



Senate Natural Resources Committee
Food Residuals Management
April 26, 2016

Thank you for the opportunity to testify on Act 148. We continue to hear from municipal governments that flexibility is not a hallmark of the Solid Waste law. There are a variety of experiences with the law depending upon what town, district or alliance is being discussed. We asked for amendments to the law in most of the years since the passage of Act 148 in 2012. Those proposals were not addressed.

The most immediate issue is that many municipalities continue to find that it will be both difficult and expensive to comply with the requirements for managing food residuals. As the excerpt from the Department of Environmental Conservation website at the end of this testimony indicates, “waste haulers and drop-off centers must offer recycling and food scrap collection services in advance of each landfill ban going into effect. Waste haulers and facilities must offer food scrap collection by 2017 so there is time for residents and businesses to find a ‘preferred’ way to manage food scraps by 2020”. Many of those haulers are small independent businesses that will have a hard time providing trucks with separate compartments for trash, recyclables and food scraps.

We concur that in many parts of the state and for large generators the issue of food residuals management seems to be proceeding. Those areas and generators will continue to manage food scraps. In other parts of the state, particularly those that are more rural, it is a trickier proposition. Municipalities have been mandated to adopt waste management ordinances that implement variable rate pricing and to enforce them, as the attached letter dated June 24, 2014 from the Solid Waste Program indicates. That was something for which many towns did not volunteer.

We support the proposal to amend the food residual management mandate and to provide some flexibility in handling food scraps.

§ 6605k. Food residuals; management hierarchy

2) Arrange for the transfer of food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions (a)(2)-(5) of this section or shall manage food residuals on site.

(c) The following persons shall be subject to the requirements of subsection (b) of this section:

- (1) beginning July 1, 2014, a person whose acts or processes produce more than 104 tons per year of food residuals;
- (2) beginning July 1, 2015, a person whose acts or processes produce more than 52 tons per year of food residuals;
- (3) beginning July 1, 2016, a person whose acts or processes produce more than 26 tons per year of food residuals
- (4) ~~beginning July 1, 2017, a person whose acts or processes produce more than 18 tons per year of food residuals; and~~
- (5) ~~beginning July 1, 2020, any person who generates any amount of food residuals. (Added 2011, No. 148 (Adj. Sess.), § 6.)~~

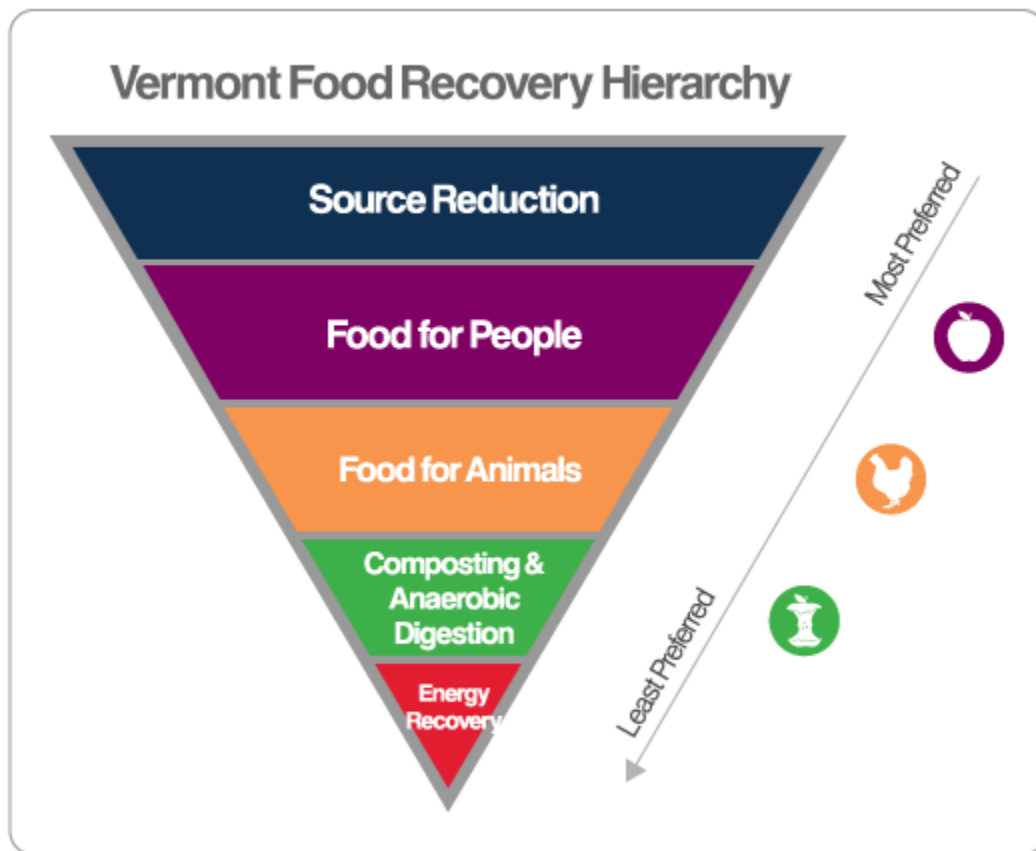
Thank you for the opportunity to testify.

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The following is from the DEC website: <http://dec.vermont.gov/waste-management/solid/universal-recycling>:

Meaningful alternatives exist for uneaten food and food scraps

When food scraps end up in landfills, they release powerful methane gas that contribute to climate change. What's the use of landfilling uneaten food when we can feed our neighbors, feed animals to produce local eggs and meat, or create rich soil and renewable energy products instead? The Universal Recycling Law outlines how Vermont businesses and residents should prioritize what happens to food waste to achieve greater good:



Main Features of the Law

Parallel Collection: Waste haulers and drop-off centers that offer trash collection services are required to offer recycling and food scrap collection services in advance of each landfill ban going into effect. For example, waste haulers and facilities must offer food scrap collection by 2017, so that there is time for residents and businesses to find a preferred way to manage their food scraps by 2020.

Unit-Based Pricing or "Pay-As-You-Throw": All Vermont towns are required to pass ordinances that require waste haulers and transfer stations to bundle the costs of recycling and trash collection into one fee for *residential customers only*. This mechanism levels the playing field for residents across the State, so households do not have to make decisions about whether or not to recycle based on their wallets.

Public Space Recycling: Any trash container in a public space needs to be accompanied by a recycling receptacle as of July 2015, making recycling more convenient in more locations. Public spaces include city streets, parks, municipal offices, schools, and more; bathrooms are exempt.

Phased-In Food Scrap Ban: Businesses and institutions that produce large amounts of food waste--such as supermarkets, college campuses, and restaurants--are required to comply with the landfill ban on food scraps earlier than residents, if they are located within 20 road miles of a composting facility that willingly accepts food scraps. This phased-in approach is designed to create demand for food scrap collection, and support investments in new food scrap collection infrastructure. See the [Universal Recycling Timeline](#) for details.

Communication & Outreach Tools

Go to the [Universal Recycling Downloads](#) page for posters, fact sheets, web ads, and signage for recycling, compost, and trash containers.



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AGENCY OF NATURAL RESOURCES

June 24, 2014

Dear Vermont Municipal Official:

As a municipality you are one of the stakeholders affected by Vermont's Universal Recycling Law (Act 148). **Information in this letter is included to help identify your specific responsibilities under the law.** Municipalities, solid waste facilities and haulers, food scrap generators, residents, businesses, and institutions are all affected by the law. The Agency of Natural Resources (ANR) is creating materials to help each stakeholder group understand the objectives of Universal Recycling, and to provide ample notification for critical dates outlined in the law. Many of you may already be working with your solid waste district or alliance on these responsibilities.

Please find enclosed a Universal Recycling summary sheet for municipalities, as well as a summary and Frequently Asked Question (FAQ) sheet for residents. Please distribute these to municipal officials (Town Managers, Town Clerks, Select Board Members, Transfer Station employees, etc.) as necessary.

Below are key requirements for municipalities under the Universal Recycling Law. **Municipalities** must:

- Implement a variable rate pricing system* (also known as unit-based pricing) that charges for collection of trash from residential customers by volume or weight by **July 1, 2015**. Guidance is available from the Agency of Natural Resources (ANR) on our Universal Recycling webpage.
- Provide equal number of containers for listed¹ recyclables alongside all trash containers in public spaces by **July 1, 2015**
- Comply with listed recyclables landfill ban by **July 1, 2015**
- Comply with leaf, yard and clean wood debris landfill ban by **July 1, 2016**
- Comply with food scraps landfill ban by **July 1, 2020**

*Variable rate pricing (also known as unit-based pricing or pay as you throw) is a rate structure where a person pays a set fee for each bag (e.g. volume unit), or for each pound (e.g. weight unit) of trash they throw away. These pricing systems have been shown as an equitable means to incentivize waste reduction and diversion of recyclables and compostable materials.

¹ Listed recyclables under Act 148 include: aluminum and steel cans, aluminum foil and pie pans, glass bottles and jars from food and beverages, PET and HDPE plastic bottles and jugs, corrugated cardboard, white and mixed paper, newspaper, magazines, catalogues, paper mail, envelopes, and box board.

Other materials are already banned from the landfill in Vermont; this list is not a comprehensive list of the statewide landfill ban. Additionally, many solid waste management districts already mandate recycling of these and other materials.



ANR has released a Variable Rate Pricing Guide for municipalities, which includes a “sample ordinance” municipalities may adopt to implement variable rate pricing in their region:



How do I get there? Go to www.recycle.vt.gov/Act148. Click on “Variable Rate Pricing Guide” and “Sample Ordinance for Variable Rate Pricing” under Universal Recycling [Documents](#).

As a municipality, many stakeholders—including waste haulers, businesses, facilities, schools, and residents—may seek help from you on implementing their own requirements under the law. Please review the compliance dates for these stakeholders in the information below. Additional outreach materials for these groups can be found on our website at recycle.vt.gov (click on the Universal Recycling link in the left hand column).

Facilities that collect trash must also provide collection of:

- Listed Recyclables¹ by July 1, 2014
- Leaf and yard debris by July 1, 2015
- Food scraps by July 1, 2017

Trash haulers that offer curbside service must also collect:

- Listed recyclables¹ by July 1, 2015
- Leaf and yard debris by July 1, 2016
- Food scraps by July 1, 2017

Residents must separate and divert:

- Listed recyclables¹ by July 1, 2015
- Leaf, yard, and clean wood debris by July 1, 2016
- Food scraps by July 1, 2020

Businesses, institutions, schools, or other large food scrap generators:

- Producing 104 tons per year of food scraps must divert material from the landfill by July 1, 2014
- Must recycle all listed recyclables by July 1, 2015
- Producing 52 tons per year of food scraps must divert material from the landfill by July 1, 2015

Visit the Universal Recycling webpages at recycle.vermont.gov to view more compliance dates beyond 2015.

If you have questions please contact the Solid Waste Program staff by calling (802)828-1138; or by emailing mia.roethlein@state.vt.us, or bryn.oakleaf@state.vt.us

Sincerely,

Mia Roethlein
Environmental Analyst IV