



Testimony on S.208

Provided by Jennifer Holliday, Chittenden Solid Waste District

Submitted to the Vermont House Committee on Natural Resources and Energy

April 2, 2014

Chairman Klein and Committee Members,

Thank you for providing this opportunity to discuss S.208. My name is Jennifer Holliday and I am the Product Stewardship and Compliance Manager for the Chittenden Solid Waste District. There are several components to S.208. Some of them we support, and others we do not. I will go through each provision and provide CSWD's perspective on each.

Construction and Demolition Waste Pilot

Construction and demolition waste (C&D) makes up approximately 25% of the waste stream which is significant. When Act 148 was passed there were not a lot of options for C&D. Since then, the private sector has invested in C&D recycling with one facility that opened up last year in Colchester and another that is undergoing permitting in Bennington County. We now have the private sector investing in C&D diversion and markets developing. Therefore we feel it is appropriate to look at policy that will help divert these materials from our only landfill in the state. CSWD supports a pilot project such as the one outlined in S.208

The committee should consider refining the scope of materials that are currently required to be diverted. Everything under the definition of construction and demolition waste that is listed in the bill currently does not have markets and sufficient research has not been done to define which materials have long-term markets. If a person is required to divert the material, this material should be marketable. CSWD is working with the Agency of Natural Resources and other stakeholders to address this concern.

Another area of concern is the hazardous materials that can be found in C&D. Material such as painted wood with lead paint, asphalt shingles with asbestos or pressure treated wood and plywood all have hazardous materials that should not end up recycled into new products. There is language in the bill that partially addresses this issue under section (6605) (g). Additional language that requires the Agency to provide a protocol for materials that should not be recycled and guidelines for testing certain types of materials would help ensure that hazardous materials are not recycled.

To further help avoid materials with hazardous constituents from being recycled a line could be added to the definition stating "material that contains toxic or hazardous constituents" are not considered construction and demolition waste.

The Committee may also consider taking the word “landfill” in section (6605)(c)(1) due to the fact that some waste goes out of state and is disposed through incineration.

Waste Transportation - One Ton Exemption

CSWD supports the elimination of the one ton exemption for commercial haulers. This exemption would exempt haulers with vehicles having a rated capacity of one ton or less from providing parallel collection for recyclables and trash. This is a major loophole that would encourage more vehicles on the roads, will not provide the same level of recycling services for all residents of the state and will put haulers with larger vehicles at a competitive disadvantage to the smaller vehicle haulers. CSWD has required all commercial haulers, regardless of their size, to provide collection services for the mandated recyclables in Chittenden County since 1993.

Parallel Collection of Mandated Recyclables Exemption

CSWD does not support an exemption for haulers to provide collection of mandated recyclables under Act 148. This undermines the effectiveness of the law. The exemption in the law was made for organic material because residents have other viable alternatives to managing their own organic material in their backyard. This is not the case for the mandated recyclables. Residents that subscribe for their trash to be picked up by a commercial hauler will be less likely to recycle if they have to self-haul rather than put them out at the curb with their trash. This convenience is the foundation of Act 148 to reach the goal of diverting as much material as possible. As stated before, all haulers in Chittenden County have been mandated to provide collection of recyclables since 1993.

Solid Waste Infrastructure Assistance One Dollar Increase in Franchise Tax

S.208 proposes to increase the solid waste franchise tax by one dollar and to set up a separate account to help fund infrastructure required for implementing Act 148. According to the report done for ANR by DSM, it will take an estimated forty-two million dollars to implement Act 148. Before the Committee and General Assembly passes an increase in the franchise tax they should understand where the current six dollars is spent. This has not been easy to obtain and our Board reserves their opinion on the increase until this is known. Additionally, any increase in the franchise tax should be dispersed fairly and equitably for projects in ALL parts of the state.

Solid Waste Infrastructure Advisory Committee

CSWD supports the formation of the Solid Waste Infrastructure Advisory Committee to help assess what infrastructure is needed in the state for implementation of Act 148 and make recommendations to the Legislature.

Data Collection

Data is an integral element of the system. Good data will help with system planning and evaluation and holding everyone accountable. CSWD strongly supports the Agency in obtaining this information. However, many solid waste alliances and individual towns do not currently get data on what is being collected in their region by independent haulers and facilities and may not have the authority to do so. The Committee should inquire about this provision when taking testimony from other solid waste entities.

Report on Financial Benefits of Solid Waste Districts and Consolidation

CSWD does not support this provision. The inconsistencies in the solid waste districts and alliances related to the services and facilities that are provided and the member towns that are not

always contiguous in a geographic region has long been a source of frustration and confusion for the agency, the public and the haulers. This however, is how Act 78 was structured over 25 years ago so that individual towns have control to meet their needs for solid waste planning and implementation.

Act 148 that passed in 2012 was designed to address some of these inconsistencies. Thanks to Act 148 and the work of this committee, we now have statewide universal recycling requirements, food waste diversion requirements, and requirements for parallel collection and pay-as-you throw that will help standardize solid waste mandates and services throughout the state. The State Materials Management Plan (MMP), formerly known as the State Solid Waste Management Plan, which all municipalities must use to draft their own solid waste plan for their communities, has raised the bar significantly for solid waste planning entities. It will be difficult for some of them to meet these requirements without collaboration and possibly joining together towns with districts and alliances. We have a little over a year before solid waste districts, alliances and towns will have to have an approved solid waste management plan that meets the requirements of the MMP. With the challenging task of implementing Act 148 and the oversight and approval of these solid waste management plans, the Agency of Natural Resources has their work cut out for them. Another study and report, such as the one proposed in S.208 to examine cost effectiveness of governance and consolidation, is premature and a distraction to the significant amount of work necessary to ensure Act 148's success.

Furthermore, most of the state's population is served by a solid waste district or alliance. These entities have boards that oversee spending. These boards are already charged with looking at the most cost effective systems for solid waste. The real question to answer is how effective are solid waste districts and alliances in waste diversion. Until we have the opportunity to implement the new solid waste plan and Act 148 and the data collection is provided, this will be difficult to assess.

I will leave the committee with the chart of the various solid waste planning entities (solid waste districts and alliances) and the programs and facilities that make up their regions. These charts were originally developed by CSWD to depict the broad range of services and unique characteristics of the various solid waste planning entities in Vermont. DSM updated the charts for the ANR report which is what I am providing. These charts will hopefully help committee members understand and appreciate what many of the solid waste planning entities in the state are doing and assist you in determining how to achieve the most effective and efficient solid waste management system for the state.

Thank you