

**CHITTENDEN SOLID WASTE DISTRICT  
BOARD MEETING INSTRUCTIONS  
FOR THE PUBLIC – REMOTE ACCESS**

Date: Wednesday, May 24, 2023  
Time: 6:00 P.M.  
Place: ZOOM MEETING INSTRUCTIONS

**IMPORTANT:**

CSWD will hold a hybrid Board of Commissioners Meeting. The virtual meeting is accessible by computer or phone. Members of the public, joining the meeting remotely, are asked to preregister online using the link below. Following the meeting a recording will be available upon request.

Hi there,

You are invited to a Zoom webinar.

**When: May 24, 2023 06:00 PM Eastern Time (US and Canada)**

**Topic: Board of Commissioners Meeting**

Register in advance for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_12oMdb8ETq-tK8tOa0J7EQ](https://us02web.zoom.us/webinar/register/WN_12oMdb8ETq-tK8tOa0J7EQ)

After registering, you will receive a confirmation email containing information about joining the webinar.

*For those without internet access, call 802-872-8100 ext. 213 and leave a message to register for the meeting. A call-in number will be provided to you prior to the meeting.*

Participants will be in listen only mode. Call in controls include: \*6 – toggle mute/unmute and \*9 to raise your hand.

CHITTENDEN SOLID WASTE DISTRICT  
REGULAR MEETING

Date: Wednesday, May 24, 2023  
Time: 6:00 P.M.  
Place: **Hybrid Meeting - ZOOM Meeting or In-Person at Williston Town Hall**  
**7900 Williston Road, Williston VT**

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\*\*\* (E) Indicates enclosures (H) Indicates handouts (D) Discussion Only

1. (E) **Agenda** (6:00 p.m.)
2. **Public Comment Period** (6:00 p.m.)
3. (E) **Consent Agenda** (6:05 p.m.)
  - 3.1 Minutes of April 26, 2023 (page 4)
  - 3.2 Program Updates (page 7)
  - 3.3 Executive Director Update (page 18)
  - 3.4 Finance – Warrant, Cash Investment and Reserve Balances as of 4/30/2023 (page 19)
  - 3.5 2024 VT Materials Management Plan - CSWD comments (page 21)
4. (E) **June Annual Organizational Meeting preparation** (page 24) (6:10 p.m.)
5. (E) **Legislative Update** (page 27) (6:30 p.m.)
6. (D) **Executive Session – Flynn Avenue update** (6:45 p.m.)
7. **Other Business** (7:15 p.m.)

*Possible Action could occur on any agenda item, although not initially noted. If you need an accommodation, please call the District at 872-8100 upon receipt of this notice. All times listed are an estimated start and duration.*

**DRAFT**  
**CHITTENDEN SOLID WASTE DISTRICT**  
**ZOOM MEETING Only**  
**April 26– Regular Meeting**

**PRESENT**

**BOARD MEMBERS:**

Bolton	-----
Burlington	Lee Perry
Charlotte	Ken Spencer
Colchester	Renae Marshall
Essex	Alan Nye
Essex Junction	Mike Sullivan
Hinesburg	Rick McCraw
Huntington	-----
Jericho	Tom Joslin, alt.
Milton	Henry Bonges
Richmond	Logan Hegg
Shelburne	Margaret Wiener
So. Burlington	Paul Stabler
	Allison Lazarz, alt.
St. George	-----
Underhill	Paul Ruess
Westford	-----
Williston	Kelton Bogasky
Winooski	Bryn Oakleaf
	Dr. Ron Stotyn, alt.

**STAFF:**

Sarah Reeves, Jen Holliday, Nola Ricci, Amy Jewell

**OTHERS PRESENT:**

Thomas Melloni, Esq.

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**AGENDA:**

1. Agenda
2. Public Comment Period
3. Consent Agenda
4. Community Clean Up Fund Update
5. Decommissioning existing MRF
6. Executive Session
7. Other Business

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1. **CALL TO ORDER and AGENDA** Chair Paul Ruess called the meeting to order at 6:00 pm.
  2. **PUBLIC COMMENT PERIOD** - No discussion.

**3. Consent Agenda –**

There was a request to remove the 3.3 Executive Director Update from the agenda. A correction to the March 8, 2023 minutes included removing Tom Joslin from attendance.

All other items accepted without edits.

Discussion of 3.3 Executive Director Update:

- *DOC pilot programs for shredded paper and hardcover books* - S. Reeves noted no initial cost for the pilot program and will follow up on tonnage next week. She said the goal is to have the program fully operational by July. Additional information will be provided including the bid process and potential cost to customers.
- *Septic Mound Sand* – Discussion on the timing of the program or if the mound sand is a pilot program. S. Reeves explained that this is a new program with a possible use for Processed Glass Aggregate. She said that this is a positive use of this material and next steps are to get samples of materials at the quarry and do a test program with wastewater and UVM. PGA is a promising substitute that will be less expensive and solve the glass concerns.

Report is accepted after these discussions.

**4. Community Clean Up Fund Update** - S. Reeves reviewed the Community Clean Up Funds that are available to towns both this and next fiscal year. Staff included a reminder that funds will not carry over this year but will be fully funded July 1<sup>st</sup>. Towns will need to act before June 16, 2023. Staff offered support for education and outreach to Board members and communities. Staff will send a draft e-mail to Board members so they can send information out in Front Porch Forum. It was also requested that CSWD and Board members provide information on what other towns have used funds for.

**5. Decommissioning Existing MRF** –S. Reeves requested Board of Commissioner brainstorming ideas regarding possible uses of the existing MRF. She noted that this is just the beginning conversation, and more discussion and input is needed. Ideas that were suggested at the meeting are listed below:

- Terracycle Discussion/ Specialty Recycling for the Region: Revenue increasing specialty recycling plant.
- Plastic Film
- Gravel project
- Furniture Deconstruction
- Combination of the Hazardous Waste Facility to avoid lease (mentioned twice)
- Textiles
- Styrofoam
- K-cups/ Britta Filters
- Regional cross-docking facility for materials that can be baled like Terracycle, fabric recycling, etc.
- An “Un-Maker,” Breakdown space. (mentioned twice)
- Take-Back Programs (Existing or In Development).

- Bottle fill Redemption Site
- EV Batteries, Solar Panels, Reuse and Waste management
- Sell the Building: Retrofit costs may be high – consider that versus sale price. Instead of rebuilding the MRF for new use, spend the capital from sale of this land to other projects.
- Mixed-Rigid Plastics
- Mix of Plastics and Extended Recycling
- Request to see the market value of the property, and a value intended sale (connecting with CSWD mission, other needs of the community i.e., sustainability in CSWD mission statement).

**Agenda #6. Executive Session.**

**MOTION by Alan Nye, Second by Kelton Bogasky that the Board of Commissioners of the Chittenden Solid Waste District go into Executive Session to discuss the contract negotiations with the City of Burlington and Real Estate negotiations with the Town of Williston, where premature general public knowledge would clearly place the District, its member municipalities, and other public bodies or persons involved at a substantial disadvantage and to permit authorized staff, other invited interested parties, and the Solid Waste District attorney to be present for this session. VOTING: All Ayes, Motion Carried.**

**The Board entered executive session at 6:48 p.m.**

**Motion by Alan Nye, Second by Paul Stabler, to exit executive session and reconvene the meeting. VOTING: All Ayes, Motion Carried.**

The board meeting was reconvened at 7:37 p.m.

**Agenda #7 Other Business:**

- The Board agreed to table discussion on expansion of the bottle bill for a later date.
- B. Oakleaf requested that staff share Green Up Day information with town coordinators in regard to handling hazardous waste that may be collected.

**Motion to adjourn. Moved by P. Stabler Jericho; seconded by A.Nye Essex Junction. VOTING: All ayes. Motion passes. Meeting adjourned at 7:41 p.m.**

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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.***

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***Amy Jewell, Secretary***

## MEMORANDUM

#3.2

To: Board of Commissioners

From: CSWD Staff

Date: May 18, 2023

Re: Program Updates

- Solid Waste Management Fee and Disposal (Jon) –

As of the end of April, from a budget perspective, the first 10 months of FY23 is 3.1% above projected revenues. FY23 revenue is 1.5% higher than the same period in FY22.

Please refer to accompanying charts.

- Organics Recycling Facility (Dan) –

- Monthly billable food scraps for April totaled 305 tons. This is 7% below the previous month and 5% below the FY22 average. It brings the fiscal year to date total to 3,393 tons – 9.8% or 371 tons below YTD budgeted projections. Please refer to accompanying charts.
- After many, many delays, occupation of the new Organics Recycling Facility office space is slated for the first week in June. It is anticipated that final electrical installation and the opening of the extended waterline will occur within the week with paving and line-striping to follow shortly thereafter.
- Sales have continued to be strong as of Mid-May. Compost inventory was exhausted with related sales suspended as of May 12<sup>th</sup>. Garden Mix and Topsoil inventories have seen increased demand in the wake of that compost suspension and it remains unclear how long inventories of those value-added products will meet demand until new batches of compost come on line. Since the start of the pandemic, this has become a regular pattern with available inventories not meeting demand of all products sometime between April and June.

- Materials Recovery Facility (Josh)

- YTD average monthly inbound single stream material: 3,641 tons
- YTD average monthly marketed material: 2,922 tons
- 12-month, average commodity revenue (ACR): \$109.03/ton
- All data includes PGA tons and costs

- Marketing & Communications (Alise/Michele) –

- The Marketing team coordinated with Media Factory on an in-the-field shoot for our recruitment video. We appreciate the willingness and good humor of participating Maintenance and DOC staff! Editing is in progress.
- Communications about DOC hours and fees changes taking place on July 1 began with handouts provided by Operators at all Drop-Off Centers. Sandwich boards will be in place this week, followed by roll-out of social media, DOC fees signs, new entrance signs, website changes, and advertising timed to maximize impact and minimize confusion before, during, and after the changes take place.

### **Media Mentions, April/May**

4/20/23 – Williston Observer, [Reduced hours, increased fees planned for CSWD drop-off center](#)

5/10/23 – Vermont Biz, [Vermont Senate gives preliminary OK to modernize the Bottle Bill](#) (VPIRG press release reprint)

- Outreach (Beth): Team Outreach is very excited to announce the Waste Warriors are back! We have held two highly attended training sessions at our new offices and the feedback so far has been incredible. Both event managers and future Waste Warriors are excited to be out and about this summer helping folks manage their waste properly. We hope to hold one more training next month.
- Compliance (Josh/Jeanine): The Compliance Team completed a two-week load check intensive between April 13<sup>th</sup> and 27<sup>th</sup>. Approximately 140 vehicles were inspected. Six loads were assessed a banned material fee and notes were taken on 11 additional loads for outreach purposes.

License applications were sent to haulers, processors and transfer stations in early May and will be filtering back in over the next two months. In addition, April, May and June are busy months for inspections, monitoring and maintenance required by permit for several CSWD facilities. Compliance staff perform some of these duties and coordinate with others as may be required. Many of these activities must occur post-snow melt with reports due to the State in June.

- Board of Commissioners Update (Amy):

### **Reappointments:**

The legislative bodies of member municipalities whose beginning letter begins with L through Z appoint their commissioners and alternate commissioners in odd numbered years. Current terms end on May 31, 2023 and new terms will run through May 31, 2025. Currently reappointments have occurred in Shelburne, South Burlington, and Westford. Milton, Richmond, St. George, Underhill, Williston and Winooski have been notified to appoint board members. Further information will be provided at the June Organizational Meeting

### **Board Meetings/Hybrid Access:**

We are excited to hold our first meeting in our new office space. The AV equipment installation was delayed due to vendor staffing, but we're hopeful that we're still on track to be up and running for the annual organizational meeting in June. We will continue to hold hybrid meetings and as a reminder,



board members are panelists and will continue to receive an invitation from Zoom for the meeting. The first page of each board packet includes public instructions to join the meeting, which requires the public to register. *Board members do not use the public instructions link to join the meeting.*

# CHITTENDEN SOLID WASTE DISTRICT

## Tons Disposed based on Solid Waste Management Fees (Year over Year)

Month	Total Tons per Month			
	FY 22 tons	FY 23 tons	Tons Diff.	% Diff
Jul	11,558	10,630	-928	-8.0%
Aug	11,729	12,808	1,079	9.2%
Sep	11,236	11,650	414	3.7%
Oct	11,289	11,126	-162	-1.4%
Nov	10,428	10,846	417	4.0%
Dec	10,583	10,293	-290	-2.7%
Jan	9,180	9,196	16	0.2%
Feb	7,402	7,823	421	5.7%
Mar	9,571	9,849	278	2.9%
Apr	10,137	10,387	251	2.5%
May				
Jun				
<b>Total Tons YTD</b>	<b>103,113</b>	<b>104,608</b>	<b>1,495</b>	<b>1.5%</b>
<b>Mgmnt Fee \$ YTD</b>	<b>\$2,784,050</b>	<b>\$2,824,422</b>	<b>\$40,372</b>	<b>1.5%</b>

	Tons	\$
FY 23 Budget	125,250	\$3,381,750
FY 23 Actual YTD	104,608	\$2,824,422
Difference	-20,642	(\$557,328)
FY 23 Actual % YTD vs Budget %	83.5%	
YTD % of Months	83.3%	

# Chittenden Solid Waste District

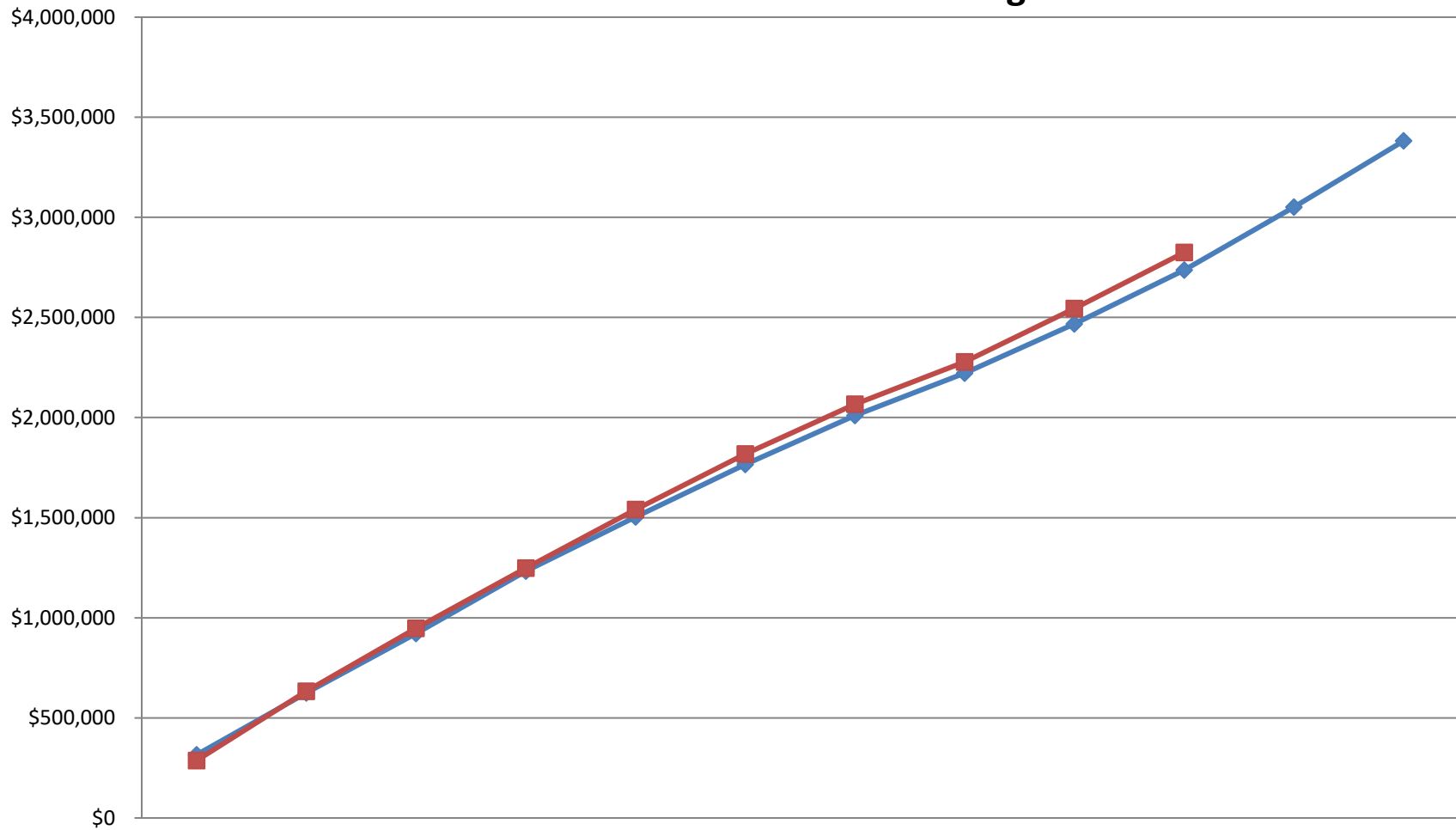
## Solid Waste Management Fee FY 23 (Budget versus Actual)

Time	Tons	\$/Ton	\$
FY 23 Budget	125,250	\$27.00	\$3,381,750

\$	Budget \$			Actual		Difference		% of YTD Budget
	Percent	\$ per month	\$ YTD	\$ per month	\$ YTD	\$ per month	\$ YTD	
Jul-22	9.3%	\$315,360	\$315,360	\$287,004	\$287,004	(\$28,356)	-\$28,356	91.0%
Aug-22	9.1%	\$309,307	\$624,667	\$345,828	\$632,832	\$36,521	\$8,165	101.3%
Sep-22	8.8%	\$296,148	\$920,815	\$314,558	\$947,389	\$18,410	\$26,575	102.9%
Oct-22	9.2%	\$312,149	\$1,232,964	\$300,415	\$1,247,804	(\$11,735)	\$14,840	101.2%
Nov-22	8.0%	\$270,445	\$1,503,409	\$292,829	\$1,540,633	\$22,384	\$37,224	102.5%
Dec-22	7.8%	\$263,009	\$1,766,418	\$277,909	\$1,818,541	\$14,900	\$52,123	103.0%
Jan-23	7.2%	\$244,193	\$2,010,611	\$248,286	\$2,066,827	\$4,093	\$56,216	102.8%
Feb-23	6.3%	\$211,395	\$2,222,006	\$211,217	\$2,278,045	(\$178)	\$56,038	102.5%
Mar-23	7.3%	\$245,915	\$2,467,921	\$265,918	\$2,543,962	\$20,003	\$76,041	103.1%
Apr-23	8.0%	\$269,435	\$2,737,356	\$280,460	\$2,824,422	\$11,025	\$87,066	103.2%
May-23	9.3%	\$314,251	\$3,051,607					
Jun-23	9.8%	\$330,143	\$3,381,750					

TONS	Budget Tons			Actual		Difference	
	Percent	Monthly Tons	Tons YTD	Tons per month	Tons YTD	Tons per month	Tons YTD
Jul-22	9.3%	11,680	11,680	10,630	10,630	(1,050)	(1,050)
Aug-22	18.5%	11,456	23,136	12,808	23,438	1,353	302
Sep-22	27.2%	10,968	34,104	11,650	35,088	682	984
Oct-22	36.5%	11,561	45,665	11,126	46,215	(435)	550
Nov-22	44.5%	10,016	55,682	10,846	57,060	829	1,379
Dec-22	52.2%	9,741	65,423	10,293	67,353	552	1,930
Jan-23	59.5%	9,044	74,467	9,196	76,549	152	2,082
Feb-23	65.7%	7,829	82,297	7,823	84,372	(7)	2,075
Mar-23	73.0%	9,108	91,404	9,849	94,221	741	2,816
Apr-23	80.9%	9,979	101,384	10,387	104,608	408	3,225
May-23	90.2%	11,639	113,022				
Jun-23	100.0%	12,228	125,250				

## CSWD - Solid Waste Management Fee Revenues Year-To-Date - FY 23 Actual v. FY 23 Budget



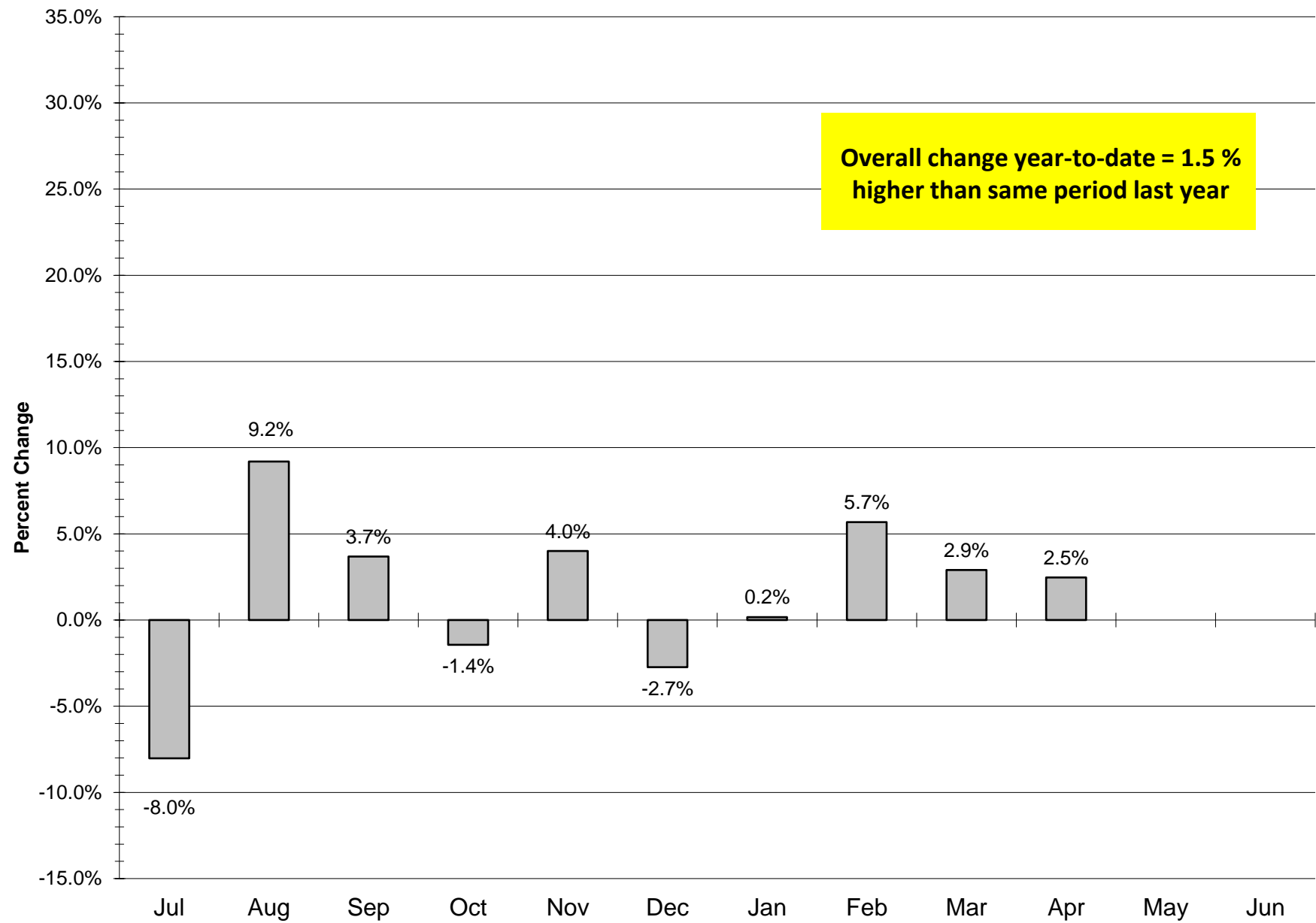
	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23
—◆— Budget	\$315,360	\$624,667	\$920,815	\$1,232,964	\$1,503,409	\$1,766,418	\$2,010,611	\$2,222,006	\$2,467,921	\$2,737,356	\$3,051,607	\$3,381,750
—■— Actual	\$287,004	\$632,832	\$947,389	\$1,247,804	\$1,540,633	\$1,818,541	\$2,066,827	\$2,278,045	\$2,543,962	\$2,824,422		

# CHITTENDEN SOLID WASTE DISTRICT

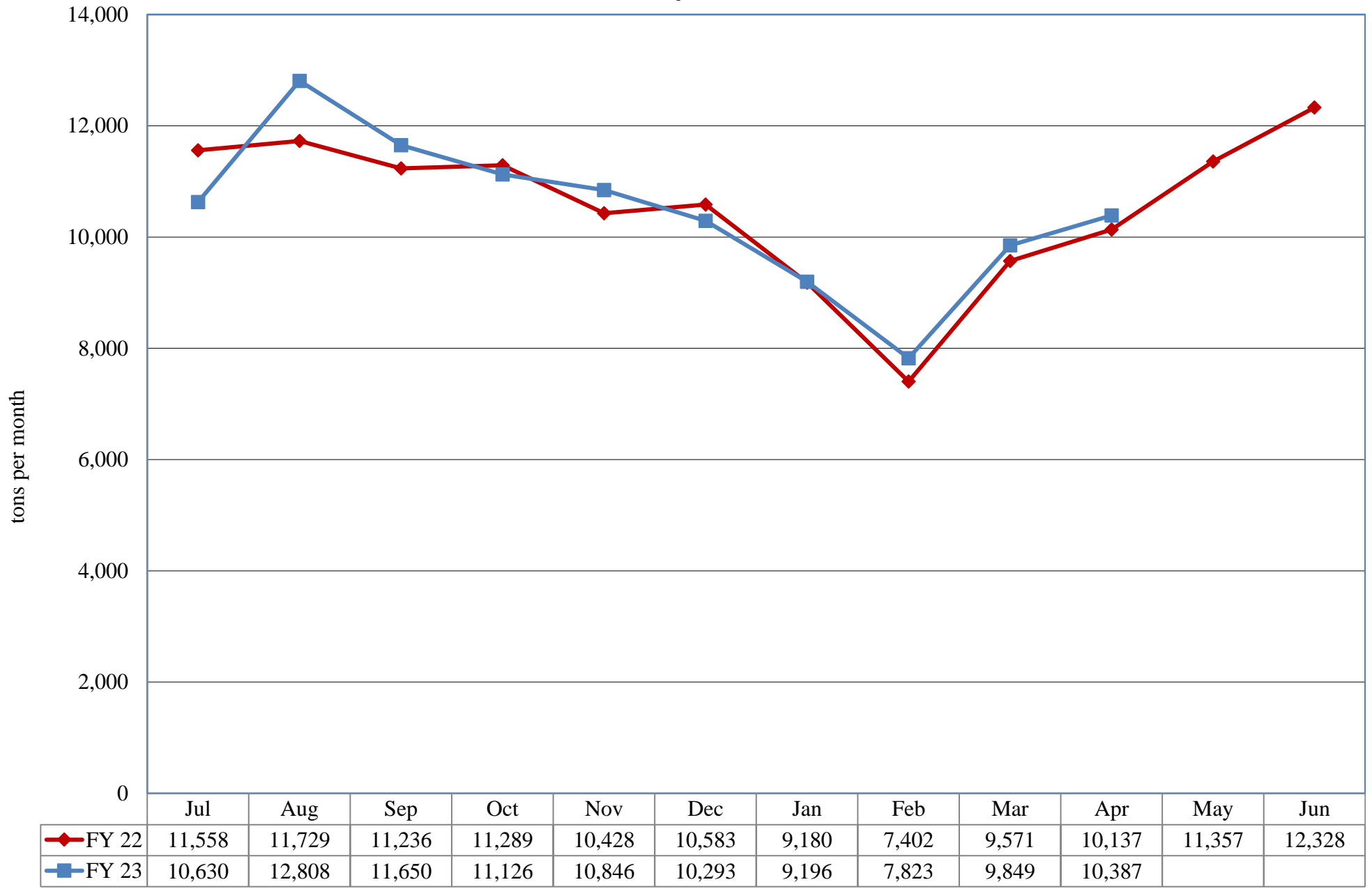
## SWMF Tons Refuse Disposed per Operating Weekday

Month	FY 22			FY 23			Difference FY 23 vs FY 22			
	Monthly Tons	# Operating Weekdays	Avg Tons/Day	Monthly Tons	# Operating Weekdays	Avg Tons/Day	Monthly Tons	# Operating Weekdays	Tons/Day Tons	Tons/Day %
Jul	11,558	21	550.4	10,630	20	531.5	-928	-1	-18.9	-3.4%
Aug	11,729	22	533.2	12,808	23	556.9	1,079	1	23.7	4.5%
Sep	11,236	21	535.0	11,650	21	554.8	414	0	19.7	3.7%
Oct	11,289	21	537.6	11,126	21	529.8	-162	0	-7.7	-1.4%
Nov	10,428	22	474.0	10,846	22	493.0	417	0	19.0	4.0%
Dec	10,583	23	460.1	10,293	22	467.9	-290	-1	7.7	1.7%
Jan	9,180	21	437.1	9,196	22	418.0	16	1	-19.1	-4.4%
Feb	7,402	20	370.1	7,823	20	391.1	421	0	21.0	5.7%
Mar	9,571	23	416.1	9,849	23	428.2	278	0	12.1	2.9%
Apr	10,137	21	482.7	10,387	20	519.4	251	-1	36.7	7.6%
May	0	21	0.0		22					
Jun	0	22	0.0		22					
Total	103,113	258		104,608	258		1,495	0		
Average			399.7			405.5			5.8	1.5%

Difference in SWMF Tons Per Month Disposed  
FY23 versus FY22

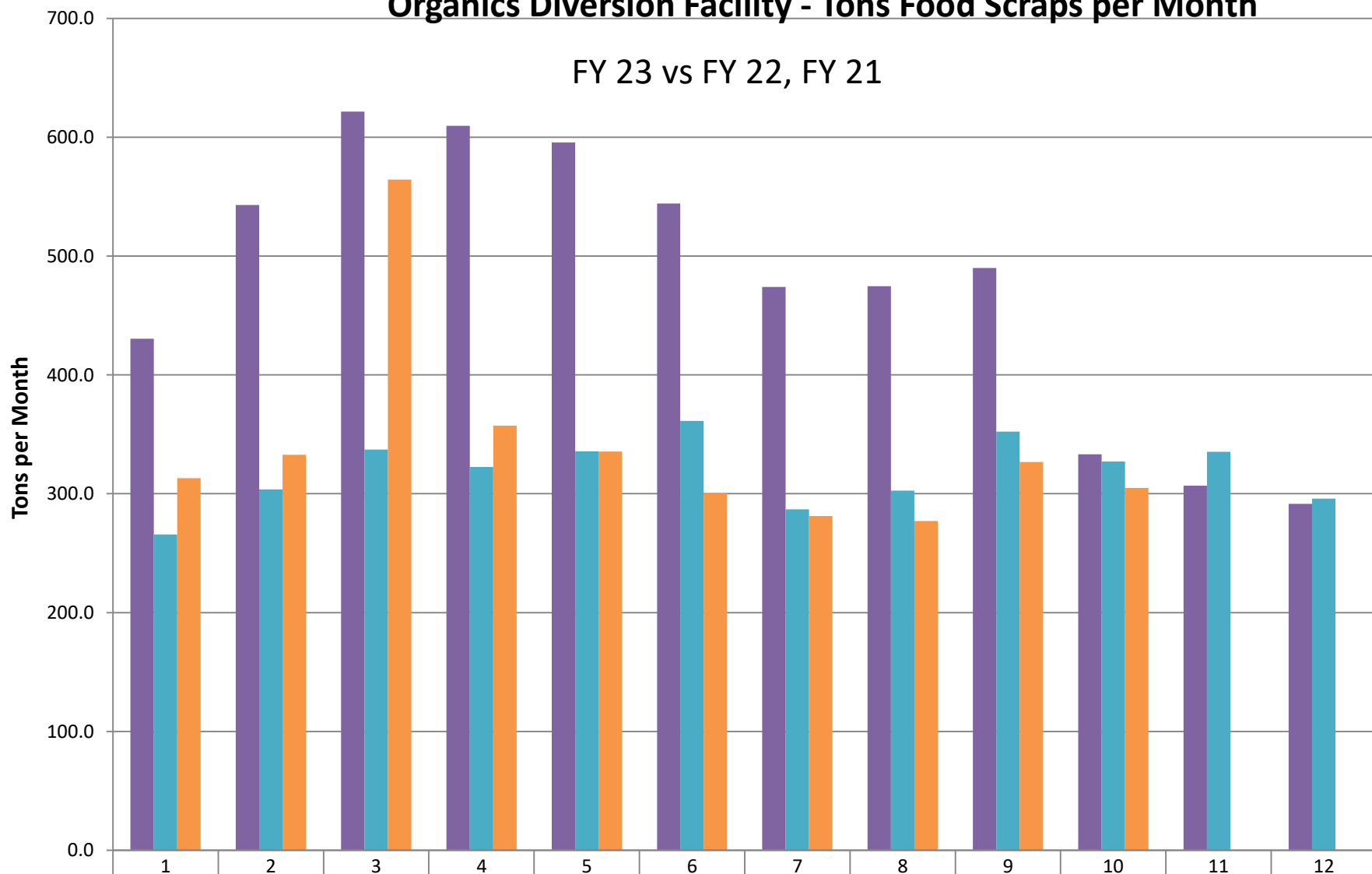


# CSWD - SWMF Tons Trash per Month - FY 23 v. FY 22



## Organics Diversion Facility - Tons Food Scraps per Month

FY 23 vs FY 22, FY 21

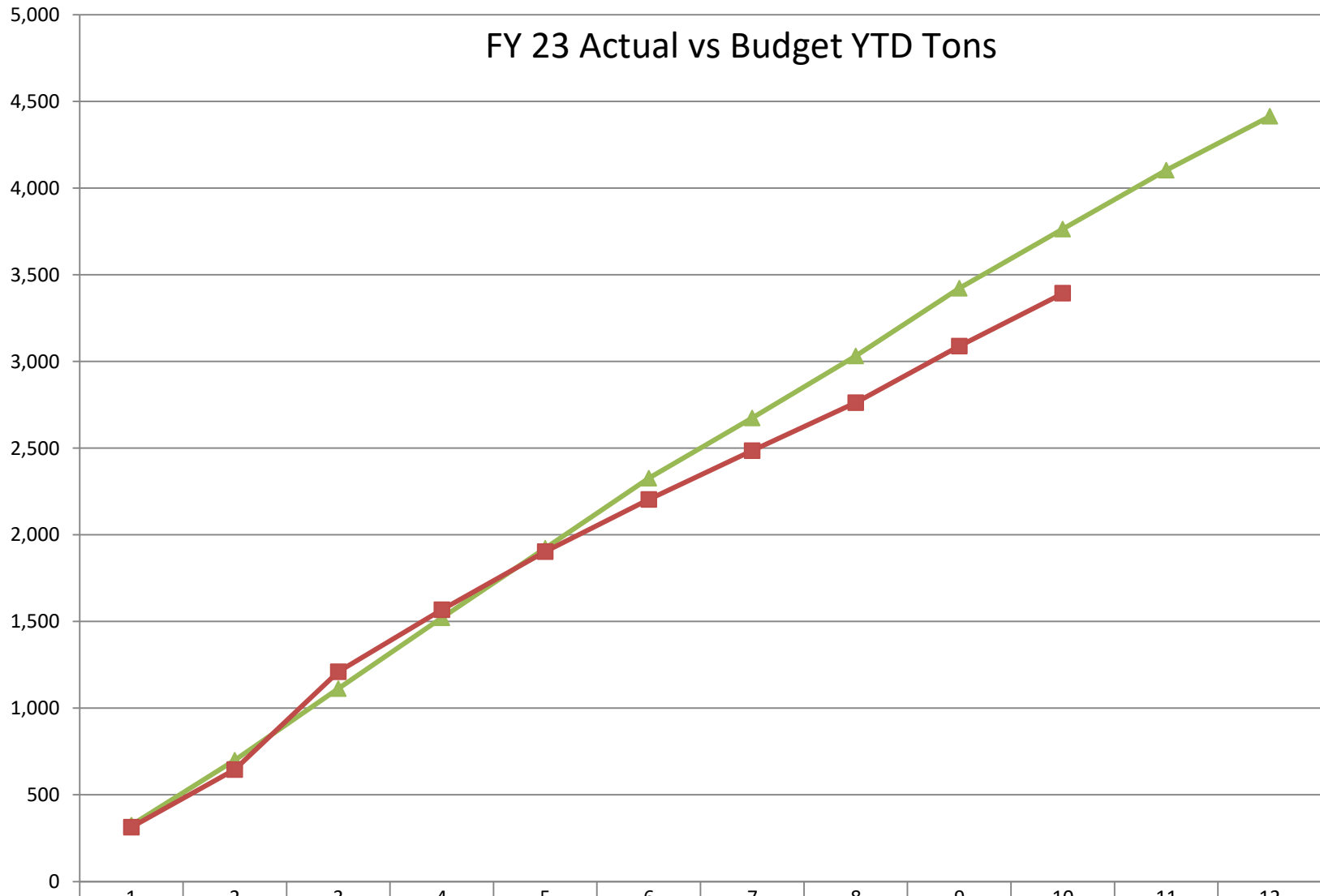




## Organics Diversion Facility - Incoming Food Scraps

FY 23 Actual vs Budget YTD Tons

Cumulative Year-to-Date Tons



<span style="color: green;">▲</span> FY 23 Budget	1	2	3	4	5	6	7	8	9	10	11	12
<span style="color: red;">■</span> FY 23	313	646	1,210	1,568	1,903	2,204	2,485	2,762	3,088	3,393		

### #3.3

TO: Board of Commissioners  
FROM: Sarah Reeves  
DATE: May 18, 2023  
RE: Executive Director Update

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#### April 19 - PRESENT

- **PERSONNEL CHANGES:** As I emailed to the Board three weeks ago, Josh Tyler, Director of Operations, has accepted a position in the private sector, effective May 19. As we do anytime someone moves on from CSWD, Amy Jewell, I, and the employee's manager review the job description and determine if there is an on-going need for the position and if the duties/tasks listed are accurate and relevant. For the Operations position, I've reassigned Josh's tasks to the Director team and will be using the next few months of this redistribution to evaluate the future path.
  - Josh Estey will take on the day-to-day oversight needs of the current MRF and Biosolids, and will retain oversight of the Environmental Depot, Compliance, and Safety programs.
  - Jen Holliday will re-engage and work with me on future MRF needs (she had receded a bit post-MRF contract negotiations); Josh Estey will be brought into the project to learn the new operations.
  - Nola Ricci will work closely with Brian Mital and Josh Estey on budgeting for the DOCs, MRF, and Biosolids, and I will be involved with these budgets earlier in the planning cycle.
  - I will directly oversee capital budget development, project prioritization, and infrastructure needs.

#### May/June 2023

- Memorial Day, 5/29; Offices and facilities closed (Organics Recycling Facility open for commercial drop off only)
- Finance Committee, 6/14
- Juneteenth, 6/19; Offices and facilities closed
- Executive Board, TBD
- Annual Organizational Board Meeting, 6/28

To: Board of Commissioners  
From: Nola Ricci, Director of Finance  
Date: May 18, 2023  
RE: Warrants, Reserves & Cash Balance

The following warrants have been reviewed by the Finance Committee and disbursements have been issued since the last submitted Finance Memo:

Warrant Date	Warrant Amount
04/18/23	\$748,388.75
05/02/23	\$453,973.64

Reserve balances indicate how much of that cash has been assigned or committed for a particular purpose.

As of April 30, 2023

Assigned Reserve balances are as follows:

Landfill Post Closure	\$ 556,943.36
Facility Closure	\$ 1,464,178.31
Capital Reserves	\$ 10,490,751.09
Biosolids Reserve	\$ 288,848.68
Community Clean Up	\$ 83,664.87
Solid Waste Reserve	\$ 1,000,000.00
<u>Operating Reserve</u>	<u>\$ 1,750,000.00</u>
Total Designated:	\$ 15,634,386.31
Total Undesignated:	\$ 1,689,860.26
Cash & Cash Equivalents:	\$ 15,379,173.74
Current Liabilities:	\$ 748,673.01



**ADMINISTRATIVE OFFICE**

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**TEL** (802) 872-8100

**[www.cswd.net](http://www.cswd.net)**

**Breakdown of Community Clean Up Reserve by Location as of April 31, 2022:**

Bolton	\$ 0
Burlington	10,000.00
Charlotte	5,000.00
Colchester	7,500.00
Essex Jct	4,250.00
Essex Town	7,500.00
Hinesburg	5,000.00
Huntington	2,500.00
Jericho	5,000.00
Milton	7,500.00
Richmond	5,000.00
Shelburne	5,000.00
S. Burlington	7,500.00
St. George	2,500.00
Underhill	5,000.00
Westford	2,500.00
Williston	0
Winooski	1,914.87

To: Alyssa Eiklor  
From: Jen Holliday, Director of Public Policy & Communications  
Date: May 17, 2023  
RE: CSWD comments on 2024 VT Materials Management Plan

Thank you for the opportunity to provide input on the development of the 2024 Vermont Materials Management Plan. CSWD believes there is an opportunity for the State to provide leadership on critical solid waste issues facing Vermont, and there are areas where we believe more can be done in this regard.

- **Priorities:** The 2019 Plan priorities were based on statutory requirements, but the MMP was not clear on what specific waste stream(s) should be a priority for the State (and SWMEs) to tackle. The State's priorities should be based on the results from the Waste Composition Study that the State will be conducting this year. This should be clearly outlined in the MMP as the guidepost for the State and SWMEs to focus their diversion and prevention efforts and included in a comprehensive format using all three strategies for reducing waste: education, collection programs and policy development.
- **Policy Work:** Vermont's waste reduction and diversion goals cannot be achieved through education and facilities alone as mandated in the MMP. Policies are a critical and effective tool that can be used to achieve the goals of waste toxicity avoidance and waste reduction and is an area where the State could provide more leadership. We believe the MMP should reflect the State's leadership responsibility in advocating for and developing policies that address these areas specifically:
  - EPR legislation to reduce packaging overall and ensure it can be diverted to beneficial uses
  - Leadership in advocating for policies that prevent products from being sold in the state that contain PFAs.
  - Take actions necessary to identify the environmental impacts of, and support and promote all reasonable beneficial use options for recycled glass, including applications such as Alternate Daily landfill Cover and road projects as well as sand borrow, fiberglass, and glass to glass. This will ensure the State is truly following the Statutory Plan Priority of creating a waste management system that "promotes energy conservation, reduces greenhouse gas emissions and limits adverse environmental impacts."
  - Evaluate existing Variable Rate Pricing guidance and consider changes to achieve statewide waste reduction more effectively.

- **MSW Disposal Capacity:** An estimated 17 years of landfill capacity remains in Vermont, at best. The more likely scenario is that Casella will fill their landfill sooner and in ten to fifteen years Vermont will be left with no in-state disposal capacity. The closure of the Coventry landfill will leave Vermonters with no choice but to dispose of their waste out-of-state, which will be more expensive and more environmentally destructive. The State has an obligation to look at all options for in-state disposal now, including landfilling and waste to energy. Only when those options prove unattainable should we turn to burdening other states with our waste. This is an area of critical concern for our region and the MMP should identify the State's obligation and specific actions being taken to investigate disposal options, costs, and timeframes.
- **Market Research and Development:** Provide more leadership in actively researching available markets and developing markets for difficult to manage materials such as textiles, mattresses, glass, asphalt shingles, and tires. When markets are not available, the State needs to provide flexibility/rule changes that allow material to be used in other applications such as alternative daily cover. At a minimum the State should define the criteria for when "no market" exists for materials where diversion is mandated. When the State determines this criterion is met, ANR should be required to develop a plan for addressing the deficit and the mandate.

### Comments Specific to Current MMP Requirements

Though CSWD continues to meet all MMP performance standards, we believe that some are not appropriate as mandates for local level management and boots-on-the-ground level work that is best accomplished by the SWMEs.

**Biosolids:** As the literal end of the pipeline, wastewater treatment facilities and sludge management entities are best positioned to work together, and with State and regional entities, on biosolids issues. The State is best positioned to advocate for policies that impact treatment facility inputs. Future disposal capacity for residuals is uncertain given the concern regarding PFAS. We need State leadership in helping to find safe and affordable outlets, and if the State bans residuals from landfill disposal the ban should be based on scientific evidence that landfilling residuals will cause environmental harm.

SWMEs should not be responsible for the management of this material nor education related to biosolids/sludge management on any level. We suggest removing the residuals recycling meeting requirement currently in the MMP. Wastewater treatment facilities are well aware of the options for sludge/biosolids management recycling or disposal. SWMEs do not directly manage sludge and should not be put in the middle of the residuals recycling controversy.

**Food Donation:** We have found that it is a challenge to partner or collaborate with local food redistribution groups. These organizations are already targeting food generators, are doing outreach, and have established partnerships. Though we can continue listing food donation groups on our website, partnering with food rescue organizations is not a natural fit for SWMEs. Mentioning food donation as the preferred first option under Act 148's food diversion requirements when working with businesses, institutions, events, and schools along with listing local options willing to receive quality food donations should be the extent of this requirement.

**Business Outreach:** Remove requirement for listing all materials given to businesses. We are moving away from providing paper handouts. Listing all materials that are available and that we provide to businesses is fine but specifying which businesses receive which materials is tedious and time consuming and has no real value in the reporting process.

**Asphalt Shingles:** Markets for asphalt shingle recycling have not developed to provide a reliable outlet. This is an area we would like the State help to develop. Remove requirement for SWMEs to ensure that at least one recycling collection location exists within their region.

**School Outreach:** The Environmental Assistance Office no longer assists schools. This should be replaced in the MMP with other suggested resources such as Project WorkSafe for assistance with writing chemical hygiene plans and hazard communication plans.

As part of the MMP, CSWD would like the State explore partnerships with Agencies such as the Vermont Agency of Education to provide state-wide curriculum related to waste management and waste reduction and prevention.

## MEMORANDUM

TO: Board of Commissioners  
FROM: Sarah Reeves, Executive Director  
DATE: May 18, 2023  
RE: Annual Organizational Meeting, Election Process – Virtual Meeting

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The 2023 Annual Organizational meeting is scheduled for Wednesday, June 28, 2023. At this meeting, the Board of Commissioners elects a Chair, Vice-Chair, Treasurer, Secretary, and an Executive Board. The aim is to have the meeting in CSWD's new office space, and for all Commissioners to attend in person. However, if we need to hold the meeting as a hybrid meeting, we will use the following process for the portion needing to be held virtually.

### Charter Guidance

#### Article II, Section 3 of the CSWD Charter states:

*Annually, on or before the fourth Wednesday in June, commencing in 1989, the Board of Commissioners shall hold its organizational meeting. At such meeting, the Board of Commissioners shall elect from among its membership a Chair and a Vice Chair, each of whom shall hold office for one year and until his or her successor is duly elected and qualified. The Chair and Vice Chair are eligible to be elected to successive terms without limit.*

#### Article III, Section 1 states:

*The Board of Commissioners annually shall elect from among its members a chair, vice chair, treasurer and secretary, and such other officers as it deems appropriate for the conduct of its business. Upon majority vote of the Board the treasurer or secretary may be non-Board members.*

#### Article III, Section 10 states:

*The Board of Commissioners shall have the authority to establish an Executive Board and grant such powers to it as it may deem necessary. The Executive Board shall consist of the Chair of the Board of Commissioners and four members of the Board of Commissioners elected by the Board of Commissioners.*

### Nomination and Election Process – Virtual Meeting



The Executive Director will collect nominations, including self-nominations, for positions **through close of business (4:30pm) Friday, June 16, 2023, via e-mail**. A memo listing the nominees received will be included in the Board packet for the Annual Organizational Meeting. Additional nominations will be solicited at the Annual Organizational Meeting on June 28, 2023. Commissioners may nominate another commissioner for an elected position, but the nominee's name will only be added to the ballot with the nominee's assent. All new self-nominations will be added to the ballot at that time. Nominations will close for officer positions one by one. For example, nominations will be sought for the position of Chair. When all nominations have been received, nominations will close and voting will commence. Ballots will be virtual with the nominees displayed on a Power Point slide being screen-shared with the public by the Executive Director. Voting will be conducted via one-by-one admittance to a virtual breakout room for each contest with more than one nominee. Each Commissioner in turn, in alphabetical order by member city or town, will be called to exit the public session and join a breakout room. The breakout room link will be provided to each Commissioner ahead of the Annual Organizational Meeting. After the Commissioner has recorded their vote with the Secretary and a Teller appointed by the incumbent Chair, the Commissioner will leave the breakout room, return to the open public session, and the next Commissioner invited to the breakout room.

When the vote for Chair is completed, the process repeats for Vice Chair, Secretary, and Treasurer in turn should there be contests with more than one nominee. Additional nominations will be sought for Executive Board when the Officer elections are complete. Commissioners may select **up to four members** to serve on the Executive Board (the Chair is automatically a member of the five-member committee). If more than five Commissioners are on the Executive Board ballot, the breakout room process will be used.

### **Duties of the Officers**

Chair: The chair shall preside at all meetings of the Board of Commissioners. The chair shall also perform all of the duties incident to the position and office.

Vice Chair: During the absence of or inability of the chair to perform his or her duties, the vice chair shall perform such duties.

Secretary: The secretary shall have the custody of the public records of the District and shall record all votes and proceedings of the District including meetings of the District and meetings of the Board of Commissioners. The secretary shall also prepare and warn all meetings of the District and Board of Commissioners in accordance with Vermont law and shall cause the annual report approved by the Board of Commissioners to be distributed to the legislative bodies of the member municipalities. The secretary shall also perform all the duties and functions incident to the office of a secretary or clerk of a municipal corporation.

Treasurer: The treasurer shall have the custody of the funds of the District and shall be the disbursing officer of the District. When authorized by the Board of Commissioners, the treasurer shall sign, make or endorse in the name of the District all checks and orders for the payment of monies and pay out and disburse the same. The treasurer shall perform all of the duties and functions incident to the office of treasurer of a municipal corporation.

## **Committees**

Currently active committees are the Executive Board and one standing committee, the Finance Committee. The Investment Committee meets as needed, usually once a year, and has traditionally been comprised of the same members that serve on the Finance Committee. Over the years, we've established a variety of ad-hoc committees (Ordinance, Recycling Market Development, Franchise Study, Executive Search, etc) to work on short-term projects. The Chair serves as an ex-officio member of all committees.

### **Executive Board**

The Executive Board meets on the third Monday of each month as needed, typically 10 times per year. The Chair of the Board of Commissioners currently functions as the Chair of the Executive Board.

### **Finance Committee/Investment Committee**

The Finance Committee was established by the Board of Commissioners in 1996 and its members are appointed by the Chair of the Board. The Finance Committee has begun to meet regularly during the year, not solely for budgeting purposes. The expectation can be that the Finance Committee will meet approximately eight times per year. The Treasurer of the Board of Commissioners is automatically a member of the Finance Committee and generally serves as Chair.

#5.

To: Board of Commissioners  
From: Jen Holliday  
Date: 5/18/2023  
RE: Legislative Update

The 2023 Vermont legislative session ended last Friday with lawmakers expected to return in late June for a veto session. Attached are the solid waste related bills that we tracked throughout the session. This is the first year of the biennium which means that all bills remain actionable through the next session in 2024. Action was taken during this session on two of the bills, H.67 and H.158.

**H.67**, an act relating to household products containing hazardous substances squeaked over the finish line and was passed by both the House and Senate on the last day of the session. We expect the Governor will either sign the bill or let it pass into law without his signature once it makes its way to his desk. We do not expect a veto.

H.67 was the 4<sup>th</sup> version of the EPR HHW bills that we have worked on over the past 7+ years. Lawmakers finally answered the call from solid waste entities for financial relief for household hazardous waste collection services that we are required to provide.

The law applies to household hazardous products that are not covered under other Vermont EPR laws (paint, batteries, mercury lamps, electronics, and mercury thermostats) and includes all hazardous consumer products in their original packaging from both businesses and residents. Products included are items such as paint thinner, waxes, furniture polish, automotive fluids, and cleaners. One-pound propane tanks and other gas cylinders are also covered. Producers will be required to provide education and outreach on proper disposal as well as convenient collection services for their products. They will be required to work with solid waste entities such as CSWD to accomplish this. They will also be required to cover all costs associated with collecting their products which is different than some of the other EPR programs in place that only cover disposal costs. We estimate this will save CSWD \$100,000 - \$150,000 annually.

This is the first EPR program for HHW in the United States and for that reason, producers asked for extra time to form a stewardship program and write and implement a plan. Collection plans are due from the producers by July 1, 2025, with approval and implementation to follow within 6 months.

**H.158**, an act related to the beverage container redemption system did not pass this year - yet. The bill passed the House, was amended in the Senate, and made it back to the House when the clock ran out to vote on the changes made in the Senate. There are a few scenarios on what might happen with this bill. The House can take it up and pass it during the veto session in June. If this happens, the Governor will likely veto it when it gets to his desk. The legislature could try to override his veto in January but the Senate vote on the bill was 19-11 so, at the moment, there are not enough Senators that support

the bill to override the veto with the 2/3 majority needed. The House can also take it up in January and make significant changes that will appease the Governor to allow it to pass into law.

There are three primary components to the bill. The first is expansion of beverages subject to the deposit system including all beverages except for milk, plant-based beverages, infant formula, meal replacement drinks and nonalcoholic cider. The most notable inclusions in the expansion are bottled water, wine, sports drinks, juices, and hard cider.

The second component of the bill is restructuring the existing bottle bill system by requiring the beverage producers to form a producer responsibility organization (PRO) to manage the beverage container redemption system going forward. The PRO would be responsible for creating and implementing a stewardship plan that would require more convenience, transparency, and higher redemption rates. The Agency of Natural Resources (ANR) would oversee the organization and verify stewardship plan adherence.

The third component of the bill is related to the unclaimed deposits or escheats. Starting July 1, 2026, the first \$3,000,000 in unclaimed deposits will go to the State for the Clean Water Fund as they do now, and any additional revenue would go to the PRO to help stand up the new system.

The Senate amendment would also include a system analysis to be completed by a third party through the Agency of Natural Resources by January 15, 2025, and reported to the legislature. The analyses must include the total system cost; the cost to consumers; the impact of the expansion on the recycling system; the cost or savings to solid waste districts; the costs of operating a redemption center and if the handling fee would need to be altered; the impact on the overall recycling system in the state; the impact on the Clean Water Fund; and the geographic distribution of redemption center.

CSWD provided neutral testimony on the bill informing lawmakers what the financial impact would have on our MRF.

Vermont 2023/2024 Solid Waste Related Bills						
Year	Bill	Sponsors	Originating Committee	Bill Statement of Purpose	Status	Action
HOUSE						
2023	<a href="#">H.422</a>	House Committee on Government Operations and Military Affairs	House Committee on Government Operations and Military Affairs	An Act Relating To Temporary Alternative Procedures For Annual Municipal Meetings And Electronic Meetings Of Public Bodies	Governor approved bill on January 25, 2023	
2023	<a href="#">H.47</a>	Rep. James Harrison	<a href="#">House Committee on Environment and Energy</a>	<b>An Act related to the disposal of solar panels:</b> This bill proposes to require all solar panel installers to have an approved recycling plan for the solar panels. It proposes to give the Public Utility Commission authority to approve recycling plans.		
2023	<a href="#">H.48</a>	Rep. Katherine Sims; Rep. Woodman Page; Rep. Brian Smith; <b>Rep. Carol Ode</b> ; Rep. David Templeman; Rep. Heather Surprenant; Rep. Kristi Morris; Rep. Larry Labor; Rep. Leslie Goldman; Rep. Lisa Hango; Rep. R. Scott Campbell; Rep. Robert "Bobby" Farlice-Rubio; Rep. Scott Beck; Rep. Terri Williams	<a href="#">House Committee on Environment and Energy</a>	<b>An Act Related to Solid Waste Management:</b> The bill proposes to establish a Landfill Siting Commission to evaluate and identify a new site for the location and operation of a landfill in the State. This bill also proposes to establish the Vermont Materials Management Council to assist the Secretary of Natural Resources in the long-term management of solid waste in the State. In addition, the bill proposes to ban from landfill disposal in the State landfill leachate, septage, or sludge that is generated by a facility that lacks a certification from the Secretary of Natural Resources or lacks approval from the Secretary of Natural Resources for disposal at a landfill. The bill also proposes to establish a Landfill Closure and Planning Account in the Waste Management Assistance Fund to be used by the Secretary of Natural Resources to close existing landfills, plan for new landfills, and remediate contamination caused by landfills in the State. The Landfill Closure and Planning Account would be funded by increases on the tax on solid waste facilities and an increase on the tax on hazardous waste.		
2023	<a href="#">H.50</a>	Rep. Dane Whitman; Rep. Katherine "Kari" Dolan; Rep. Amy Sheldon; <b>Rep. Carol Ode</b> ; <b>Rep. Trevor Squirrel</b>	<a href="#">House Committee on Environment and Energy</a>	<b>An Act Relating To Prohibiting The Labeling Of Consumer Products That Contain Pfas As Compostable:</b> This bill proposes to prohibit the sale, offer for sale, or distribution of a consumer product in the State that has a total organic fluorine concentration of greater than 100 parts per million.		

Year	Bill	Sponsors	Originating Committee	Bill Statement of Purpose	Status	Action
2023	<a href="#">H.67</a>	Rep Kari Dolan; <b>Rep. Carol Ode</b> ; Rep Amy Sheldon; <b>Rep Gabrielle Stebbins</b>	<a href="#">House Committee on Environment and Energy</a>	<b>An act relating to household products containing hazardous substances:</b> This bill would require that manufacturers of household products containing a hazardous substance participate in a stewardship organization and implement a plan to collect household products containing a hazardous substance free of charge to the public.	Passed House 3/2/23; Passed Senate 5/12/23; House concurred Senate Amendments 5/12/23	
2023	<a href="#">H.130</a>	Rep Dolan, <b>Rep Ode</b> , Rep Roberts, Rep Taylor Small, <b>Rep Squirrel</b> , rep Whitman	<a href="#">House Committee on Environment and Energy</a>	<b>An Act relating to the managment of biosolids:</b> This bill would require the Secretary of Natural Resources to manage all biosolids and domestic septage generated or imported into the State as Class B biosolids. The Secretary of Natural Resources would be prohibited from managing biosolids and domestic septage as exceptional quality biosolids or Class A biosolids.		
2023	<a href="#">H.158</a>	Rep Sheldon; Rep Bongarz, Rep Morris, Rep Satcowitz, Rep Torre	<a href="#">House Committee on Environment and Energy</a>	<b>An act relating to the beverage container redemption system:</b> This bill proposes to expand the scope of beverages subject to the beverage container redemption system to include all drinks in liquid form and intended for human consumption, except for milk, dairy products, plant-based beverages, infant formula, meal replacement drinks, or nonalcoholic cider. The bill would also require all manufacturers and distributors of covered beverages to participate in a producer responsibility organization that shall manage the collection and disposition of beverage containers. In addition, the bill would increase from four cents a container to five cents a container the fee a manufacturer or distributor of a beverage container pays to a retailer or redemption center for redemption of a container of a beverage brand that is not part of a commingling program.	Passed House on 3/29/23 115-29; passed Senate 5/11/23 19-11 with amendments	
2023	<a href="#">H.193</a>	Rep. Dolan, <b>Rep Ode</b> , <b>Rep Squirrel</b>	<a href="#">House Committee on Environment and Energy</a>	<b>An act relating to increasing revenue for the Environmental Contingency Fund:</b> This bill proposes to increase revenue for the Environmental Contingency Fund by increasing the solid waste franchise tax and increasing the tax on hazardous waste. All additional revenue from the increase in the taxes would be deposited into the Environmental Contingency Fund.		
2023	<a href="#">H.389</a>	Rep. Masland, Rep. Anthony, Rep. Bogartz, Rep. Campbell, Rep Goldman, Rep. McCann, Rep. Patt, Rep Priestley	<a href="#">House Committee on Environment and Energy</a>	<b>An act relating to the siting of an expanded polystyrene foam densifier in the State:</b> This bill proposes to require the Secretary of Natural Resources to conduct an assessment of the feasibility of siting an EPS foam densifier in the State to serve as a location to transport waste EPS foam for recycling or reuse.		

Year	Bill	Sponsors	Originating Committee	Bill Statement of Purpose	Status	Action
2023	<a href="#">H.422</a>	Rep. Cina, Rep. Headrick, Rep. Logan, Rep.O'Brien, Rep. Small	<a href="#">House Committee on Environment and Energy</a>	An act relating to the development of a committee to study the impacts of perfluoroalkyl and polyfluoroalkyl substances in leachate from landfills in the State: This bill proposes to create a study committee to evaluate the impacts of perfluoroalkyl and polyfluoroalkyl substances in leachate on natural resources from landfills in the State.		
SENATE						
2023	<a href="#">S.44</a>	Se. Bray, Sen Clarkson, Sen MacDonald, Sen McCormack, Sen Watson, Sen White	<a href="#">Senate Committee on Natural Resources and Energy</a>	An act relating to household products containing hazardous substances: This bill would require that manufacturers of household products containing a hazardous substance participate in a stewardship organization and implement a plan to collect household products containing a hazardous substance free of charge to the public.		
2023	<a href="#">S.82</a>	Sen. Lyons	<a href="#">Senate Committee on Natural Resources and Energy</a>	An act relating to the development of a committee to study the impacts of PFAS in leachate from landfills in the State: This bill proposes to creat a study committee to evaluate the impacts of PFAS in leachate from landfills in the State.		