

December 30, 2016
Draft Biennial Report on Solid Waste
Comments submitted by Casella Resource Solutions

VI. New State Diversion Forecast & Recommendations

New State Diversion Forecast

- There are several references made throughout the report stating that the diversion rate has stagnated between 30 – 36%. The graph on page 17 entitled “Vermont Landfill Disposal and Diversion Amounts Over Time” appears to show a decline in the diversion rate between 2011 and 2013.

If the diversion rate has stagnated between 30 - 36%, how does the state consider a diversion rate of 35% to be an increase? What year and what data was used to determine the 35% diversion rate? Furthermore, the graph illustrates that the diversion rate was 35% in 1994. The graph only shows tons diverted up until 2013 and does not include data for the years 2014 and 2015. Additionally, consider providing support for the numbers on page 3 (disposal decrease of 5% / recycling rate increase to 33% to 35% / food rescue of 40% / house count). What data was used to calculate the percentages? Information on where they started from (tons or lbs.) compared to where they are today would be helpful.

- The last sentence states that “a priority for DEC is not only to capture as much material as possible to find markets for but also to reduce the overall amount of waste generated as identified by the MMP. The report should explain or provide a list of DEC’s efforts to locate markets for banned items (leaf & yard debris, clean wood, architectural waste).

Recommendations

Fully Implement Existing Legislation.

- The Agency is recommending that the Vermont Legislature continue to support the existing laws adopted to prevent, mitigate and divert materials from the landfill. Is this recommendation based on the 35% diversion rate?
- As of December 2016, there are fewer certified organic facilities in place than when the Universal Recycling Law was passed. Information on why there are less facilities and the reason those facilities are no longer operating should be included in the report.
- Consider adding a map or a list of available capacity for the existing certified facilities and information on their willingness to accept material in the report.
- The Agency has created a guidance document for solid waste haulers to request an exemption from the requirement to offer collection services for mandated recyclables,

leaf and yard waste and food residuals provided that certain requirements have been met or are in place. The request for an exemption has to be submitted to the Secretary through an amendment to the Solid Waste Management Entity's (SWME) Solid Waste Implementation Plan. The Agency requested that SWME's submit exemption requests by the end of 2016. To date how many SWME's have submitted hauler exemption requests and what is the reason for requesting the exemption? Is it due to lack of available capacity, lack of a certified facility within 20 miles, or has the SWME determined that offering these services is not economical? How many exemption requests have been approved by the Agency? This information should be mentioned and provided in the report.

Universal Recycling

- Vermont's organic requirements are already substantially more aggressive than any other state in the region. The economics of organics management are most challenging for small businesses and households and imposing mandatory collection at these levels will impose high costs. Keeping this in mind, DEC 's recommendation should be to hold the mandatory diversion threshold at the current level of 26 tons per year and not drop the threshold to 18 tons per year by July 1, 2017 until there is more infrastructure in place to sustainably support it. Recommending full implementation without additional infrastructure is contradictory to the original intent of Act 78 which is to "reduce and recycle waste to the greatest extent feasible".
- The economics of organics management are driven by transportation costs. While haulers are allowed to charge for collection services, implementing mandatory collection in low-density areas drives up overall costs and imposes undue burden on rural customers. In low-density areas, the carbon impact of collecting food waste can exceed the carbon benefit of diverting food waste. Food waste diversion in rural households should be encouraged through the promotion of backyard composting as opposed to requiring haulers to offer the service or file for an exemption. Furthermore, requiring SWME's to amend their SWIP's in order to file for a hauler exemption adds to administrative costs to SWME's and DEC. DEC should allow food waste collection to emerge in appropriate residential areas as guided by market forces.

Increase Household Hazardous Waste & Construction/Demolition Debris Diversion

- The report indicates that DEC intends to place additional effort to address household hazardous waste (HHW) and construction and demolition debris. The report recognizes that these two categories of material are resource intensive and expensive to manage and that historically, HHW has been managed at the expense of municipalities with some financial assistance from DEC. The report mentions that DEC recognizes that managing HHW is expensive and has historically been managed at the expense of the

municipalities. The report does not mention that the Materials Management Plan is requiring municipalities that do not have access to a permanent collection facility, to conduct additional HHW events (three in 2017 and four in 2018) nor does the report discuss the impact this requirement will have on municipalities. Approximately 21 municipalities do not have access to a permanent collection facility. Requiring up to 4 events rather than 2 events per year in 21 municipalities at an estimated average cost of \$8,500 per event, increases the cost to municipalities up to \$357,000 per year. Aside from requiring municipalities to conduct additional HHW events, what additional effort does DEC plan to address the management and cost associated with HHW?

According to the table on page 9 of the report, only 6% of Vermont households participated in HHW events in 2014. Why is the participation rate for 2015 not included in this report?

Additional Comments

1. Embedding the language of the law into the body of the Exec Summary is confusing to read, it may be more readable if the law was included with the report for reference. Also, Act 78 reporting requirements state that “the Secretary shall report any recommendations or options for legislative consideration”. The Biennial report should be reviewed and thoroughly vetted by the new administration, which includes a new Secretary, prior to submitting this report and making any further recommendations.
2. The Executive Summary and graph should relate waste disposal to waste generation and population. The State’s priority in the Materials Management Plan is to encourage less waste to be generated by tracking “tons per capita per year” or “pounds per person per day”. This is a critical measure of success and should be included more prominently in the Executive Summary versus a brief reference on page 7 of the report. Measuring diversion in tons is not necessarily representative of the volume recovered. For example, today plastic water bottles and televisions are made with lighter weight materials than in the past. The “diversion rate” cannot be accurately measured because materials diverted or reused that are not processed through a permitted facility are not reported or captured (i.e. bottle deposit materials or materials that are beneficially used).
3. The report doesn’t include any real costs, which is not a requirement under the law, but an important aspect of the evaluation process (i.e. “....*conduct analyses, and make recommendations*”).
4. On page 6, first paragraph, it is important to include or mention LFGTE efforts and their positive effects relating to GHG.
5. Page 6, 2nd and 3rd paragraphs, although Act 148 has had an impact, there is no mention of the significant costs to Vermont residents and businesses in order to comply the law. With a rural population, farming and tourism based, this can be a disincentive.

6. Page 6, last paragraph, may be a misstatement that “implementation dates were designed to make recycling and composting as easy as trash disposal.”
7. Page 7, 2nd paragraph, consider referencing supporting information as opposed to asking reviewers to reference other “status reports for more details.”
8. Page 7, 2nd paragraph from bottom, report states “ This will be achieved through implementation of the Universal recycling law and a variety of new and existing efforts designed to educate and to offer services to Vermont citizens and organizations in the proper management of materials”. This statement implies that DEC is the entity conducting the effort and offering services. What services is DEC providing? Currently the law mandates waste and recycling bans and the industry is providing the services.
9. Page 8, 1st paragraph, the reference to “Beyond Waste” is actually in section V, not IV.
10. Page 11, 3rd paragraph, add “pounds” after the reference to 3,349 to clarify the meaning.
11. Page 13, Section E on C&D, consider providing more detail on the efforts and activity in this area over the last few years. Again, add supporting documentation as opposed referencing another report. DEC should recommend placing a moratorium on any additional landfill / disposal bans until markets for materials are practical & sustainable (asphalt shingles, etc.).
12. Page 14, discusses the Beyond Waste Advisory Group. Casella, a leader in the waste & recycling industry with valuable resources and expertise, has not been invited to participate in this group – why?
13. Page 15, TIRES, at some point after crumb rubber and possibly hot mix applications, Tire Derived Fuel (TDF) should be included here if this concern is going to be able to be adequately addressed.
14. Page 18, 1st paragraph, set town size and population density requirements to more appropriately move forward where greater return for cost will be realized initially. Forcing less populated areas into this will be a diminishing return on diversion and raise overall costs of State wide program.
15. Page 19, under TIRES section, as mentioned above in #14, TDF should be part of a possible solution.
16. Page 14, Section F, BOTTLE BILL: Recommend modifying the existing bottle bill to retain the glass and eliminate deposits on aluminum cans and plastic bottles. These are considered higher-grade materials that are currently being “cannibalized” by the current bill.