

**Minutes**  
**SOLID WASTE WORKING GROUP**  
**November 3, 2008**  
**9 am -12 noon**

Minutes Prepared by: Julie Hackbarth, Coordinator

Facilitators: Natalie Starr and Ted Siegler, DSM Environmental Services.

Committee Members Present:

William Bryant, John Casella, Jessica Edgerly (alternate for Alyssa Schuren), Robert Foster, Cathy Jamieson, Erich Kruger, Fred Moody, Pete Mattos (alternate for Thomas Jagielski), Tom Moreau, Paul O'Leary, Norm Staunton and Tracey Tsugawa.

Also present: Karen Flanders (alternate for John Casella)

Committee Members Absent: Rep. Jim McCullough, Sen. Robert Hartwell and Jeff Meyers.

Waste Division Staff Present: Jeff Fehrs, Skip Flanders and Julie Hackbarth.

**I. INTRODUCTION/HOUSEKEEPING:**

New member - William Bryant, Bristol Town Administrator, has joined the group representing VLCT.

Minutes – The September 12 and October 2 meeting minutes were approved.

**II. RECAP OF LAST MEETING (WASTE PREVENTION STEPS AGREED TO): (20 minutes)**

**A. FINAL REPORT ON VISION**

Natalie Starr presented a proposed summary of the group's discussion at the last meeting of ANR's proposed vision ("*Sustainable Materials Vision as a new direction for solid waste management in Vermont. This vision focuses on preventing or minimizing waste rather than managing waste after it has been generated*").):

"The majority of the appointees responding (7 of 11 responses supporting) agree with the concept of the vision however there was a minority arguing it was an unclear statement with no concrete plans or tools to focus how this would be done. There are data needs and other priorities (such as infrastructure) and an already adopted hierarchy of waste management that now includes product stewardship that may make more sense than switching to a *Sustainable Materials Vision*."

Discussion amongst group followed:

TT - About 75% of the summary is about what we disagreed with. Not a clear representation.

EK - Propose ending first sentence after vision.

TT - There are important valid points about the vision should be captured.

Natalie Star suggested adding a second sentence about what was agreed with. She went through the comments of support listed on page 2 & 3 in the Oct 2 meeting minutes to confirm whether they were accurate. The group agreed they were accurate.

Additional discussion included:

FM - Agreed with the concept of the vision at the meeting but disagreed in the survey response.

NS - Thought we were close to agreeing but had conditions attached.

BF - Thought the vision could stay intact but have some comments and discussion around that vision showing the pluses and minuses. A lot of these comments concern implementation.

NS - With a shared vision we need to know what it means. We are now taking it and adding conditions.

Tracey – Concerning additions, it doesn't have to be an either/or.

Tom M - Has huge concerns about the vision. It leapfrogs right to waste prevention. There is a huge step in between (waste processing). We will have to keep processing solid waste.

CJ – The vision is for where would we like to eventually be. Section III lists items we need to get started on to change existing system so we can get there. We realize we can't get there in warped speed.

NS - Concerning the big V (vision) versus little v, there are many issues to deal with so may have many little v's.

Natalie Starr stated that we want to make sure that the minutes accurately reflect what folks agree with. At this point in the discussion it appears that there is disagreement with this vision (FM, TM, NS, PO, KH of VLCT).

NS – Confirmed that that is correct. Need to say what steps are needed to get there.

BF – How would you change it?

TM – Discussed how he has put a lot of time into processing. Product stewardship is like silver buck shot, not a silver bullet. In reality the issue is how do we best process waste to get there? What helps are processes that help make it easier, economies of scale, zero waste policies but it will take a lot of processing to get there. We need a better economic and regulatory climate that is supportive of composting and recycling.

EK – Asked TM whether he supports for the vision and whether the concerns he has are related to how we get there (boots on the ground).

TM - It is just a piece of the work.

TED Seigler suggested that DSM take another round at this and get it back to group.

NS – Noted that in ANR's actual report in addition to the vision there are 8 areas to focus on. How about organizing around that?

Natalie Starr noted that the #1 priority in the survey responses were infrastructure and new technology. She noted that it appears that the majority of the group support the vision with conditions added. To get there will involve a lot of work on infrastructure and new technology.

TT offered to work on revisions and forward it to the group before the next meeting.

**B. WASTE PREVENTION LEGISLATIVE MEASURES DISCUSSION AND VOTE**

At the meeting the group voted on the 9 waste prevention measures that were listed in survey #2. There were 12 voting members present. See Table 1 for vote and discussion of that follows the table for specific measures.

<b>TABLE 1. SURVEY #2 SUMMARY OF RANKING WASTE PREVENTION LEGISLATIVE MEASURES</b>					
	<b>YES<sup>1</sup></b>	<b>NO<sup>1</sup></b>	<b>NOT SURE<sup>1</sup></b>	<b>Priority ST<sup>2</sup></b>	<b>Priority LT<sup>2</sup></b>
<b>1. Review Opportunities to Mandate Design Standards</b>	7	4	1	6	6
<b>2. Enhance Waste Prevention Requirement in Act 250 permit process</b>	7	3	3	2	5
<b>3. Make Changes to State Bid Specifications and Purchasing Guidelines</b>	13	0	0	8	5
<b>4. Work Toward Material Bans from Landfilling</b>	7	1	5	7	0
<b>5. Mandate Data Collection &amp; Analysis be Done on How Vermont Can Achieve Waste Prevention and Toxic Use Reduction</b>	8	0	5	7	1
<b>6. Pass framework legislation for product stewardship and producer responsibility</b>	10	0	2	9	1
<b>7. Tax homes larger than some minimum square footage as a funding mechanism for waste prevention</b>	0	11	2		
<b>8. Make Changes to the State Franchise Tax on Waste</b>	4	1	8		
<b>9. Ban on the sale of bottled water at state buildings</b>	6	4	3		

<sup>1</sup> Support Legislation: Yes, No, Undecided (number of votes)

<sup>2</sup> Priority if majority is in support: Short Term-ST (one year), Long Term - LT (5 years) (# of votes)

**Discussion which occurred prior to voting for some of the above measures included:**

**1. Review Opportunities to Mandate Design Standards:** Who would enforce? Not for the legislature right now. Have a problem with review then mandate.

**4. Work Toward Material Bans from Landfilling:** Not effective by itself. If have bans can't participate in carbon credit or renewable energy. Doesn't raise the standard. Tax those that don't go to higher level. OK for wastes that don't get into the carbon credit issue like electronics. Ban creates taxes. Bans don't prevent waste from being generated. Exception - leaf and yard ban means this waste is never collected. Revise wording - work toward framework legislation. This is a state versus federal issue.

**7. Tax homes larger than some minimum square footage as a funding mechanism for waste prevention**  
Discussion: Tax should go to energy conservation and not solid waste management.

**8. Make Changes to the State Franchise Tax on Waste** Discussion: The critical issue is not mentioned which is energy recovery prior to landfilling which maybe shouldn't escape tax. Consider a graduated tax. If making energy not sure should be exempt but also not sure should be fully taxed. Have a lower tax on C&D or a sliding tax. Need broader economic assessment.

**9. Ban on the sale of bottled water at state buildings**  
Discussion - Ties into recycling requirement. This is a diversion issue.

Measures that need more analysis:

1. design standards
2. act 250 changes
3. changes to franchise tax

### III. DISTRICT MANAGERS REPORT

Fred Moody reported that the District Managers met with ANR staff on October 30 and as result of their discussions recommended the following for the legislature to consider:

1. The Legislature consider adopting Framework Legislation for Product Stewardship that would authorize the ANR to participate with other states on Product Stewardship issues, and would allow ANR to propose product stewardship requirements for specific products which the ANR believe pose a burden on the Vermont solid waste management system or the environment. However the District Manager's do not want to solely delegate the decision on what products to prioritize to the ANR.

2. The Legislature consider amending Act 78 to require that all municipalities be a member of a regional solid waste management district or alliance that encompasses neighboring municipalities.

3. The Legislature fund and direct the ANR to conduct an infrastructure needs assessment to determine, among other issues, the following:

- The costs and benefits of significantly expanding HHW collection programs versus disposal of certain HHW's, and how best to expand programs;
- The potential costs and benefits of constructing a second single stream Materials Recovery Facility in Vermont - including a fair and equitable means of sharing in economies of scale and transport costs;
- The potential costs and benefits of constructing regional organics processing facilities (including evaluating new technologies to process organics) in Vermont; and,
- The behavior of Vermont residents using existing drop-off facilities, with the intent of developing a convenient and cost effective drop-off infrastructure (explicitly accounting for the costs and environmental impacts of residents driving to the drop-offs) for hard to handle wastes, MSW and recyclables.
- The cost and benefits of processing C&D for recycling or higher end uses than disposal.

4. The Legislature consider adopting enabling legislation authorizing the ANR to mandate recycling or diversion of certain materials **and ban them** from landfilling within the state based on the availability of sufficient infrastructure to manage the material in an alternative and environmentally preferable manner.

5. The Legislature consider adopting legislation requiring that all solid waste districts and municipalities adopt meaningful PAYT pricing for both municipal and private collection and drop-offs within the state, and authorizing the ANR to promulgate rules specifying what meaningful PAYT pricing entails.

Ted Seigler indicated that the report from the district managers meeting was a good segue into the next topic of this meeting.

EK asked how their recommendations would reach the legislature. Ted Seigler indicated that they are reporting back to ANR. Their recommendation can be incorporated into this group's report if you agree. Fred Moody indicated that this district manager & ANR effort is a precursor to development of a new state solid waste plan.

**IV. WASTE DIVERSION**

**Group Review of Potential Diversion Measures Necessary for Legislative Action:**

Natalie Starr and Ted Seigler created a new list of potential diversion measures which combine the district list (above) with recommendations from the waste prevention report and ANR’s Report to the Legislature. The group then voted on whether to recommend the measure to the Legislature and whether it is a short term or long term priority, roughly one or five years respectively. There were 12 voting members present. See Table 2 for vote and discussion of that follows the table for specific measures.

<b>TABLE 2. SUMMARY OF RANKING WASTE DIVERSION LEGISLATIVE MEASURES</b>					
	<b>YES<sup>1</sup></b>	<b>NO<sup>1</sup></b>	<b>NOT SURE<sup>1</sup></b>	<b>Priority ST<sup>2</sup></b>	<b>Priority LT<sup>2</sup></b>
<b>1. PAYT pricing with minimum standards.</b>	13			13	
<b>2. Mandatory Recycling</b>	6	1	6		
<b>3. Expand Bottle Bill or change or repeal</b> Group will address this first thing at the next meeting					
<b>4. Parallel collection of recyclables haulers offer both commercial and residential embedded in total bill.</b>	13			13	
<b>5. Municipalities must be members of a district/alliances</b>	6	4	3		
<b>6. Infrastructure needs assessment and plan for implementation</b>	13			13	
<b>7. Increase manufactures take back programs</b> <i>(Did not address, see vote on #6 in Table 1)</i>					
<b>8. Legislation – compost facilities small and large scale</b> <i>(Added to #6 in Table 2.)</i>					
<b>9. Data collection</b> <i>(Added to #6 in Table 2.)</i>					
<b>10. Consistent service (District managers are assessing the details of this)</b>					

<sup>1</sup>Support Legislation: Yes, No, Undecided (number of votes)

<sup>2</sup> Priority: Short Term-ST, Long Term- LT (number of votes)

**Discussion which occurred prior to voting included:**

**1. PAYT pricing with minimum standards:** All district and commercial haulers charge on volume or weight with minimum standards with the intent to drive increased diversion. Analyses at the national level have shown that this has a significant impact as long as there is a charge for any volume or starting at a very low minimum level. There is a need to address illegal dumping, or to find a better way of dealing with it, including enforcement. Need to determine what is a convenient drop off system for hard to handle wastes as most of the dumping is large bulky waste and not typical MSW. Need an education and enforcement component and address waste leakage into commercial dumpsters or into other non PAYT towns/states. This should include both drop offs and commercial and residential curbside.

**2. Mandatory Recycling:** The real issue is infrastructure. Mandatory recycling by itself is not effective. Other things need to happen. There is a cause for concern for unfunded mandates. Could lose the potential for additional (carbon) credits. The waste prevention report recognizes that infrastructure must be put in place before the main recycling goes into effect. There are some folks that will not divert even if it is mandatory. What will have more effect is the availability of inexpensive services that are easy to use, then Vermonters will use them. Need money for enforcement of backyard burning rather than mandatory recycling. DSM shared from their experience that mandatory recycling alone has not been the driver, but what is most effective is a combination of parallel collection of (refuse and) recyclables, adequate storage capacity for recyclables, single stream collection, and incentives like pay as you throw as well as disincentives like material disposal bans.

**3. Expand Bottle Bill or change or repeal;** Group will address this first thing at the next meeting.

**5. Municipalities must be members of a district/alliances:** Currently there are 43 solid waste related planning entities in Vermont including 19 independent Towns. Additionally there are 8 independent towns which do not have approved solid waste management plans. Solid waste services and costs are not consistent. This large group of planning entities can make it difficult to have consistency in service (and can be difficult to manage at a state level). Similar to municipal members of regional planning commissions and school districts, solid waste districts may be able to deliver more services than municipalities on their own.. Opportunities may be lost. Another approach to requiring towns join districts is that the state require a minimum performance spec. However a mandate may be complicated, this matter requires more discussion. An option could be that a municipality should be required to join a district if unable get a SWIP approved. There is a huge amount of money involved. Fred Moody will report more on this at the next meeting.

**6. Infrastructure needs assessment and plan for implementation:** We should look at the life cycle benefits and impact on climate change needs. Need to include in the assessment - organics processing facilities, single stream processing, public financing and C&D. Assess what is feasible for the next 20 years. There is an EPA decision model (RTI) that include a data collection component. Need good baseline data. We shouldn't base it on faulty data. Need about 2 years to do complete data collection and analyses. Different models require different types of data.

Those districts that have good programs now don't want to be held back while an assessment is being done. How will we get to the goal of having consistent services statewide? Infrastructure analysis is not easy and can take into account greenhouse gas & transport costs. A lot of work has gone on around the country. We are trying to move forward on a statewide level with a public private perspective. Let's get the right data to get the right infrastructure in place. There is a lot of incorrect data in the market place. Need to put a timeframe of possibly 18 months. Combine with the need for consistent data collection through mandatory reporting. Consider the district manager recommendation on what should be included in the assessment. Before we make some decisions on facilities and technology we need to assess with a plan for implementation

**7. Increase manufactures take back programs**

The group already agreed (9 for and 2 not sure above) to pass framework legislation for product stewardship and producer responsibility framework legislation. There was not additional discussion on this due to a shortage of time. **NOTE from earlier -Explicitly include toxics in product stewardship**

**8. Legislation – compost facilities small and large scale** *Added to #6 in Table 2.*

**9. Data collection:** Combine with #6? Vermont needs a consistent way of measuring. Without baseline difficult to determine "additionality" necessary for carbon offset accounting. Should there be mandatory reporting in Vermont for private recyclers that are not certified solid waste facilities?

**10. Consistent service**

**IV. WRAP – UP (5 – 10 minutes)**

Funding and greatest priorities considering economic times will be discussed at the next meeting

**Next Meeting**– Monday, December 8, **1:30- 4:30 PM** Summit Conference Center – Mad Tom Room Osgood Bldg. Just down the hall from where we met on November 3.

Focus for December meeting:  
Complete Discussion on Diversion Recommendations  
Institutional Arrangements and Funding