



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

Universal Recycling Stakeholders Group Minutes – November 7, 2019

Group Members Present:

Kim Crosby	Casella Waste Systems
Craig Goodenough	Goodenough Rubbish Removal
Tess Kennedy	Shouldice & Associates
Lisa Ransom	Grow Compost
Aaron Shepard	Northwest Solid Waste District
Michele Morris	Chittenden Solid Waste District
Cassandra Hemenway	Central VT Solid Waste Mgmt. District
Cathleen Gent	Central VT Solid Waste Mgmt. District
Jeff Myers	Myers Container Service
Brady O'Brien	VT Retailers and Grocers Association
Al Sabino	Casella Waste Systems
Chet Brown	White River Alliance
Jenn Bartleman	White River Alliance
Susan Alexander	Lamoille Regional Solid Waste Mgmt. District
Karl Hammer	VT Compost Company
Dan Goossen	Chittenden Solid Waste District
Tom Gilbert	Black Dirt Farm
Buzz Ferver	Perfect Circle Farm
Elly Ventura	Lamoille Regional Solid Waste Mgmt. District
Cormac Quinn	EcoAmericorps

By phone

Mary O'Brien	So. Windsor/Windham County Solid Waste Mgmt. District
Shaina Kasper	Toxics Action Center
Shannon Choquette	Northeast Kingdom Solid Waste Mgmt. District
Pam Clapp	Solid Waste Alliance Communities
Charles Smith	Full Circle Environmental
Deb Neher	UVM
Meredith Niles	UVM
Paula Kamperman	Bennington County Solid Waste Alliance
Mary O'Brien	Southern Windsor Windham County SWMD
Ham Gillett	Greater Upper Valley Solid Waste District

ANR Staff Present:

Cathy Jamieson	Solid Waste Program Manager
Mia Roethlein	Solid Waste Program
Josh Kelly	Solid Waste Program
Anne Bijur	Solid Waste Program

Minutes

Welcome and Introductions – Cathy Jamieson, DEC

Food Scrap Ban 2020 – Josh Kelly, DEC

Josh reviewed the food scrap ban phases of the Universal Recycling law. Currently, generators must divert if they dispose more than 18 tons per year of food scraps and are within 20 miles of a certified compost facility. After complete food scrap ban is in effect, the 20-mile requirement goes away and all generators no matter size or distance to a facility must divert food scraps. However, there will still be an exemption for residents doing backyard composting to allow for the disposal of meat and bones.

In order to raise awareness about the ban, ANR has a media contract to launch in January 2020 with two goals: raise awareness about the law and prevent/divert food waste. Among deliverables, there will be a new video to replace the compost video.

ANR's Performance Standards of the new MMP are ongoing, such as support for compost markets and outreach to businesses.

ANR released organics infrastructure grants and will continue business outreach, over 150 businesses have been visited so far. ANR is proactively letting generators know what is required and is looking for feedback from stakeholders about where to focus efforts. A second phase of business outreach is planned in partnership with SWMEs. Spot Checks at transfer stations will continue. One was completed last month and cardboard in MSW was the most visible violation. ANR will continue to partner with VT Foodbank on food rescue efforts.

With the food scrap ban, what will enforcement look like? The goal is to move needle towards more diversion. The estimate is that 60% food waste will be kept out of landfills after 2020. ANR will prioritize education and outreach and generally conducts compliance in 2 ways – direct outreach visits and from complaints received. For homeowners, ANR has had a consistent message regarding food scrap ban 2020, that there are three options: compost at home, drop off at transfer station/nearby composting facility, or use a food scrap hauler if available.

ANR will not search through individual trash bags.

De Minimis designation allows some flexibility if a generator has a specific circumstance where some food scraps might need to be disposed. In order to be eligible to dispose of a de minimis amount, a generator has to have a program in place to divert food scraps that staff are trained on that program. Generators are encouraged to ask ANR for guidance.

A question was asked whether generators could use the De Minimis designation on an ongoing basis?

Josh explained that it will be case by case for each generator and again that generators should reach out to ANR.

Question was asked if the De minimis designation went away in 2020 and Josh clarified that it does not.

Discussion was had that the food waste law being similar to the seat belt law and that there may never be 100% compliance.

Question was asked what the schedule is for getting to compliance for all and what projections there are for the increased amount of food scraps needing processing.

ANR staff explained that compliance efforts will be ongoing as will outreach efforts, that ANR will follow up on all complaints. Typically, ANR seeks compliance within set a timeframe. A formal Notice of Alleged Violation (NOAV) will be issued if compliance not achieved. And then after an NOAV if still not achieved, the generator could be issued a fine.

Regarding the projected amount of food scraps expected to need processing and capacity, ANR explained that the 2013 [Systems Analysis Report](#) has an estimate for food scraps diverted in tons and the [2019 Solid Waste Biennial Report](#) has information on food scrap processing capacity.

A concern was raised about plastic contamination and microplastics. It was discussed that different organics processing facilities have different materials that they accept, e.g. paper products/no paper products. Concerns were raised about de-packaging and some felt that ANR is not adequately addressing the issue of de-packaging and the potential impacts to soil health due to microplastics.

There was more discussion about food scrap processing capacity and what gaps may be. ANR agreed stated that capacity projections were part of the Biennial Report.

A request was made that ANR update the data on food scrap processing capacity including end destination of all food scraps processed.

It was asked if ANR has fined a generator yet for not diverting food scraps.

ANR explained that all generators have come into compliance via an NOAV so far, but ANR could issue a fine if a generator failed to comply.

A question was asked about a resident versus a business receiving an NOAV.

ANR is focusing its efforts on compliance by larger generators and are not looking to issue NOAVs to residents.

A comment was made that enforcement will be challenging and while ANR is providing options, has there been a focus on education around backyard composting?

ANR responded that ANR funds the annual Master Composter Course and has supported the SWMES in doing composting workshops across the state.

A comment was made that it would be helpful if there was coordination across state agencies. ANR explained current efforts coordinating with Agency of Agriculture, Department of Health and Buildings and General Services.

ANR provided an update on feeding food scraps to chickens.

Agency of Agriculture has determined that providing chickens access to food scraps is not farming. Both the Agency of Agriculture and the ANR/DEC Solid Waste Program have met with the legislature with two meetings being held over the summer. A revised letter has been sent out to all known farms feeding food scraps to chickens regarding solid waste permitting requirements.

Comments were made that the hierarchy in the Universal Recycling Law has feeding animals as a higher use than composting/digestion and that some are concerned that edible food is going to go for composting/digestion rather than food donation if the hierarchy is not enforced.

Discussion followed about whether or not the hierarchy is enforceable as written in statute.

ANR explained that the use of one option over another in the hierarchy is not enforceable and that in conversations with The VT Food Bank and states like Maine, food rescue has not been affected by de-packaging. ANR promotes and recommends the hierarchy of uses.

There was more discussion on de-packaging and ANR's role and concerns about de-packaging and adherence to the hierarchy.

A comment was made that ANR need to be clear with the public that the food scrap ban is law and that some statements ANR makes undermines this fact.

Food Scrap Hauling 2020

Josh provided an explanation:

- Beginning July 1, 2020, commercial haulers must offer separate collection of food scraps to nonresidential customers and apartment buildings with four or more residential units and deliver them to a processing location such as a composting or anaerobic digestion facility. Commercial haulers are
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not required to offer collection of food scraps if another commercial hauler provides food scrap collection services in the same area and has sufficient capacity to provide service to all customers.

- Haulers are not required to offer collection to residential households unless apartments over 4 units or more.
- How can haulers be exempt from offering food scrap collection?
 - Step 1 ANR will proactively contact Food Waste haulers to confirm their capacity for the region and routes they serve and
 - Step 2 Haulers that want to be exempt should contact ANR who will confirm other service providers exempt them. (ANR will document these confirmations from food scrap haulers in writing). ANR/DEC staff point of contact for the VT Food Scrap Hauler list will be Alyssa Eiklor.

Some discussion followed on what constitutes non-residential customers. ANR staff are available to provide guidance on definition of residential.

It was pointed out that Community Compost sites could serve as a resource for renters needing to divert food scraps.

Update on Single Use Plastics Working Group – Cathy Jamieson

Cathy explained that the Legislature passed Act 69 which bans plastic bags, straws, beverage stirrers, Expanded Polystyrene food and beverage containers. The statute required a working group of which ANR is a member. ANR is not managing this working group. Senator Bray is the Chair and the Legislative Council manages the group, which has had four meetings so far. All minutes and presentations available on the [Legislature's website](#).

Kim Crosby also a member of the group explained that each member of the group submitted their top 3 priorities for materials that are challenging to manage. There were some similarities among group members- i.e. glass.

Discussion followed on weight versus volume when looking at totals for what types of packaging are recyclable. Also, there were comments and some discussion on Life Cycle Analysis of various materials. See report on [background information for the Working Group](#) that ANR completed.

Summary and Closing Remarks

- ANR/DEC heard that there are concerns with compliance and enforcement, and that the Solid Waste Program should remind people that the food scrap ban is state law and conduct more outreach
- It's important that messaging continue to direct food scrap separation
- ANR/DEC will work to update the capacity estimates for food scraps in 2020
- Heard concerns on plastic packaging and food scrap hauling
- Reminder, that ANR/DEC has food scrap diversion posters for transfer stations
- There were concerns about enforcement of hierarchy and animal feed
- Some want to encourage community composting
- And a reminder that the VT Organics Recycling Summit coming up in April 2020.

Next Steps –

Consider holding another meeting.

The next UR Stakeholder meeting will be December 19th, to discuss food waste management.
