described above apply only for households in buildings of four or fewer units, and in condominiums, townhouses, and mobile home parks that set out their individual solid waste containers. This is because many multi-unit residential properties employ dumpsters for trash and recycling collection, which are collected on haulers' commercial routes, and disposal is anonymous. Price must still be based on the volume or weight of trash set out for collection (e.g., size of container x frequency of collection) and the recycling cost must be embedded in the price for trash collection.
- 10) While not required by Vermont statute, staff also recommends requiring haulers and drop-off facilities to implement unit-based rates for all commercial entities, that is, the price is based on the volume or weight of trash set out for collection. The recycling cost does not need to be embedded in the price for curbside trash collection for commercial customers.

Add:

4.8.K. Unit-Based Rates. Drop-Off Facilities and Haulers shall charge residential, institutional, and commercial customers based on the volume or weight of Solid Waste destined for Disposal that is collected at rates that provide a reasonable economic incentive to their customers to reduce the amount of Solid Waste destined for Disposal that they generate.

1) Residential Rates for Curbside Service. In compliance with 10 V.S.A. §6607a(h), the fees for collection of residential Mandatory Recyclables shall be combined on invoices with fees for Solid Waste destined for Disposal and not itemized. Additional fees for additional service, such as collection of yard trimmings or food scraps, special pickups for bulky items, or backdoor service, are permitted.

For residents in structures with four (4) or fewer residential units and households in apartments, condominiums, townhouses, and mobile home parks where households set out individual Solid Waste containers:

- a) Haulers shall offer base collection service of not more than thirty-two (32) gallons per week of Solid Waste destined for Disposal and unlimited Mandatory Recyclables including all fees with one exception. If only every-other-week collection of Solid Waste destined for Disposal and Recyclables is offered on a specific route, the Hauler is not required to offer weekly service for thirty-two (32) gallons of Solid Waste destined for Disposal to customers on that route, but must offer every-other-week service for thirty-two (32) gallons of Solid Waste destined for Disposal. The price for sixty-four (64) gallon weekly, biweekly, or monthly service for Solid Waste destined for Disposal shall be at least fifty percent (50%) more in price than thirty-two (32) gallon service for Solid Waste destined for Disposal with the same collection frequency and with the same recycling collection frequency for each quantity. The price for ninety-six (96) gallon weekly, biweekly, or monthly service for Solid Waste destined for Disposal with the same recycling frequency shall be at least thirty-three percent (33%) more in price than sixty-four (64) gallon service for Solid Waste destined for Disposal with the same collection frequency.

OR

- b) Hauler provides evidence that sixty percent (60%) or more of households served in structures with four (4) or fewer residential units and households in apartments, condominiums, townhouses, and mobile home parks where households set out individual Solid Waste containers, receive service that is less than, equal to, or an average of thirty-two (32) gallons per week for Solid Waste destined for Disposal and unlimited Mandatory Recyclables.

Haulers may offer service for less than thirty-two (32) gallons of Solid Waste destined for Disposal at a rate lower than the rate for the thirty-two (32) gallon service.

Haulers shall file and submit evidence of their residential unit-based pricing schedule that complies with provision 4.8.K. to the District with their Hauler's License Application or Hauler's License renewal.

The provisions of this section do not prohibit a Hauler from establishing a maximum safe weight limit per thirty-two (32) gallons of Solid Waste; however, such a limit shall not be below thirty (30) pounds.

2) Residential Rates for Self-Haulers. Operators of Drop-Off Facilities shall offer a base unit of Disposal service of 32 gallons or less or offer service by weight of municipal Solid Waste destined for Disposal that is delivered by residents to their Facility. Operators of Drop-Off Facilities shall charge per unit of municipal Solid Waste destined for Disposal that is delivered to their Facility and shall charge the same fee per each additional equal unit of Solid Waste destined for Disposal. There shall be no charge for residential Mandatory Recyclables accepted at the Facility.

**TRANSFER/DISPOSAL FACILITY LICENSE REQUIREMENT FOR BANNED MATERIALS FEE
Add 4.13 and renumber subsequent provisions of Section 4**

26) add Transfer/Disposal Facility License requirement that penalty fees be imposed on customers with loads containing a significant amount of materials banned from disposal

Background

The Transfer/Disposal Facility License agreement states that licensees must reject loads with materials banned from disposal, but this is logistically problematic once the loads have been dumped. To deter customers from bringing in such loads, staff proposes to require Transfer/Disposal Facility Licensees to impose a \$10.00 per ton penalty fee with a \$50.00 minimum fee per load.

Add:

4.13. Transfer/Disposal Facility License Requirement for Banned Materials Fee. Operators of licensed Transfer/Disposal Facilities shall impose a ten dollar (\$10.00) per ton penalty fee, with a fifty dollar (\$50.00) minimum charge per load, on customers dumping any inbound load destined for Disposal containing ten percent (10%) or more by volume of Special Wastes, Yard Trimmings, or Mandatory Recyclables, or any amount of Hazardous Waste. This fee shall also apply to loads containing ten percent (10%) or more of Food Residuals in accordance with the effective dates of 10 V.S.A. §6605k.

The operator of the Transfer/Disposal Facility shall document any load in violation of this provision with photographs, customer name, license plate number, time, and date noted and shall retain the documentation for at least six (6) months. The operator of the Transfer/Disposal Facility shall provide copies of the aforementioned documentation to the District at least once monthly.

In exchange for the fee imposed, the operator of the Transfer/Disposal Facility shall make a reasonable effort to remove the Hazardous Waste, Special Wastes, Yard Trimmings, Mandatory Recyclables, or Food Residuals from any load in violation of this provision, if the health and/or safety of employees are not at risk. If employees' health and/or safety are at risk to remove Hazardous Waste, the operator of the Transfer/Disposal Facility shall hire a Hazardous Waste disposal company to remove the Hazardous Waste.

ILLEGAL DUMPING

Amend 6.2

27) clarify municipal responsibility regarding illegal disposal enforcement

Background

In December 2005, the Executive Board agreed that CSWD's municipal members should be responsible for addressing their own illegal disposal cases and that CSWD staff should assume an advisory role and not approach violators on their property. The Board felt that CSWD should provide education and technical assistance on how to (staff developed a guidance packet), but that the municipality should pay for and/or conduct actual enforcement actions with their residents and businesses. The Community Clean Up Fund could be used for this purpose. Very few cases have been reported over time. Clarifying municipal and CSWD roles in the Ordinance would codify responsibilities.

Amend:

6.2. Illegal Dumping. *It shall be unlawful for any Person to deposit, dump, or leave Solid Waste in any Waste or Recycling Container, other than their own, unless lawfully authorized by the owner of the Container. It shall be unlawful for any Person to deposit, dump, or leave Solid Waste on any property unless lawfully authorized by the owner of the property and the property is a Facility permitted to accept such Solid Waste~~such placement of Solid Waste on the property is lawfully permitted~~. It shall be unlawful for any Person to deposit, dump, or Dispose Solid Waste in any stream or other waters or on his or her property except as allowed and approved by the State. District municipal members shall be responsible for the enforcement of illegal disposal cases within their boundaries. The District shall provide technical assistance and education to such municipal members.*

WAIVER OF THE SOLID WASTE MANAGEMENT FEE

Amend 8.3

31) add authority to the Board of Commissioners to approve requests to waive part or all of the Solid Waste Management Fee for particular waste removal projects to reduce the cost of alleviating an environmental hazard

Background

The Board of Commissioners has received requests to waive part or all of the Solid Waste Management Fee for particular waste removal projects to reduce the cost of alleviating an environmental hazard. There is no provision in the Ordinance currently that permits the Board to do this.

Amend

8.3. Waiver of the Solid Waste Management Fee. *For good cause shown, the District 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, ~~or~~ District policies, or to reduce the cost of alleviating a specific environmental hazard.*

DIVERSION REPORTING REQUIREMENT

Add 10.4

32) add a diversion reporting requirement for parties that directly ship material they generate to facilities that do not hold a CSWD license

Background

A number of businesses and institutions in Chittenden County aggregate and ship recyclables they generate directly to a recycling processor or end market. Sometimes this occurs in the form of back-hauling to regional distribution centers, which is often the case with grocery chains and large retailers. In other cases, a business aggregates truckload quantities and ships directly or through a broker to a manufacturer. A data-reporting requirement in the Ordinance would provide an incentive to generators to provide this data to CSWD on a regular basis. An estimated 30 to 40 generators would be impacted by such a requirement. Staff recommends adding the provision below to the Ordinance.

CSWD sought input on this amendment from local business associations. Jim Harrison, President of the Vermont Retail and Grocers Association, contacted several of his members but didn't get much in the way of feedback. Katie Taylor, Government Affairs Specialist for the Lake Champlain Regional Chamber of Commerce, contacted several members including hotels, convenience stores/gas stations, and a few trash haulers. She said the Chamber has no issue with the proposed amendment.

Add:

10.4. Diversion Reporting Requirement. A Person in the District that directly ships any Solid Waste, including Recyclables and Compostables, to Facilities or through Haulers that do not hold a District License shall report to the District the material type, quantity, and destination for all materials shipped for the periods January 1 through June 30 and July 1 through December 31 of each calendar year. The required data shall be submitted within thirty (30) days of the end of each reporting period.

REVOCATION OF PRIVILEGE TO USE SOLID WASTE FACILITIES

Amend 12.3

33) broaden the types of facilities where solid waste delivery privileges can be revoked

Background

As currently written, the Ordinance allows CSWD to take away the privilege from violators to deliver solid waste to landfills and incinerators, but not transfer stations, recycling, or composting facilities. The definition of Disposal did not include transfer stations, where the bulk of solid waste generated in the District is disposed. An amendment to the definition is proposed above. It would be beneficial to CSWD to also extend its right to revoke the privilege of violators to use any solid waste facility in the District or licensed by the District. This right would provide additional leverage in obtaining compliance with the Ordinance.

Amend:

12.3. Revocation of ~~Waste Disposal~~ Privilege to use Solid Waste Facilities. The District reserves the right to refuse to collect Solid Waste or to refuse to allow ~~Disposal-acceptance~~ at any Facility operated by the District or for the benefit of the District or licensed by the District where this Ordinance or any other ordinance or regulations adopted by the Board are ignored or violated.