

DRAFT

Vermont Materials Management Plan: Moving from Solid Waste towards Sustainable Management Responsiveness Summary

On December 20, 2013 ANR posted the Draft Vermont Materials Management Plan (MMP) for public comment under formal public comment requirements. This version was developed from a preliminary draft MMP that was released in November 2012 and revised following comments the Agency of Natural Resources (ANR) received during a 60 day comment period on that preliminary draft. After the MMP was posted on December 20, 2013, ANR provided a two month public comment period during which we held a special MMP comment meeting for Solid Waste Management Entities (SWMEs) on January 24, 2014 and a public comment meeting on February 5, 2014. ANR met individually with the Department of Buildings and General Services, the Agency of Education and offered meetings to the Department of Health. ANR received approximately 200 comments from over 30 organizations and individuals during the comment period. Comments are organized by the referenced section of the Draft MMP.

This document is a compilation of those comments and includes responses ANR has prepared. Where appropriate the Agency has made changes to the MMP based upon these comments.

GLOSSARY

1. *“Having a rated capacity of more than one ton.”* I thought this language was going to be eliminated? (pg.3)
Concerns that smaller haulers will still be able to operate (brought up more than once)
RESPONSE: This is a statutory provision which ANR does not have the authority to change. The Agency made a recommendation to the legislature to eliminate the provision for smaller vehicle to provide for consistent services statewide and a level playing field.
2. What is green waste? (pg.5)
RESPONSE: Cannot find a reference to this in the document. Change made to clarify definition.
3. Does this mean SWIP expiration date is open-ended? (pg. 6)
RESPONSE: Technically there is no explicit expiration date for a SWIP. However the SWIP must be revised and submitted to ANR for approval within an allotted time, identified by ANR, following adoption of an updated MMP. In this case, the SWIP must be approved and in conformance within one year of the adoption of the MMP. No changes needed to MMP.
4. Consider adding paint to the list of Universal Waste (pg. 7).
RESPONSE: Added reference in the section to include paint.
5. Change SWME’s to MME’s or RME’s which stand for Material or Resource Management Entities. (Pg.10)
RESPONSE: We appreciate the comment but have incorporated SWME’s into other outreach materials and others have adopted this language since release of the draft. Additional changes to SWMEs or SWIPs will happen in the event that statute language is updated. No changes needed to MMP.
6. Zero Waste is defined in the Glossary of Terms but not used in the text?
RESPONSE: Reference has been added to the introduction.
7. The glossary would be better located as a reference at the end of the document
RESPONSE: Adjustment made to place glossary at the end of the document.
8. Several recommendations were made to add terms to the glossary, or clarify the definition provided. Such terms included: pay as you throw; unit-based pricing; variable rate pricing; materials management; user fees; alternative daily cover; diversion rate; recovery rate; energy recovery; lifecycle of a product; sustainable materials management strategy; integrated waste management; parallel collection; and downcycling.

RESPONSE: In many cases the terms were added or clarified. In other cases the term was not added to the glossary because it was not used in the text of the MMP, or it was used in the definition of another term, or the definition reflects language from the Universal Recycling law or the Solid Waste Management Rules.

INTRODUCTION

9. The law is phased in over a ten-year period of time; however, the SWMEs will be required to implement much of the requirements over a five-year SWIP period. The requirements should be stretched out over the ten-year period.

RESPONSE: A SWIP is required to be adopted once every 5 years and be in conformance with the MMP. (see 24 V.S.A. §2202a). Additionally the MMP contains more than just the UR requirements by law. The requirements in the MMP are not in place solely for the sake of UR implementation. They are about bringing all districts and alliances up to the same level of service and offering residents equitable options for recycling and waste reduction.

10. Are we replacing “solid waste” terms with “materials management” (adjust introduction accordingly)

RESPONSE: Portions of the introduction mention “solid waste” so the connection between the statutory requirement to adopt a Solid Waste Management Plan and the transition to referring to it as the Materials Management Plan is clear to the legislature, the municipalities, and other readers of the document. That being said adjustments will be made to minimize its use in the document unless it is necessary for clarification or is part of statutory or regulatory language.

11. Will unit based pricing having an adverse effect on low income households? Concern about illegal disposal. What if users lash back because of the new restrictions?

RESPONSE: Variable Rate Pricing (VPR) has been in place in municipalities across the nation for decades, and in the same regard numerous studies have been conducted to evaluate their effectiveness. Studies indicate that illegal disposal increase due to VPR is, generally speaking, just a perceived risk and not actually a real one. In the guidance document provided by the Agency, municipalities may allow accommodations for specified groups of individuals, such as the elderly.

12. Does the MMP cover bulky furniture and other items?

RESPONSE: No, bulky wastes are not covered in the MMP as a specific material type. It is part of the definition of “Construction and Demolition” material when associated with either construction or demolition.

13. Several comments were received regarding the MMP references to extended producer responsibility and product stewardship programs. Some comments requested more commitment from ANR to advance these programs while others requested removal of the reference altogether. Additional comments commended ANR and the state on its efforts to utilize such programs to minimize cost to municipalities and reduce roadblocks that prevented difficult to manage or hazardous materials from being collected conveniently. Several comments received about EPR and PS as it relates packaging.

RESPONSE: Language is already included in the MMP to indicate a stakeholder process will be held to address product stewardship and difficult to recycle materials. Further determinations of need are made by the Vermont Legislature and are outside of ANR’s authority. No changes to the MMP are needed.

14. Can we add glass and plastics #3-#7 to the MMP?

RESPONSE: Glass containers are included as a “mandated recyclable” that must be diverted from disposal by July, 2015. ANR encourages increased level of recycling from each of the Vermont recycling facilities. At this point in time, the Agency is focused on establishing consistent statewide recycling services for all Vermonters that is consistent with the Universal Recycling Law. No change needed to the MMP.

15. Per capita generation is dropping and thus meeting specific performance standards might be more challenging.

RESPONSE: The MMP is only in place for a 5 year period before it is required to be readopted. These short durations of time allow for ANR to make adjustments to performance measures if need be due to major changes in the materials management system in the next MMP period. No change to MMP needed.

16. Several comments were received regarding textile collection and its inclusion in the MMP. Comments related to expectations of SWMEs to improve textile collection and recycling options, and if the collection is part of the performance standards. Additional questions asked for clarification on convenience standards and need for the

services if year round collection facilities exist.

RESPONSE: The reference and requirements for textile collection has been reworded. ANR does not require textile collection facilities to report their data in the case that they are not a permitted solid waste facility. As a result, ANR does not expect SWMEs to be able to provide data from these organizations.

Yes, textile collection is a requirement for SWIP approval. If options for textile recycling exist in the SWME jurisdiction, the SWME has fulfilled this requirement. If no options exist, then the SWME must provide for a textile collection option in their area, which could be a Drop and Swap event. This has been revised in the MMP. It is included in the Recycling Section.

17. ESTIMATING REUSE: How can we estimate reuse – no real way to measure other than diversion?

RESPONSE: Correct. This is one of the reasons why the Agency is focusing on disposal rate reduction in the MMP more heavily. No changes to the MMP needed.

18. Does Vermont have a Disaster Debris response plan?

RESPONSE: ANR is drafting a Disaster Debris Management Plan (DDMP), which will be an annex to the Vermont Emergency Management plan. A complete draft should be completed in the near future. SWMEs will not be expected to develop their own DDMPs. Changes have been made to the MMP.

19. Figure 1 & 2 MSW composition -is this by weight or volume? (pg.11)

RESPONSE: The percentages reflect tonnage, or weight, of material being sent to the landfill in 2011. The industry standard is to measure disposal by weight and not volume as that is more challenging to measure consistently.

20. “Minimize reliance on landfilling.” Objection to this language, felt it depicted landfills too negatively when sometimes the only option. Suggest alternative language, such that emphasizes landfilling is currently the only option for certain materials and that until we can recycle those landfills will be required.

RESPONSE: The statutory priorities are to minimize the amount of waste disposed to the extent feasible. (See 10 V.S.A. §6604(a)(1)(D)).

21. Page 12: It would be valuable to include a chronology or timeline of major performance standards and legislative actions. It appears some may be too short and some appear to run concurrent with SWIP development which is problematic. Page 20 of 60 timeline appears to be in conflict with the Act 148 timelines.

RESPONSE: The performance measures are already contained in tables specific to ANR and those specific to SWMEs. The MMP will not include a full timeline of performance standards but, a compiled timeline will be developed within two months following MMP adoption. It is unclear what the conflict on page 20 of 60 is. ANR specific goals within the MMP are outside of the requirements for SWIP submittal to ANR for approval. This was intentional and there should not be any conflict with the SWIP submittal process. No change to MMP needed.

22. Page 12: The Food Hierarchy and narrative promotes “agricultural uses;” however it would be helpful to clarify the expectation (i.e. anaerobic digestion, composting or land application).

RESPONSE: Reference to agricultural uses has been deleted to prevent confusion on this matter.

23. This section references the 2013 impact of China’s Operation Green Fence (which has recently been lifted), but makes no mention of the 2008 commodities market crash which occurred since the last Plan was written in 2006

RESPONSE: Adjustments were made to reference both as external influences

24. It is unclear if the survey was done and the paragraphs that follow are a summary. If it is, some of the more challenging materials are missing such as glass and #3-#7 plastic.

RESPONSE: The survey is provided in narrative form. Changes were made to clarify this.

25. “The 2012 data from CSWD showed paper recyclables being shipped to recycling facilities in NY and Quebec, and some being exported.” Wouldn’t Quebec qualify as being “exported”? Should it say “...facilities in New York and exported to Quebec and overseas.”?

RESPONSE: Adjustments have been made to the MMP.

26. “As the organics bans and mandates go into effect, food residuals will become more convenient to collect,” what is the basis for this statement? What about the 22 MW biomass generating facility in East Ryegate, VT? There is also a ReSource outlet in St. Johnsbury. (pg.14)
RESPONSE: All trash collection facilities and trash haulers will be required to collect according to the Universal Recycling law making it more convenient to have it collected at the same place or by the same entity that disposes of trash for businesses, institutions, and households.
27. The Myers Recycling Facility is now open (two comments).
RESPONSE: Reference has been modified to account for recent facility opening.
28. Para 4, second sentence: we suggest changing it to: “Markets related to HHW are predominantly associated with material that has value as fuel, primarily used oil. Revenue may be received for used oil but all other material is costly to handle, transport, and recycle or dispose. Latex paint which is not a hazardous waste but is collected in some programs can be processed for recycling and marketed.”
RESPONSE: Adjustments will be made to account for this.
29. PAINT:
 ○ Para 5, second sentence: Suggest the following rewording: “Programs to recycle unwanted leftover latex paint..... Also please remove the words “(mainly latex, as oil based paints are being used less)”. There are currently no recycling options at all for oil based paint, so it should say only latex.
 ○ Para 5, last sentence: It is too soon to tell if it will be a CSWD recycling program. Instead, please just say that more latex paint will be captured for recycling.
 ○ Para 6: There should be some mention that markets for recycled latex paint need to be supported and worked on.
RESPONSE: Adjustments made to address the requested changes in paragraph 5. However, the changes requested for paragraph 6 is not a responsibility of ANR or the SWMEs. Legislation places responsibility for management on the manufacturers. No changes to the MMP needed.
30. Paragraph 2: Our survey of compost prices in Northern Vermont as of fall 2013 trends quite a bit higher than what is reported in the draft MMP.
RESPONSE: Removed language about specific compost prices, as there is not time to include every sale and this document is not capable of capturing market trends.
31. Suggests that the markets for finished compost are mainly local, not true, why assumed?
RESPONSE: Adjustments made to the MMP.
32. List of priorities: please add Education. Clearly articulate how the list of priorities was developed and how they relate to the goals and objectives of the Plan. Consider relating list to the priorities listed in 10 V.S.A. §6604 and provide an introductory paragraph to further explain the background and purpose.
RESPONSE: Adjustments made to the MMP.

GENERAL MATERIALS MANAGEMENT IN ACTION

33. Make an executive summary that shows exactly what this plan is based on to set these priorities. Creating an Executive Summary would provide the reader with a clear concise overview of the pertinent information contained in the 60 page plan. It would be beneficial to include a brief history of how the laws and regulations around waste and recycling in Vermont have evolved in the introduction. The Plan would be a more compelling and useful resource if it included the data used to support the rationale for development of the goals.
RESPONSE: The introduction to the MMP is short (reflecting the style of an Executive Summary) and contains information relating to the statutory requirements, the evolution for how the plan was reformatted to contain tools of action, and the basis for performance standards as minimum deliverables that are paired with other recommended actions to improve materials management services by the SWMEs. This introduction is sufficient in including the requested content and providing it in a concise format.

The History and Intent document covers the evolution of recycling and waste management in Vermont. This is will be available as a separate document from the MMP. The MMP currently refers the reader to the Waste Composition

Study and the Systems Analysis several times and in several chapters. It also now includes some graphs from the Waste Composition Study.

34. Keep the plan flexible enough to adapt to changes.

RESPONSE: The words chosen by ANR were intentional and provide flexibility where it was viewed that the greatest amount of flexibility may be needed. That being said, the MMP is designed to set measurable performance standards as required by the UR law. To make this an action oriented document with consistent measurable outcomes between SWMEs, specific requirements were included.

35. Check MMP to see that we refer to the H&I.

RESPONSE: The History and Intent (H&I) document has not been finalized. Data that was used to draft it are available on ANR's Solid Waste Management Program - Publications and Reports webpage. Once the H&I is complete it will be added as a link to that webpage. Reference to the publications and reports webpage has been added to the MMP with a link to the webpage.

36. Many of the requirements placed on the SWMEs could be reduced without detrimentally impacting the intent of Act 148 and the draft MMP. Districts will be hard-pressed to raise the money needed to meet the requirements of the MMP.

RESPONSE: Agree that the survey requirements are a high burden and will make adjustments to reduce this. Additionally, to the extent that SWMEs cannot require schools or businesses to collaborate on specific projects, there is room to indicate what efforts were made to provide assistance to create programs, improve signage, decrease waste, modify purchasing towards more environmentally preferred products, and divert materials from the landfill that are hazardous, banned, or have a viable market to extend their life.

37. Several questions were submitted asking about lesson plan and curriculum development as it is referred to in the MMP. Clarifying questions were presented and suggestions on methods of accomplishing this task were as well.

RESPONSE: Drafting lesson plans and curricula are not performance standard requirements. It is an encouraged action item to help SWMEs move schools in their jurisdiction to improve upon waste reduction and diversion rates. Some SWMEs already have lesson plans posted on their websites so this is not an unreasonable suggestion. However, ANR will work with Agency of Education and others to compile or develop lesson plans. Although it is important to note that ANR cannot require the Agency of Education to develop and adopt curricula for K-12 schools or for higher education. The development of curricula happens at the municipal level in Vermont. ANR will work with both state and municipal partners to identify existing curricula, or to develop a curriculum that meets the STEM and Core Curriculum initiatives. No changes to the MMP needed.

38. Several comments were received to refine word choice, clarify meaning of phrases, and make grammatical corrections. Recommend removing redundancy in language and standards. Ensure there is consistency in terminology as it relates to parties that are expected to adhere to MMP performance standards.

RESPONSE: Changes were made to the MMP to address these comments. In situations where there are redundancies, this is intentional. If any of the chapters are to be taken and read on their own, the language will be consistent with the other chapters and avoids leaving the reader searching for clarification. As for the request for consistency, the term Solid Waste Management Entity (SWME) is meant to cover all these types of local government entities and is therefore used throughout the document for consistency.

39. What voluntary program is this? ("A voluntary Product Stewardship (PS) program collects rechargeable batteries (lead and nickel cadmium) which are landfill banned.)

RESPONSE: Call2Recycle is the current program that collects these materials voluntarily for the Rechargeable Battery Industry. No change to the MMP needed.

40. Paragraph above government leadership: You may want to coordinate with BGS on language as there is lots of work already happening.

RESPONSE: ANR is coordinating with BGS currently on this and other portions of the MMP. No changes to the MMP needed.

41. Provide examples of how this can relate to solid waste, “Improve data collection of waste in Vermont. In order to advance programs and services data must be collected and analyzed.”
RESPONSE: Tracking and documenting progress is critical for any program to determine its’ baseline, steps towards achieving its’ goal, and areas of improvement. This is in the MMP already and does not require change.

42. Clarity needed in paragraph to indicate that ANR is not suggesting eliminating the State fleet vehicle program.
RESPONSE: Adjustments have been made to the MMP.

43. Several comments were received requesting indication to what extent is the language a requirement of the Universal Recycling law versus a best management or recommended practice. Suggest including an indication of what is required by law.
RESPONSE: The requirements of the Universal Recycling law are contained in Appendix A which is the easiest and fastest way to reference the requirements of the law. However, this document does not and should not be used in placed of legislatively adopted language. In addition the requirements of the Universal Recycling law which apply to SWMEs, facilities, haulers, and generators, the SWMEs are also required to meet the performance standards contained in the MMP.

44. Several comments were received to clarify ANR’s enforcement authority and to include language from statute that outlines ANR’s authority. Comments also expressed concern over the requirement for SWMEs to enforce against commercial haulers, and the burden to SWMEs that cannot meet the requirements of the MMP.
RESPONSE: ANR has authority to enforce the SWIP through the Universal Recycling law. Additionally, ANR has the authority to enforce against haulers and facilities who knowingly dispose of banned items with Notices of Alleged Violation (NOAV), fines, and enforcement orders. Those same enforcement options are able to be applied to SWIP entities. The statute is the most appropriate location for this information. Where the statutory language can be summarized it has been included, otherwise the exact language of statute as well as potential enforcement will be included through hyperlinks and reference in footnotes. This document is not the appropriate place to rewrite official language that should be viewed at its source. Reference to statutory authority has been included.

The state does not have the authority to enforce any local ordinances or rules, such as those that may be adopted by municipalities to meet the variable rate pricing requirements of statute; it will be necessary for municipalities to enforce their own ordinances. The state has authority to enforce certain requirements, such as those related to the hauler certification and offering to accept various materials (such as recyclables).

Several solid waste districts already operate programs and outreach similar to the requirements of the MMP. The burden to those SWMEs without similar programming will be less if they opt to partner with other SWMEs to meet the performance standards contained in the MMP. No changes to the MMP needed.

45. Mentions a comprehensive statewide review of existing and potential expanded materials management infrastructure. Is the DSM report really an assessment of needed infrastructure? “As required by Act 148, a comprehensive statewide review has been conducted to identify existing and potential expanded materials management infrastructure. “ Where is the statewide review?
RESPONSE: Yes, the System Analysis includes the infrastructure analysis. There is a section that addresses existing infrastructure and well as a section that addresses enhancements to the system that will be needed to implement Act 148. That is part of the Systems Analysis report which is a separate document that was completed October 2013. No change to MMP needed.

46. It is unclear how the Agency will investigate what would be intended by ‘adopting servicing programs’ as described in Step No. 7.
RESPONSE: Adjustments made to provide clarification.

47. How can adding an additional service reduce ones rate for the services received? Won’t this system cost consumers more rather than less?
RESPONSE: In some instances it might. However, it is dependent upon how much waste they generate, if they reduce the generation rate, and if they increase their recycling rate. Options for backyard composting exist as well that helps reduce costs depending on how a generator choses to manage their organic materials. No change needed to the MMP.

48. Several comments were received asking ANR to provide annual reporting with key metrics, and to delay the annual reporting deadline for performance standards to later in the first or second quarter. Additional comments questioned if these reporting requirements differed from the facility reporting requirements, ability to require data from private entities.

RESPONSE: ANR already provides an annual report with statewide data referred to as the Diversion & Disposal report. Additionally, ANR is required to report biannually to the legislature on progress of programs to which MMP execution and UR implementation will constitute a significant component. These reports will consist of content reviewing progress towards meeting MMP and UR goals.

This is different from annual and quarterly reporting because that only applies to certified facilities and not all SWMEs have their own facility. It is not expected that SWMEs are able to account for all diversion since there are direct to market sales from private businesses. To the extent that voluntary reporting can be collected from some of these businesses, ANR encourages that partnership to be fostered.

Adjustments have been made to the MMP to adjust the reporting deadline to mirror the implementation dates that are indicated in the Universal Recycling law.

49. Under what timeline will SWMEs need to provide services? More clarity is needed on SWIP requirements.

RESPONSE: Deadlines for each SWME performance standard are outlined in each section of the MMP. Performance Standards in each section identify the action needed for both education and outreach or for convenience. With each action item there is a specific deliverable paired with it along with an expected deadline. Where appropriate, quantities are used to further define expectations as a means to avoid ambiguity. No changes needed to MMP.

50. **CAMPAIGN:** Several comments were received regarding public outreach and education efforts. More specifically, the request was to omit the requirement for SWMEs to conduct their out outreach and education campaigns considering the intent of ANR to have a statewide campaign.

REPSONSE: Local cultures and services differ across the state. The message delivered at the state level is overly general and, as a result not as informative as the message from the SWMEs will be. ANR and SWMEs have been working together through the Act 148 working group to craft unified and consistent messages to the fullest extent possible. ANR will strive to continue this partnership into the future; however it is every SWME's responsibility to provide outreach to their constituents. In several cases, SWMEs have ordinances that are more stringent than the laws at the state level. In those instances, ANR's statewide outreach and education efforts would not cover those nuances found at the local level. No changes needed to the MMP.

51. Biannually- Twice a year or once every two years? (mentioned twice)

RESPONSE: The reference is intended to mean every two years, clarification has been added to the MMP.

52. Include other sectors, such as businesses, institutions, municipalities, etc., instead of focusing so heavily on schools.

RESPONSE: Schools are a way to measure progress and program development. There are also a lot more requirements under the UR law pertaining to schools that require assistance from SWMEs and from ANR. The ICI sector is a component of the MMP and is included the performance measures for SWME's to provide outreach to a certain percentage of that sector each year. Changes made to the MMP accordingly.

53. Questionable whether ANR has the capability of analyzing such extensive annual data from all of the SWME's. The District is concerned that those businesses and institutions that currently volunteer their waste diversion data every two years may balk at having to gather this data every year and will stop cooperating.

RESPONSE: ANR is not requiring data collection from non-certified haulers or facilities. However, it is a benefit to the SWME to capture and report it where possible. The performance standard requires SWMEs to track and report diversion rate biannually and disposal rate annually for their region as it pertains to the materials discussed in the subsequent chapters of the MMP. Clarification made in the MMP.

54. "Vermont will reduce the disposal rate of municipal solid waste (MSW) by 25% from 413,517 tons (total waste disposed in 2011) to approximately 306,772 tons by end of the Plan term (5 year Plan Renewal 2019)." The first

Performance Standard Goal identifies the reduction of the waste disposal rate, however it is not clear that the volume specified is the amount currently generated.

RESPONSE: That is correct, it is not the amount generated. The number used is referring to the disposal rate only since that is the best data that ANR has access to and will be measured through our recurring waste composition studies. ANR promotes reduction of waste generation but cannot rely on data available for generation rates because direct to market sale of recyclables, and reuse of materials is too challenging to capture with statistical significance.

55. The disposal tonnage target doesn't consider growth of population, commerce or industry. (per capita generation target would be more realistic).

RESPONSE: It does account for the per capita target by indicating the reduction in generation rate desired is 2.69 pounds per person per day in the same section as the reduction in the state disposal rate. In which case the targeted goal does not need to account for growth in population or industry because it is a reduction in disposal based on per person amounts of waste landfilled daily. No change needed to MMP.

56. Several comments were received regarding variable rate pricing (VRP) to clarify expectations, and indicate how VRP relates to convenience.

RESPONSE: Adjustments made to remove reference to legislative intent. The variable rate pricing is required to be implemented by municipalities and assessed on trash as indicated in statute. Administrative fees or a flat fee to cover administration and operation costs may be included in the tax base or set as a portion of the VRP method. ANR has released a draft Variable Rate Pricing Guide that is nearing final completion and that answers many of these questions.

A description of the VRP program will need to be submitted with the SWIP for review. If the SWIP is submitted prior to final adoption of the VRP, then a draft of the VRP should be submitted with the SWIP. To the extent that SWMEs are not in a District, they must submit the VRP plans of their town or alliance member towns. No change needed to the MMP. Submittal requirements for SWME's SWIP will be presented in a separate document following MMP adoption.

It is also a convenience in the sense that it allows for the generator to have better control over their costs associated with their individual waste management rather than having to subsidize others' waste generation through the tax base.

57. Several comments were received regarding surveys. Many highlighted the complexity and financial commitment required of conducting just one survey well enough to have statistically significant results. Additionally, requests were made for guidance on survey development and administration, intended audience, and degree to which ANR will conduct the survey ourselves.

RESPONSE: Adjustments will be made to the MMP to clarify the need and frequency for surveys and decrease the number of surveys to account for this. Both surveys and diversion and disposal reports are useful ways of assessing progress made to meet the goals of the MMP and UR law.

Yes, ANR will provide some guidance but it will be a separate document from the MMP. A statewide survey will not account for the important information needed at a SWME level that indicates awareness of different services. Survey requirements have been adjusted and clarified in the MMP.

58. Will ANR provide a template for newspaper reports to provide state-wide consistency? Who will the entities submit articles to?

RESPONSE: No, there is creative freedom with SWME op-eds. Op-eds may be submitted to local newspapers.

59. Hauler registration should be required at the State level with haulers delineating what towns they serve. It is redundant to have SWMEs also register haulers.

RESPONSE: Statute already requires solid waste haulers with vehicle payload capacity of more than 1 ton to be licensed and many SWMEs already license the haulers that operate within their jurisdiction. Licensing of haulers by SWMEs is not required; however it provides a convenient mechanism for conformance and enforcement of local variable rate pricing system requirements. Similar to other types of permitting, a person needs to obtain both state as well as local level permits.

60. Does this mean that each town must have such a webpage linked to the District site? Parameters should be better defined than simply saying "A to Z".

RESPONSE: No, not all towns need to have webpages linking to the District, but towns may choose to if there is valuable information on the District site. Each District should have their own website that is maintained frequently and includes content on the UR law, the adopted MMP, the approved SWIP, and resources for businesses and residents on how to manage the materials that each chapter of the MMP addresses. The A-Z list will offer information on how and where to recycle or dispose of products and materials for residents and businesses of that District. No changes to the MMP needed.

61. Do you have definition/minimum standards for “public outreach campaign” mentioned throughout MMP?
RESPONSE: No, ANR will not be proscriptive with this requirement. It will be up to the SWME to define what is best for their region in terms of outreach. Adjustments made to the performance standard sections to clarify expectations of what this may include.
62. If we are going to use social media, such as Front Porch Forum, to advertise public meetings, why not use those media instead of the meetings?
RESPONSE: Face to face meetings cannot entirely replace community connection methods. There needs to be a balance of both online presence and outreach as well as in person opportunities to meet municipal officials charged with managing their materials at the local level. Fostering this relationship yields personal relationships that cannot be achieved through electronic means. It also provides a forum for individuals to hear and share ideas, and become engaged in their community’s materials management in partnership with others. No changes needed to be made to the MMP.
63. Several comments were received to clarify the MMP references to conduct waste audits at schools for recyclables, organic residuals, and hazardous chemicals. Points were made that audits can be time consuming, expensive, and are best left to those with expert training on such analysis.
RESPONSE: A waste audit for various material types referred to in the MMP is a suggestion, not a requirement in the performance standards. What is required is that SWMEs work with schools to implement a schoolwide waste reduction program. Revisions to the MMP have been made to remove the requirement for an audit. Recommendations for environmentally preferred purchasing should still be a role of the SWMEs.
64. When will the guidance mentioned on Page 19 be available? Is that guidance document pages 58-59 of the MMP or something more detailed?
RESPONSE: It will be available after MMP adoption. No changes to the MMP needed.

MATERIALS-SPECIFIC MANAGEMENT SECTION

Recyclables Chapter

65. Says ‘assistance as needed’ who determines when it is needed and how is that orchestrated? Is it recorded as part of the performance standard? If no assistance is needed then does that mean they have met the standard?
RESPONSE: It is a combination of both being available when asked, and checking in proactively on a recurring basis to provide assistance. Clarification included in the MMP.
66. This is an unreasonable burden be placed upon the schools and the SWMEs.
RESPONSE: This requirement is placed on the SWMEs and not schools. While the Universal Recycling law has requirements for schools to adhere to public space recycling and to obey landfill bans, additional efforts from schools would still be voluntary for the schools to participate as the MMP does not regulate schools. No change needed to the MMP.
67. Can ANR require public outreach of businesses as well?
RESPONSE: Not through the MMP. It would have to be required by law. No change needed to the MMP.
68. A perception of inconvenience and lack of knowledge in the general population of what is recyclable has been identified as a key barrier to recycling. What study identified these barriers?
RESPONSE: This sentence was removed and rewritten.
69. What authority will be used to require schools to implement a "School Waste Reduction Advisory Committee"

RESPONSE: ANR does not have the authority to require this. It is a recommendation that SWMEs use to help facilitate the implementation of an advisory committee for waste reduction measures.

70. Is BGS required to provide tracking or measurement?

RESPONSE: It is not required, though it is recommended that BGS request and review these reports from contracted vendors to the extent that they are required contractually on an annual basis to identify areas of improvement. No changes to the MMP needed.

71. Language speaks to ANR's space at National Life which is different from most other state spaces. Clarity is needed on relation of ANR's space to other state spaces and the expectations that may adjust to account for that.

RESPONSE: This is true that the state buildings and properties are all managed differently. The National Life space is referenced as an example and not necessarily as a model that other state spaces must mirror. However, the access to labeled and paired recycling and trash containers is part of the UR law and must be consistent throughout all state buildings and state lands. This reflects the requirements for other disposal bans.

72. What is the Agency of Education's response to this education mandate?

RESPONSE: The Agency of Education is in discussion with the Solid Waste Program. For clarification purposes, the outreach requirement is the responsibility of the SWMEs not the schools.

73. First section of bulleted benefits of recyclables: Job creation would be a good addition to the list.

RESPONSE: Changes have been made to the MMP.

74. Last sentence: Please add businesses to the targeted efforts.

RESPONSE: Businesses are mentioned in the public education and outreach section. No change is needed to the MMP.

75. Idea of cooperative approaches that promote internal adoption of these best practices. Perhaps a program such as the one that teachers receive at Buck Lake for Fish and Wildlife should be developed around materials management; teachers receive credits towards advanced degrees for these programs. Perhaps a certification track at the teacher's 3-day conference each fall is a better use of resources.

RESPONSE: ANR is in discussion with Agency of Education and other Divisions of ANR. Feasibility of a similar program will be considered. No change to the MMP is needed.

76. Is the school system a willing participant, or are they identified as an example of a good partnering opportunity for waste and recycling education? Has the Agency identified the 'other groups and agencies' that could assist in the school education effort? What is the Agency's expectation for the SWMEs to provide assistance – is this a mandate for the SWIP renewal?

RESPONSE: The MMP requires SWMEs' SWIPs to include direct outreach to schools see the performance measures. ANR does not have authority to require other agencies to take on this work. Any assistance is made on a voluntary basis. No need to make changes to the MMP.

77. Studies show that recycling bins must be co-located with trash bins to maximize recycling and minimize contamination with trash. By cutting down on the number of trash bins, you're only going to get trash thrown into the recycling bins. (three comments)

RESPONSE: The rate of contamination is lower when there is a recycling bin next to every trash can. In environments where training is easily conducted such as office and school environments, it is possible to have more recycling containers than trash and maintain a low contamination rate. The success of this is highly dependent upon clear signage and recurring reminders at least annually. This is not a performance standard for SWMEs and reflects an example of a pilot program shared in the MMP. No change needed to the MMP.

78. Where are the funds and or personnel coming from for these mandates (i.e. events)?

RESPONSE: SWMEs will be responsible for managing their budget in order to ensure their SWIP is in compliance with the State MMP. No change needed to the MMP.

79. Recommend that you incorporate in the opening paragraph that the “clear and consistent recycling infrastructure” to be established throughout State buildings will include all State division offices, regardless of location. We prefer that this infrastructure be budgeted and provided by BGS, not by the local “host” District, as has been the case in CSWD.
RESPONSE: The requirement for public space recycling is required by the Universal Recycling law and is the responsibility of all government controlled and owned spaces. To the extent that assistance is needed to financially support this effort, again it is the responsibility of the governmental entity that controls or owns the space to ensure services are provided and to budget for it or acquire funding to cover cost accordingly. There is no need to make changes to the MMP.
80. Regarding C&D waste at state buildings, language needs to clarify that this element is intended for mandated recyclables and not C&D.
RESPONSE: Inserted “mandated” recyclables into the MMP to provide clarification.
81. Include an explanation of “parallel collection” and how the term relates to public space requirements as well as drop-off and transfer station requirements under the UR law.
RESPONSE: A definition has been added to the MMP glossary.
82. How will recycling containers be monitored and who will pay for managing the contaminants?
RESPONSE: Facility’s staff will incorporate this into regular trash removal duties. This is a requirement of the generator and of the entity collecting the material for disposal or diversion. No change needed to the MMP.
83. Please expand on section to include help to develop markets.
RESPONSE: MMP language does not need to include a reference to market development. Market development is addressed in the introduction of the MMP.
84. The discussion on the recycling data would be better presented using charts or graphs.
RESPONSE: Charts and graphs for disposal and diversion data can be found in a variety of ANR reports and documents. Refer to the annual Diversion and Disposal reports, the 2013 Waste Composition Study, and the 2013 System Analysis for compilation of data in chart and graph form. Adding this data to the MMP would be redundant and is not necessary to indicate what the performance standard expectations are.
85. Language indicates that the state will engage in the sale of recyclables, how will the state do this?
RESPONSE: This reference has been removed as the state is no longer doing this.
86. “This will require residential curbside collection to include recyclables for no extra fee.” Even if there is no curbside currently available?
RESPONSE: No. The requirement for haulers to offer collection of mandated recyclables applies only in the case that the customer is receiving trash collection.
87. If we work with 20% of schools in year 1, we might be working with 30% in year 2 if the first contingent wants our continued involvement? This could be extensive. When does this start? At end of first year or one year after ANR provides materials? What does the phrase “actively involved” mean?
RESPONSE: Changes have been made to the performance standards. ANR will not provide materials rather, SWMEs are encouraged to partner with other SWMEs or explore other opportunities to develop and provide materials. The requirements begin within one year of the SWIP approval. The term “actively involved” refers to knowing the pulse of materials management for the school and to assist them with improvements to their program.
88. Local staff cannot institute change when working with out-of-state conglomerates. Unless mandated by the State, businesses have little incentive to change.
RESPONSE: ANR is requiring SWMEs to make contact with a minimum number of businesses and offer assistance. Out- of-state conglomerates that operate businesses in Vermont must adhere to all Vermont landfill bans. No change to the MMP is needed.
89. Clarify that we are educating haulers not venues- bins for public not private (clarify what is the haulers job.) Waste reduction at private events should be the responsibility of the private sector. Providing individualized

technical assistance at private events such as weddings is not feasible. Commercial haulers will play a large role in the success of Act 148 implementation by educating their own customers and offering diversion services and containers for private events.

RESPONSE: Hauler and landfill ban requirements are what triggers this. It is not a public or private issue. Haulers may be contracted to provide collection containers for all materials under parallel collection requirement and the event operator cannot knowingly dispose of landfill banned items. To ensure containers are available it may be in the interest of the event organizer to include that as part of negotiated contract for event disposal management services. No change to the MMP is needed.

90. 'Businesses increasing recycling in public spaces' what does this mean? How can we have front of store recycling when no back of store recycling?

RESPONSE: Revisions made to the MMP to remove this statement. The landfill ban will require that businesses do not dispose of any recyclables in the landfill. SWMEs are offering assistance and tools to help them achieve this prior to the landfill ban.

91. Last paragraph: Fulfilling this requirement would be a step backward in materials management in CSWD. We estimate the cost of one event would be about \$7,000 and take the equivalent of 5.25 weeks of staff time away from other projects.

RESPONSE: Changed it to list that this is only required if no other options for reuse and/or recycling exist in that region. Towns are already doing this independently and with volunteers in a municipally owned building to greatly reduce costs.

92. The 10% standard should be increased to 20%.

RESPONSE: Adjustments to the performance standards have been made.

Organics Chapter

93. This section could be updated to include pilot curbside food waste collection program in Brattleboro (several comments).

RESPONSE: Mention is simply an example and provides no substantive need for changes to the MMP. No change to the MMP needed.

94. Since convenience and cost effectiveness support backyard composting there should be greater emphasis placed on this approach than "careful and well managed hauling services" since SWMEs cannot manage them to any degree at that level.

RESPONSE: Edits have been made to the MMP in response to this comment.

95. Closely collaborate with the Department of Health and the Department of Agriculture in order to convey a uniform message that does not contradict with their public health mandates

RESPONSE: ANR is already working in close collaboration with the VDH and VAAFM and intends to continue this collaboration as the Universal Recycling law is implemented. No changes need to be made to the MMP.

96. Contact agency of Agriculture before MMP comes out in case they have particular criteria for 'agricultural use.'

RESPONSE: ANR is already working with VAAFM on allowable agricultural uses for organics. Of greatest concern is likely the feeding of meat or meat contacted food scraps to pigs. ANR frequently provides links from our website to VAAFM's guidance document on the "Feeding garbage to swine" law as well as mentioning the requirements in all presentations by ANR on the Universal Recycling law and the Food Recovery Hierarchy (which is in statute per Act 148). No changes needed to the MMP.

97. How do schools measure if they are composting on site, by how much is diverted?

RESPONSE: They can keep track of each bucket or container of food scraps that they add to their onsite composting piles. Several schools already do this with their onsite composting systems. No need to make changes to the MMP.

98. Suggest modifying language so that educating all SOV employees is not considered if difficult to measure or verify. Suggest something indicating "will be given educational materials," or "will be given training opportunities."

RESPONSE: Edits have been made to the MMP in response to this comment. This sentence about educating all state employees was removed.

99. Would like to see the Department of Health included in the list of collaborating agencies.

RESPONSE: Edits have been made to the MMP in response to this comment.

100. We have already run into competition for feedstock. Perhaps some oversight is needed by ANR when it comes to planning and siting new systems. We suggest additional language to reflect that. At minimum, continuing the last line by saying "...established through Act 148, and acknowledges that limited feedstock resources require judicious planning."

RESPONSE: Edits have been made to the MMP in response to this comment.

101. Systems Analysis- equation is hard to read/understand

RESPONSE: Edits have been made to the MMP in response to this comment.

102. The goal to reduce organic waste by 33% is low and random, why not at least 50%?

RESPONSE: This is a reduction in disposal goal, not an overall diversion goal. They are different things. A reduction in disposal goal is looking at only what is currently being tossed in the trash. This 33% goal is to reduce the amount organics that are currently being thrown away and landfilled. It is a goal above and beyond the 30% diversion the state currently estimates we have diverted for recyclables and organics (through both back yard and industrial composting). This goal for a 33% reduction in disposal is based on the Systems Analysis and the most recent Waste Composition Study. No changes to the MMP are needed.

103. This is an unreasonable financial burden to place on smaller facilities. The cost per ton for organics may well be reasonable, but given the weekly "pull" that will be necessary, the pull charges will become excessive.

RESPONSE: This not a requirement of the MMP, but a requirement of the Universal Recycling law (Act 148), which was unanimously approved by the Vermont legislature in 2012. Composting onsite for some transfer stations or smaller facilities may be a viable option. Contact ANR if your transfer station is interested in this option.

104. Some of the suggested outreach methods, such as mailings, can be extremely costly. (several comments)

RESPONSE: ANR is not requiring SWMEs to conduct mailings. Revision made to clarify this. ANR recommends that SWMEs consider mailing as an option for outreach but it is not a requirement. It is unclear how success is to be measured from mailings and similar outreach methods. ANR feels that various outreach methods should be utilized in order to raise awareness of the new requirements of Universal Recycling (Act 148) and that each outreach method helps achieve success and raise awareness by the public and businesses alike.

105. Organics infrastructure is not well developed and until such time that there are solutions for collection, tipping, and markets for food scraps then these requirements are not possible. It is not feasible that 10% of all food scrap generators per year will have access to collection and tipping on this timeline.

RESPONSE: SWMEs without organic management facilities should prioritize working with their towns, solid waste service providers (haulers, facility operators), and others to identify and help support the creation of such facilities. SWMEs are expected to provide assistance with waste reduction techniques, as well as make recommendations to include reusable materials when possible. Additionally, this does not absolve the SWME of the requirement to conduct outreach however to this sector.

106. The two largest towns have leaf and yard debris collection year round. The other towns are so rurally located that it is not necessary to provide this option to residents; will they be mandated to do so?

RESPONSE: The MMP does not require each town within a district to maintain a facility for drop off of leaf and yard debris, but rather that at least one such facility would need to exist within the district. Collection options need not be curbside hauling but, can include stump dumps, transfer stations, recycling drop-offs, private composters or other types of facilities that may accept leaf and yard debris for beneficial uses. No changes to the MMP are needed.

107. Expand on goals—focus more on educating to reduce, donations, and promote programs not create new food shelves.

RESPONSE: Edits have been made to the MMP in response to this comment.

108. Statewide disposal bans- State needs to educate.

RESPONSE: The MMP already states as a goal of ANR that, “Within the first year, ANR will implement a state-wide public outreach campaign to inform the residents and businesses of the best management practices for organic materials, including information about the impending disposal ban of organic materials and the food residuals hierarchy.”

109. What if towns go to fast trash to avoid facility rules?

RESPONSE: “Fast Trash” would not allow a hauler or town to avoid parallel collection requirements. Only haulers with vehicle payload of 1 ton or less are currently exempt from parallel collection requirements. ANR has recommended to the VT Legislature to remove this 1 ton exemption. Review the Parallel Collection Fact Sheet and FAQ for Haulers on the Universal Recycling page under Haulers button for more information.

110. Concern about the requirement a facility being open one weekday and one weekend day. A lot of towns have one of each but not one facility that is open for both.

RESPONSE: This is the minimum for only one location in the SWME’s area to provide convenience for use by residents and businesses.

111. Do we have state-wide best management practices (BMPs)? (brought up in several sections)

RESPONSE: Changes have been made to the MMP to remove reference to BMPs and replaced with preferred practices. A definition of “preferred practices” has been included in the glossary of the MMP.

112. Provide information on SWME web sites and let the private sector offer assistance for various activities beyond that.

RESPONSE: Websites are not enough to meet education and outreach requirements. Assistance to the private sector is recommended but not required as part of the performance standards. Clarification of expectations has been made to the performance standards.

113. This requirement assumes the local food redistribution system is not adequate. Please site the data source for this assumption. What constitutes the “food distribution network?” Is this the same as food pantries, church groups and others that distribute food or the entire system of stores, restaurants, etc. that provide food.

RESPONSE:

- The Waste Composition Study indicates over 60,000 tons of food waste are disposed annually in Vermont. It is unlikely that 100% of the good food able to be rescued to feed hungry people is done so under the current food recovery network. Edits have been made to the MMP in response to this comment.
- The network is the church group and food shelves as outlined in your comment; however we have amended the MMP to suggest that outreach be made in collaboration with these groups to certain sectors that produce food that can be redistributed.

114. We recommend that the standard only require at least one permanent location that is open at least one week day and one weekend day.

RESPONSE: Edits have been made to the MMP in response to this comment.

115. Success will require working closely with the Health Department and inspectors to establish standards and gain trust and involvement in helping systems come online.

RESPONSE: ANR has been and will continue to work with VDH to work towards the inclusion of a checklist item on sanitarians inspection forms that food scraps are being diverted in some manner and that this information be given to ANR on recurring basis.

Construction & Demolition Materials Chapter

116. GLASSPHALT There is no justification in the report for glass being used for road and construction projects.

Encourage the scoping of crushed glass as an alternate for aggregate in drainage and as a supplement to sand for use in spreading during icy/slippery conditions.

RESPONSE: The ANR does allow for the use of Processed Glass Aggregate (PGA) as a drainage medium as detailed in the ANR *Policy on Acceptable Uses of Processed Glass Aggregate*. VTrans’ specifications also allow for use on State highway projects. The use of the material for drainage is often determined by costs and availability, and not by a regulatory hurdle. PGA may be used as a substitute for winter sand if sized correctly and screened of all non-glass

material. This amount of processing is difficult and expensive to perform, and thus PGA is not cost competitive with native sand.

ANR is working with AOT to discover the prospects of holding a pilot project to test the use of the material as aggregate for a variety of projects.

117. Indicate the relation to scrap metal.

RESPONSE: Scrap metal is highly marketable commodity and recycling collection infrastructure in Vermont is capable of capturing this material. No need to change the MMP.

118. *"It is estimated that of total waste landfilled nationally, up to 25% is construction and demolition (C&D) materials."* The opening sentence for this section cites the national average estimate for construction and demolition debris instead of using Vermont-specific generation and disposal rates. It would be beneficial to include and cite the findings from the Waste Composition Analysis and Systems Analysis and provide an explanation in the narrative.

RESPONSE: Added this into the introduction.

119. Discuss that the use of wood waste recovered from the waste stream that is ground and utilized as a beneficial use at a landfill conserves the use of natural resources such as soil and gravel and should continue to be supported as a viable recycling option as described in the Performance Standards

RESPONSE: Ground C&D may be utilized in a landfill as road base material, and while that does save natural resources, the material remains defined as a waste, and is not considered recycling. The waste stream currently used as landfill road base often contains many components (e.g., clean wood, asphalt shingles, and cardboard that could be recycled to a higher and better use).

120. Act 250 Several comments were received regarding Act 250 and the requirements of the MMP. Both suggestions for threshold levels for involvement and clarifying questions on the CSWRP were included in these questions.

RESPONSE: ANR does not have the authority to do this. No changes to MMP needed.

The CSWRP is a requirement for larger projects. A thorough ANR review and follow up compliance with any permit conditions has not always been possible. This section is reiterating a renewed commitment by ANR to complete these responsibilities. As C&D markets develop and the ANR and SWMEs focus more on this waste stream, ANR believes that there will be a general improvement in the plans, and better compliance.

As for identifying a threshold, this would fall under Act 250 not the MMP. This question has been posed to Act 250 by the Solid Waste Program and any changes in policy will be shared with the SWMEs.

121. Impediments to recycling asphalt shingles and drywall, this is asking all SWMEs to spend time researching the same issue that is actually a state-wide one and therefore best handled by the Agency. Consider use of franchise tax dollars to create development of reuse/recycling options in state (gypsum and compost as an amendment, asphalt for paving).

RESPONSE: Performance standard adjusted to put more responsibility on ANR for statewide evaluation. The Agency has been assessing the markets and working with others to develop specifications for various C&D components. We intend to continue in this role, and disseminate information as it becomes available.

122. Will there be a waiver for towns that are rurally located?

RESPONSE: The MMP is not the appropriate document to outline exemptions or exemption requirements. No change needed.

123. DRYWALL&ASPHALT What if there is no market for shingles/drywall collection? What if it is a burden to ship clean wood and asphalt shingle out of state? May cost more than landfilling. Is there a way to have a more regional approach/place to bring such materials?

RESPONSE: The Agency will work with SWMEs over the plan term on developing stronger markets for drywall and shingles. As of now, a market does exist. It is important to develop nearby markets for many hard-to-handle, low value, or bulky, yet recyclable, materials. The Agency is committed to developing these markets and does not intend to require diversion unless a feasible market exists.

124. Why aren't tires included?

RESPONSE: See separate Tire Report completed in 2012. Reference included as a footnote. No other changes needed to the MMP.

125. Need to remove reference and footnote to the COMP document. Unclear if COMP, or the State Energy Plan is still part of construction contracts.

RESPONSE: Reference removed from the MMP.

126. Under Infrastructure Improvements - Flesh out what is expected and how the expectation is shown to be met. Include language that the expectations apply in instances that there are facilities and haulers capable of accepting the material.

RESPONSE: Clarification added to the infrastructure improvements section of the C&D chapter. Additionally, the infrastructure improvements expected are indicated in the SWME performance standard portion of the C&D section.

127. There is no goal for C&D (other than to increase diversion generally). Statute requires a measurable goal for waste diversion for each waste category. Even a modest goal of 10% reduction of landfilled materials would be better than none.

RESPONSE: A goal for a 10% reduction in C&D waste, from amount of C&D reported to be landfilled based on the 2011 Diversion and Disposal data, has been added to ANR's goal in the C&D section.

Household Hazardous Waste Chapter

128. SWMEs do not necessarily have the expertise on doing waste audits for hazardous waste or the expertise for making recommendations to advise schools on non-toxic alternatives. This also assumes a high level of commitment and coordination from the school administration, parents, teachers, and staff which cannot be counted on.

RESPONSE: This has been modified. SWME will act as a liaison to connect schools and businesses to Environmental Assistance Office (EAO) and other state programs.

129. Several comments were received regarding the requirement of the MMP to track and measure growth in participation or a decrease in amount of material collected at HHW events. There is concern that these methods are not the best methods for capturing success of programs in achieving convenience performance standards. Additional comments asked for clarity on tracking and reporting.

RESPONSE: No change need to the MMP needed. Participation rates may be low due to inconvenience and inconsistency of collection events. This document is not the place to estimate the amount of HHW a household has. Quarterly and Annual reporting will be considered for tracking of these items. In areas not served by a permanent HHW facility, ANR's intent is to ensure that events are offered far enough apart so that residents have convenient access (i.e. if a SWME only offers two events and both are in the spring, convenience is limited).

130. P.45, iii: Expertise is needed from the State on non-toxic alternatives to advise schools on procurement policies.

RESPONSE: EAO will continue to help with school labs as they have in the past and will do so at the request of the SWMEs or of the school itself. In regards to procurement of preferred products, ANR will work with BGS to obtain a list of environmentally preferred cleaning products that they contract for and that all municipalities has access to. Section modified to account for this.

131. How are the districts going to fund the new mandated programs? Our funding mechanism is no longer sustainable because it's based on trash tonnage and the better we all do with recycling and organics diversion, the less trash and the fewer fees that come our way.

RESPONSE: It is up to each district to evaluate their budget and options of partnering with other SWME to meet expectations, and to make adjustments. No change needed to the MMP.

132. Let private sector perform hazardous waste audits they have a separate professional expertise than the facilities have. Can contractors pick up HW?

RESPONSE: State departments such as EAO are available to assist with audits and yes, businesses could hire a private firm to audit for them. No change needed to the MMP. Contractors wanting to collect HHW and /or CEG must have adequate hazardous waste management training and vehicle used for transport must meet required USDOT and VTtrans placard requirements.

- 133.** Several comments were received regarding the need for 5 hour long HHW events and the extent to which events can be held the same weekend or in the same season.
RESPONSE: The MMP has been revised to require 4 hour events rather than 5 hours. In order to improve convenience, there must be events throughout the year and at least one in the spring and one in the fall in areas not served by a permanent HHW facility. Participation rates factor into evaluating the success of the program but it cannot be the sole factor for determining convenience. Additional factors such as length and frequency of collection events also play a significant role in improving convenience. Change made to the MMP.
- 134.** School business outreach/description for each school business is redundant.
RESPONSE: This was done intentionally for clarification purposes. No change needed to MMP.
- 135.** List of schools actively involved (what does that mean? What is the standard?)
RESPONSE: This is a list of schools that have been contacted by the SWME. Information shall be provided to ANR to indicate the resources offered for waste reduction measures and assistance with connecting to other parties who can help with such things as audits if the SWME is does not have the skill set to do it themselves.
- 136.** How can you review huge documents from each facility, can we just send spreadsheets without descriptions?
RESPONSE: It is unclear what this comment is referring to. All HHW data will be in ReTRAC. A list of schools and businesses contacted can be submitted in spreadsheet form as with other data that records contact made.
- 137.** Have the State contract for the collection of household hazardous waste in parts of the state that do not have permanent facilities. The private sector should have the opportunity to offer the services of hazardous waste audits for businesses. The SWME can provide specifics on their area to the private sector.
RESPONSE: This is not the responsibility of ANR. Contractors have the opportunity to conduct waste audits as they do now. No change to the MMP needed.
- 138.** Para 2, last sentence: What is meant by other associations? What are the sector generators based on?
RESPONSE: Changes made to provide clarification.
- 139.** EPEAT and take back requirements may already be part of computer contract language as coverage outside of DII management requirements.
RESPONSE: It is an ANR practice to purchase EPEAT computers but, is not a requirement of DII. As a member of the State Electronics Challenge, ANR tracks the number of computers purchased annually that meet EPEAT standards. It is unknown whether other agencies have adopted this practice, and whether they are tracking this data annually. No change needed to the MMP.
- 140.** The State should support the seamless access to existing year round facilities by Vermont residents no matter where they are from.
RESPONSE: SWMEs are allowed to share resources in order to meet the expectations of the MMP.
- 141.** Para 3, last sentence & P. 54 Requirements regarding HHW survey do not match. One says conduct HHW survey in the first year and repeat every 5 years. The other seems to require a survey of households and one of CEGs every year beginning in year two. Both schedules are out of sync with the other survey requirement on Page 22. If surveys will be required, why not combine these with the other survey in the first and final year of the plan term instead of annually the second through fifth year? This would reduce the cost tremendously and would provide a baseline and a measurement of change following 3-4 years of implementation efforts before the next plan is written.
RESPONSE: Changes made to the MMP.
- 142.** What if businesses refuse to let in SWMEs?
RESPONSE: SWME made the attempt to contact them is all that needs to be shown. ANR acknowledges that businesses are not required to accept assistance that is why the performance standards are written in a manner to account for this.

- 143.** Clarify that students will not be handling HW.
RESPONSE: Correct, there is no expectation for this work to be completed by the students.
- 144.** Curricula development ideally with the Agency of Education should have components dealing with Product Stewardship, use of less toxic alternatives and waste reduction.
RESPONSE: The content that the School Boards and School Districts choose to include or exclude from their curricula is not within ANR's authority. No changes to MMP needed.
- 145.** Does year-round access to a permanent facility negate the requirement for events?
RESPONSE: Until the 15 mile radius requirement is met, no. The facility must be within 15 miles of all member towns (i.e. Addison will have to add 2 events).
- 146.** Antifreeze is just one of many materials for which there is no economic incentive for collection. Unlike waste oil, no businesses in the LRSWMD welcome being a recovery location. Lacking a permanent HHW facility setting up a year round collection facility, for this one material is not feasible.
RESPONSE: RESPONSE: MMP will be revised to no longer include antifreeze in this requirement.
- 147.** Having a 15 mile radius for HHW events is overly burdensome.
RESPONSE: Noted and addressed in HHW chapter
- 148.** The HHW section mentions more permanent collections and uses Hurricane Irene as an example. As in other businesses and industries you plan for the ordinary not the extraordinary.
RESPONSE: No change needed to MMP.

Sludge and Septage Chapter

- 149.** This section should have a discussion of composting of biosolids.
RESPONSE: Edits have been made in response to this request.
- 150.** This section needs re-writing to focus on materials management and to get away from "waste."
RESPONSE: Edits have been made in response to this request.
- 151.** This is really for the municipality - no need to educate people.
RESPONSE: Everyone could benefit from a better understanding of the facts about these materials. No changes needed to the MMP.
- 152.** Field trips to WWTF and school education around this area of waste management is not likely to be welcome/successful. Three of our 12 towns have WWTF, bus trips may be impractical. Supporting the municipalities that have facilities for beneficial reuse and educational materials for not using the toilet as a disposal method is reasonable. However, the message for not flushing chemicals down the drain cuts across all SWMEs and a statewide CONSISTENT approach is what is warranted.
RESPONSE: ANR has deleted this first performance standard that had required school field trips. ANR will continue to look for opportunities to educate and inform the commercial sector and the general public about the sources and potential effects related to contaminants of emerging concern in wastewater biosolids. We will strive to communicate this information to SWMEs. No additional changes to the MMP needed.
- 153.** Realistic time frame for education programs is needed, is a year really long enough for SWIP approval? What about 18 months?
RESPONSE: ANR has changed the deadline for all SWME Sludge, Septage, & Residuals performance standards to be completed by the end of the SWIP term.
- 154.** First SWME Standard: Sludge outreach at WWTFs—Residents cannot really do anything to reduce quantities. The WWTFs are municipally owned and operated. The Residuals Management Section could work with them on their education programs. We think the general outreach on biosolids that is also required will reach more people, have more impact, and should be adequate in this area.
RESPONSE: ANR has deleted this first performance standard that required school field trips.

155. Page 55. Information on the use of sludge for cover should be provided.

RESPONSE: The MMP is not able to address every type of application scenario. ANR allows landfills to request use of sludge mixed with soil as alternative daily cover, however this can release odors posing challenges for the landfill managers.

156. Page 56. Clarify that sludge should not be used where food may be eaten, grown or produced.

RESPONSE: The MMP is not able to address every type of application scenario. ANR's Solid Waste Management Rules allow for the land application of domestic waste that has been treated to pathogen reduction standards (as defined by SWM Rules Appendix-B) on crop lands with specific harvesting restrictions. See the Solid Waste Management Rules (6-702) for specific details of what is allowed and or restricted.

157. Page 57. "the beneficial use of residual waste has historically been an objective for management of these materials" (broad and unsubstantiated claim).

RESPONSE: ANR has historically been in favor of the beneficial use of residual materials. This remains as a position that ANR holds.

Other General Comments & Questions

158. Do the regional district and alliance plans need to conform to the state plan? Can they be shorter?

RESPONSE: All SWIPs must be in conformance with the MMP according to statute 24 V.S.A. §2202a(c)(2).

159. Add language "where feasible" and "when possible" to areas where government action is an encouraged practice and not something required by the Universal Recycling law.

RESPONSE: Adjustments made accordingly.

Comments on Business Outreach Requirements

160. On P. 29, 37, 50: Regarding requirements to 1) work with 10% of businesses annually to increase access to recycling in their public spaces, 2) provide outreach on organics diversion to 10% of food-based businesses, and 3) work with 10% of businesses annually on hazardous waste reduction including waste audits. In Chittenden County, the public space outreach requirement, if left as is, would mean working with 623 businesses annually specifically on public space recycling. This would require two new full-time employees and cost an estimated additional \$135,000 per year.

RESPONSE: Adjustments made to lower the performance requirements to be fair to larger SWMEs.

161. Why the focus on setting up recycling for customers/public spaces instead of on the business' overall recycling program. The performance standard should focus on the business' overall recycling program.

RESPONSE: It is a requirement of the UR law for collection of recyclables in public spaces. The MMP is simply incorporating those requirements and asking for deliverables to show how the SWME's are assisting their local municipal entities meet these requirements.

162. Suggested alternative standards and documentation requirements to consider:

- Goal = suggest establishing a goal for businesses instead of a performance standard.

RESPONSE: ANR has very limited authority over private businesses as it relates to solid waste management laws and regulations. The MMP is required by law to establish goals and performance measures for municipalities charged with addressing materials management in their jurisdiction.

- Performance Standard #1: A multi-pronged general business outreach campaign on the requirements of Act 148, the effective dates, the potential penalties for non-compliance, and contact information for assistance has been completed. To be conducted annually through 2020. {Documentation would consist of copies of all outreach materials, such as printed materials used, links to website info, and a log of ads placed (including where and when), as well as social media outreach, events, dates of any mailings, etc.}

RESPONSE: Changes have been made to the MMP.

- Performance Standard #2: A general multi-pronged outreach campaign directed at businesses on environmentally preferable purchasing and proper end-of-life management of hazardous waste generated has been completed by the end of the 2nd year of the plan term and at least every three years thereafter. Documentation would consist of copies of all outreach materials, such as printed materials used, links to

website info, and a log of ads placed (including where and when), as well as social media outreach, events, dates of any mailings, etc.

RESPONSE: Changes have been made to the MMP.

- Performance Standard #3: Information on environmentally preferable purchasing, proper end-of-life management of hazardous waste, and management options for organics and recyclables is maintained on the SWME's website. Documentation would include a link to the website pages.

RESPONSE: Yes, this is a reasonable expectation. However ANR's responsibility should be in tandem with BGS and SWMEs should link to ANR website and provide some initial intro to EPP on their webpages

- General annual documentation requirement: Log of businesses visited on form provided by ANR. For an example, please see attached.

RESPONSE: Minor edits made to the MMP.

- 163.** Please consider adding: ANR will work to get information on diversion requirements to new businesses when they register under an assumed name with the Secretary of State or apply for any relevant state permits.

RESPONSE: ANR will submit a request to the Secretary of State's Office to have them include a link to ANR's website amongst additional information they provide new businesses when they register. No change to the MMP is needed.

- 164.** We did not find a standard for recycling infrastructure on public property. The standard is spelled out in statute (a recycling container paired with every trash container) so may not be needed in the MMP. If a standard were added, it might include something like "appropriate municipal staff has been informed of Act 148 requirement for recycling infrastructure on publicly owned property and its effective date."

RESPONSE: No standards will be provided in the MMP. SWME, in some cases, have the ability to adopt further requirements through ordinance.

- 165.** If the goal of the surveys is to measure solid waste knowledge and program participation of residents (and businesses?), then the results of the surveys need to be generalizable to the whole population in the jurisdiction. To be generalizable, the respondents need to be selected randomly and of a minimum number. This is costly.

RESPONSE: Adjustments were made to decrease the number of surveys required.

- 166.** Pounds per capita disposed per day and capture rates for mandatory recyclables are good measures of diversion and recycling success and are consistent with measuring a district's or municipality's progress toward the State goals. State waste composition studies could identify areas of the State where HW disposal is an issue and should be focused on. In our own residential waste composition studies, we have found truly minimal amounts of HHW.

RESPONSE: No need to change to MMP.

- 167.** Statewide surveys, largest enough to identify regional differences, could be conducted to establish a baseline near the beginning of the plan term and measurement in the last year of the plan term before the next plans are drafted.

RESPONSE: ANR will not conduct a statewide survey. The reasoning is due to how overly general it would need to be. The most valuable data is more specific to the individual SWME that each business, institution, industry, and resident resides in.

- 168.** 10% is a moving target as stores and restaurants come and go so this is impractical to try and measure. As businesses are so different in what materials they have perhaps a sector by sector approach is warranted for economy of effort.

RESPONSE: This percentage is based on an annual basis. Sector by sector is inappropriate due to the requirements of the UR law. The MMP has been revised to provide clarification.

- 169.** Providing a statewide event "tool kit" with local customization is again a good use of resources and time. Given that private events are indeed just that, private, it would be impossible to know exactly how many events took advantage of such technical assistance, tool kits or outreach. Rather than focus on specific events, the host locations need to be considered the target for materials management.

RESPONSE: Agreed, event permitting is a place SWMEs should start. No changes to the MMP are needed. ANR will not dictate how to accomplish the performance standard.

- 170.** Avoid prescriptive activities and allow for creativity. Specific example is the requirement for an annual drop and swap. The LRSWMD has a year round clothing reuse center and collects from a number of other sites so prescribing an annual drop and clothing swap is redundant.
RESPONSE: MMP has been revised to allow for options.
- 171.** Collaboration with food redistribution entities is welcome however it is not within our purview to “expand food redistribution networks.”
RESPONSE: ANR has revised the MMP to require SWMEs to at minimum, contact and collaborate with local food redistribution groups and networks to conduct outreach and education to food businesses and institutions about the opportunities to donate quality food within the region to feed people. Reference to expanding food redistribution networks has been removed. SWMEs have a role to play with partnering generators with food rescue programs.
- 172.** The EPR programs currently in place in Vermont, including mercury-containing thermostats and lamps, electronic waste, and the Bottle Bill, have proven very successful models.
RESPONSE: No change needed to the MMP.
- 173.** In the Chapter on Organics, there should be a reference to Product Stewardship in regard to the impacts on compost from feedstocks containing persistent herbicides and “compostable/biodegradable plastics”
RESPONSE: Edits have been made to the MMP in response to this comment.
- 174.** Education Sections: state, for the various topics, that ANR will develop materials or resource compendiums or other resources for use by SWMEs in implementing education and outreach programs. That is supposed to be completed in the first year. Is that the first year after adoption of the MMP?
RESPONSE: ANR will not provide SWMEs with these resources. It is the responsibility of the SWMEs to meet this performance standard and to do so in the method they deem to be most effective. ANR has already created numerous outreach and education documents the SWMEs can use and modify to suit their regional needs. No change needed to MMP.
- 175.** While we can attempt to combine our efforts for organics, HHW, recycling programs, and annual tours of our WWTF’s in the targeted schools for a given year, the staff contacts for each of these initiatives may consist of a different group of people at each school. Does the annual report on programs (organics, HHW, recyclables, WWTF tours) implemented in 20% of schools each year need to show programs completed (successfully implemented), or could the documentation also consist of a status update showing progress made in that direction? Just using organics diversion as one example, some of our schools have been working on organics diversion for several years and have hit stumbling blocks. Some schools are in very rural areas, making economic and efficient collection a real challenge. Others are still far from having a successful program, and may still need more than one year to implement.
RESPONSE: The expectations are for separation of materials to begin schoolwide and for diversion to be in place but, there is always a need for ongoing education and technical assistance. Implementation of the UR law will ensure services for hauling are in place and available to all Vermonters. Change made to the MMP to reduce outreach requirements for schools..
- 176.** More emphasis on source reduction is needed in the MMP. One area that could use more emphasis is to inform the public, businesses and institutions on how they could adjust their purchase decisions to reduce or avoid the amount of packaging that is certainly a major source of solid waste.
RESPONSE: Agree, adjustments made.
- 177.** It doesn’t make sense to require that SWMEs work with 20% of schools or 10% of businesses in the first year as it may take years to design, test, market, and implement effective programs.
RESPONSE: ANR has revised the MMP in response to this and other similar comments to reduce the number of schools and businesses that require outreach annually. In turn the Agency feels that this is just a baseline level of outreach to be required of SWMEs and to meet the solid waste reduction and diversion needs and goals of the state. Additional outreach efforts beyond the baseline performance standards are encouraged though not expected.

178. Address what new facilities may be needed.

RESPONSE: The 2013 Systems Analysis provides information on this. The MMP is not the right forum for the discussion considering the highly privatized management of the infrastructure currently that the MMP performance standards do not apply to.

179. No towns or haulers report or send copies of reports to BCRC, identify what sources of information can tap to identify facilities, the amounts of materials processed, hauler contacts and other information. What technical assistance will be available to help gather required information?

RESPONSE: Access to data through ReTRAC is available. In addition to that, SWMEs that are chartered entities can require haulers to register and report as well as facilities. No change needed to the MMP.

180. Interested in the guidance document ANR will be preparing to aid SWMEs in developing their SWIPS. Can that document contain examples of actions and performance standards that would be expected of SWMEs?

RESPONSE: ANR will not be proscriptive. Giving examples is often interpreted as the only options available. This is something ANR wishes to avoid to allow for innovation. No changes needed to MMP.

181. Business Outreach: In the event that we fail to meet the 10% requirement in a certain year, would it be sufficient to document how we have attempted to initiate a working relationship with those businesses?

RESPONSE: MMP has been revised to provide clarification. Documenting the extent to which contact was made is sufficient to meeting MMP performance standards.

Comments on Performance Standards

182. The data gathering and reporting requirements set forth in the MMP are extensive, yet it is unclear what the specific goals for these tasks will be. Will it provide ANR the ability to compare the effectiveness of SWME's programs? Will it be used to determine whether the State diversion goal has been met?

RESPONSE: ANR is requiring data collection to ensure waste reduction goals have been met and that more consistent and convenient solid waste services are being offered around the state and reporting by SWMEs to document compliance with the MMP.

183. Performance standards need to be crafted to fit within the authority of the SWME's.

RESPONSE: SWME's have authority to manage solid waste within their jurisdictions. Some performance standards, such as working with schools require SWMEs to reach out to schools to offer services and assistance with waste reduction programs. While schools may refuse this service/assistance SWME's must still report their efforts to engage the schools. Additionally as waste generators, all schools will be required to separate listed recyclables and food scraps from the waste stream as part of compliance with Act 148.

184. If the performance standards are not met, it would be helpful to have a commitment by ANR to meet with the SWME to assist with improving the SWME's performance and/or data gathering methods before it enforces against the SWME.

RESPONSE: While ANR will make every effort to get voluntary compliance, we cannot commit to meeting with each SWME in advance of contemplating enforcement actions.

185. Prefer to devote more resources to planning and implementing the major infrastructure and collection systems required by Act 148 than school outreach.

RESPONSE: Both are needed, but outreach and education to schools is key part of solid waste reduction efforts. Children who participate in active separation, recycling, and composting in school often become adults who practice similar recycling habits.

186. Must educate from the pre-school level through grade 12. We also need to educate the general public. Would like to see language specific to addressing possible Grant money to fund education.

RESPONSE: This MMP is not able to address all possible uses of future grant funding, however it should be noted that ANR recently (March 2014) released \$45,000 in grant funds for school waste reduction education and programs.

- 187.** On the possibility that the State is considering doubling the \$6/ton solid waste fee assessed to Town's and Districts in order to implement the MMP-do not support this increase in fees as it does not appear that the communities will be getting a doubling of service and benefits from the State.
RESPONSE: There are a variety of funding needs inherent in the work envisioned in the MMP, due to the implementation of Act 148, such as that needed for recycling infrastructure. No change to the MMP needed.
- 188.** SWIP holders no longer produce the implementation reports -> our expectations for SWIP holders, must get certain basic info from all SW planning entities.
RESPONSE: The MMP requires certain reporting to be provided by the SWMEs. See the performance standard sections of the MMP for the list of requirements.
- 189.** The plan requires the Agency to submit one op-ed to a regional newspaper within one month of the MMP being adopted. Instead, the Agency could submit a series of op-eds on key topics to numerous newspapers across the state. The Agency could also have Districts author and submit op-eds on key topics to their local papers.
RESPONSE: This is a good suggestion and one the Agency will consider as the MMP process unfolds. No changes to the MMP needed.
- 190.** Regarding requirement to work with 20% of schools annually on recycling, organics, and hazardous waste, it would be inefficient to work with schools that already have functioning recycling and/or food scrap diversion programs in place.
RESPONSE: It is not entirely inefficient to do so considering that materials management experts know that there is always a recurring need for education, training, improved and updated signage and labeling, improved placement and size of containers due to student and staff turnover and changes to legislative and regulatory requirements. The more attention paid to improving small challenges, helps to avoid larger ones that may lead to program disruption and wasted time, money, and materials unnecessarily being sent to the landfill when they may have been captured earlier with appropriate technical assistance. Adjustments have been made to the MMP to give clarification.
- 191.** Suggested alternative standards and documentation requirements to consider:
- Performance Standard #1: All schools are in compliance with Act 148 requirements by the relevant deadlines. Materials diverted meet quality control standards set by processing facilities used.
Documentation requirements: Annual list of all schools and status of diversion programs (status verified within last 3 years) on form provided by ANR. For an example, please see attached.
RESPONSE: Edits have been made in the MMP's Organics, Recycling, and HHW sections in response to these comments.
 - Performance Standard #2: All schools receive information on environmentally preferable purchasing and proper end-of-life management of hazardous waste generated by the end of the 2nd year of the plan term and at least every three years thereafter.
RESPONSE: Edits have been made in the MMP's HHW sections in response to these comments.
 - Documentation would consist of copies of outreach materials with dates of use.
RESPONSE: Edits have been made in the MMP in response to these comments.
- 192.** Schools could be provided with bins to sort their materials, and in exchange, could commit to developing materials and holding presentations with community groups to help bring attention to these issues in their towns beyond school grounds.
RESPONSE: SWMEs may wish to take this approach with schools in their jurisdictions as part of their waste reduction program work with schools.
- 193.** The Plan would be more readable in standard technical report outline format; using chapter, sections and sub-sections, bullet lists and standardized page numbering.
RESPONSE: The MMP already conforms to the suggested format. No changes needed to the MMP.
- 194.** It may be more impactful to move the list of reports and studies used to establish the current 'state of the State' from the end of the introduction (page 12) to the beginning and summarize the key findings or data conclusions relevant to the goals and objectives of the MMP.
RESPONSE: The layout of the introduction is intentional. No changes will be made to the MMP.

- 195.** Would like a chapter on Financing Options for MMP Initiatives including State grants, low interest and revolving loan funds, unclaimed container deposits, and additional state tax on landfill waste.
RESPONSE: SWMEs have the ability to partner with other SWMEs to reduce expenses, provide services, and decrease duplicity in education and outreach documents; becoming a chartered district allows the SWMEs to develop surcharges and ordinances that require haulers to register with the District that can bring in revenue. Additionally, SWMEs can apply for other state and federal grants that promote low impact development, mitigate climate change, and expand upon the state's working landscapes while meeting the performance standards at the same time. No changes to the MMP are needed as these opportunities are provided through external agencies and organizations.
- 196.** There should be some prioritization in implementation (i.e. the C&D recycling can come later, be of lower priority.)
RESPONSE: The MMP is designed in a way that does not neglect any of the general material streams. The performances standards mirror this intent. No changes are needed to the MMP.
- 197.** Single stream MRFs are suggested but not the higher quality dual stream systems.
RESPONSE: No changes needed to the MMP. ANR does not stipulate that one type of recycling system must be used over another. Both are seen to have benefits to diverting material from the landfill.
- 198.** Discuss redemption centers.
RESPONSE: The MMP touches briefly on redemption centers and the bottle bill, but these are not a major focus of this Plan. No change needed to the MMP.
- 199.** Guidance on how to deal with the volatile market for recyclables, recommend solid waste entitles develop resiliency measures to prepare for market fluctuations.
RESPONSE: The MMP is not the appropriate document to provide this guidance. No changes needed to the MMP.
- 200.** Please consider exempting a SWME who can demonstrate successful reduction programs at schools.
RESPONSE: The MMP performance standards for schools generally requires SWMEs to demonstrate what waste reduction programs activities have occurred or are occurring at schools in their jurisdiction. However, to the extent those programs are in place the performance standards require minor recurring technical assistance to evaluate the effectiveness of the program. This may include things such as considering the need for improved signage or additional education.