

SOLID WASTE ALLIANCE COMMUNITIES

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My name is Pamela Clapp, and I am the Administrator for the Solid Waste Alliance Communities (SWAC). I am unable to attend the Materials Management Summit jointly sponsored by the House and Senate Natural Resources and Energy Committees on April 16 at the Statehouse in Montpelier. On behalf of the Solid Waste Alliance Communities, I would like to submit the following written comments.

History: The Joint Municipal Survey Committee/Solid Waste Alternative Committee (JMASC/SWAC) was formed in 1989 as an informal coalition working with the Rutland Regional Planning Commission to resolve solid waste management issues. The organization functioned in this capacity until 2002. In 2002, upon recommendation of the Joint Municipal Survey Committee, the towns of Benson, Chittenden, Fair Haven, Middletown Springs, Pawlet, Rutland Town, Shrewsbury, Sudbury, Tinmouth, and West Haven restructured under an Interlocal Contract and Agreement for the Management of Municipal Solid Waste in accordance with the provisions of 24 V.S.A., Chapter 12. The Interlocal Contract was voted upon by JMASC/SWAC residents in November 2002. All towns voted affirmatively to move forward under the Interlocal Contract. The towns are now known as the Solid Waste Alliance Communities (SWAC) and represent approximately 14,000 people.

One of the principal purposes of the restructure was to provide for more efficient implementation of the Committee's Solid Waste Implementation Plan (SWIP). SWAC is currently operating under a State of Vermont Agency of Natural Resources (ANR) approved SWIP adopted by SWAC on December 6, 2005.

1. How do you plan on meeting the requirements of Act 148 and the Materials Management Plan?

SWAC has already begun laying the groundwork and has already met some of the requirements of Act 148 and the Draft Materials Management Plan (MMP).

- SWAC has created a spreadsheet with timelines, requirements, and deadlines impacting all towns and distributed it to the member towns. Member towns are aware of their responsibilities and are kept abreast of requirements and are working towards meeting each requirement in the timeline.
- SWAC has met the requirement for hazardous waste under the Draft MMP, and SWAC transfer stations have been collecting the list of mandatory recyclables along with trash for many years.
- SWAC maintains a website at www.rutlandcountyswac.org. The website is a key tool used by SWAC to educate and inform the general populace and businesses on waste and source reduction, reuse programs, organics, recycling, hazardous waste, business education, CEG education, raising public awareness of households, schools, and businesses on proper waste management practices. The site also contains information on Act 148 as it pertains to residents, haulers, and businesses. The site is advertised in all the Town Reports and at transfer stations and the recycling center as well as town websites and town newsletters.
- In March 2013, SWAC mailed a newsletter to all residents. The main topic of the newsletter was Act 148 and how the law will impact residents, haulers, and businesses. Residents were also given information about upcoming household hazardous waste events and directed to the SWAC website for more detailed information on Act 148. SWAC will continue its ongoing efforts to keep the towns, businesses, and residents aware of and in compliance with Act 148 timelines and mandates.
- SWAC is pursuing options with RCSWD, TAM Recycling, Earth Waste and Metal (EWM) and local start-up businesses to discuss and develop options for organics collections for the transfer stations, businesses, schools, and residents. The town of Fair Haven has contracted with EWM to service its transfer station. Beginning July 1, 2014, EWM will be collecting organics at the Fair Haven Transfer Station. The Town of Tinmouth is in discussions with a new, start-up business (Wheaton) Squire to collect organics at the Tinmouth Transfer Station.

2. What resources do you need to make that happen?

Whether a town is independent, in a group, a district, or an alliance, Act 148 requirements and the MMP will require a significant amount of money to implement. The ultimate financial burden will fall on the resident whether this comes in the form of an increase in surcharge, a raise in per capita fees, raising property taxes, or a combination thereof. The Vermont Product Stewardship Council has worked toward Environmental Producer Responsibility (EPR) legislation. The Legislature has been proactive in implementing EPR legislation in Vermont to shift financial responsibility back to the producer. Additional legislation could be considered such as a fee levied on the producer of packaging. This could provide additional revenue for solid waste initiatives.

The towns have the ability to raise per capita fees, apply for grants, and utilize local community involvement and support. Additional funding sources, including grant opportunities for infrastructure improvements at transfer stations, possible purchase of containers to collect organics, and additional grant funding and assistance rewriting the new Solid Waste Implementation Plans are needed.

On the educational platform, the Act 148 working group has already worked collaboratively to create a set of symbols for compostables, recyclables, and trash to help achieve statewide consistency. The group has also created tools for haulers across the state. The group has expanded its efforts by working to create a statewide education program that could be utilized by Solid Waste Management Entities (SWME) throughout the State. This group is an excellent example of how pooled resources can create educational tools that can be used statewide creating a positive statewide impact with little money expended.

3. What are the challenges you face to meet those goals?

One of the biggest challenges of the MMP involves the extraordinarily high level of requirements for educating the schools and businesses in the communities. The magnitude of these requirements for SWMEs, including hazardous waste auditing of schools and businesses (many businesses have owners outside Vermont,) are overly burdensome and many of the requirements are beyond the authority of SWMEs. In addition to these educational requirements, the MMP requires the SWMEs to develop enforcement tools to monitor and/or regulate variable rate pricing from the waste haulers. Because the SWMEs lack the expertise to determine whether these variable rate pricing structures meet the intent of Act 148, this oversight should be accomplished at the state level. This alternative division of responsibility would provide for a much more consistent and cost effective level of service throughout the state.

School Education and Outreach: Education and Outreach to schools by SWMEs is required throughout the draft MMP. Many of the educational requirements for SWMEs are outside of their authority. SWMEs do not have the authority to require schools to implement the recommendations and action steps delineated in the MMP. Even if the materials are created for distribution to schools, there is no guarantee that the schools will utilize the information. SWMEs can offer assistance and tools, but ultimately, it is up to the school to make the decision to take action or not. Because of the requirement to comply, but lacking any authority to impose same on the schools, the SWMEs may be out of compliance with the MMP through no fault of its own.

As stated above, the Act 148 Working Group is working on tools that can be used statewide. The Act 148 Working Group is working in collaboration with SWMEs and other stakeholders to create consistent educational materials that SWMEs can provide and encourage schools, residents, and businesses to utilize. It seems a duplication of effort by each SWME to have to provide individualized education to schools if a consistent statewide educational message is the goal. ANR should be working with the Department of Education to get schools to implement the goals of Act 148 rather than requiring it of the SWMEs.

Business Education and Outreach: The draft MMP requires SWMEs to work with 10% of businesses annually to increase access to recycling in public spaces, provide outreach on organics diversion to 10% of food-based businesses, and work with 10% of businesses annually on hazardous waste including waste audits.

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The number of businesses in operation changes daily. Many businesses are located out-of-state and have local employees handling daily operations of the business. It is difficult to maintain an up-to-date list of businesses when businesses start up and go out of business daily. Similarly to schools, assistance and information can be offered, but SWMEs do not have the authority to force businesses to implement new technologies or programs or require them to have hazardous waste audits. Hazardous waste audits would need to be carried out by a trained professional. Who would bear the cost of hiring a professional to perform the hazardous waste audit? It is beyond the authority and financial capability of most SWMEs to require and pay for hazardous waste audits of businesses as well as schools.

Legislation should be adopted that places the requirement on businesses and schools to implement the requirements of Act 148.

Enforcement of Haulers: The draft MMP requires SWMEs to adopt variable rate pricing and to require haulers to submit a variable rate pricing structure to the SWME for approval and implementation. The draft MMP further requires SWMEs to take enforcement action such as rejecting or revoking the haulers license, fining them, or taking other enforcement action if the hauler does not meet the intent of Act 148. This places an unreasonable burden on the SWMEs because most lack the expertise to review and determine whether these pricing structures meet the intent of Act 148. Review of commercial hauler variable rate pricing structures should be reviewed by ANR for a consistent, statewide determination that all commercial hauler structures meet the goals of Act 148. Unlike the SWMEs, the ANR already has an enforcement division that oversees statewide enforcement.

4. How might you work with each other to accomplish the requirements?

SWAC is a participating member of the Vermont Solid Waste Manager's Association, the Vermont Product Stewardship Council, the Product Stewardship Institute, the Recycling Coordinator's Network, the Hazardous Waste Network, and the Act 148 Working Group. These groups are composed of Alliances, Districts, Groups, ANR representatives, and local representatives. These groups have been proactively working together many years not just to meet the timelines and deadlines of Act 148 but to achieve other environmental objectives as well and will continue to do so.

SWAC has had an ongoing working relationship with the Rutland County Solid Waste District (RCSWD). With the exception of one town, Pittsfield (belongs to the White River Alliance), all towns in Rutland County either belong to SWAC or RCSWD.

SWAC has contracted with RCSWD for hazardous waste services for years. SWAC contracts for several household hazardous waste events throughout the year, and residents and businesses have access to the RCSWD year-round hazardous waste depot. SWAC pays the district for hazardous waste services to residents and plans to continue its ongoing relationship with RCSWD.

SWAC and RCSWD operated an electronics collection program collecting thousands of pounds of electronics for years before electronic environmental procedure responsibility was ever enacted. Due to Vermont Product Stewardship legislation, the electronics collection program is operating throughout Vermont and is one of the most successful programs ever instituted in Vermont.

SWAC towns participate in the new electronics program and are looking forward to participating in the Manufacturer Take-back Legislation for paint starting in 2014. RCSWD will work collaboratively with SWAC to pick up paint on household hazardous waste runs as it has for many years. With the enactment of the new paint legislation, latex paint will now be collected as well as oil-based paint at no charge to residents. The paint will be taken back to the HW Depot in Rutland where it will be consolidated and picked up by Paint Care. SWAC and RCSWD are working with Paint Care to schedule a one-day paint collection in Rutland County before the legislation goes into effect.

SWAC and RCSWD have worked cooperatively on organics initiatives including composter, green cone, and kitchen collector sales. In 2013, SWAC and RCSWD contracted with an intern to contact potential organics generators and create a database of all potential generators including contact information. SWAC and RCSWD are discussing additional projects using interns to help educate

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generators about the requirements and deadlines under Act 148. In addition, interns could provide assistance to businesses who are starting or expanding their organics collections.

SWAC and RCSWD have already contacted haulers in the area and scheduled a meeting with haulers to hear concerns/comments and to make sure they are aware of their requirements under Act 148. Future meetings are in the process.

SWAC promotes, along with RCSWD, prescription drug take-back programs sponsored by DEA and offered to residents in Rutland County.

A benefit to the arrangement with RCSWD is that SWAC pays for RCSWD's services as it would a private contractor/business providing them with an additional revenue source.

5. Where do you see your organization, as it relates to materials management, in five years?

SWAC has effectively met the requirements of the State of Vermont through daily collaboration, coordination and cooperation between the interaction of 10 town clerks, 10 representatives, 10 alternates, Town Administrators, Town Managers, Selectboard Members, Town Newsletter Editors, Transfer Station Operators, Road Foremen and Road Crews, countless volunteers, and one Administrator that coordinates their efforts. SWAC towns operate seven transfer stations and one recycling center. Given the opportunity, in five years, SWAC will be doing what it has done for the past twenty five years – working together to implement the regulations, laws, standards, and mandates of the State of Vermont in a cost-effective and an environmentally friendly manner.

Respectfully submitted,

Pamela Clapp

Pamela Clapp, Administrator
Solid Waste Alliance Communities

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