

## § 6602. DEFINITIONS

### Page 3:

ADD A DEFINITION FOR COMMERCIAL CUSTOMER: [Consistent with Act 175];  
“Commercial ~~project~~ [customer] is a commercial building or a residential building with 2 or more residential units and generates more than 1.5 CY of waste per week.

ADD A DEFINITION FOR RESIDENTIAL CUSTOMER: [Consistent with Act 175]; “Residential ~~project~~ [customer] is a residential building with one residential dwelling unit and generates less than 1.5 CY of waste per week.

*Consistent with page 26: 6007a.(h) use of term “residential customer” and “residential property”*

*Consistent with page 37: 2202a.(d) use of term “residential customer”*

## § 6604. SOLID WASTE MANAGEMENT PLANS

### Page 6:

(B) an assessment of the feasibility and cost of diverting each waste category from disposal, including, to the extent the information is available to the agency, the cost to stakeholders, such as municipalities, manufacturers, and customers. As used in this subdivision (a)(2), “waste category” means:

- (i) **marketable** recyclables;
- (ii) leaf and yard residuals;
- (iii) food residuals;
- (iv) construction and demolition residuals;
- (v) household hazardous waste; and
- (vi) additional categories or subcategories of waste that the secretary identifies that may be diverted to meet the priorities set forth under subdivision (a)(1) of this section;

(C) a survey of existing and potential markets for each waste category that can be diverted from disposal;

(D) measurable goals and targets for waste diversion for each waste category;

(E) methods to reduce and remove material from the waste stream, including commercially generated and other organic wastes, used clothing, and construction and demolition debris, and to separate, collect, and recycle, treat or dispose of specific waste materials that create environmental, health, safety, or management problems, including, but not limited to, tires, batteries, obsolete electronic equipment, and unregulated hazardous wastes. These portions of the plans shall include strategies to assure recycling in the state, and to prevent the incineration or other disposal of **marketable** recyclables. They shall consider both the current solid waste stream and its projected changes, and shall be based on:.....

Act 78 previously used the term marketable recycling to ensure that material considered recyclable had value (i.e. marketable). Consider including the term marketable in the definition of mandated recyclable.

## § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

### Page 19:

(1) Beginning July 1, 2014, collect mandated recyclables **from residential customers** separate from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables. A facility shall not be required to accept mandated recyclables from a commercial hauler, **or a commercial customer.**

(3) Beginning July 1, 2017, **if a facility certified under this section is located within 20 miles of a certified organics management facility that has available capacity and that is willing to accept the food residuals,** collect food residuals separate from other solid waste and deliver food residuals to a location that manages food residuals in a manner consistent with the ~~priority~~ uses established under subdivisions 6605k(a)~~(2)~~**(3)**–(5) of this title. **A facility shall not be required to accept food residuals from a commercial hauler or a commercial customer.**

A facility should not be required to collect recyclables from a commercial customer or commercial hauler – some sites are not designed to handle the material. A facility should not be required to collect food scraps from a commercial hauler and should not be required to collect until a food scraps processing facility is located within a reasonable distance of the collection facility.

### Page 20:

(1) A facility certified under this section that offers the collection of solid waste shall not charge a separate fee for the collection of mandated recyclable **from a residential customer that also delivers solid waste.** A facility certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. **A facility may charge for collection of mandated recyclables when no solid waste is delivered.** A facility certified under this section may charge a separate fee for the collection of leaf and yard residuals or food residuals. If a facility collects mandated recyclables from a commercial hauler **or commercial customer,** the facility may charge a fee for the collection of those mandated recyclables.

Recycling is a value added service. A facility owner cannot cover the cost of managing recyclables if the customer does not deliver solid waste. A facility should not be required to collect recyclables from a commercial customer or commercial hauler – some sites are not designed to handle the material. It is appropriate for a business or municipality to be transparent with their customers, taxpayers and the public, a facility should be able to charge for the service provided.

## § 6605k. FOOD RESIDUALS; MANAGEMENT HIERARCHY

### Page 22:

(3) Beginning July 1, ~~2016,~~ **2020**, a person whose acts or processes produce more than 26 tons per year of food residuals;

- ~~(4) Beginning July 1, 2017, a person whose acts or processes produce more than 18 tons per year of food residuals; and~~  
~~(5) Beginning July 1, 2020, any person who generates any amount of food residuals.~~

Managing food scraps is challenging. Odors, freezing, frequency of collection and lack of route density are key factors in the cost of service, which will make it difficult to manage. If Certified Solid Waste Management facilities are required to offer food residual collection, generators that elect to recycle organics will have the option of self-hauling to a transfer station or could elect to use an on-site composter for residential food waste. We are still working to provide the best sustainable solution for recyclables, it is difficult for generators and service providers to also manage organics. It may be best if the deadline for food scraps collection was stalled at the current collection rate until the market and technology can catch-up. Consider extending the deadline for generators of 26 tons/year to 2020 and eliminate additional requirements for organics diversion until the system is stable and established.

## § 6607a. WASTE TRANSPORTATION

### Page 25:

~~(B) Beginning July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)–(5) of this title.~~

Commercial businesses that generate yard waste, or landscapers, etc. already have outlets for materials and residential can use transfer stations. It is difficult for haulers to offer this variable type of service; they have to make an investment in staff and collection vehicles with no guarantee customers will want the service. Alternately, consider including a population density qualifier to the requirement.

(C) Beginning July 1, 2017, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)~~(2)~~ **(3)**–(5) of this title.

Section 2 should be removed.

### Page 26:

(h) A transporter certified under this section that offers the collection of solid waste may ~~not~~ charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, ~~provided that a transporter may charge a fee for all service calls, stops, or collections at a residential property and~~ a transporter may charge a tiered or variable fee based on the size **or frequency** of the collection container provided to a residential customer or the amount of waste collected from a residential customer. ~~A transporter certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.~~ A transporter certified under this section that offers the collection of solid waste may charge a separate fee for the collection of leaf and yard residuals or food residuals from a residential customer.

Requiring haulers to ‘hide’ or embed the cost for recycling service into the cost of solid waste service is not providing transparency to their customers. If a hauler elects to offer a bundled service, that is a business decision. The generator can make educated decisions about their options for managing materials they generate.

#### § 6621a. LANDFILL DISPOSAL REQUIREMENTS

##### **Page 31:**

(9) Mandated recyclable materials after July 1, 2015.

~~(10) Leaf and yard residuals and wood waste after July 1, 2016.~~

~~(11) Food residuals after July 1, 2020.~~

Landfill bans should be considered a last resort for managing materials and reserved for wastes that are harmful to the environment, the disposal facility or workers. Leaf and yard waste or food residuals should not be banned from disposal until a well-established sustainable system is in-place for effective diversion. The landfill in Vermont currently has LFGTE which beneficially uses the gas from organic decomposition.

#### § 2202a. MUNICIPALITIES—RESPONSIBILITIES FOR SOLID WASTE

##### **Page 37:**

(d) By no later than July 1, 2015, a municipality shall implement a variable rate pricing system that charges for the collection of municipal solid waste from a residential customer for disposal based on the volume, **frequency** or weight of the waste collected.

Frequency is an important component to the variable rate pricing structure.