

## Report Responsiveness Summary

### To Comments on the Biennial Report on Solid Waste

#### 1987 Act 78, 10 V.S.A. §6604(b)

On Friday November 6, 2020, the Agency of Natural Resources (ANR), Department of Environmental Conservation (DEC) posted the Draft Biennial Report on Solid Waste (the Report) on its website for public comment under public comment requirements. This Report is submitted in compliance with Act 78, 10 V.S.A. §6604(b), enacted in 1987, by which the Vermont General Assembly charged the Secretary of the ANR with submitting a report regarding the volume, amount, and toxicity of Vermont’s solid waste stream. This submission also fulfills the “ANR Report on Landfill Operation in the State” required by Section 4 of Act 69 of 2019 (Single-Use Products law). In making recommendations, the Secretary is directed to consider both legislative and voluntary mechanisms for reducing waste, and to post the draft Report for 45 days. In compliance with legislative mandate, a draft of this Report was posted for a 45-day public comment period prior to filing with the Legislature. ANR received two sets of comments, from the Lamoille Regional Solid Waste Management District and the Conservation Law Foundation.

1. **COMMENT:** Because this Report sets an important foundation for future solid waste decisions, and the Executive Summary may be the only part of the Report that is read, the Executive Summary should be written tightly, factually, and include as much data as possible.

**RESPONSE:** ANR agrees that, especially in standard full-length reports, executive summaries serve critical roles in carrying the substance of the report. The new two-page format of DEC legislative reports should mean that the entire report is easily read. We have tried to keep redundancy within the two-page report to a minimum, which means that most of the data that relate to particular initiatives or programs are mentioned in the Key Takeaways or Discussion rather in the Executive Summary.

2. **COMMENT:** In the Executive Summary, why is the recycling increase reported from 2014 and the disposal metric from 2012?

**RESPONSE:** The Universal Recycling law was passed in 2012, so the comparison of waste disposal was between that date and the most recent disposal data, from 2019. Recyclables were required to be collected at transfer stations in 2014 and were

banned from disposal in 2015, so the recycling comparison was between the year before the ban and the most recent recycling data (2019). ANR agrees that it makes sense to have consistency between the two comparisons, so the disposal comparison in the Report was changed from 2012 to 2014.

3. **COMMENT:** In reference to the phrases “surge” and “increased considerably” used to describe food scrap collection following the July 1, 2020 ban, how many facilities are collecting food scraps, how many reported an increase, and how much has food scrap diversion increased?

**RESPONSE:** The “surge” referenced is from information from food scrap haulers, transfer stations, and solid waste districts that were profiled in some news reports (e.g. <https://vtdigger.org/2020/09/13/ban-causes-surge-in-food-scrap-collection-for-nek-composters-haulers/>). ANR changed the statement on food scraps in the executive summary to “food scrap collection has increased each year since 2016.”

At present, more than 100 transfer stations offer food scraps collection, and food scrap collection is also happening at many compost facilities and farms. Some of the compost facilities are regulated by DEC and, therefore, are required to report food scrap data (in most cases, only on an annual basis). Currently, however, some on-farm compost operations are not certified by DEC and, therefore, do not report food scrap data. Additionally, haulers that haul food scraps directly out of state (for composting, anaerobic digestion, or animal feed) are not required to report to DEC. We also do not have concrete data on the number of home composters, although we have heard from many Solid Waste Management Entities that have sold out of compost bins and have had high attendance for home composting workshops.

DEC has looked at quarterly food scrap collection data from transfer station facilities for the quarter before July 1, 2020 compared to the quarter after, and there was more food waste collected during the quarter after July 1. However, our data are not robust enough to provide a truly meaningful comparison. Moreover, 2020 food scrap collection data cannot be directly compared to that of previous years because the COVID-19 pandemic has reduced some sources of food scraps, such as from schools and restaurants.

4. **COMMENT:** Regarding the final statement in the Executive Summary, does the Agency **actively reduce waste and its toxicity and improve recycling, etc.** or does it create policy and partnerships to do this?

**RESPONSE:** ANR changed the statement in the Report to “ANR will continue to work with stakeholders and partners on reducing waste and its toxicity...”

The 2019 MMP holds ANR to performance standards, including those related to public media education and outreach, direct business outreach and compliance, state building waste reduction outreach, solid waste facility and hauler compliance, recycling market development, compost market and collection infrastructure development, and HHW/CEG hazardous waste collection. While some of the performance standards require specific actions on the part of ANR, others place ANR in more of a support role, and fully implementing the MMP requires working with stakeholders and partners to reach state materials management goals.

5. **COMMENT:** The recycling recovery rate is described as “great.” How does this rate compare regionally or nationally? How was this rate discussed in the 2019 MMP and the 2019 Biennial Report?

**RESPONSE:** The 72% recycling rate referenced in the Report stems from the 2018 Waste Characterization study, conducted on behalf of the State by the consulting firm DSM. DSM has conducted similar studies in other states and stated in the VT Waste Characterization report that “DSM typically sees recyclable material diversion (capture/recovery) rates ranging from 50 to 80 percent.” Because states measure “recycling” differently and calculating this type of recycling rate requires a waste characterization study, comparable estimates are not available at the regional or national level. In the Report, ANR simply removed the note about this recovery rate being “great” as it didn’t add anything. This recycling rate was not discussed in the 2019 Biennial Report; in the 2019 MMP, the recycling rate was described as “strong.”

6. **COMMENT:** ANR should endorse specific recommendations of the Single-Use Products Working Group report, based on their impacts on waste reduction and likelihood of contributing to help Vermont meet the goals of the 2019 MMP. Specifically, ANR should evaluate and endorse the following: a) prohibit state, county, and local governments from purchasing bottled water using public funds except for emergency preparedness and relief; b) mandate recycled content requirements for plastic items and products; c) establish an extended producer responsibility program for non-recyclable plastics such as plastic numbers 3, 6, and 7; d) expand the bottle bill to capture all beverage containers except containers for formula and medicine and to increase deposit fees.

**RESPONSE:** While ANR agrees that some of the recommendations of the Single-Use Products working group, if implemented, could positively contribute to Vermont’s waste reduction efforts and meeting the goals of the 2019 MMP, ANR’s current recommendations are those stated within the Report.

7. **COMMENT:** Why should the Bottle Bill “tax” be increased on Vermonters if the unclaimed deposits go to the Clean Water Fund?

**RESPONSE:** ANR’s recommendation in the Report is to increase the handling fee, paid by beverage distributors/manufacturers to redeeming retailers and redemption centers, not to increase the deposit paid by customers. While the unredeemed deposits go to the Clean Water Fund, handling fees go to the redemption centers and redeeming retailers, which have struggled recently with the high number of beverage container/brand sorts. While consumers may be charged this fee, it is something redemption centers have been seeking assistance with to make redemption operations more viable.

8. **COMMENT:** If the primary battery EPR program is already highly successful, why should the battery ban be expanded?

**RESPONSE:** The battery EPR program is successful in terms of the number of collection sites and convenience. However, there is ample room for improvement; as the 2018 Waste Composition study revealed, there are 5 times more primary batteries being disposed than being recycled in Vermont and a disposal ban could encourage more Vermonters to recycle their batteries. Additionally, the fire dangers posed by lithium batteries disposed in solid waste and recycling facilities warrant a disposal ban that can lead to safer collection and handling of these batteries.

9. **COMMENT:** In addition to recommending an expansion to the limited battery disposal ban, ANR should identify ways to increase battery collection.

**RESPONSE:** Battery recycling collection is already widely accessible in the state at transfer stations, solid waste district facilities, hardware stores, and more. The primary battery stewardship organization, Call2Recycle, has worked closely with Solid Waste Management Entities and ANR to develop convenient collection. ANR has made requirements of Call2Recycle’s stewardship plan to increase and improve public outreach and education to help increase battery recycling collection.

10. **COMMENT:** ANR has not sufficiently addressed whether the State met the goals of the 2014 MMP and is on track toward meeting the goals of the 2019 MMP.

**RESPONSE:** ANR acknowledges that the disposal and diversion goals of the 2014 MMP were not met; information about the 2014 MMP disposal and diversion goals was added to the Report. The Report now also acknowledges that, up through 2019, Vermont is not on track to meet the diversion and disposal goals of the 2019 MMP. Overall, however, because the 2019 MMP is only in its first year of implementation, and data from 2020 are not yet available, it is too early to address the question of whether Vermont is currently making progress toward the 2019 MMP's waste reduction goals. Granted, interpreting solid waste patterns of 2020 and 2021 will also have to be done within the context of the COVID-19 pandemic.

11. **COMMENT:** The most recent Diversion & Disposal (D&D) report is from 2018. ANR must release a 2020 D&D report that addresses progress made toward the 2019 MMP goals, gives projections as to whether the goals are likely to be met by the target date, and provides recommendations on how to better meet the goals.

**RESPONSE:** Since the Report was posted for public comment, the [2019 D&D](#) report has been released by ANR and is now linked to the Report. The 2020 D&D report will not be compiled until later in 2021, as the 2020 data are not due to the State until spring 2021. D&D reports contain the data that show whether the state is meeting its solid waste goals but do not directly discuss MMP goal progress. Beginning with the 2020 D&D report, ANR will add a section that specifically interprets the diversion and disposal data trends in the context of the MMP goals. Recommendations are typically addressed through the Biennial Report not the D&D reports and ANR's current recommendations are those stated within the Biennial Report.

12. **COMMENT:** ANR should recommend a ban on the disposal of textiles in landfills and should increase coordinated collection efforts for textile reuse in Vermont.

**RESPONSE:** The 2019 MMP requires that Solid Waste Management Entities (SWMEs) ensure that community members have access to locations where used clothing can be donated; if there is no permanent location, SWMEs must hold annual clothing swap events or partner to ensure services are available in the region. ANR has previously facilitated dialogue around textiles, but markets for used clothing, particularly rag-quality textiles, are still limited. Before considering a landfill ban, adequate and achievable Vermont recycling markets would need to be available.

13. **COMMENT:** Is there any evidence of success with implementation of the Single-Use Products law?

**RESPONSE:** Based on anecdotal observations and the limited complaints DEC has received, the roll-out of the Single-Use Products law appears to have gone smoothly, with Vermonters and Vermont businesses making a significant switch away from single-use products. The law did not require any reporting or tracking metrics, such as the number of paper bags used by a retailer. To date, ANR has received 14 complaints (4 for bags, 5 for expanded polystyrene, and 5 for straws) and all have received follow-up. Eleven were resolved through voluntary compliance or lack of violation and 3 are pending. Information regarding these complaints has been added to the report.

14. **COMMENT:** In the fourth bullet, regarding HHW collections, would be possible to tighten that year range up to less than a 10-year span?

**RESPONSE:** HHW collection and safe management has been a priority of both local and state solid waste plans going back to the early 1990s. The Report was updated with this more specific time period.

15. **COMMENT:** The Report should mention that the annual SWIP grants help SWMEs provide affordable and convenient HHW collection opportunities.

**RESPONSE:** ANR agrees that it would be good to highlight the annual SWIP grants used for HHW, and to also mention that ANR gave an additional \$200K for SWIP grants per year in 2018-2020 over what had been granted in previous years. This information was added to the Report.

16. **COMMENT:** ANR should provide updated recovery rates for existing EPR programs (such as for paint, mercury-containing devices, and electronics) in the 2020 D&D report and should recommend expanding any program with a recovery rate under 15%.

**RESPONSE:** ANR does include up-to-date information on collection and recovery rates from existing EPR programs in each D&D report. The most recent data ([2019](#)) are also included in a table linked from to the Biennial Report. ANR disagrees that a recovery rate of less than 15% necessarily indicates an unsuccessful program. Recovery rates need to be interpreted in context. For instance, a paint recovery rate



of 10% is actually quite good because studies done on mature paint collection programs have shown that about 10% of paint purchased by consumers is leftover annually and that mature paint programs could achieve a 75% collection rate or 7.5% recovery rate. Vermont achieving 10% surpasses most other national programs.

17. **COMMENT:** The commenter supports ANR's recommendation against the opening of a second landfill in Vermont, favoring waste reduction and recycling efforts over increased disposal capacity.

**RESPONSE:** ANR has not made a recommendation against opening a second landfill in Vermont. The Agency has surveyed solid waste managers to determine the interest in and challenges with siting and operating additional landfills in the state. The Agency did outline what it believes to be more fruitful initiatives to addressing the state's waste challenges such as efforts that improve waste reduction, improve recycling systems and markets, improve composting systems and markets, and improve food scrap processing capacity, which will have dual impacts of reducing greenhouse gas emissions and decreasing the need to additional regional landfill capacity.