

# Minutes of the Waste Prevention C&D Subcommittee

## August 15, 2007

### Attendees

*Chair:* Erich Kruger, ReNew Building Materials and Salvage

*Members:* Tom McGrail, Smugglers Notch Resort; Jesse Robbins, Freeman French Freeman; Chris Beling, U.S. EPA Region 1; Tom Longstreth, ReCycle North; Todd Lyons, DEW Construction; Bob Rea, State of Vermont, Buildings and General Services; Phil Scott, Senator Washington County

*DEC staff support:* Buzz Surwilo & Carolyn Grodinsky

### Overriding themes:

- Education and PR needs to be incorporated into any and all strategies.
- Need a funding source - tax shifting - increase disposal costs and funds go toward waste prevention, reuse and recycling
- Keep it simple!
- *Remember the 3 Rs - Reduce, reuse, recycle -- this C&D Waste Prevention subcommittee needs to look at opportunities for Waste Prevention FIRST, then reuse and recycling. We suggest members review each one of these priorities for waste prevention opportunities in addition to what is already listed in the minutes.*

### Subcommittee review and revision of top vote getters and suggested implementation steps:

- **Develop regional markets (26 votes) for recycling clean wood, tear off asphalt shingles, sheet rock (e.g. materials not easily recycled)**
  1. Link up sources of clean wood with boilers in state (schools et al...)
  2. Provide a clearinghouse of existing markets (private sector and solid waste districts (SWD)- SWDs could provide staging areas in staffed SWDs)
  3. Fund a mobile chipper
  4. Set up district or regional collection points
- **Institute a phased landfill ban of select C&D waste (19 votes)**
  1. Increase disposal costs to allow this to happen. (DEC support staff notes that this may cause C&D to be shipped out of State.)
  2. Hire enforcement staff and publicize violators to help other companies comply.
  3. Reject loads with banned items at transfer stations

4. Start with materials with established recycling markets (metal, cardboard, asphalt, brick, concrete) and phase in materials (or potentially SWDs that participate) such as clean wood, drywall, and tear-off asphalt roofing shingles over time - is 5 years adequate?)  
Use economic incentives to build infrastructure. Need ample education and PR (e.g. promote case studies that saved money)
    - a. Carolyn to distribute details on MA landfill ban for designated C&D materials to subcommittee members - link to MA waste ban fact sheet is:  
<http://www.mass.gov/dep/recycle/solid/cdbanfaq.pdf>
    - b. Buzz to see if DEC SW program has a GIS map to show all SW facilities in VT. Can we add other layers with facilities that could process materials such as an asphalt plant?  
*Buzz's report Back to group: GIS facility map does exist and could be used to map other recycling opportunities.*
- Specify waste prevention, deconstruction, and recycling in bid documents (13 votes)
    1. Distribute these specs to builder and architect associations
      - Carolyn to send out list of potential groups to target that was developed from an initial VGBN meeting (see attachment B)
    2. Promote LEED which includes points for many of these parameters. Carolyn and Buzz to check what LEED specs exist for deconstruction and promote to VT builder and architect organizations
    3. Carolyn to set up meeting with VT AIA board, Matt McKinney of Institution Recycling Network, and VT reuse stores (*need to clarify purpose for the meeting*)
    4. Carolyn and Buzz to meet with Bob Rea to review state building specs and opportunities for improvement -- date (TBD)
    5. Keep it simple and show contractors how they can save money
  - Tax shifting (7 votes) Raise SWMAF disposal and reduce tax on labor and capital equipment, especially that is needed for waste reduction. Check with Gaye Symington about options - Tom Longstreth to contact
  - Provide low interest loans (4 votes) for waste prevention, reuse, deconstruction, diversion and adaptive reuse of old buildings (collaborate with Brownfields development funding sources).
    - (Two pronged approach needed - get people to use green building specs and then obtain funds to help cover any additional costs and create funds for infrastructure development for waste prevention and reuse and recycling markets)
      - This can be funded through tax shifting and using money raised through disposal for capital costs, infrastructure costs...

1. Work with the banking community such as through the VT Economic Development Authority (VEDA) and/or Sustainable Jobs Fund (SJF).
  2. Need to talk to Kevin Dorn of Economic Development about ways to fund
- Work with national and regional organizations (2 votes) such as LEED (USGBC), the Product Stewardship Council and green building organizations
  - Incorporate more waste prevention into the Act 250 application process (1 vote)
    1. Work with Act 250 coordinators or district boards to enforce
    2. Have WP subcommittee review existing Act 250 application requirements and make suggestions on how to improve opportunities for waste prevention, reuse and recycling -
      - *Committee member assignment is to review Act 250 waste reduction template and provide recommendations* See Attachment A:
        - <http://www.anr.state.vt.us/dec/wastediv/recycling/pubs/ACT250template.doc>
  - Require Packaging Reduction for Construction Materials (model spec)
  - Switch to IRC (International Residential Code) building codes which place more emphasis on durability, mold and moisture issues, and building science than Vermont residential codes. Vermont has not yet adopted this code. State sets reference codes and most towns use state enforcement of code - would need mandates requiring this.

**Next Steps:**

Entire C&D waste reduction subcommittee to review priority list and make any additional recommendations. DEC will update priority list and members will rank the list to submit to the Waste Prevention Steering Committee for their September 11<sup>th</sup> meeting.

Next Meeting (if needed) via conference call:  
 Thursday September 6<sup>th</sup> at 8:30 - 9:30 a.m.  
 Please save the date and time

**Attachment A:**

Act 250 and C&D Waste Prevention

It is difficult to mandate construction waste prevention or recycling in the Act 250 permit application process because of the criteria that the development must comply with. This law has been “on the books” since 1970, and the language is archaic with little attention given to solid waste. Criteria 1(B), shown below, are the only one of the 10 criteria with any reference to solid waste, and that is minimal. We have discussed this issue several times with Natural Resources Board staff, but short of a statutory change to the Criteria, there is little that can be done, and we are told that the 10 Commandments would be easier to revise than the 10 Criteria!

Note that Criteria 1 requires that the project not “result in undue water or air pollution,” so the link right there to C&D waste diversion is indirect. Whether job site waste results in undue water or air pollution, and whether diversion of those wastes ameliorates the “undue” determination is questionable.

Further, the applicant must demonstrate that the project “will meet any applicable health and environmental conservation department regulations regarding the disposal of wastes.” Solid Waste Management Rules only apply to regulated facilities. There are no DEC rules (or State statutes) that require individuals or businesses to reduce, reuse, or recycle.

From 10 V.S.A. §6086:

*(a) Before granting a permit, the district commission shall find that the subdivision or development:*

*(1) Will not result in undue water or air pollution. In making this determination it shall at least consider: the elevation of land above sea level; and in relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable health and environmental conservation department regulations.*

*(B) Waste disposal. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision will meet any applicable health and environmental conservation department regulations regarding the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells.*

To date, the Solid Waste Management Program has been allowed to insert language in the Act 250 permit application Schedule B that “asks” for an indication of how C&D debris will be managed if the project is greater than 10,000 SF, and provides the applicant with an optional Construction Waste Management Plan template. In most instances, the applicants agree to develop a written plan, if requested, and further agree to a permit condition obligating compliance with the approved plan. The ANR is only a party to the process, and therefore we must request that the Act 250 District condition insert this permit condition. Sometimes they do, and sometimes they don’t; which is a weak link in the system. Further, compliance with the Waste Management Plan is self-directed, for the most part, as with all Act 250 permit conditions. Carolyn and Buzz rarely perform compliance checks at permitted projects.

**Attachment B:**

*Note: these minutes are from a meeting that ANR convened in 2002 to collaborate and network better with green building groups in Vermont. These minutes include a list of associated building organizations to target. This list will be helpful to this subcommittee’s outreach efforts.*

**Promoting Green Building in Vermont  
12/3/02 Minutes**

*(See attached list of participants and people that could not make the meeting but are interested in participating)*

- I. **Review of Meeting Goals and Expected Outcomes:**
  - a. **Goals**
    - i. To identify organizations, businesses, government agencies and other resources in Vermont, the region and nationally that are promoting green building.
    - ii. To determine what structure we could develop in Vermont to improve networking, collaboration and coordination, and the steps needed to do it.
  - b. **Outcomes**
    - i. Identify stakeholders
    - ii. Identify a structure to link up and promote green building efforts in Vermont.
    - iii. Gain commitments

- II. Develop a list of Vermont, national and regional green building related initiatives, programs, businesses, etc.... that have an impact in Vermont. Include web sites wherever possible

### Vermont Associations/organizations

#### *Building-related*

- Vermont Built Green
- Building for Social Responsibility
- Central Vermont Home Builder Association
- Associated General Contractors <http://www.agcvt.org/>
- Homebuilders and Remodelers Association of Northern Vermont <http://www.vtbuilders.com/>

#### *Architect/designers*

LEED-certified people

VT AIA members and architects and designers

VT Sustainable Jobs Fund - Cornerstone Project

[www.vsjf.org/projects/initiatives/cornerstone.html](http://www.vsjf.org/projects/initiatives/cornerstone.html)

VT Society of Landscape Architects

ASHRAE

#### *Waste Reduction-Related*

- Agency of Natural Resources - construction waste reduction program <http://www.anr.state.vt.us/dec/wastediv/recycling/candd.htm>
- Vermont Solid Waste Districts <http://www.anr.state.vt.us/dec/wastediv/solid/swmdlist.htm>
- Vermont Used Building Material Stores (e.g. ReCycle North)

#### *Housing Related*

- Vermont Conservation and Housing Board <http://www.vhcb.org/> with links to Vermont housing groups <http://www.vhcb.org/links.html#housing>

#### *Natural Resources related*

- Vermont Natural Resources Council <http://www.vnrc.org/>
- Forest Products Sector) *Smartwood* <http://www.smartwood.org/>
- Vermont Forum on Sprawl <http://www.vtsprawl.org/>

#### *Energy/Transportation/Business-related/misc*

- Businesses for Social Responsibility <http://www.vbsr.org/>
- Vermont Chapter of the American Lung Association "Healthy Home"
- Renewable Energy VT [www.nerc-vt.org](http://www.nerc-vt.org)
- VT Transportation Alliance
- Efficiency Vermont, [www.encyvermont.com](http://www.encyvermont.com)

### *State of Vermont*

- Department of Public Service  
<http://www.state.vt.us/psd/ee/ee.htm>
- State Buildings <http://www.bgs.state.vt.us/>

### *Other programs:*

Vermont Programs  
VT Wood Net  
VT Family and Farms  
Burlington Electric Dept.  
VT Gas Systems

### **Regional**

- Illuminating Engineering Society (Western New England)
- NESEA
- Green Roundtable (MA)

### **National**

- U.S. Green Building Council <http://www.usgbc.org/>
- Environmental Building News <http://www.buildinggreen.com/>
- Used Building Materials Association  
<http://bcn.boulder.co.us/environment/ubma/index.html>
- Housing and Urban Development - healthy home initiative  
[http://www.aerias.org/news\\_article.asp?article=667](http://www.aerias.org/news_article.asp?article=667)
- AIA Committee on the Environment
- US DOE [www.sustainable.doe.gov](http://www.sustainable.doe.gov)
- Association of Facility Engineers [www.afe.org](http://www.afe.org)

### **III. Discuss possible strategies to collaboratively market and promote green building programs**

- a. Develop a clearinghouse to provide information on meetings and related activities. (could include a newsletter)
- b. Create a distribution list of interested advocates
- c. Develop a website to link up green building activities
- d. Develop a directory of green building organizations (like the one developed by VNRC)

### **IV. Need for marketing before design and construction which will need to include:**

- Public education

- Possible legislative actions (e.g. requirements, incentives)
- Marketing with lots of “hand holding” and reasons why it’s important to build green
- Need to identify our target markets

## V. Next Steps

1. Form a steering committee with the charge of:
  - a. Looking into existing structures for green building organizations including mission statements.
  - b. Research possible funding opportunities for a Vermont organization.
  - c. Propose a vision and goal statement.
  - d. Propose a method for sharing information and educating the public.
  - e. Organize another full-group meeting for February 2003.
  - f. Committee members include Ed Delhagen (requested), Julie Taylor, Loren Doe, Linda Goldsmith, Chris Owen, Maura O’Dea, Ashar Nelson
2. Gioia Thompson will create an e-mail distribution list for Vermont promoting green building group (we need to come up with a name for our efforts!)

