

**Solid Waste Working Group
Report to the Vermont Legislature**

January 14, 2009

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For more information contact the Solid Waste Program of the Waste Management Division at 802-241-3888 or visit our website:

www.anr.state.vt.us/dec/wastediv/solid/home.htm

This report represents recommendations of the Solid Waste Working Group. The Agency of Natural Resources will evaluate any proposed legislative action independently to assess programmatic and other impacts to the Agency prior to endorsing any particular recommendation or set of recommendations.

Executive Summary

Section 293b of the 2007 Budget Bill (H537) directed the Agency of Natural Resources (ANR) to convene a Solid Waste Working Group (SWWG)¹ to evaluate the January 15, 2008 ANR report titled “*Solid Waste Report to the Legislature, January 2008*”² and to make recommendations to implement and improve upon that report.

The SWWG met six times between June and December 2008. During those meetings, the SWWG not only reviewed ANR’s January 2008 report to the legislature, but also reviewed related recommendations from two other sources: the Vermont Solid Waste District Managers Association (VSWDMA)³ and the *Life Beyond Garbage* Report.⁴ The SWWG identified and discussed critical solid waste management issues in Vermont and what changes should be made in how Vermont manages solid waste. The group paid particular attention to potential legislation that may be necessary to implement ANR’s proposed solid waste management strategies for the next ten years.

Generally, the SWWG supports ANR’s proposed sustainable materials vision for solid waste management with a recommended revision to one of the goals. The goals of the vision are:

*To promote sustainable materials management, with a preference for higher and best use,
To prevent waste from being generated,
To minimize reliance on waste disposal, and
To minimize energy consumption, green house gas emissions and other adverse environmental impacts.*

In addition, the SWWG generated several recommendations, based on all the information reviewed, to advance the vision proposed by ANR.

Solid Waste Working Group Recommendations

- Adopt product stewardship framework legislation;
- Implement programs and/or legislation to improve waste diversion (Reuse, Recycling & Composting):
 - Mandatory “Pay As You Throw”
 - Mandatory parallel collection of recyclables
 - Bottle Bill
 - Organic waste management
 - State purchasing
 - Data collection & analysis
- Improve the solid waste infrastructure statewide;
- Complete a comprehensive solid waste management infrastructure needs assessment; and
- Explore the creation of a state-wide integrated solid waste management board.

These recommendations require further evaluation to determine the best strategies to implement them in Vermont.

¹ www.anr.state.vt.us/dec/wastediv/solid/SW_Work_Group.htm

² www.anr.state.vt.us/dec/wastediv/solid/documents/Solid_Waste_Report.pdf

³ www.anr.state.vt.us/dec/wastediv/solid/DM_Work_Group.htm

⁴ www.anr.state.vt.us/dec/wastediv/R3/DECwpPLAN.htm

Solid Waste Working Group Evaluation of ANR's Report

Section 293b of the 2007 Budget Bill⁵ called for an evaluation of solid waste management in Vermont in two phases. ANR fulfilled the requirements of the first phase by submitting a report to the legislature on January 15, 2008 titled "*Solid Waste Report to the Legislature, January 2008*".

To fulfill the second phase, ANR convened a working group (consisting of a broad range of stakeholders) to evaluate the report, develop recommendations to implement and improve upon the report and to report to the House and Senate committees on Natural Resources by no later than January 15, 2009.

The SWWG identified and discussed critical solid waste management issues in Vermont and what changes should be made in how Vermont manages solid waste. The SWWG evaluated ANR's report and paid particular attention to potential legislation that may be necessary to implement ANR's proposed solid waste management strategies for the next ten years. The group also reviewed and considered recommendations from several other related initiatives:

- Recommendations from the *Life Beyond Garbage: Vermont Waste Prevention and Diversion Strategies, May 2008* report. This report is the product of a 2 year waste prevention planning process (involving over 60 stakeholders) which focused on five major sectors of materials and waste: traditional recyclable materials; construction waste & demolition debris; organic wastes; electronic wastes; and household hazardous waste. The planning process identified five overarching themes to address all of these sectors: public education and outreach; product stewardship; government leadership; infrastructure; mandates and bans; standards; and partnerships. The report identifies benefits of waste reduction to reducing greenhouse gas emissions, energy savings, resource conservation, business opportunities and job creation.
- Recommendations from the VSWDMA, developed jointly with ANR, through a concurrent evaluation of the funding structure of solid waste management and infrastructure needed to move forward and to provide equitable solid waste management services statewide.

The Compost Study Committee concurrently evaluated options for improving the regulatory oversight of composting and how to improve awareness of it. Updates of the Committee's progress were shared with the SWWG. The SWWG did not make any further recommendations of the Compost Committee's work.

The group was provided information about the Governor's Commission on Climate Change including waste prevention recommendations brought forth by ANR.

DSM Environmental Services facilitated four out of six sets of meetings of the SWWG and the VSWDMA and prepared a report summarizing the work of both groups (Appendix 1)⁶. The minutes and background reports from the SWWG meetings and a list of participating stakeholders are available at:

http://www.anr.state.vt.us/dec/wastediv/solid/SW_Work_Group.htm

⁵ www.anr.state.vt.us/dec/wastediv/solid/documents/Solid_Waste_Report.pdf See page 27 of this report for legislative charge.

⁶ www.anr.state.vt.us/dec/wastediv/solid/pubs/Work_Groups/FinalReportToANROfRecommendationsDec20_2008.pdf

Solid Waste Working Group's Recommendations

SWWG recommendations for improvement of ANR's January 2008 report follow:

Sustainable Materials Vision For Solid Waste Management – In its January 2008 report ANR proposed a “Sustainable Materials Vision” for solid waste management for the next 10 years:

Proposed Sustainable Materials Vision

In order to meet the goals of the Vermont Solid Waste Plan to reduce solid waste generation in Vermont and reduce reliance on disposal options, a new and innovative vision and approach are required. The vision and approach need to change how Vermonters think about “waste” and “waste management”, and it needs to address all of the environmental, energy, and other adverse impacts of waste management. In addition, the vision and approach can and should help Vermont achieve sustainable growth and community development goals.

The goals of this proposed sustainable Materials Vision for Vermont:

*To promote sustainable materials management,
To prevent waste from being generated,
To minimize reliance on waste disposal, and
To minimize energy consumption, green house gas emissions and other adverse environmental impacts.*

This vision is in alignment with the Governor's report on Climate Change as well as the broad stakeholder process that examined waste reduction. The SWWG supports ANR's vision statement with the caveat that the first goal be revised:

“To promote sustainable materials management, with a preference for higher and best use”

Specific Recommendations to Advance the Sustainable Materials Vision:

The SWWG developed specific recommendations. These recommendations require further evaluation to determine the best strategies to implement them in Vermont. The SWWG recognizes that education and outreach programs are critical for each of these recommendations to be most effective.

A. Adopt product stewardship framework legislation – Product stewardship is a principle that ensures that responsibility for waste is shared by all those involved in a product's life cycle and not just the responsibility of local and state government. The SWWG strongly supports the creation of framework legislation for product stewardship and producer responsibility with a designated entity responsible to implement product stewardship. ANR's report and The *Life Beyond Garbage* report also identified product stewardship as a key overarching theme for preventing waste in Vermont. In addition, the Vermont Product Stewardship Council⁷ was formed in October 2008 to promote the establishment of a comprehensive statewide product stewardship program. At the last SWWG meeting, the group was asked to endorse the Product Stewardship Council's December 3, 2008 proposal to develop a comprehensive product stewardship program.⁸ However, the SWWG did not have sufficient time to review the proposal closely and made no recommendation on the proposal.

⁷ www.vtpsc.org/

⁸ www.anr.state.vt.us/dec/wastediv/solid/pubs/Work_Groups/SWWG%20support%20for%20EPR%20Program%2012.8.08.pdf

B. Implement programs and/or legislation needed to improve waste diversion (waste reuse, recycling and composting) - The SWWG strongly supports key programs or legislation needed to increase waste diversion. These were also listed as priorities in the *Life Beyond Garbage* report and by the VSWDMA. These include:

- **Mandatory “Pay As You Throw”** or unit-based pricing for solid waste disposal with a requirement to reach/meet minimum standards. This would require haulers, drop-offs and transfer stations to charge by volume or weight with minimum standards.
- **Mandatory parallel collection of recyclables** – This would require that curbside collection of refuse by haulers include parallel collection of recyclables with the price of recycling collection embedded in the refuse collection fee. This would also be required at public drop-off refuse locations and transfer stations.
- **Bottle Bill** – The SWWG agrees that the Legislature should either expand the Bottle Bill or repeal the Bottle Bill only if a better system can be put in place for collecting beverage containers and other recyclables and if funding for financing the system is shared by those involved in the product’s life cycle including manufacturers.
- **Organic waste management** – Develop comprehensive organic waste management programs including infrastructure improvements (however further study is needed to determine the necessary throughput, potential location(s), technology and marketability that could be employed to sustainably advance organics management in Vermont).
- **State purchasing** – Change state bid specifications and purchasing guidelines to favor waste prevention and diversion.
- **Data collection & analysis** – Mandate reporting of data on recycling quantities by commercial generators and processors⁹ so that analyses can be conducted to assess how Vermont can better achieve waste prevention, diversion and toxic use reduction goals.

Additional waste diversion recommendations which require further evaluation:

Additional evaluation of the following recommendations from ANR’s report and the *Life Beyond Garbage* report is needed to assess possible conflicts with a carbon credit program for recycling:

- Mandatory recycling
- Bans of additional materials from disposal in landfills.

In addition the SWWG is not in agreement about whether a requirement that municipalities be members of a district or alliance would improve the state’s diversion rate. This is an area that needs further evaluation.

Based on current experience, members of the group reported that the most effective strategies to improve waste diversion are a combination of parallel collection of refuse and recyclables; adequate storage

⁹ The State of Oregon reporting requirements for all recycling generators and processors handling Oregon materials could serve as a model for Vermont: <http://landru.leg.state.or.us/ors/459a.html>
http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/340_090.html

capacity for recyclables at homes, businesses, and solid waste facilities; single stream collection; incentives like “Pay As You Throw;” and disincentives like material disposal bans. Mandatory recycling alone is not effective as the driver for waste diversion without the proper infrastructure and collection programs in place to enable high recovery rates of recyclables.

C. Improve the existing statewide solid waste infrastructure – One of the most critical changes needed to advance the vision identified by the SWWG (and also by the VSWDMA, the *Life Beyond Garbage* report and ANR’s report) is to improve solid waste collection and processing systems to ensure that all Vermonters have access to a comprehensive system which encourages waste reduction and materials recovery. Making these improvements as part of an effort to provide a convenient, accessible, uniform, and equitable level of service throughout Vermont is critical to increase diversion of waste from disposal through reuse, recycling and composting.

D. Complete a comprehensive solid waste management infrastructure needs assessment – The SWWG determined that as a first step to improve the solid waste infrastructure, a comprehensive needs assessment and plan for implementation is needed. The SWWG recommends that this comprehensive assessment should be carried out over the next 18 months and should be funded by the Legislature.

Once a state-wide infrastructure assessment is completed, recommendations for funding infrastructure needs can be made. Possible funding sources for infrastructure improvements are listed on page 6 and 7 of the DSM report. Additional evaluation is needed before making any changes to existing funding sources. Also the question as to whether municipalities must be members of a district or alliance should be considered when carrying out this recommendation.

E. Explore the creation of a statewide integrated solid waste management board - The SWWG evaluated recommendations from the VSWDMA regarding which institutional structures might best direct and manage a sustainable solid waste future. The VSWDMA recommended the creation of an independent state solid waste management board or authority to advance the issues endorsed by the SWWG. The SWWG reviewed this proposal and recommends that the legislature explore the need for, and creation of, a state-wide “integrated solid waste management board” with dedicated funding source(s) and dedicated staff to establish policy and move management of solid waste forward in Vermont. Details about the proposed board are listed on page 6 of the DSM report.

Responsibilities for the proposed Board could include:

- Advancing interstate issues, such as product stewardship and producer responsibility issues;
- Conducting analysis of issues of state-wide importance to inform legislative and district operational decisions and priorities;
- Supporting infrastructure of regional or state-wide importance;
- Working with ANR to prepare State Solid Waste Management Plans; and
- Working with related groups (e.g., toxic substances advisory committee, Composting Association of Vermont, Association of Vermont Recyclers, Vermont Product Stewardship Council).

APPENDIX 1

**Final Report To The Agency of Natural Resources Solid Waste Program –
Recommendations Made During Facilitated Meetings of the Solid Waste
Working Group and the Vermont District Managers Association.**

**DSM Environmental Services, Inc.
December 20, 2008.**