



NORTHEAST KINGDOM WASTE MANAGEMENT DISTRICT

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Testimony Regarding S285 & H628 – March 14, 2018 Submitted by Paul Tomasi, Executive Director

The impetus for Act 148 (Vermont's Universal Recycling Law) is/was twofold: (1) lower the per capita disposal rate from 3.62 lbs/person/day to 2.69 lbs/person/day, and (2) increase the statewide diversion rate from 36% to 50% (Vermont Materials Management Plan, June 2014: VT Agency of Natural Resources; page 15).

The NEKWMD has had a per capita generation rate well below the 2.69 figure for over 10 years. 2017 data indicates a per capita waste generation rate of 1.48. The residents and businesses of the NEKWMD produce a little more than half the state target for per capita waste generation. This is important for 2 reasons: (1) because our region is producing less trash, each unit of additional diversion is more costly, and (2) our diversion rate of 47% is misleading when compared with other regions generating more than twice as much waste (i.e. 47% diversion in an area with 3.62 lbs/person/day is far different than 47% in an area with 1.48 lbs/person/day).

On April 28, 2017, the NEKWMD sent a letter to the Vermont Senate Committee on Natural Resources & Energy. In this letter we outlined 5 concerns we have with Act 148. These concerns are listed as follows and serve as the basis for any action regarding Act 148:

(1) **Population Density** - Act 148 does not adequately account for population density and income. While we support the broad goals of Act 148, we would argue that imposition of services in an area that's sparsely populated with low disposal income does little but add costs to a system that is already meeting the goals set by Act 148 and the Agency's Materials Management Plan. Both California and Pennsylvania have allowed special consideration for rural areas. The NEKWMD has been successful in applying for and receiving exemptions and variances, which are allowed under Act 148. However, these exemptions and variances are for finite periods. Leaf and yard waste is a good example. The characteristics of our region and these wastes suggest disposal of these materials are not likely to become an issue over the long term. Why should we be required to submit variances periodically to satisfy a legal requirement when very few in our region would ever place these materials in the waste system in the first place?

(2) **Recycling Fees** - The provision of Act 148 that does not allow haulers to charge for recycling is confusing and unnecessary. It would be helpful to consumers to know exactly why they are being billed and for what services. We understand why this provision was included in the law – so customers would not opt out of services. This, however, is precisely how the solid waste system has worked in the Northeast Kingdom for years. Historically, private haulers provided trash collection and municipalities provided recycling services. The NEKWMD consists of a robust network of over 25 registered haulers and 30 facilities scattered throughout our 49 member towns. Many of our haulers are “one-man” operations who cannot provide additional services without large investments in additional labor and/or resources.

(3) **Glass** – The NEKWMD spent over \$15,000 in 2016 managing glass. While glass is heavy and helps to boost recycling rates, the raw material for making glass (sand) is abundant and cheap. This combined with the wide variations in color, make glass difficult to recycle. Our current system involves trucking the glass to

Littleton, NH where it is stockpiled and crushed. The NEKWMD recommends glass jars and containers be added to the bottle bill and/or dropped from the mandatory list of recyclables.

(4) **Organics** – Curbside collection of organics in the Northeast Kingdom, as well as most other areas of the State, is cost prohibitive. The Vermont legislature delayed the portion of Act 148 requiring haulers to provide this service; however, we feel that a one year delay will not sufficiently change the conditions that would make this service any more cost effective than it is today.

Because of the lack of infrastructure in the NEKWMD, we would like to see the commercial waste hauler requirement to collect food scraps from residential and commercial customers be eliminated. On the surface it would seem to make sense that commercial waste haulers could easily adjust to collect food scraps. However, hauling food scraps has not been an easy transition for the hauling community. Hygiene of totes, contamination issues, costly specialized collection equipment are all reasons why the current hauling infrastructure is not well suited to provide this service.

The NEKWMD would also like to see the tiered implementation of the food scrap provision be capped at those generators producing a half ton or more per week. The smaller generators may eventually divert food scraps if it becomes economically feasible for them to do so. Many of these smaller generators may also take advantage of the service through their local transfer station.

Lastly the NEKWMD feels it may be necessary to revisit the 2020 ban of organics if sufficient hauling and processing capacity is not developed. When Act 148 was passed, it was thought a landfill ban far into the future would spur the development of organics hauling and processing infrastructure. To date, we have not seen sufficient activity in our region.

(5) **Outreach** – Although the Agency of Natural Resources has conducted outreach regarding Act 148, the timing and the accuracy has created confusion for some in our region. A good example of this is the “Recycling Simplified” campaign. As part of this campaign glass was listed as one of the materials banned from landfill disposal – the “Statewide Six”. Under the description of what is and what isn’t acceptable, the messaging clearly states that ceramics and window glass are unacceptable (<http://dec.vermont.gov/waste-management/solid/materials-mgmt/recycling>). Because of the way we manage our glass in the NEKWMD, we are able to accept both window glass and ceramics.

The NEKWMD would therefore like to recommend the State-wide messaging be at a higher level (i.e. *these are the materials banned from landfill disposal; please contact your local solid waste District/Alliance/Group and/or Town for specific materials accepted*). If the State were to make more outreach dollars available to the Solid Waste Planning Entities, we could increase our specific outreach efforts within our local jurisdictions.

The NEKWMD supports most of the language contained in Act 148 and the principals of waste reduction, reuse, and recycling. We do, however, question the need to add costs to a system that is already generating far less trash than the State target. Regardless of how much we would all like to see greater uniformity of services across the state, the fact remains that all regions of Vermont are not alike and should not be treated as such.