

**Guidance on Eligibility to Qualify for the
Solid Waste Hauler Exemption(s) under 10 V.S.A. § 6607a(g)(3)**

July 23, 2014

The Universal Recycling law, as originally adopted in 2012, requires that haulers offering the collection of solid waste to residential customers must also offer to collect mandated recyclables, leaf and yard residuals and food residuals separated from other solid waste. [See, 10 V.S.A. § 6607a(g)(1)(A)(B)(C)]. The Universal Recycling Law allows commercial haulers of municipal solid waste (haulers) to be exempt from the requirement to offer collection services for leaf and yard residuals and food residuals provided several requirements are met. The law was revised in 2014 by Act 175 to also allow haulers to be exempt from offering collection services for mandated recyclables provided two additional requirements are met. This guidance document outlines the requirements and information that must be included in a proposed Solid Waste Implementation Plan (SWIP) for the area that the hauler operates in to be considered eligible for one or more of these exemptions.

In accordance with 10 V.S.A. § 6607a(g)(3), for haulers to be exempt from offering collection of leaf and yard residuals, or food residuals, or recyclables, the Secretary would need to make the following findings (**Note:** items #B3 and #B4 below only applicable to the collection of mandated recyclables):

- A.** The area proposed for the exemption is within a municipality for which a SWIP has been approved by the Agency of Natural Resources (Agency) [See, 10 V.S.A. § 6607a(g)(3)A)];

- B.** That the approved SWIP:
 - 1. Clearly delineates the area where the collection services by haulers would not be required [See, 10 V.S.A. § 6607a(g)(3)C]**Note:** Delineated area means the area within a SWIP jurisdiction that is requesting an exemption for providing collection services under the requirements of the Universal Recycling law to residents. Map(s) must be submitted indicating the towns or portions of towns within the delineated area that would not have collection services offered. If portions of towns are delineated, the map must clearly indicate which streets are proposed for the exemption.
 - 2. Fully demonstrates that alternative services are offered and have the capacity to serve the needs of and are convenient to all residents in the delineated area. A drop-off center is an example of an alternative service [See, 10 V.S.A. § 6607a(g)(3)D];

Note:

Capacity: Alternative services must have sufficient storage space to serve the residents of the delineated area.

Convenience (each of the following must be satisfied):

- a) The alternative services must be located either: in the same town as the residents in the delineated area, or, if not in the same town, then within 5 road miles of all residents in the delineated area. Road miles must be open year-round and not face seasonal closures.
- b) The area must have a housing density of 250 residential units/square mile or less (as defined by E-911 database).
- c) The alternative service(s) must accept hauler exempt materials during the hours the facility is open to residents and must be open at least one weekday and one weekend day each week, for a minimum of 6 hours per day. Hours of operation along with the contact name and service location must be posted on the municipality's website.

- d) The municipality must have implemented a variable rate pricing system which meets the Agency's guidance for variable rate pricing throughout the municipality.

Additional requirements for mandated recyclables [See 10 V.S.A. § 6607a(g)(3)B]:

3. Fully demonstrates, with data from the municipality (see Note below), that the municipality in the delineated area meets the per capita municipal solid waste (MSW) disposal rate goal in the Vermont Materials Management Plan (MMP) of 2.69 pounds per person, per day or less.

Note: Data must be submitted for the past two years that includes all forms of disposal of MSW generated by all residents in the municipality. Forms of disposal include sending MSW to landfills and/or incinerators and include MSW that is sent to facilities outside of the municipality, including out-of-state. Lack of data will disqualify a municipality and any haulers operating within that municipality from such an exemption.

4. Fully demonstrates that the municipality in the delineated area has made substantial equivalence towards meeting the diversion goal in the MMP that is substantially equivalent to that of municipalities complying with the requirements of haulers providing curbside collection of recyclables.

Note: Data must be submitted to the Agency that documents the municipality's recent diversion goal, for the past two years. The diversion goal for the municipality requesting the exemption will be compared to the average diversion goals of other areas in Vermont where residents have curbside collection of recyclables if those other areas also have curbside trash collection (such as ACSWMD and CSWD) and if those areas have submitted data to the Agency. The diversion goal of the municipality seeking the exemption must be "substantially equivalent" to the average diversion goal of the other municipalities with parallel collection of recyclables.