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Solid Waste Management Program
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AGENCY OF NATURAL RESOURCES

POLICIES ON
ARCHITECTURAL WASTE RECYCLING

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Applicable Statute and Rules:

10 V.S.A §6605m. Architectural Waste Recycling. (“Act 175”):

(a) Definitions. In addition to the definitions in section 6602 of this chapter, as used in this section:

(1) "Architectural waste" (“AW”) means discarded drywall, metal, asphalt shingles, clean wood, and plywood, and oriented strand board derived from the construction or demolition of buildings or structures.

(2) "Commercial project" means construction, renovation, or demolition of a commercial building or of a residential building with two or more residential units.

(b) Materials recovery requirement. Beginning on or after January 1, 2015, if a person produces 40 cubic yards or more of architectural waste at a commercial project located within 20 miles of a solid waste facility that recycles architectural waste, the person shall:

(1) arrange for the transfer of architectural waste from the project to a certified solid waste facility, which shall be required to recycle the architectural waste or arrange for its reuse unless the facility demonstrates to the Secretary a lack of a market for recycling or reuse and a plan for reentering the market when it is reestablished; or

(2) arrange for a method of disposition of the architectural waste that the Secretary of Natural Resources deems appropriate as an end use, including transfer of the architectural waste to an out-of-state facility that recycles architectural waste and similar materials.

(c) Transition; application. The requirements of this section shall not apply to a commercial project subject to a contract entered into on or before January 1, 2015 for the disposal or recycling of architectural waste from the project.

(d) Guidance on separation of hazardous materials. The Secretary of Natural Resources shall publish informational material regarding the need for a solid waste facility that recycles architectural waste to manage properly and provide for the disposition of hazardous waste and hazardous material in architectural waste delivered to a facility

Solid Waste Management Rules, effective March 15, 2012, Vermont Department of Environmental Conservation (VTDEC), Solid Waste Management Program.

A solid waste facility that recycles Architectural Waste is subject to certification under the Rules as a Storage, Transfer, and Recycling Facility (Subchapter 12). Additionally, all storage, transfer, and recycling facilities are subjected to Subchapters 3, 5, 9 and 10 of the Rules.

1. General Policies Applying to Architectural Waste:

- A. Other than clean wood used as biomass fuel, AW that is burned for energy is not considered recycling and not compliant with Act 175.
- B. Use of recyclable AW in a landfill as cover material or road base is not considered recycling and is not compliant with Act 175.
- C. Fines and residuals from AW processing may be landfilled, or beneficially used in a landfill with authorization from the Solid Waste Management Program.

2. Policies Applying to Architectural Waste Generators:

- A. Determination of Architectural Waste Quantity:

It is expected that the generator will make a good faith effort to estimate the quantity of architectural waste that will be generated on a given project. Institutional knowledge will often yield the most accurate results, but the USEPA has published construction and demolition waste generation rates in their report “Building-Related Construction and Demolition Materials Amounts.” <http://www.epa.gov/osw/conserves/imr/cdm/pubs/cd-meas.pdf>. The law only applies if greater than 40 cubic yards of the six components of architectural waste

are generated. As not all construction and demolition waste meets the definition of AW, the generator will need to deduct all non-AW components when calculating the quantity of AW that will be generated.

B. Distance from the job site to a AW Recycling Facility:

The distance will be determined from road miles, not the distance “as the crow flies.”

C. New Construction, Demolition, or Renovation:

- a. New construction projects that meet the Act 175 criteria for waste quantity and distance to an AW recycling facility would be expected to divert the entire volume of all six of the AW types, except for impractically small fragments.
- b. Demolition projects that meet the Act 175 criteria for waste quantity and distance to an AW recycling facility would be expected to divert metal and asphalt shingles; however, clean wood, drywall, plywood, and OSB would be diverted as achievable, given the difficulty of segregation from other demolition wastes.
- c. Renovation projects would be expected, as feasible, to adhere to (b), above, during any demolition activities, and (a), above, during new construction activities.

D. Salvage of Architectural Waste:

The Agency encourages the salvage and reuse of building components, as this strategy often represents an even greater environmental benefit than recycling. Whether AW materials are salvaged by the building owner, contractor, or a “deconstruction” entity, the legitimate reuse of building components is considered as compliance with Act 175.

E. Out-of-State Facilities, Other End Uses:

- a. A generator (or facility) may transfer AW to an out-of-state recycling facility that meets same standards as an in-state AW recycling facility. That is, AW managed out-of-state will be considered compliant with Act 175 only for components that are recycled or reused.
- b. Act 175 allows the Agency to deem other “appropriate end uses” for AW. End uses other than reuse and traditional recycling markets must be pre-approved by the ANR. The ANR will respond to a written request for an “appropriate end use” in a timely manner. The ANR will determine the appropriateness of an end use based on its economic value and environmental benefit.

3. Policies Applying to Architectural Waste Recycling Facilities

A. Qualifications of an Architectural Waste Recycling Facility:

Facilities that recycle all six architectural wastes may apply for a certification, or certification amendment, that identifies the facility as an architectural waste recycling facility in accordance with Act 175. In order to be certified, a facility must have a Facility Management Plan that specifies how AWs would be stored, separated, processed, and marketed as recyclables.

An AW recycling facility certification will include conditions requiring AW to be managed in accordance with the law, Facility Management Plan, and Agency guidance. Also, the facility operator must report quarterly to the Agency on the percentage of incoming AW that is salvaged or recycled, and report on recycling markets for AW.

B. Operational Standards:

- a. Based upon information presented in the Facility Management Plan, the past performance of the facility, recycling markets, and the principles of Act 175, an AW facility certification will, at some point, include a standard percentage of the incoming AW that needs to be recycled to demonstrate compliance with the law.
- b. Recycling is the process of the creation of a new product out of a material that has served its original purpose. The Agency will utilize this criterion in determining the legitimacy of AW recycling markets and end uses. Facilities certified as AW Recycling Facilities must divulge to the Agency the disposition of the recycled material, including where it was sent and its end use.
- c. In accordance with 10 V.S.A §6605m(d), the AW FMP must address procedures to ensure that hazardous wastes, asbestos, or other potential contaminants that may be contained in the AW are properly screened for and managed.

The Agency will periodically revise these policies as necessary in response to the universality of architectural waste recycling, recycling market fluctuations, economic conditions, or revisions to 10 V.S.A §6605m.