



AGENCY OF NATURAL RESOURCES

State of Vermont Department of Environmental Conservation Waste Management & Prevention Division 1 National Life Drive – Davis 1 Montpelier, VT 05620-3704

Universal Recycling Stakeholders Group Minutes – October 3, 2017, 1-3pm

Group Members Present:

Rebecca Webber

Solid Waste Program

Group	ivienibers Present.	
	Teri Kuczynski	Addison County Solid Waste Mgmt. District
	Patrick Austin	Austin's Rubbish and Roll Off Service
	Kim Crosby	Casella Waste Systems
	Al Sabino	Casella Waste Systems
	Cathleen Gent	Central VT Solid Waste Mgmt. District
	Bruce Westcott	Central VT Solid Waste Mgmt. District
	Michele Morris	Chittenden Solid Waste District
	Sarah Reeves	Chittenden Solid Waste District
	Craig Goodenough	Goodenough Rubbish Removal
	Tom Kennedy	Greater Upper Valley & So. Windsor/Windham County Solid Waste Mgmt. Districts
	Dan Goossen	Green Mountain Compost
	Carolyn Grodinsky	Grow Compost
	Susan Alexander	Lamoille Regional Solid Waste Mgmt. District
	Jeff Myers	Myers Container Service
	Frank Stanley	Myers Container Service
	Shannon Choquette	Northeast Kingdom Solid Waste Mgmt. District
	Paul Tomasi	Northeast Kingdom Solid Waste Mgmt. District
	John Leddy	Northwest Solid Waste District
	Heather Shouldice	Shouldice & Associates
	Trevor Mance	TAM Waste Mgmt.
	Kurt Ericksen	Vermont Compost Company
	<u>By phone</u>	
	Nancy Plunkett	Chittenden Solid Waste District
	Ham Gillett	Greater Upper Valley Solid Waste District
	Elly Ventura	Lamoille Regional Solid Waste Mgmt. District
	Pam Clapp	Solid Waste Alliance Communities
	Greg Noyes	Town of Canaan
	Frank Sawicki, Jr	Town of Canaan
	Tara Holt	Town of St. Johnsbury
ANR Staff Present:		
	Rebecca Ellis	DEC Deputy Commissioner
	Chuck Schwer	Waste Management & Prevention Division Director
	Cathy Jamieson	Solid Waste Program Manager
	Mia Roethlein	Solid Waste Program
	Josh Kelly	Solid Waste Program
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Minutes

- 1:05pm Group reviewed meeting ground rules and approved them after adding "speak up" so that others could hear their comments. Universal Recycling Stakeholders ground rules included:
 - Everyone has a chance to speak and participate
 - Limit comment to 1-2 minutes
 - Focus comment on the topic that is being discussed
 - Be constructive, respectful and polite
 - Use specific examples
 - o Speak up
- 1:10pm Josh Kelly recapped the discussion in the last meeting, in which ANR proposed a change to the hauler exemption, offering the option of exemption from food scrap collection based on other available drop off facilities or food scrap hauler services. After that meeting, ANR sent out a tracked change version of the hauler exemption guidance, including examples of how the new option might be applied. He acknowledged that many stakeholders have provided feedback that this change might not provide enough flexibility, and that the Agency is open to exploring other options.
 - Bruce Westcott requested clarification that the hauling exemption (current and proposed) are within ANR's administrative authority, as long as it's within the law, and would be done through SWIP amendment process.
 - Josh confirmed that this is within ANR's authority since the Universal Recycling law requires that alternative services for food scrap collection be convenient for customers and that an existing food scrap hauler could serve as that convenient alternative.
- 1:15pm <u>UR remaining milestones</u>:
 - Cathy reminded the group of the need (mentioned by Michael Casella in previous meeting) to stay focused on the "why" of the law, and what we want the end results to be. She reviewed with the group what the thought process/discussion had been when the Universal Recycling bill was in the legislature:
 - If you have parallel collection, generators have convenience—makes collecting food scraps as easy and convenient as trash collection.
 - Commercial generators are less likely to compost onsite or drop off, and so will need pickup.
 - The law separated out food scraps, so that they could be charged for separately (unlike recycling).
 - There are a lot of organics being disposed of, and the majority come from residential generators.
 - To invest in infrastructure, facilities need to have confidence that there will be materials; the food scrap ban helps with this.
- 1:20pm Discussion of possible changes to organics collection under the Universal Recycling Law:
 - Cathy noted that all of the options being presented would require changes to the law except option #1, e.g. "no changes to the law".
 - Cathy clarified that changing the law wouldn't necessarily remove the hauler exemptions.
 - Process: each stakeholder had 2 minutes to give their views on the options and then a chance to add any final thoughts.
 - At this point in the meeting Cathy and Josh presented a power point slide of options for changes to the hauler food scrap collection requirement. Based upon feedback from several comments two other options were added to the list as shown below:

Proposed Options for Food Scrap Collection by Haulers:

1. Keep the current food scrap collection requirement for haulers as is.

No change to law: Haulers required to offer collection of food scraps to residential and commercial customers beginning July 1, 2018.

2. Require haulers to offer collection of food scraps to customers in dense residential areas and all commercial customers.

Haulers would not need to offer collection of food scrap to rural residential customers, such as in areas less than 250 households per square mile.

- **3.** Require haulers to offer collection of food scraps to commercial customers. Haulers would not be required to offer collection of food scraps from residential customers.
- 4. Require haulers who collect in a fixed location (fast trash/bag drops) to collect food scraps from their customers. All other haulers would not be required to offer collection of food scraps.

4.5 Require haulers to collect food scraps from transfer stations if hauler is contracted. (suggested by Pam Clapp)

- 5. Remove hauler requirement to offer collection of food scraps. (Additional options added based upon comments at the meeting)
- 6. Generator Requirement: roll-back requirement to generators > 52 tons/year. (suggested by Heather Shouldice and Kim Crosby)

(suggested by some participants) <u>Clarification of proposed options:</u>

- Question was asked about how the rural residential option would work?
- Cathy responded that stakeholders should think of this as "density concept" that ANR can be flexible and details can be fleshed out later, if this is an option folks want to pursue.
- Cathleen Gent: regarding fast trash/bag drops, some think they are already required to be collecting.
 Josh Kelly clarified bag drops they are currently regulated as haulers, so they are not required to offer food scrap collection until 2018.

Additional proposed options (by stakeholders):

- Roll back Food Scrap Ban.
- Heather Shouldice: should rollback the generator requirement
- Al Sabino: Al offered, as a point of reference of the higher thresholds of states with organics bans nearby Vermont, that the State of NY is proposing generators of 104 tons per year within 50 miles must divert (no full ban), and they have pushed requirement off by a year as well.
- Pam Clapp: her major concern is how her town operated transfer stations will get rid of their food scraps if haulers that service are not required to collect.

Stakeholder Feedback (Round 1) – At this time Cathy turned to all meeting attendees giving them ~2 minutes to share their feedback on the list of options.

- Trevor Mance, TAM Waste Mgmt.: Trevor thinks a change is needed, could see dropping rural collection, but thinks, if it's a density based requirement, that it must be applied by the whole town (too confusing otherwise). If fast trash is acting like transfer station, they should have to collect food scraps. Can see rolling back to 52 tons/yr generators, but doesn't want to entirely roll back ban. He's concerned if we rolled back to the 52 tons/yr diversion, that would miss the larger generators who are now donating significant amounts, and might have gone down to <52 lbs/yr generation. (Clarification provided later that generator requirement is based on food waste generated before diversion, so they would still fall in the same category.) Thinks if ban was delayed or removed, people would never invest based on a law again. Stay with the food scraps ban and 18-ton generator requirement, open to requiring only commercial hauling of food scraps.
- Jeff Myers, Myers Container Service: He's on the fence on which option to consider. Things keep getting added and taken away—the list has to be simplified. He's 100% onboard with commercial collection, but

thinks residential is unaffordable and thinks amount of residential compost to be handled is overestimated. Fast trash should be required to collect food scraps and he sought clarification on fast trash – aren't they illegal? (ANR explained that they are currently permitted as haulers.) He questioned why have the law if there's not going to be enforcement on the generators. (Cathy J committed to discuss enforcement in more detail at the next UR stakeholder meeting.)

- Sarah Reeves, CSWD: CSWD's board supports the food scrap landfill ban. They wouldn't support rollback to 52 tons/yr, but might see logic in holding longer on the 18 ton/year phase (very tough, with so many smaller generators). She supports having fast trash collection required, and is a maybe about not requiring rural residential—but, it seems messy if it's not the whole town. They would like to see simplification, and don't want to have to keep changing their SWIP.
- Michele Morris, CSWD: She wouldn't want to roll back generator requirements to 52 tons/yr, thinks it's implementable at 26 or 18 tons/year. With rural residential, the "devil is in the details" will it create disparities between neighbors in different towns, etc. The simpler the better for communication and enforcement.
- **Craig Goodenough, Goodenough Rubbish**: Craig commented that there needs to be a change. He supports looking at exempting residential, maybe commercial. His business is mostly commercial. Notes that when you take food waste out of the trash, trash price is going to go up (they pay a flat rate per trailer). He thinks that the ban needs to be addressed if removing the hauler requirement.
- Al Sabino, Casella Waste Systems: Al encouraged all to be looking at what other states are doing they're more densely populated than us and they're all at 52 tons/yr or higher. He stated that the lack of population density makes collection unreasonable and collection impacts often more than offset any benefits.

He also said that if a food scrap ban is kept in effect, enforcement will have to cover more than in-state facilities, since a good amount of material goes out of state for disposal.

- Pat Austin, Austin's Rubbish and Roll Off Service: He commented that this is not just about haulers picking up, that there's a lot of misrepresentation of the issues. Thinks every district manager should go back to their districts to get input, and that it's unfair that non-district towns are not represented. He thinks the hauler requirement should be removed entirely and the generator requirement rolled back to 52 tons/yr. He doesn't think that organics diversion is going to work in his part of the state. They are already diverting and don't have the quantity. If it is pushed ahead, it's going to fail, and he wonders what the costs will be.
- Kim Crosby, Casella Waste Systems: Casella is in support of a rollback of the generator requirement to 52 tons/yr. These generators can help determine the infrastructure needs. The state of Massachusetts thinks that smaller generators will come along if larger ones are required—infrastructure will be built up that way. Casella supports requiring fast trash to collect food scraps. Kim noted that even though density seems to make sense, route density doesn't equal population density and that could be a struggle for a hauler trying to develop an efficient route.
- John Leddy, NWSWMD: NWSWMD in support of keeping the food scrap ban. He compared it to a seatbelt law in that it will become a societal norm and thinks VT can get there. They haven't considered a rollback to the generator requirement (something to think about). For the hauler requirement they support some level of change at the state level—don't want to go back to district level change patchwork, which Act 148 has helped relieve. If hauler requirements are removed, an increasing number of fixed locations for collection of food scraps would be very important.
- **Kurt Ericksen, VT Compost Company**: There is a need for the food scrap ban as it can help conserve resources and protect water quality and he does not support any change to the law unless there is a better alternative. He feels strongly this is something that has to be done.
- **Cathleen Gent, CVSWMD**: CVSWMD's board will meet to discuss the district's opinion of the hauler food scrap collection requirement. Cathleen agreed with John Leddy that if ban remains in place, but there is no hauler collection requirement, convenient drop-off locations will be needed.
- **Carolyn Grodinsky, Grow Compost**: Grow is a food scrap hauler, and does subcontract with haulers. They have invested based on this law, and lots of customers are participating voluntarily. (Lots of small

businesses signing up and paying for it.) They want to keep the food scrap ban in place as well as the generator phase in requirements.

- **Paul Tomasi, NEKWMD and the District Mgrs. Association**: NEKWMD is in favor of removing the hauler requirement altogether, and is working to introduce legislation to that effect. He's cautiously optimistic about maintaining the ban, but thinks if infrastructure development doesn't step up, something will have to happen (push off ban for a bit). The District Managers Association is generally supportive of the food scrap ban and are also pursuing some initiatives around these issues, hope to take action. The legislation should be clear that haulers are not responsible for enforcing the law- this should be about enforcing on the generators. The food scrap ban is needed to keep the momentum of the law.
- Bruce Westcott, CVSWMD: Bruce commented that the accountability for this law should be on generators not haulers. SWMEs don't want to be in conflict with haulers. Law was written based on science, not in regard to other states. If we need to roll back legislation, that lessens the impact. He only supports rollback for law if goals were wrong, or it costs too much. He notes that the legislature didn't put up any money. Haulers are the only ones in the position to make money from this, need their support to make this work. (He notes that it will be easy to determine the density with a straightforward spreadsheet.)
- Teri Kuczynski, ACSWMD: Her board is open to not requiring haulers to offer rural residential food scraps collection, but she would like to see a state standard around density instead of district by district exemption. She supports the food scrap ban and doesn't support a rollback to the generator phase in requirements. The District has made a lot of effort with their businesses and have seen evolution, don't want to see that rollback. She's sympathetic to haulers and disappointed that legislature didn't provide money. ACSWMD is adamant about fast trash having to collect—this is a major source of convenience. Overall, the District has seen momentum, that people are really starting to get into it, and believes the ban is an incentive to reduce waste. She also noted that the District Managers Association is open to all districts, alliances and towns, and all have been invited to participate and that the Association currently represents 90% of VT's population.
- Tom Kennedy, Southern Windsor Windham Counties and the Greater Upper Valley Solid Waste Districts: A new compost facility will be opening up soon in Hartland. Both Districts support fast trash collection as a convenient option and have found their fast trash haulers to be willing. Both Districts are encouraging home composting as a solution to food scraps diversion in their rural areas. Several of their haulers have invested and are upset about having the collection requirement pushed back. He would like to see another couple of years of commercial collection to see what happens, and doesn't support changing or postponing the food scrap ban.
- Susan Alexander, Lamoille Regional Solid Waste Mgmt. District: The District's new compost facility in Johnson opened yesterday. They're hopeful that this new facility will not be impacted by any potential changes to requirements. She commented that going with no change would be easy (no more meetings), but don't want to be at odds with haulers. Enforcement should be at the generator level. Having fast trash collection is the fair and right thing to do. Her District does not support rollback of generator requirements—public and private have invested money and time and they don't want to diminish those efforts.
- Pam Clapp, Solid Waste Alliance Communities: Pam commented that Rutland County doesn't have a compost facility within 20 miles, but knows that effective 2020, all food scraps must be diverted. This has her Alliance concerned about haulers being required to haul more than 20 miles. She would support dropping residential hauler collection requirement for food scraps. She's in favor of keeping the ban. Their biggest concern is who will haul food scraps dropped at the transfer stations.
- Ham Gillett, Greater Upper Valley Solid Waste District: It's too early in the process to start moving things around—he wants to continue and see how things roll out. He sympathizes with small haulers who are finding this a burden, but thinks legislature would lose credibility if they were to pull back at this stage. He supports moving ahead.
- **Tara Holt, Town of St. Johnsbury**: Tara agreed that haulers are in a predicament, but she doesn't think that rollback is appropriate, though there may be need for other solutions in rural areas.

Stakeholder Feedback (Round 2): At this time Cathy again gave attendees a chance to share their thoughts.

- Trevor Mance: Trevor commented that commercial collection should be required. He also stated that enforcement and infrastructure needs should be clarified. As a hauler, he only sees enforcement on them. He would like to know the update on gaps in infrastructure—he doesn't see any gaps in their region; he has capacity at his compost facility.
- Sarah Reeves: Sarah agreed that an updated gap analysis is needed. She also noted that no one talked about the 20 mile radius issue in this meeting, and suggests that we may need to revisit that.
- Craig Goodenough: He supports continued commercial collection. He noted that compost collection is a costly "losing deal" for him, and that CDL trucks are expensive, maybe more so than the compost collectors set-ups.
- Al Sabino: The food scrap ban should be on the generator level. Enforcement should be on the generator (address it at the source) and not on the hauler and that more clarity on enforcement is needed.
- **Pat Austin**: Pat commented that it is a very challenging, expensive system to implement. He also stated that just because the hauler requirement gets removed, that doesn't mean haulers can't collect. If ban had been enforced in 2014/15, it would be the generators upset and not the haulers. Everyone seems to be focusing on haulers. He questions why, if it's financial viable, organics facilities aren't chasing this material. If that happened, haulers wouldn't be needed. He noted that he believed that the system will only work if it shows the value in organics, and that this can't be done by legislation.
- Kim Crosby: Kim commented that when people are forced to divert, they won't do it well. She feels food scrap diversion needs to be voluntary. Especially, with smaller generators (those who want to do it), voluntary compliance may be more sustainable than a mandate. She also noted that Casella has made a lot of investments, in their landfill and in generation of electricity from landfill gas.
- Heather Shouldice, Shouldice & Associates: Heather commented that when the law passed in 2012, it was made clear that infrastructure and the timeline were going to be assessed along the way. She feels the legislature won't lose credibility by reevaluating—since they do that every day.
- Kim Crosby: Kim stated that the legislature could lose credibility if it doesn't re-evaluate the law.
- John Leddy: The blanket hauler requirement creates artificial competition. John stated that we all want the system to work—composters want material, state wants to divert to best/highest use. He commented that there is a need to create a system that lets haulers move material without artificial competition.
- Kurt Ericsen: Kurt commented that the enforcement focus should be on generators.
- **Cathleen Gent**: Cathleen stated CVSWMD's board doesn't support removing the food scrap ban.
- **Carolyn Grodinsky**: Carolyn agreed that generator level enforcement needs to happen, and thinks the Agency of Ag and Department of Health should also be involved. Grow does not support a rollback on the food scrap ban.
- **Teri Kuczynski**: Their District is excited about support for fast trash collection. More businesses will mean more route density, so doesn't support commercial rollback, but would consider changing the residential collection requirement. She asked if there was an exemption for a hauler from offering food scrap collection if a municipality were to contract a separate hauler to conduct that service. Josh followed up with her after the meeting and explained this option does exist in the UR law.
- **Tom Kennedy**: Tom stated that the Districts have to work together with their haulers.
- **Susan Alexander**: Susan commented that her District would not support removal of commercial hauling requirement.
- Tara Holt: Tara commented that more energy needs to be put into promoting value and that this is a new concept for a lot of people. She stated that maybe haulers aren't the ones to have the responsibility; maybe there's another solution that hasn't been thought of yet. Education is important.
- Josh Kelly: ANR is trying to do more outreach at the generator level—it's primarily a matter of resources.
- **Cathleen Gent**: Cathleen asked for clarification on whether others in the meeting meant both residential and commercial when they were using the term "generators." All participants agreed they meant both residential and commercial.

- 2:50pm <u>Reflect and Close</u>
 - Cathy Jamieson provided the following summary of themes addressed in today's discussion:
 - ANR recognizes that haulers are providing a lot of the heavy lift with regard to food scrap collection and that the business is costly and competitive.
 - ANR can do a better job around messaging on enforcement.
 - The next meeting should include a discussion of enforcement and infrastructure.
 - There is a great diversity of opinion about what should be done moving forward.
 - Investments have been made and protection of those investments needs to be considered in our decision-making process.
 - ANR should be looking at more coordination with other agencies (Agency of Agriculture and Department of Health).
 - Outreach is needed to communicate the value of organics diversion and encourage a cultural shift.
- 3:00pm Adjourn

Next Steps:

• Next quarterly meeting will be held in Winter 2018.

Additional Comments received via email October 27th

From: Pat Austin [mailto:paustin76@yahoo.com] Sent: Friday, October 27, 2017 11:52 AM **To:** Roethlein, Mia <<u>Mia.Roethlein@vermont.gov</u>; Kelly, Josh <<u>Josh.Kelly@vermont.gov</u>; Abbie.Webb@casella.com; allcleanvt@gmail.com; al.sabino@casella.com; Perchlik, Andrew <Andrew.Perchlik@vermont.gov>; ANR-SWME@list.state.vt.us; archer4915@mvfairpoint.net; ashepard@nwswd.org; bdocheff@cvoeo.org; Gauthier, Benjamin <Benjamin.Gauthier@vermont.gov>; bforg@vermontel.net; bobsandberg@starprana.com; bridget@closedloopfund.com; brittsperbs@gmail.com; carlw@cvswmd.org; Jamieson, Cathy <<u>Cathy.Jamieson@vermont.gov</u>>; Schwer, Chuck <Chuck.Schwer@vermont.gov>; dan@greenmountaincompost.com; darmbruster@stowe.com; deanew@rcswd.com; Fekert, Dennis < Dennis.Fekert@vermont.gov>; director@nekwmd.org; dlaframboise@gauthiertruckingvt.com; don@acswmd.org; dv_anger@yahoo.com; frankjstanley@wildblue.net; ericatparis@gmail.com; erin@vtrga.org; gauthiertrucking@gauthiertruckingvt.com; gsymington@vermontcf.org; goodrubbish@live.com; hudakfarm@gmail.com; peter@tttvt.com; jaclyn@acswmd.org; info@compostingvermont.org; jeff@theredcanfamily.com; jenn@blackdirtfarm.com; jholliday@cswd.net; JRichmond@vtc.vsc.edu; O'Tool Gutgsell, Julie <Julie.OToolGutgsell@vermont.gov>; karen.flanders@casella.com; khorn@vlct.org; Kimberly.Crosby@casella.com; lisa@growcompost.com; marysull@yahoo.com; matthewp@tam-inc.us; mbatcher@bcrcvt.org; mhebert@leg.state.vt.us; michael.casella@casella.com; michael@skinnypancake.com; mmorris@cswd.net; mo'leary@vtc.edu; mwade@sugarbush.com; nplunkett@cswd.net; outreach@lrswmd.org; Rapple@sprucepeak.com; Ellis, Rebecca <Rebecca.Ellis@vermont.gov>; rfoster@gmavt.net; rfmoodoo@sover.net; saguipat@gmail.com; sam@vtbowls.com; samuelfcarter@gmail.com; shaina@toxicsaction.org; solidwaste683@yahoo.com; soil@vermontcompost.com; manager@lrswmd.org; sreeves@cswd.net; swrecyco@list.state.vt.us; Ted@dsmenvironmental.com; tracydelude@gmail.com; trevorm@tam-inc.us; TShea@nationallifegroup.com;

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Subject: Re: October 3rd UR Stakeholder Group draft meeting minutes

Can you add the following and resend the minutes. Pat Austin said I though it was wrong that Cathy Jamieson was meeting with the solid district managers behind closed doors to discuss lobbying state policy and that it was collusion and was giving district towns a unfair advantage against non district towns.

Austins Rubbish and Roll-off Service Inc.

Patrick Austin President

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On Thursday, October 26, 2017 9:42 AM, "Roethlein, Mia" <<u>Mia.Roethlein@vermont.gov</u>> wrote:

Good Morning, Last call for any revisions to notes. Please send to me by October 30th. Thank you, Mia

VERMONT Department of Environmental Conservation

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