



Testimony in Support of H.560
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On behalf of the Chittenden Solid Waste District and the
Vermont Product Stewardship Council
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Chairman Deen and Committee Members, thank you for providing this opportunity to discuss H.560. My name is Jen Holliday and I am the Product Stewardship and Compliance Manager for the Chittenden Solid Waste District. I was hired by the CSWD back in 1991 to design and implement the first mobile household hazardous waste collection program in the east and have been managing the household hazardous waste program ever since. CSWD's hazardous waste collection program includes a mobile and permanent facility that serves about 10,000 households and businesses every year. Today I will talk about the household hazardous waste programs in Vermont and why CSWD and other solid waste managers in the state support H.560.

H.560 is modeled after a successful program run by the State Agency of Agriculture. That program is the result of a Vermont law requiring all poisons sold in the state be registered with the Agency and accompanied by a \$175 annual registration fee. Some of this money is used to reimburse household hazardous waste collection programs for their pesticide disposal.

In my testimony today I am going to talk about hazardous waste collection programs in the state and the role and responsibilities that local government have in providing these programs and why. I will explain why these efforts are not enough, how extended producer responsibility laws have played a major role in increased collection of hazardous materials and how H.560 will also improve these efforts to keep hazardous materials out of the environment.

What is Unregulated Hazardous Waste?

Hazardous waste is any solid or liquid that is corrosive, reactive, flammable or toxic. Unregulated hazardous waste means it falls under solid waste instead of hazardous waste regulations. Unregulated hazardous waste comes from two sources; residents and Conditionally Exempt Generators or CEGs. CEGs are businesses that generate less than 220 pounds of hazardous waste a month which is about ½ of a 55 gallon drum. These small generators fall outside of many of the hazardous waste regulations and have very few options for managing their hazardous waste because of the small amounts they produce. They include property management companies, municipalities, schools, contractors, small manufacturers, labs, repair shops, printers and other business that generate small amounts of hazardous waste. Many of these businesses generate the same types of waste as households (paints, pesticides, cleaners etc.). Others generate more unique hazardous waste streams. CSWD served about 700 CEGs last year in our program.

Common household products that are hazardous are automotive supplies such as antifreeze, motor oil, waxes, solvents; home repair and hobby supplies, paints, glues, adhesives, cleaners, aerosols, fuels, pool chemicals, bleach and pesticides.

Solid Waste Management Entities

Vermont is fortunate to have a vibrant network of solid waste management entities (SWMEs) thanks to the vision and commitment of lawmakers in 1987 with the passage of Act 78. This law required municipalities to close their unlined landfills and to create a comprehensive solid waste implementation plan (SWIP) for their jurisdiction. The statute encouraged but did not require municipalities to work together regionally on these efforts. Some towns opted to create their plan independently but many of the municipalities joined together forming solid waste districts or alliances to fulfill the requirement. Today we have 12 independent towns, 10 solid waste districts and 6 solid waste alliances (Handout - State of Vermont Solid Waste Planning Entities Map).

According to Act 78, the municipalities must include in the SWIPS a component for the management of nonregulated hazardous wastes. The SWIPs must include the following elements:

- (i) Elimination or reduction, whenever feasible, in the use of hazardous, particularly toxic, substances;
- (ii) Reduction in the generation of hazardous waste;
- (iii) Proper management of household and CEG hazardous waste; and
- (iv) Reduction in the toxicity of the solid waste stream, to the maximum extent feasible

To accomplish this, the State requires that municipalities or SWMEs provide a minimum of four (4) household and CEG hazardous waste collection events per year. In addition it requires outreach and education to schools, businesses and institutions on waste reduction and proper disposal of hazardous waste as well as environmentally preferable purchasing.

Each SWME is unique in what it provides for services and programs as well as how they are funded. SWMEs generally raise revenue to support outreach and education and unregulated hazardous waste collection through a per capita fee assessment and or a per ton fee on solid waste generated in their jurisdiction. CSWD charges \$27/ton on solid waste generated in Chittenden County that funds our hazardous waste program among other things. This is an important point because when the funding is generated at the local level the collection programs are restricted for use only by the members of that district town or alliance. This funding mechanism and these boundaries reduce convenience and participation in household hazardous waste programs in Vermont. It is the vision that H.560 would eliminate these boundaries for participation because the programs would be fully funded by an outside source of revenue.

Vermont's Household Hazardous Waste Programs

There are 5 permanent hazardous waste collection facilities (1 seasonal and 4 year-round) located in the state. The Rutland Solid Waste District, Addison County Solid Waste District, Chittenden Solid Waste District, Northwest Solid Waste District and the Northeast Kingdom Solid Waste District each fund and operate a facility. All the other SWMEs provide the minimum of 4 collection events in their region. Some provide more. Last year there were approximately 70 collection events in Vermont. Collection events are typically held during the warmer months on a Saturday in a public location such as a school or business parking lot or town garage. A hazardous waste contractor is hired to provide the collection event that runs typically for 4 to 6 hours. The waste is collected and packed up into drums and boxes and transported by the contractor to a hazardous waste facility located out-of-state for incineration or other treatment. Vermont does not have any hazardous waste treatment or disposal facilities in the state.

The permanent facilities that are operated by solid waste districts are usually staffed by employees who collect and prepare the waste for a contractor to transport it out-of-state for disposal. These facilities require special safety features, and the employees must have a high degree of training to manage the material safely and meet the regulatory requirements.

The universal metric for measuring success in hazardous waste collection programs across the country is participation rates. Members of the North American Hazardous Materials Management Association, an organization that represents professionals that manage household hazardous waste programs in North America, have developed a methodology showing that a participation rate at household hazardous waste collection programs of 14% of households per year (or 6% of the population per year), is considered adequately serving a population and is a successful program. In 2016 participation in Vermont hhw collections ranged from .5% to 17% of households per region served. Statewide, 3.8% of the residents were served. As would be expected, the regions with permanent facilities tend to have a higher participation rate than those with only seasonal events. Another measurement of success in household hazardous waste collection is the absence of these products in the trash. In 2012, the State of Vermont conducted a Waste Composition Study and found 640 tons of HHW that Vermonters are still disposing of in the landfill. Both of these metrics point to the need for improving our participation and reducing the amount of hazardous waste going in the landfill. In order to do this, Vermonters need more convenient access for proper disposal, including more permanent facilities.

This past summer, the Agency of Natural Resources held a series of stakeholder meetings on household/CEG waste. You're going to hear more from Cathy Jamieson, the Solid Waste Program Manager at ANR, about the stakeholder's findings. One of the areas that there was general agreement on was there is simply not enough infrastructure in the state to provide convenient collection services to residents and small businesses for hazardous waste disposal. I have handed out a map created by the ANR during the stakeholder process that shows the existing 5 permanent collection programs. The stakeholders added additional areas that they agreed need permanent facilities based on a 15 mile radius factor. In general, solid waste professionals cite that the most successful hazardous waste collection programs are those with facilities that are within a 15 miles reach for the majority of the population. There were a few other "additional" locations that were added by some but not all of the stakeholders. As you can imagine, one of the more significant barriers to providing additional access is cost. Cost to both build and to operate these facilities.

Costs of HHW Management in Vermont

The cost to offer hazardous waste collection for most SWMEs is the most expensive service that they provide to their communities. In 2016 SWMEs spent \$1.6 million to collect and manage approximately 1,084 tons of hazardous waste. The operation of a permanent facility ranges from \$90,000 to \$650,000 annually. Those that provide events spend between \$15,000 and \$60,000 per year depending on the number of events and the size of the population. And these costs continue to grow. In 2016 CSWD spent over approximately \$650,000 on household hazardous waste collection.

I have a handout with some information on the Chittenden Solid Waste District's program. The first page shows our permanent facility, the Environmental Depot which is located in South Burlington. It's open 4 days a week for households and one day a week for businesses year-round. The Rover on the right is our mobile collection that goes to every member town on Saturdays from the May through October providing a collection event in that town and bringing the material back to the Environmental Depot for processing. The next page show the categories of material that we collect using 2016 data and how much of it we have collected over the years. As you can see, the amount of waste that we manage has more than doubled in the last 10 years. The third page shows the participation over the years. Cumulatively since 1991, CSWD has served over 172,000 residents and 11,000 businesses collecting over 10 million pounds of hazardous waste at a cost of more than \$16 million.

EPR Programs

One way that we have tried to stem the flow of these rising costs in the state is through extended producer responsibility or EPR. EPR is a policy where manufacturers and importers of products are responsible for the environmental impacts of their products throughout the product life-cycle including providing for the collection, recycling and safe disposal of their products at end-of-life.

The Vermont Product Stewardship Council was formed in 2008 to work on EPR in Vermont. Members of the Council include all the solid waste districts and alliances in the state. I am a founding member and Chair of the Vermont Product Stewardship Council. I am also the President of the Board of the Product Stewardship Institute (PSI), a national non-profit that works on EPR initiatives.

With the help of these organizations, today, Vermont has 7 (EPR) laws. We are only second to California with having the most EPR laws in this country. These laws require the producers or manufacturers of a product to fund and provide a collection system for their products after consumers are through with them. Vermont's EPR laws include rechargeable batteries (1991), mercury automobile switches (2006), mercury thermostats (2008), electronics (2010), mercury lamps (2011), paint (2013) and primary/alkaline batteries (2014). These laws save local government hundreds of thousands of dollars, provide convenient collection systems for consumers to properly dispose or recycle their products keeping them out of the waste stream and create more jobs in Vermont. Vermont has the highest per capita collection rates for electronics, mercury thermostats, mercury lamps, paint and primary batteries in the country due to the EPR programs. Legislators should be proud of the work that they have done writing and passing some of the most effective EPR legislation. Vermont is truly a national leader in this field.

H.560

Like EPR, H.560 shifts the costs from local government to the producer of that product. Local government has no control over hazardous products that are marketed and sold in the state, but under Act 78, local government has full responsibility for minimizing the toxicity of Vermont's waste stream. Consistent with EPR policies, H.560 appropriately shifts these costs from local government (and taxpayers) to the manufacturers of these products. It provides critical hazardous waste collection infrastructure and operating funds, expanding access for Vermonters and minimizing the amount of hazardous waste going in our landfill and waterways.

I and the other members of the Vermont Product Stewardship Council support H.560 and look forward to working with this committee on the issue.
