

ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT

SOLID WASTE IMPLEMENTATION PLAN

**Draft #1 to VT Agency of Natural Resources
July 1, 2020**

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SECTION 1. INTRODUCTION

This Solid Waste Implementation Plan (“SWIP”) has been developed by the Addison County Solid Waste Management District (“District”) to manage solid wastes within its member municipalities in conformance with Vermont’s Solid Waste Management Plan¹.

The Vermont Solid Waste Act of 1987, commonly known as Act 78, mandated that a State Waste Management Plan be prepared based on a hierarchy of integrated waste management. Each municipality was required to join or participate in a regional planning commission or solid waste management district’s planning efforts. The districts had to prepare, adopt and implement a plan to manage solid waste within and among its member municipalities in accordance with the State’s waste management hierarchy. To this end, the Addison County Solid Waste Management District was formed, and the first District Plan was adopted on March 19, 1992².

In 2014, a new sustainability vision was developed by the Vermont Agency of Natural Resources (“ANR”) and incorporated into a new Vermont Materials Management Plan (“MMP”). The MMP contains new performance standards, including those focused on implementing Vermont’s landmark Universal Recycling Law, or “Act 148.” They are:

- Prevent waste from being generated;
- Promote sustainable materials management, with a preference for highest and best uses;
- Minimize reliance on waste disposal (landfilling and incineration); and
- Conserve resources, minimize energy consumption, and reduce greenhouse gas (GHG) emissions, and other adverse environmental impacts.

The District’s SWIP provides information on how various waste streams are managed in the 21 member towns of the District, as evidenced in the Town Drop-off List (Appendix A). The District uses this data to educate and encourage its members to embrace waste prevention, reduction, diversion and proper disposal. The SWIP also contains siting criteria and the procedures for approving new facilities in the District.

¹ Vermont Materials Management Plan, as adopted in 2019.

² First formal adoption in 1992, after preliminary plans were adopted on June 21, 1990 and July 26, 1991.

SECTION 2. PERFORMANCE STANDARDS (SWIP TEMPLATE)

SWIP Template

Please describe how you intend to meet the requirements of each MMP performance standard within the 5-year SWIP period. You may write a brief description of a program you will implement or bullet point specific tasks you will complete. Two to three sentences is often sufficient to respond to the MMP performance standards but provide as much description as you need to ensure clarity of how the performance standard will be met. Note that the space in the tables below will adjust to the amount of text you write.

SWME Solid Waste Implementation Plan

Name of SWME	Addison County Solid Waste Management District
Year Chartered (if applicable)	1988
Mission for Sustainable Materials Management	The Addison County Solid Waste Management District is a union municipal district that exists to address the solid waste management interests of its member municipalities cooperatively and comprehensively. The mission of the District is to: promote waste reduction; maximize diversion of wastes through reuse, recycling, and composting; provide for the disposal of remaining wastes; and seek environmentally sound and cost-effective solutions in all of its programs, services, and facilities.
Names of Member Town(s)	Addison, Bridport, Bristol, Cornwall, Ferrisburgh, Goshen, Leicester, Lincoln, Middlebury, Monkton, New Haven, Orwell, Panton, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham, Weybridge, Whiting.
<input type="checkbox"/>	Attach cover page once SWIP has been pre-approved with title and date adopted by SWME.

General

<p>G1</p>	<p>Disposal and Diversion Reporting.</p> <p>1. DISPOSAL RATE: To track progress with state waste reduction goals, SWMEs must report their disposal rate in SWIP years one and five. SWMEs may use the method in the <i>ANR Data Guidance</i> to calculate their disposal rate or another method approved by ANR. Disposal rate reports must be based on calendar year data and be submitted to ANR via Re-TRAC by July 1st.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. First (1st) Year SWIP Report: report year 1 annual per person per year disposal rate. 2. Fifth (5th) Year SWIP Report: report year 5 annual per person per year disposal rate. <p>2. DIVERSION RATE: SWMEs are not required to report diversion rates to ANR; however, it is strongly recommended that SWMEs track their diversion efforts to determine the success of their programs and services.</p>
<p>Plan to submit data:</p>	<p>The District tracks its disposal rate annually (2.06 lbs/person/day in 2019), and will calculate its diversion rate every two years, using in-house data. The last diversion study was in 2019, using 2018 data. The District’s MSW Diversion number for 2018 was 2.61 lbs/person/day. The overall MSW Diversion Rate for 2018 was 55.82%. The District’s Waste Management Ordinance (WMO) requires all commercial haulers to be licensed. All commercial haulers collecting MSW/ C&D generated in the District and destined for disposal are required to pass through the District Transfer Station in Middlebury, unless authorized by the District to use another facility. The MSW/ C&D is weighed, and the town of origin is recorded. The District also annually reports on Re-TRAC the special wastes, recyclables, HHW/CEG, Universal Waste, etc. that pass through its Transfer Station. The District relies on the VSWDMA auditor to assist with tracking any disposed of MSW/ C&D that may have bypassed the Transfer Station without District approval.</p>
<p>G2</p>	<p>SWIP Posting & Publicity. To ensure community members are aware of and can access the SWIP, each SWME must—within one month of their SWIP approval—post their approved SWIP on their website and submit one press release about their SWIP to local newspapers within two months of SWIP approval.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. First (1st) Year SWIP Report: supply website link of SWIP and attach press release along with date released and list of newspapers where it was sent.
<p>Plan for Posting and Press Release:</p>	<p>The District will post the approved SWIP, along with an announcement of its approval, on its website (www.AddisonCountyRecycles.org) no later than one month after SWIP approval. The District will also issue press releases announcing the newly approved SWIP to at least two area newspapers within two months of SWIP approval.</p>

G3	<p>A-Z Waste & Recycling Guide. To ensure community members have access to local information on state disposal bans and how to reuse, recycle, donate, compost, and safely dispose of their unwanted materials, each SWME will develop and maintain an A-Z guide on their website that lists regional management options for various materials. This guide must be updated on the SWMEs website within the first SWIP year and remain accurate throughout the SWIP term. The list must contain, at minimum, information on how to manage, recycle, or divert all state disposal banned items in addition to information on where to recycle/reuse the following materials: clothing/textiles, asphalt shingles and drywall, sharps, pharmaceuticals, and food for donation.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. Provide A-Z website link in annual SWIP report. 2. A-Z website link must be easily found from the district, alliance or town’s website within 2 clicks or fewer from the homepage. 3. Publicize the A-Z Waste & Recycling Guide with at least two forms of outreach annually throughout the SWIP term.
Plan for Updating Webpage:	<p>The District will maintain its A-Z Guide (www.addisoncountyrecycles.org/guide) on an ongoing basis. Currently, the ACSWMD A-Z Guide is searchable from our homepage and easy to find. Presently, the Guide contains all major keywords and will contain all sub-keywords by the end of year one of the SWIP. Our guide also contains recycling/reuse and information on clothing/textiles, asphalt shingles and drywall, sharps, pharmaceuticals, and food for donation.</p>
Plan for Publicity:	<p>The District will use a variety of outlets and opportunities to publicize its A-Z Guide, always adhering to two different forms per year. Over the 5-year plan, at a minimum, ACSWMD will publicize its A-Z Guide on Front Porch Forum, Facebook, and in its District-wide “News to Reuse” newsletter to ensure everyone in the District is reached.</p>

G4	<p>Variable Rate Pricing. SWMEs must implement a variable rate pricing system that charges for the collection of municipal solid waste from a residential customer for disposal based on the volume or weight of the waste collected.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, explain the method used to ensure haulers and facilities are charging residents for trash based on volume or weight.
Description of System:	<p>The District has a Waste Management Ordinance and an Illegal Burning & Disposal Ordinance in effect, as described in Section 6. Within the Waste Management Ordinance, Section 4.12 (G) describes the requirement for Commercial Haulers to implement Unit-Based (Variable Rate) pricing. Appendix E contains a copy of both ordinances. The District works with haulers (including “fast-trash” and other mobile operations) to ensure that the variable rate pricing systems are in place. Through the annual hauler licensing process, the District confirms the Variable Rate pricing of each hauler. The District Transfer Station also uses Variable Rate pricing.</p>

<p>G5</p>	<p>Solid Waste Hauling Services. To ensure community members have access to information on solid waste hauling services in their region or town, SWMEs must annually update the contact information and trash, recycling, and food scrap pickup services offered by all commercial solid waste haulers operating within their region on the SWME website. SWMEs may elect to establish licensing or registration programs to accomplish this requirement.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide website link to hauler contact list and services haulers provide.
<p>Description of Updating Process:</p>	<p>The District maintains a list of licensed commercial waste haulers, as well as a list of services they provide (including trash, recycling, food scraps, and leaf & yard debris). This information is updated annually via the commercial hauler licensing process, and subsequently posted on the District’s website.</p>

Outreach – Recycling, Organics, HHW/CEG, EPR Programs

<p>O1</p>	<p>School Outreach. To ensure all K-12 public and private school children, faculty and staff understand state disposal bans and how to reduce waste, reuse, recycle, compost, donate, and safely manage materials responsibly, SWMEs must annually visit and work with K-12 public and private schools to implement school-wide waste reduction programs — covering, at minimum, disposal ban information, how to recycle correctly, how to separate food scraps for composting, how to reduce wasted food and donate what is appropriate, how to safely manage hazardous waste, and collection options available from Vermont’s Extended Producer Responsibility Programs for electronics, paint, batteries, mercury-containing bulbs and thermostats. SWMEs must assist schools on a continual basis to ensure the effectiveness of waste reduction programs.</p> <p>SWMEs must conduct in-person outreach and education assistance to at least 10% or 2 schools (whichever is greater) within their jurisdiction each year, ensuring that at least 50% of the schools are reached by the end of the SWIP term. SWMEs should prioritize outreach to schools that have not yet been visited. For SWMEs with fewer than 10 schools, assistance should be offered on an annual basis to at least 2 schools per year, with re-visits to schools if all schools in the jurisdiction are reached early in the SWIP term.</p> <p>SWMEs may work with ANR’s Environmental Assistance Office to obtain information and technical assistance on HHW/CEG handling, disposal, waste reduction, recycling, and finding cost effective disposal options.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. Provide a list of schools contacted, dates visited, informational materials provided (such as VT Waste Not Guide), technical assistance or outreach offered, and status of recycling and food scrap diversion programs in annual SWIP report.
<p>Description of Outreach Plan:</p>	<p>There are 22 public schools covering grades K-12, along with 4 private schools in our District (at present). Because the District has had a mandatory recycling ordinance in effect since 1993, all schools in the District already have some form of blue bin recycling in place. Most schools were diverting food scraps prior to the 2020 school semester (which was converted into distance learning in March 2020 due to COVID-19).</p> <p>ACSMWD Public Outreach Coordinator will continue to network with school principals, teachers, staff, and maintenance personnel in member towns to offer educational opportunities for all ages and expand waste reduction and responsible recycling initiatives. The following will be covered with at least 3 schools per year in person, ensuring 50% of schools are reached by the end of the SWIP term: disposal ban information; how to recycle correctly; how to separate food scraps for composting; how to reduce wasted food and donate what is appropriate; how to safely manage hazardous waste; and collection options available for VT EPR programs including electronics, paint, batteries, mercury-containing bulbs and thermostats. Possible ways to achieve this outreach include meetings, classroom visits, and group</p>

<p>01</p>	<p>School Outreach. To ensure all K-12 public and private school children, faculty and staff understand state disposal bans and how to reduce waste, reuse, recycle, compost, donate, and safely manage materials responsibly, SWMEs must annually visit and work with K-12 public and private schools to implement school-wide waste reduction programs — covering, at minimum, disposal ban information, how to recycle correctly, how to separate food scraps for composting, how to reduce wasted food and donate what is appropriate, how to safely manage hazardous waste, and collection options available from Vermont’s Extended Producer Responsibility Programs for electronics, paint, batteries, mercury-containing bulbs and thermostats. SWMEs must assist schools on a continual basis to ensure the effectiveness of waste reduction programs.</p> <p>SWMEs must conduct in-person outreach and education assistance to at least 10% or 2 schools (whichever is greater) within their jurisdiction each year, ensuring that at least 50% of the schools are reached by the end of the SWIP term. SWMEs should prioritize outreach to schools that have not yet been visited. For SWMEs with fewer than 10 schools, assistance should be offered on an annual basis to at least 2 schools per year, with re-visits to schools if all schools in the jurisdiction are reached early in the SWIP term.</p> <p>SWMEs may work with ANR’s Environmental Assistance Office to obtain information and technical assistance on HHW/CEG handling, disposal, waste reduction, recycling, and finding cost effective disposal options.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. Provide a list of schools contacted, dates visited, informational materials provided (such as VT Waste Not Guide), technical assistance or outreach offered, and status of recycling and food scrap diversion programs in annual SWIP report.
	<p>tours of the District Transfer Station. This outreach will be tracked annually in a spreadsheet or database so that progress can be monitored and follow-up will be recorded.</p> <p>Finally, the District plans to continue offering its School Diversion Grant that provides financial support to public and private K-12 schools in member towns. This grant seeks to increase the amount of recyclable, compostable or reusable material diverted from disposal and supports the outreach goals outlined above.</p>

<p>02</p>	<p>Direct Business Outreach. To ensure businesses and institutions (hospitals, nursing homes, colleges, correctional facilities, and other large waste generators) understand how to meet State requirements and reduce waste, recycle, compost, donate food/goods, and safely manage materials responsibly, SWMEs must annually conduct business outreach and education either in person or via phone — covering, at minimum, disposal ban information, how to recycle correctly, how to separate food scraps for composting, how to reduce wasted food, how to safely manage hazardous waste, and collection options available from Vermont’s Extended Producer Responsibility Programs for electronics, paint, batteries, mercury containing bulbs and thermostats. SWMEs must provide business outreach and education on a continual basis to ensure the effectiveness of waste reduction programs.</p> <p>SWMEs must conduct business outreach and education to at least 2% or 20 businesses/institutions (whichever is greater) within their jurisdiction each year and reach at least 10% of the businesses and institutions within their region by the end of the SWIP term. For SWMEs with fewer than 20 businesses, all businesses must receive outreach at least twice during the SWIP term.</p> <p>SWMEs should prioritize outreach to businesses that have not yet been contacted or visited or those whose status is not yet known.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide list of businesses/institutions contacted, date contacted, outreach materials provided (such as the VT Waste Not Guide), and the status of recycling and food scrap diversion programs and whether follow up is needed.
<p>Description of Outreach Plan:</p>	<p>ACSWMD estimates there are 2,400 businesses throughout our member towns, including those who are self-employed. Our Public Outreach Coordinator working in conjunction with other staff will conduct in-person or telephone outreach to a minimum of 50 businesses each year, ensuring that at least 10% of businesses are reached by the end of the SWIP term on: disposal ban information; how to recycle correctly; how to separate food scraps for composting; how to reduce wasted food; how to safely manage hazardous waste; and collection options available from Vermont’s EPR programs for electronics, paint, batteries, mercury-containing bulbs and thermostats. Outreach and education will be done on a continual basis to ensure the effectiveness of waste reduction programs/initiatives and priority for outreach will be focused on businesses that have not yet been contacted or where the status of waste reduction programs/initiatives is unknown.</p> <p>Documentation of this effort will include a list of businesses/institutions contacted, date of contact, outreach materials offered, the status of recycling and food scrap diversion programs, and whether follow-up is needed.</p>

<p>03</p>	<p>Waste Reduction at Events. To ensure community members have resources to reduce waste, recycle, and divert food scraps from the trash at events, SWMEs must, <u>at minimum</u>, offer technical assistance which could include signage and coordination with local haulers and facilities accepting food scraps. Though not required, SWMEs are encouraged to host waste-sorting stations at events with SWME staff or volunteers or to loan community members basic supplies such as signage and collection bins.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. Provide information on SWME or town website of event waste reduction and diversion resources and services and provide link in annual SWIP report. 2. In annual SWIP report, list events that have received assistance each year.
<p>Description of Assistance:</p>	<p>ACSWMD will maintain support for events on our website and advertise this support in various places over the SWIP term including social media, our biannual newsletter, and other outlets. Support for events will include technical advice as well as containers for proper waste sorting. Containers for trash, recycling and food scraps will be available for loan to any public events hosted in member towns during the SWIP term. Depending on volunteer interest and staff time, a “Waste Warrior” volunteer program may be available to increase the effectiveness of waste sorting at events and to raise awareness among the public on proper sorting.</p> <p>Documentation will be provided in the annual SWIP report of events supported by this program as well as a link to a website where information about this support is available. For current waste reduction support for events visit: www.addisoncountyrecycles.org/about/support/events</p>

HHW & CEG Hazardous Waste

<p>H1</p>	<p>HHW Collection Events and Facilities. To ensure community members have convenient access to safely dispose of Household Hazardous Waste (HHW) and Conditionally Exempt Generator Hazardous Waste (CEG), SWMEs must provide a minimum of two (2) HHW/CEG hazardous waste collection events per year or access to a permanent HHW collection facility defined within this MMP as a facility that is open at least one day per week and open at minimum from May through October (ANR may consider approving requests for alternative operating days and seasonal openings and closures of permanent facilities when necessary). SWMEs that provide access to a permanent HHW collection facility in their region, are exempt from the requirement to offer all towns at least one annual collection event within 20 road-miles.</p> <p>Minimum Requirements for SWMEs utilizing Collection Events: SWMEs must offer at least one event scheduled in the spring and one in the fall and events must operate for a minimum of 4 hours. SWMEs who only offer collection events or operate HHW facilities with operating hours similar to collection events must <u>annually</u> provide each of its towns with access to at least one collection event (or to a facility) within 20 road-miles; meaning a maximum distance of 20 road-miles from any point in the town. If a SWME provides additional events above the minimum requirement, waivers to the minimum duration for each event may be considered by ANR. To meet this 20 road-mile convenience requirement, certain regions may need to add collection events.</p> <p>SWMEs may share access to events and facilities provided a signed agreement confirming access by the SWME's community members is obtained; and provided that an event or facility is within 20 road-miles from any point in a town that would be using that event or facility.</p> <p>In the event an EPR Program is established for certain HHW materials, SWMEs would be required to ensure that collection exists for all <u>other HHW materials not covered</u> by the HHW EPR Program and to meet and maintain the above HHW collection and convenience standards.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide dates of events or link to facility hours on SWME website, number of participants and the amount of HHW/CEG hazardous waste collected.
<p>Description of Collection Plan:</p>	<p>In Jan. – Dec. 2019, the District collected HHW from 3,034 households, which is an 11% increase in the participation rate for 2018. Note that this household participation rate does not include transactions for E-Waste, motor oil, batteries, or mercury-containing lamps, which are tracked separately. The District also received waste from 103 Conditionally-Exempt Generators (CEGs) in 2019. In 2019, the HazWaste Center collected 78.02 tons of HHW and 9.38 tons of CEG waste for treatment, disposal, or recycling. This total included approximately 105,590 lbs. of latex and oil-based paint.</p>

<p>H1</p>	<p>HHW Collection Events and Facilities. To ensure community members have convenient access to safely dispose of Household Hazardous Waste (HHW) and Conditionally Exempt Generator Hazardous Waste (CEG), SWMEs must provide a minimum of two (2) HHW/CEG hazardous waste collection events per year or access to a permanent HHW collection facility defined within this MMP as a facility that is open at least one day per week and open at minimum from May through October (ANR may consider approving requests for alternative operating days and seasonal openings and closures of permanent facilities when necessary). SWMEs that provide access to a permanent HHW collection facility in their region, are exempt from the requirement to offer all towns at least one annual collection event within 20 road-miles.</p> <p>Minimum Requirements for SWMEs utilizing Collection Events: SWMEs must offer at least one event scheduled in the spring and one in the fall and events must operate for a minimum of 4 hours. SWMEs who only offer collection events or operate HHW facilities with operating hours similar to collection events must <u>annually</u> provide each of its towns with access to at least one collection event (or to a facility) within 20 road-miles; meaning a maximum distance of 20 road-miles from any point in the town. If a SWME provides additional events above the minimum requirement, waivers to the minimum duration for each event may be considered by ANR. To meet this 20 road-mile convenience requirement, certain regions may need to add collection events.</p> <p>SWMEs may share access to events and facilities provided a signed agreement confirming access by the SWME’s community members is obtained; and provided that an event or facility is within 20 road-miles from any point in a town that would be using that event or facility.</p> <p>In the event an EPR Program is established for certain HHW materials, SWMEs would be required to ensure that collection exists for all <u>other HHW materials not covered</u> by the HHW EPR Program and to meet and maintain the above HHW collection and convenience standards.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide dates of events or link to facility hours on SWME website, number of participants and the amount of HHW/CEG hazardous waste collected.
	<p>For the duration of this SWIP, the HazWaste Center will accept all HHW and CEG waste, except for explosives, radioactive material, and regulated medical waste, from all District member towns. HHW collection will occur year-round, Mon–Fri, 8:00 AM - 2:00 PM, and Sat, 8:00 AM - 1:00 PM. CEG waste will be accepted at disposal cost by appointment only, Mon–Fri, 7:00 AM - 3:00 PM. The District will maintain a listing of all collection options for HHW and CEG waste on its online A-Z Guide, which is available on the District website. The District will complete all required quarterly HHW and CEG reporting through the State of Vermont’s Re-TRAC system.</p>

<p>H2</p>	<p>Collection of Landfill-Banned and Dangerous Materials. Each SWME shall demonstrate that year-round collection options exist in their region for the following materials: batteries, mercury containing lamps, mercury thermostats, 1- and 20-pound propane tanks, electronics, paint, tires, used oil, and white goods (including discarded refrigerators, washing machines, clothes dryers, ranges, water heaters, dishwasher, freezers). Collection locations can be privately or publicly owned, such as auto parts stores collecting used oil, or hardware stores collecting paint and fluorescent lamps. However, if the only collection location for a required material closes during the SWIP term, then the SWME must provide a collection option for its residents. All collection locations must be open at least one weekday and one weekend day per week. In addition, all outreach promoting the collection of these materials must make clear that the collection of these materials is separate from curbside, or blue-bin, recycling.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s listings with name, location, phone number, and website (if available) of the locations, by material type.
<p>Plan for Updating Collection Locations:</p>	<p>In CY2019, the District Transfer Station collected 138 tons of electronic waste (“E-Waste”), 8.66 tons of mercury-containing lamps, and 9 lbs. of mercury thermostats for recycling. The Transfer Station also collected 268 tons of tires, 8.44 tons of rechargeable and non-rechargeable dry-cell batteries, 11.72 tons of wet-cell batteries, 246 large propane tanks, 1,750 one-lb. propane tanks, 2,983 gallons of used motor oil, 2.84 tons of oil filters, and 1.19 tons of PCB light ballasts. The Transfer Station also collected 417 tons of scrap metal, which included all white goods such as refrigerators, washing machines, clothes dryers, ranges, water heaters, dishwashers, and freezers.</p> <p>For the duration of this SWIP, the District Transfer Station will accept tires, E-Waste, used motor oil, oil filters, automotive batteries, household batteries, non-friable asbestos, certain pressurized cylinders (including all sizes of propane cylinders and fire extinguishers), mercury-containing lamps, PCB ballasts, mercury-containing devices (including thermostats), and PCB capacitors. As a registered Collector and Transporter under the VT E-Cycles program, the District Transfer Station will accept any Vermont-generated E-Waste. As a registered Collector and Transporter under the VT Mercury-Containing Lamp program, the District Transfer Station will accept any Vermont-generated mercury-containing lamps. The District will also serve as a collection location for Vermont’s paint product stewardship program through PaintCare, as well as for household batteries under Vermont’s battery stewardship program now being managed by Call2Recycle. The Transfer Station will collect all scrap metal, including white goods such as refrigerators, washing machines, clothes dryers, ranges, water heaters, dishwashers, and freezers. The District will maintain and update, on an annual basis, a listing of all collection options for landfill-banned and dangerous materials on its online A-Z Guide, available on the District’s website. All outreach promoting the collection of landfill-banned and dangerous materials will</p>

<p>H2</p>	<p>Collection of Landfill-Banned and Dangerous Materials. Each SWME shall demonstrate that year-round collection options exist in their region for the following materials: batteries, mercury containing lamps, mercury thermostats, 1- and 20-pound propane tanks, electronics, paint, tires, used oil, and white goods (including discarded refrigerators, washing machines, clothes dryers, ranges, water heaters, dishwasher, freezers). Collection locations can be privately or publicly owned, such as auto parts stores collecting used oil, or hardware stores collecting paint and fluorescent lamps. However, if the only collection location for a required material closes during the SWIP term, then the SWME must provide a collection option for its residents. All collection locations must be open at least one weekday and one weekend day per week. In addition, all outreach promoting the collection of these materials must make clear that the collection of these materials is separate from curbside, or blue-bin, recycling.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s listings with name, location, phone number, and website (if available) of the locations, by material type.
	<p>make clear that the collection of these materials is separate from curbside, or blue-bin, recycling.</p>

Food Donation

<p>F1</p>	<p>Food Rescue. To ensure community awareness of food donation centers, SWMEs must, at minimum, list food donation groups on their website (this can be part of the A-Z Guide). SWMEs should contact and collaborate with local food redistribution groups to conduct outreach and education to food businesses and institutions about opportunities to donate quality food within the region to feed people. Related groups include Vermont Foodbank, hunger councils, food shelves, churches, schools, and other nonprofit and community organizations that accept and distribute donated food items.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s food donation listing, with name, location, phone number, and website (if available) of the food donation centers.
<p>Plan for Updating Website:</p>	<p>The District maintains a list of food shelves and other food distribution hubs on its website. The District will maintain and expand this list as new opportunities emerge in member towns on an annual basis. Outreach to food-based businesses will emphasize the Vermont Food Waste Hierarchy that values donating edible food to people and then feeding it to animals before composting it. Our staff can connect businesses not already donating edible food to food shelves and other food distribution efforts in Vermont while conducting business outreach. ACSWMD will share volunteer efforts related to food distribution in its multi-media outreach to residents.</p>

F1	<p>Food Rescue. To ensure community awareness of food donation centers, SWMEs must, at minimum, list food donation groups on their website (this can be part of the A-Z Guide). SWMEs should contact and collaborate with local food redistribution groups to conduct outreach and education to food businesses and institutions about opportunities to donate quality food within the region to feed people. Related groups include Vermont Foodbank, hunger councils, food shelves, churches, schools, and other nonprofit and community organizations that accept and distribute donated food items.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s food donation listing, with name, location, phone number, and website (if available) of the food donation centers.
	<p>Documentation of this effort will be reported in the annual SWIP report and include a link to a listing of local food donation centers, with their name, location, phone number and other relevant contact/donation information.</p>

Textiles

T1	<p>Textile Reuse and Recycling. To ensure community members have access to textile reuse and recycling centers where used clothing can be donated, SWMEs must annually ensure that at least one collection location exists within their region. Textile reuse/recycling locations can be either privately or publicly owned. However, if the only collection location closes or ceases collection during the SWIP term, then the SWME is responsible for providing a collection option for its residents or partnering with another group that may coordinate an annual drop and swap event. Collection locations can also be shared amongst SWMEs so long as the facility is within the same county or SWME region. SWMEs must list where to donate and reuse/recycle “clothing/textiles” in their A-Z Guides.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s textiles reuse and recycling listing with name, location, phone number, and website (if available) of the textile reuse and recycling center.
Plan for Ensuring Collection Exists:	<p>The District will ensure that at least one collection option for textile reuse/recycling exists within Addison County during the SWIP term. If no collection options exist, the District will provide a collection option for its member towns. The District will continue to list all local options for reuse/recycling of textiles on its online A-Z Guide and will update this list annually.</p> <p>Documentation of this effort will be reported in the annual SWIP report, which will include a link to the District’s A-Z Guide textile reuse/recycling list, including the collector’s name, location, phone number, website (if available), and other relevant contact/donation information.</p>

T1	<p>Textile Reuse and Recycling. To ensure community members have access to textile reuse and recycling centers where used clothing can be donated, SWMEs must annually ensure that at least one collection location exists within their region. Textile reuse/recycling locations can be either privately or publicly owned. However, if the only collection location closes or ceases collection during the SWIP term, then the SWME is responsible for providing a collection option for its residents or partnering with another group that may coordinate an annual drop and swap event. Collection locations can also be shared amongst SWMEs so long as the facility is within the same county or SWME region. SWMEs must list where to donate and reuse/recycle “clothing/textiles” in their A-Z Guides.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s textiles reuse and recycling listing with name, location, phone number, and website (if available) of the textile reuse and recycling center.

Construction & Demolition (C&D)

C1	<p>Leaf, Yard, and Clean Wood Debris Recycling. To ensure community members have options to recycle leaf, yard, and clean wood debris that are banned from landfill disposal, SWMEs must annually ensure that at least one leaf, yard, and clean wood recycling collection location exists within their jurisdiction. This location can be either privately or publicly owned; however, if the only collection location closes or ceases collection during the SWIP term, then the SWME must provide a collection option for its community members. SWMEs must list where to drop off clean wood in their A-Z Guides. Recycling options can include dimensional lumber that is reused, clean wood that is burned to produce heat and/or power for buildings (including wood stoves), clean wood that is chipped to create mulch or compost feedstocks, and other options listed in the state’s Leaf, Yard, and Clean Wood Debris Guide. Collection locations should be co-located with solid waste facilities that collect C&D and trash to make clean wood recycling convenient.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s clean wood recycling listing with name, location, phone number, and website (if available) of the collection location.
Plan for Ensuring Collection Exists:	<p>For the duration of this SWIP, the District will offer collection and recycling of leaf, yard, and clean wood debris at its Transfer Station in Middlebury, year-round, during all normal hours of operation (Mon – Fri, 7:00 AM - 3:00 PM, and Sat, 8:00 AM - 1:00 PM). Additionally, leaf & yard debris is accepted (at least seasonally) at all 18 town drop-off locations in District member towns. Leaf & yard debris collected at the District Transfer Station will be sent offsite to a privately-owned facility for composting. Clean wood collected at the District Transfer Station will be periodically</p>

	<p>ground into a mulch product, which will then be distributed to member town residents and businesses. The District will maintain a current list (including name, location, and phone number) of all available options for leaf, yard, and clean wood debris recycling on its online A-Z Guide, which is available on the District website. The District will update this list on an annual basis.</p>
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<p>C2</p>	<p>Asphalt Shingles and Drywall Recycling.</p> <p>Asphalt Shingles Recycling: To ensure community members have options to recycle asphalt shingles, SWMEs must ensure that at least one recycling collection location exists within their region. Collection locations can be privately or publicly owned. However, if the only recycling collection location closes during the SWIP term, then the SWME must provide a collection option. Collection locations may be shared amongst SWMEs. ANR may suspend this requirement upon finding that insufficient markets exist for these materials.</p> <p>Clean Drywall Recycling: To promote the recycling of clean drywall, SWMEs must list where to drop off clean drywall for recycling in their A-Z Guides (even if drywall recycling collection locations are outside of the SWME region). To encourage development of options for drywall recycling collection, SWMEs must contact drywall recycling collectors once during the SWIP term to determine costs for obtaining drywall recycling collection services in their region.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. In annual SWIP report, provide link to SWME’s A-Z Guide’s asphalt shingles and drywall recycling listing with name, location, phone number, and website (if available) of these recycling collection locations. 2. Fifth (5th) Year SWIP Report: describe contact made to drywall recyclers for costs for recycling option.
<p>Plan for Ensuring Collection Exists:</p>	<p>For the duration of this SWIP, the District will provide a collection option for source-separated asphalt shingles and clean (new construction) drywall at its Transfer Station in Middlebury, for offsite recycling. Asphalt shingles and drywall will be collected from all member towns during all normal hours of operation (Mon – Fri, 7:00 AM - 3:00 PM, and Sat, 8:00 AM - 1:00 PM). The District will maintain a current list of options for asphalt shingle and drywall recycling on its online A-Z guide, which is available on the District website.</p>

Residuals – Biosolids, Wood Ash, Short Paper Fiber

<p>R1</p>	<p>Residuals Recycling Meetings. To promote the recycling of residual materials, each SWME must attend and help ANR Residuals Program staff host and coordinate at least one regional public meeting on residuals recycling during the SWIP term. ANR Residuals Program staff will help SWMEs organize the meetings, give a presentation, and identify speakers and invitees. SWMEs must reserve a space to hold the meetings and send invitations to water/wastewater and public works employees, town managers, select board members, septic and biosolids service providers, citizens, industrial waste generators, and others as appropriate. ANR Residuals Program staff will collaborate with SWMEs to develop a meeting agenda that best suits the needs or issues of the region and its towns. Meeting agendas could cover the benefits and challenges of recycling biosolids and other residual materials, like stabilized septage, wood ash, and short paper fibers, as well as education campaigns for the public on residual materials and keeping non-flushables and toxics out of the wastewater stream and septic systems.</p> <p>DOCUMENTATION (only required in annual SWIP reports):</p> <ol style="list-style-type: none"> 1. Collaborate with Residuals staff to host/coordinate regional public meeting on residuals recycling. 2. Report date of meeting and list of attendees in 5th year SWIP report.
<p>Plan for Assisting with Meeting Coordination:</p>	<p>During the SWIP term, the District will promote the recycling of residual materials by attending and helping ANR Residuals Program staff host and coordinate at least one regional public meeting on residuals recycling. The District will reserve a space to hold the meeting and send invitations to water/wastewater and public works employees, town managers, select board members, septic and biosolids service providers, citizens, industrial waste generators, and others as appropriate. The District will assist in developing the meeting agenda, which could include discussions around the recycling of biosolids and other residual materials, as well as education campaigns for the public on residual materials and keeping non-flushables and toxics out of the wastewater stream and septic systems. The District will report the date of the meeting and a list of attendees in its 5th year SWIP report.</p>

Additional SWIP Requirements Outlined in Overview

<p>Solid Waste Facility Siting Criteria</p>	<p>Describe siting criteria that will apply to solid waste facilities which may be proposed by any public or private entity in the SWME region. Siting criteria shall not be less stringent than the criteria in Vermont Solid Waste Management Rules.</p>
<p>Description:</p>	<p>See Section 3 of this SWIP.</p>

Specify Facilities Included in SWIP & How Proposed Facilities Will Be Reviewed	Explain the process and standards to be used to determine if newly proposed solid waste facilities would be included in the SWIP. The process may reference siting criteria and existing zoning ordinances, may require a host town agreement, or may defer to requirements in the Vermont Solid Waste Management Rules for some or all types of solid waste facilities. The standard(s) for being included in the SWIP should be clear. Under State law (10 V.S.A. §6605(c)), the Agency shall not issue a certification or recertification for a solid waste facility (except for a sludge or septage land application project) unless it is included in the municipal solid waste implementation plan. <i>Note: The plan should also include any known solid waste landfills which have been closed since 1989 so that they can receive post-closure certifications.</i>
Facilities and Process:	See Section 3 of this SWIP.

Public Participation in the SWIP Approval Process	Describe the process to be used to ensure public participation in the development and implementation of the SWIP. The local community should be notified of opportunities to participate in the SWIP development and implementation. In accordance with state statute, SWMEs must hold at least two public meetings on the draft SWIP.
Description of Process:	The District will hold two public meetings on the draft SWIP after it is approved by ANR. The public meetings will be advertised in the usual media outlets that the District uses for outreach (newspaper, website, Front Porch Forum, etc.). See Section 5 of this SWIP.

Ordinances	Include copies of any solid waste related ordinances with the SWIP.
Copies of Ordinances:	See Appendix E for the Waste Management Ordinance, and Illegal Burning & Disposal Ordinance.

Conformance with Other Plans	Demonstrate that the SWIP is in conformance with any regional plan adopted in accordance with 24 V.S.A Chapter 117. Demonstration may be in the form of a letter from the applicable regional planning commission regarding conformance of the solid waste implementation plan with the regional plan(s), copies of pertinent sections of the regional plan(s), or other documentation that proves conformance.
Letter or other Documentation:	See Appendix A, a letter of regional plan conformance from the Addison County Regional Planning Commission. Also included is the Solid Waste excerpt from the ACRPC's 7/18/2018 Regional Plan. Nothing in the 2018 Regional Plan would preclude the District's draft 2020 SWIP content, other than some outdated language, such as the number of towns (now 21) and the unlined landfills in Bristol and Salisbury (both now closed). The District will work with the ACRPC to update the Solid Waste section of its Regional Plan.

SECTION 3. SOLID WASTE FACILITIES SITING CRITERIA & PROCESS FOR INCLUSION IN PLAN

3.1 INTRODUCTION

A significant element of the original State Solid Waste Plan, and the 1991 revision, was the development of siting criteria for solid waste facilities. Districts were required to develop criteria to supplement pre-existing State minimums and prohibited areas listed in the *VT Solid Waste Rules*. Criteria were developed using broad citizen participation. A site selection process applying the siting criteria was developed for facilities in the District. In 1990, the District adopted the siting criteria (“District Siting Criteria”) and a site selection process for a lined landfill (see Section 3.3 below), as well as criteria for a Transfer Station & Materials Recovery Facility (“MRF”). In the 2006 SWIP, the District endorsed those Lined Landfill Criteria and Transfer Station/ MRF Criteria. In 2018, the 2015 SWIP was amended to include revised Transfer Station/ MRF Siting Criteria (Appendix B).

3.2 STATE OF VERMONT SITING CRITERIA

The State of Vermont mandates that all solid waste facilities meet certain site requirements in order to be certified. Subchapter 5 of the *Vermont Solid Waste Rules*³ lists the site requirements for solid waste facilities certified under Sections 6-303 through 6-305, and under Subchapter 12. Subsection 6-502 lists the prohibited areas in which facilities are not allowed to be located. Subsection 6-503 of the *VT Solid Waste Rules* lists the siting standards that facilities have to meet in order to ensure that an emission or discharge from the facility will not unduly harm the public health and will have the least possible reasonable impact on the environment. Facilities that qualify for categorical certification under Section 6-309, Subchapter 11 or Subchapter 12 of the *Vermont Solid Waste Rules* are exempt from the provisions of Subsections 6-502 and 6-503 but have siting restrictions applicable to those facilities contained within the provisions of those sections.

3.3 LINED LANDFILL SITING CRITERIA AND SITE SELECTION PROCESS

On June 21, 1990, the District adopted 22 additional siting criteria, above and beyond the State of Vermont siting requirements, to guide the Board of Supervisors (“Board”) toward identifying appropriate sites for a lined landfill. These District Siting Criteria resulted from an extensive public process utilizing citizen volunteers, District representatives and staff, the general public and consultants. Table 3.1 below summarizes the adopted criteria for landfill site selection. The Board does not intend to amend these District Siting Criteria and site selection process at this time.

³ *Solid Waste Management Rules*, State of Vermont, ANR Department of Environmental Conservation, Effective March 15, 2012.

Table 3.1. SUMMARY OF DISTRICT CRITERIA FOR LANDFILL SITE SELECTION⁴

	SITING CONSIDERATION	ACCEPTABLE MINIMUM⁵
1.	Size 1A. Landfill Core 1B. Buffer (Isolation) Distance	24 Acres to 34 Acres 500 Feet
2.	Slope	0% to 15% with adequate drainage
3.	Maximum Distance to State Highway	Any distance
4.	Minimum Distance to Roadway	500 Feet
5.	Minimum Distance to Single Residence	1,000 Feet
6.	Minimum Distance to Community	1,000 Feet
7.	Minimum Distance to Historic and Cultural Resource	500 Feet
8.	Distance to Nearest Public Facility (School, Hospital, Nursing Home)	2,500 Feet
9.	Distance to Nearest State or Municipal, Publicly owned Park or Recreation Area	1,500 Feet
10.	Use of Agricultural, Forest, Mineral Lands	Results in acceptable change to land-based business operations.
11.	Restrictions for Aesthetics and Scenic Resources	Blends with or protects the view of an aesthetic or scenic resource.
12.	Use of Deer Yards and Other Critical habitat	Meets VT Fish & Game standards for critical habitat maintenance.
13.	Distance to Surface Waters	300 Feet
14.	Vertical Distance to Groundwater	6 Feet after landfill construction.
15.	Vertical Distance to Bedrock	10 Feet after landfill construction
16.	Distance to Drinking Water Source <ul style="list-style-type: none"> • Private • Public 	1,000 Feet 3,000 Feet
17.	Distance to Property Line	500 Feet
18.	Groundwater Resource Protection	Meets State guidelines for hydrogeological suitability, considering monitoring and intervention capability of site setting. Areas supplied with public water.
19.	Seismic and Land Movement Potential	Avoids geologically active or sensitive areas.
20.	Traffic and Safety	Avoids unreasonable congestion or unsafe conditions.
21.	Ownership Transferability	Areas where property sale conditions are acceptable to District and seller(s).
22.	Climatology	Areas where meteorological conditions are favorable to protecting air quality.

The District's 1992 Solid Waste Management Plan⁶ incorporated a three-step process of landfill siting (1) site identification and screening; (2) site ranking to establish a short list of candidate sites; and (3) final evaluation of those sites. This process remains in effect today. The adopted process of site identification and screening uses the "blank-map" approach and includes a sequential process of applying the siting criteria as information is obtained on possible locations for a lined landfill. The District may also solicit volunteer sites during this phase, provided those sites meet the District Siting Criteria. As each phase of the site consideration is completed, the number of sites narrows from potentially hundreds of sites to three sites for final ranking. Table 3.2 contains ranking definitions⁷ adopted for use in narrowing the number of suitable sites. The ranking criteria are divided into three categories: public health and environmental concerns; aesthetic/ social concerns; and technical concerns.

⁴ "Finding a Place for Waste", adopted by District on June 21, 1990.

⁵ Where specific numerical limit is listed, minimum distance is from the outer perimeter of the landfill core area.

⁶ 1992 ACSWMD Solid Waste Management Plan, Ch. 8, p. 67, "Regional Landfill Siting Process."

⁷ "Finding a Place for Waste", adopted by the District on June 21, 1990.

Table 3.2. LANDFILL SITE FAVORABILITY RANKING DEFINITIONS⁸

SITING (PERFORMANCE) CRITERIA	FAVORABLE	MORE FAVORABLE	MOST FAVORABLE
<i>PUBLIC HEALTH & ENVIRONMENTAL CONCERNS</i>			
Distance to Homes	1,000-1,250 ft.	1,251-1,500 ft.	Over 1,500 ft.
Distance to Community	1,000-1,250 ft.	1,251-1,500 ft.	Over 1,500 ft.
Distance to Public Facility	2,500-3,125 ft.	3,126-3,750 ft.	Over 3,750 ft.
Distance to Surface Waters	300-375 ft.	376-450 ft.	Over 450 ft.
Distance to Nearest Drinking Water Source <ul style="list-style-type: none"> • Private • Public 	1,000-1,250 ft. 1%-25% greater than radius of area of contribution	1,251-1,500 ft. 25%-50% greater	Over 1,500 ft. Over 50% greater
Groundwater Resource Protection	Good monitoring ability and intervention capability	Very Good	Excellent
<i>AESTHETIC/SOCIAL CONCERNS</i>			
Distance to Historic and Cultural Resources	500-625 ft.	626-750 ft.	Over 750 ft.
Distance to Public Parks	1,500-1,875 ft.	1,876-2,250 ft.	Over 2,250 ft.
Aesthetics/Scenic Resources	Partially Visible and Audible	Isolated with Supplemental Screening	Isolated in Natural State
<i>TECHNICAL CONCERNS</i>			
Size	24-42 Acres	43-51 Acres	Over 51 Acres
Slope	15%-8.6%	0-4.5%	4.6%-8.5%

3.4 OTHER SITING CRITERIA AND SITE SELECTION PROCESSES

Transfer Station/ Materials Recovery Facility (MRF) Siting Criteria

On June 18, 1992, the District Board adopted “Site Selection Criteria for a Transfer Station for Mixed Solid Waste and Materials Recovery Facility (MRF) for Recyclables (see Appendix B). The “ACSWMD Site Selection Criteria for a Transfer Station or Materials Recovery Facility (MRF)” were revised and adopted by the ACSWMD Board on June 21, 2018 (see Attachment B).

Other Siting Criteria

The District has not adopted siting criteria for other facilities. Such other facilities may include composting and/or anaerobic digester facilities, C&D landfills, or waste-to-energy facilities.

The District Manager will be responsible for reviewing a specific proposed facility and determining whether the facility is in conformance with the District Siting Criteria, to the extent District Siting Criteria exist. With respect to larger, more complex projects, a subcommittee of the Board and/or a consultant will assist in the review. In the case of a District siting process, a subcommittee comprised of Board members and District staff will review potential sites, and with the assistance of a realtor and/or consultant, if

⁸ Distances are measured from the outer perimeter of the permitted landfill core.

necessary. Conformance with the District Siting Criteria is one of the major requirements for inclusion of a facility in this SWIP (see Section 4 below).

SECTION 4. FACILITIES INCLUDED IN THE PLAN

4.1 STATE AND DISTRICT REQUIREMENTS

Most solid waste facilities are required to obtain certification by the State of Vermont. Under the state permitting law (10 V.S.A. Section 6605(c)), ANR may not issue a certification or recertification for a solid waste facility (except for a sludge or septage land application project) unless it is included in the district implementation plan (“SWIP”). Solid waste landfills closed after 2/1/1989 are also required to be listed so that they can receive post-closure certifications specifying post-closure monitoring and maintenance. Smaller facilities with categorical certifications (such as composting or recycling facilities) or insignificant waste management event (“IWME”) approvals are not required by the State to be included in SWIPs.

Section 5(16) of the District Charter (see Appendix C) grants the District the power “to regulate the collection, transportation, resource recovery, recycling and disposal of solid waste within the District and to require that acceptable solid wastes generated within the District and any member municipality therein shall be disposed of only in and upon facilities operated by or on behalf of the District; or in a facility or manner that is part of an approved District Plan.” (Emphasis added). The facilities approved by the District to be included in its SWIP are listed in Table 4.1 below.

Table 4.1. Facilities Included in the SWIP

Facility Name	Owner/Operator	Location	Date Approved by District for Inclusion	Certification Type
ACSWMD Transfer Station	ACSWMD	1223 Rt. 7 South, Middlebury	7/20/89, 7/29/04, 1/24/07, 11/12/08, 10/23/13 (dates approved by ANR)	Full
Middlebury Hauling Division and Recyclables Transfer Facility	Casella Waste Management	Exchange Street, Middlebury	10/7/96, 4/25/05, 11/17/08, 7/17/2017	Categorical, then full
Foster Brothers Farm Composting Facility	Vermont Natural Ag Products	Middlebury	10/21/03, 1/22/04, 1/09, 11/29/13	Categorical
Middlebury College Recycling Center	Middlebury College	609 College Street, Middlebury	4/11/02 (prior Service Bldg. location approved on 5/21/01)	Categorical
Middlebury College Stump/Brush/Untreated wood/concrete/waste soil	Middlebury College	South Street, Middlebury	9/11/01	Categorical
Middlebury College Composting Facility	Middlebury College	South Street, Middlebury	7/28/03, 7/18/14	Categorical
Middlebury College Inert Fill Site	Middlebury College	Gebo Farm, Rt. 125, Cornwall	5/30/01	Categorical
Middlebury Stump Dump (AD004)	Town of Middlebury	Seymour Street Ext., Middlebury	7/25/06, 10/25/10	Categorical
Middlebury Resource Recovery Center, LLC Anaerobic Digester	MRRC, LLC	183 Industrial Avenue, Middlebury		
Clark’s Slaughterhouse Composting Facility??	Robert & Jerry Clark	Ferrisburgh	10/28/02	Categorical
Vanguard Anaerobic Digester	Vanguard	Goodrich Farm, Salisbury		??

Facility Name	Owner/ Operator	Location	Date Approved by District for Inclusion	Certification Type
Bridport Recycling Facility	Town of Bridport	Old Town Landfill, Happy Valley Rd	5/97, 10/12/04, 7/10/09, 6/30/14	Categorical
Lincoln Recycling Facility	Town of Lincoln	1111 Downingsville Rd.	5/97, 10/12/04, 7/27/09, 6/30/14	Categorical
Monkton Recycling Facility	Town of Monkton	Town Garage, 4047 States Prison Hollow Rd.	5/97, 10/12/04, 7/13/09, 6/30/14	Categorical
Ripton Recycling Facility	Town of Ripton	Town Shed, Peddler's Bridge Rd.	5/97, 10/12/04, 7/13/09, 6/30/14	Categorical
Salisbury Recycling Facility	Town of Salisbury	Old Town Landfill, Upper Plains Road		Full
Weybridge Recycling Facility	Town of Weybridge	Behind Town Garage, 460 Quaker Village Rd.	5/97, 10/12/04, 7/27/09, 6/30/14	Categorical
Whiting Recycling Facility	Town of Whiting	Old Town Garage, 79 So. Main St.	5/97, 10/12/04, 9/4/09, 6/30/14	Categorical
Middlebury WWTF (Biosolids Handling Facility)	Town of Middlebury	Middlebury	8/30/96, 12/18/97, 11/4/02, 7/25/06, 10/1/07, 1/7/14	Categorical
Vergennes WWTF	Town of Vergennes	Vergennes	10/18/90, 8/30/96, 9/22/07, 3/18/14	Categorical, then Full
Orwell WWTF	Town of Orwell	Orwell	8/30/96	Categorical
Shoreham WWTF	Town of Shoreham	Shoreham	??	Categorical
Button Bay State Park WWTF	State of Vermont	Addison	??	Categorical
Basin Harbor Resort Composting Facility	Basin Harbor Club	Ferrisburgh		Exempt from state cert.
Various closed solid waste landfills ⁹			5/19/92 (in original plan), as amended by ANR	Post-Closure

4.2 INCLUSION OF NEW FACILITIES AND RENEWAL OF EXISTING FACILITIES IN THE PLAN

As new solid waste facilities are developed, a mechanism is required for review of their certifications for the District Board to determine whether the proposed facility is to be included in the District's SWIP. In order to obtain **any** type of certification, and before the certification application is submitted to ANR, a letter from the District is required certifying that the facility is approved and, if applicable, included in the District's SWIP.

Policy on Procedures

1. New Facilities and Programs

For new facilities and programs not identified in the District's adopted SWIP, the following procedure will govern:

⁹ See Appendix D for a list of closed landfills in the ACSWMD. The closed solid waste landfills are hereby incorporated into the SWIP and all future revisions or amendments, to provide for post-closure certification renewals for post-closure monitoring and maintenance.

A public or private entity proposing to own/ operate a solid waste facility in the District submits a letter of request accompanied by a complete draft State of Vermont certification application to the District Manager. Supporting documentation should be attached that is sufficient to demonstrate property ownership and compliance with the District Siting Criteria (if applicable). The District Manager will determine whether the application is complete and whether the facility is in conformance with the District's "Criteria for Inclusion of New Facilities/Programs" ("District Inclusion Criteria").

Criteria for Inclusion of New Facilities/Programs

In considering whether to approve the inclusion of new facilities/programs, the following District Inclusion Criteria will be utilized:

- The facility/program complies with all District Siting Criteria and local zoning ordinances;
- The facility/program conforms with town plans and the District SWIP;
- The facility/program encourages recycling and/or diversion and improves District residents' access to cost-effective diversion opportunities;
- The facility design is conducive to environmental protection;
- The facility appears to be sustainable in terms of: sizing; layout; adequate volumes in and markets for end products out; adequate short-term and long-term storage capacity; contingency plans for down time due to scheduled or unscheduled maintenance or other interruptions to operation; evidence of trained operational personnel; closure funding; post-closure monitoring program, if necessary;
- The facility's owner/manager does not demonstrate a history of repeated civil or criminal violations of any law or regulation pertaining to the protection of the environment;
- The facility's owner/manager is currently in compliance with District ordinances and the conditions of any licenses required to operate.

If the approval requested is required by State law to be specifically included in the District SWIP (e.g., full certifications), the District Manager will review the proposal and determine whether the facility conforms to District Siting Criteria and the District Inclusion Criteria. If the facility conforms to these criteria, the District Manager will present the issue to the Board. This review will be scheduled for the next regular Board meeting after the District Manager completes the application review. The Board will take whatever action it deems appropriate including, but not limited to, denying or approving the request and/or directing that studies be done, or certain conditions be met. Any proposed revision to the SWIP will be subject to formal warning and notice procedures and one public hearing prior to final action by the Board. After adoption of the revision, the new language will be incorporated into the text of the SWIP.

If the approval requested is not required by State law to be specifically included in the District SWIP (e.g., categorical certifications, mobile facilities or programs), the District Manager is authorized to issue approval letters if, in the opinion of the District Manager, the facility or program will not have a negative effect on the District's ability to implement its adopted SWIP and the facility conforms with the District Siting Criteria and the District Inclusion Criteria. After District Manager approval, the new facility will be listed in an addendum to the SWIP, which will be distributed to the Board. Any decision of the District Manager under this procedure may be appealed to the Executive Board. Any decision of the Executive Board may be appealed to the Board. All decisions must be in writing and include language indicating the rights of appeal. The District will notify the State in writing of any facility that is included in the revised SWIP.

2. Renewal of Existing Facility Certifications

For facilities and programs already identified in the District's adopted SWIP, the District Manager is authorized to issue a letter stating that the facility or program is included in the SWIP, as necessary, provided that, in the opinion of the District Manager, no significant changes to the facility or program have occurred since the original approval. In the case of facilities or programs that have changed significantly, the District Manager will follow the procedures for inclusion of new facilities or programs.

3. Biosolids and Septage Treatment/Storage Facilities

All Biosolids and septage treatment and storage facilities located within the fenced area of a WWTF are considered to be included in the SWIP, with the exception of composting or other Class A treatment facilities that qualify for distribution to the public. Such composting and other Class A treatment facilities must be included in the SWIP by using the process for approving other solid waste facilities.

4. Existing Facilities in New Member Municipality

When a municipality joins the District, its solid waste facilities will not automatically be included in the SWIP. The District Board will consider the facilities on a case-by-case basis in specifying the terms of a municipality joining the District. See §52 of the District Charter (Appendix C).

SECTION 5. PUBLIC PARTICIPATION PLAN

The District will seek public involvement in the draft SWIP through several media. The District website, www.AddisonCountyRecycles.org, will feature a downloadable version of the draft SWIP for public review and comment, and will include both an email link for electronic comments as well as a mailing address for hard-copy written comments. A press release will be issued to the three local area newspapers and on Front Porch Forum, informing the public of the opportunity to review and comment on the SWIP. The press release will also be mailed directly to all area solid waste facilities, haulers, and business associations. Following ANR approval of the draft SWIP, the District will hold two public meetings on the SWIP to solicit further comments prior to adoption by the District Board and will provide a Responsiveness Summary to ANR. The District will continue its outreach to haulers. The District has solicited input from haulers with a series of meetings for the past five years, some including representatives from the ANR Solid Waste Program.

After SWIP adoption, the District will prepare a newspaper article or op-ed piece introducing the draft SWIP to the general public within three months of VT ANR approval. The District will also send copies of the draft SWIP to its Board members, Town Clerks and Addison County Regional Planning Commission. The District will hold two additional public meetings during the adopted SWIP term: one prior to the end of the second Plan year, and one during the fifth Plan year.

Any proposed minor revision to the SWIP within the SWIP term - including the approval of a facility for inclusion in the SWIP, updates to lists and other attachments, and minor housekeeping - will be subject to formal warning and notice procedures and one public meeting prior to final action by the Board. After adoption of the revision, the new language will be incorporated into the text of the SWIP.

SECTION 6. SOLID WASTE MANAGEMENT ORDINANCES

The District currently has two ordinances in effect (see Appendix E):

1. Waste Management Ordinance
2. Illegal Burning & Disposal Ordinance

The Waste Management Ordinance (“WMO”) lays out the responsibilities of waste generators and waste haulers in the District. It establishes a licensing program for haulers that contains reporting requirements, weighing requirements and per ton fee payments to the District. The WMO adopts a District-wide Mandated Recycling system that requires the separation of recyclables, as defined in the WMO, by the generator and the collection of Mandated Recyclables by the licensed hauler. Finally, the WMO prohibits the co-mingling and transport for disposal of municipal solid waste with Mandated Recyclables, Special Wastes, Food Scraps, Leaf & Yard Waste, and Prohibited Wastes. The current WMO was adopted by the Board on July 16, 2015.

The Illegal Burning & Disposal Ordinance (“IB&D Ordinance”) prohibits the burning of solid waste unless it meets certain exemptions allowed by State law, such as the burning of yard waste and natural wood, and burning in a State-licensed solid waste incinerator. The IB&D Ordinance also prohibits indiscriminate dumping of solid waste into disposal containers other than one’s own, and onto land or into waters of the State for purposes of disposal. Exemptions include the composting of acceptable waste on one’s own property or the reuse/ recycling of waste.

6.1 FLOW CONTROL OF DISTRICT WASTE

Legal Authority

Section 5(16) of the District Charter (see Appendix C) authorizes the District “to regulate the collection, transportation, resource recovery, recycling and disposal of solid waste within the District and to require that acceptable solid waste generated within the District and any member municipality therein shall be disposed of only in or upon facilities operated by or on behalf of the District; or in a facility or manner that is part of an approved District Plan.”

The term “flow control” is commonly used to describe regulations that direct specific wastes to specific facilities as a tool to advance the goals of municipal waste management programs, and to aid in the enforcement of environmental, administrative and other waste regulations. Flow control laws and ordinances adopted by other states and municipalities have been challenged in recent years on constitutional grounds. These challenges have resulted in judicial decisions that have defined the circumstances under which such laws can be adopted and enforced under the Commerce Clause of the Constitution.

Specifically, flow control laws that direct local waste to publicly owned processing or disposal facilities, including transfer stations, recycling centers and landfills, have been held to be facially neutral legislation that does not discriminate against interstate commerce. As such, laws directing waste to public facilities are reviewed to determine whether they impose any incidental burdens on interstate commerce that substantially outweigh the public benefits that they provide. Flow control laws that are limited in territorial scope, do not interfere with the regulatory systems in neighboring jurisdictions, and support a comprehensive public waste management system have been held to be constitutional by the United States Second Circuit Court of Appeals, which exercises jurisdiction over the District.

Purpose

The adoption of flow control regulations in the District will advance the District's waste management program objectives in several ways. The primary objective of flow control is to establish a legally enforceable obligation on the part of waste generators and haulers to participate in the District SWIP, and conform source separation and collection practices to the capabilities of the recycling, transfer, and disposal facilities constructed, operated and/or designated by the District. The District SWIP relies upon an effective separation of the overall waste stream into component parts, for which specific programs and facilities have been or will be established. Each such component is intended to be managed in the most efficient, reliable, economical and environmentally sound manner available. The integration of source separation practices by the public, the collection practices of the waste hauling industry, and the disposal practices of the District is essential to the successful implementation of the SWIP.

The flow control provisions contained in the District WMO directs all Municipal Solid Waste (MSW) and Construction & Demolition Debris (C&D) generated within the District - and destined for disposal - to the District Transfer Station in Middlebury. Limited exceptions to these provisions may be granted through procedures to be set forth in the WMO.

Specific benefits to be provided through flow control of MSW and C&D to the District Transfer Station include the following:

- Effective enforcement of applicable state and District regulations governing landfill-banned materials, mandatory recycling regulations, and hazardous waste disposal rules to the entire MSW and C&D waste stream.
- Enhanced diversion of recyclables and other materials through enforcement at a central point of inspection.
- Accurate monitoring and record keeping applicable to the entire waste stream, for use in future planning and disposal decisions, and public education campaigns by the District.
- Enhanced benefits from the unit-based pricing policies of the District, which are a key component of the State and District's mission to promote waste reduction, reuse and recycling.
- Enhanced control over potential liabilities to local residents and businesses from improper disposal, through District selection of a landfill or other facility used for disposal of District waste.
- Enhanced ability to collect the District Fee.
- Enhanced financial support of District programs that do not generate revenue.
- Enhanced security and reliability of the District's revenue sources for operating and capital budgets.
- Overall administrative convenience.
- Enhanced competition among hauling companies within the District by providing a municipal facility that all companies may access, at a set price, including those that do not own vehicles that can economically travel to the nearest disposal facility.
- Economies of scale in bidding out large volumes of waste, thereby procuring a more favorable disposal rate and contracted landfill capacity, to the financial benefit of District residents and businesses.
- Reduced air emissions and impacts on roads from consolidating loads from smaller, less efficient vehicles into transfer trailers for long haul out of District.

Implementation

The flow control regulations will be implemented through the WMO (see Appendix E). Among other provisions, the WMO sets forth penalties and procedures in the event of violation by generators and haulers. It further establishes that compliance with the flow control provisions of the WMO is established as a condition of the licenses issued to haulers in the District, and that repeated violation of the provisions can result in suspension or revocation of those licenses. Provision is also made for a grace period in the effective date of the WMO to allow haulers to modify operations, if necessary, in order to comply.

Enforcement

Enforcement of the flow control provisions will be through service of a written summons or other notice to appear before the District Manager to answer allegations of violation. A summons may be served by the Addison County Sheriff's Office or other officer designated by the District. Persons alleged to have violated the WMO will be afforded the opportunity for a hearing and will have the right to be represented by counsel. At the conclusion of any hearing, or upon a stipulation by the alleged offender, the District Manager will prepare and file a written finding of fact, together with a penalty, if warranted.

Review and Appeal

Decisions of the District Manager are subject to appeal to the District Board on the basis of the record presented at hearing or through stipulation. The Board may confirm, reverse, modify, or remand the decision for further proceedings. Decisions of the District Board are final and subject to review pursuant to the laws of the State of Vermont.

SECTION 7. CONFORMANCE WITH REGIONAL PLAN

The Addison County Regional Planning Commission acknowledges, per its letter of conformance (see Appendix A), that the ACSWMD SWIP conforms to the Regional Plan (adopted in 2018) and has the support of the Regional Planning Commission. (Addison County Regional Plan, Section 7. "Utilities, Facilities and Services", Subsection 7.1. "Water Supply, Wastewater and Solid Waste", Section A. "Summary", Solid Waste paragraph (p. 7-6); Section B. "Goals and Objectives", Solid Waste Goal C (p. 7-9); Section C. "Recommended Actions", Solid Waste paragraph (p. 7-11); Section D. "Documentation and Analysis", Solid Waste section (pp. 7-23 - 7-25).

SECTION 8. LIST OF SOLID WASTE FACILITIES & MATERIALS ACCEPTED

See facilities accepting materials for recycling in the Town Drop-off List, Licensed Commercial Hauler List and ACSWMD Price List in Appendix A.

SECTION 9. CONTACT INFORMATION AND LIST OF SERVICES FOR HAULERS

See Appendix A for a list of Licensed Commercial Haulers and services offered.

SECTION 10. VARIABLE RATE PRICING PROGRAM AND PLAN FOR IMPLEMENTATION

See Section 6 above, and the WMO in Appendix E.

ACSWMD Town Drop-Off Information

Addison: Town Clerk's Office, 65 VT Rte. 17 West
 Day & Time: Saturdays, 9am-11am
 Hauler: R&L Rubbish (388-6288)



Orwell: Seguin Services, 344 Rte. 22A
 Day & Time: Saturdays, 9am-12pm
 Hauler: Seguin Services (948-2912)



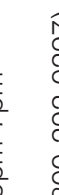
Bridport: Old Town Landfill on Happy Valley Rd.
 Day & Time: Saturdays, 7:30am-12pm
 Hauler: Moose Rubbish & Recycling (897-5637)



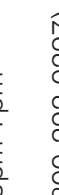
Ripton: Town Shed, 333 Peddler's Bridge Rd.
 Day & Time: 1st & 3rd Saturday, 9am-12pm
 Recycling only: 1st Wednesday of the month, 5pm-7pm
 Contact: Warren King (388-4082)



Bristol: Town Garage on Pine St.
 Day & Time: Saturdays, 8am-12pm
 Hauler: R&L Rubbish (388-6288)



Salisbury: Old Town Landfill, Upper Plains Rd.
 Day & Time: Saturdays, 8am-1pm
 Hauler: R&L Rubbish (388-6288)



Cornwall: Bingham Memorial School, 112 School St.
 Day & Time: Saturdays, 1pm-3pm
 Hauler: R&L Rubbish (388-6288)



Shoreham: Behind Congregational Church, Rte. 74
 Day & Time: Saturdays, 9am-12pm
 Hauler: Moose Rubbish & Recycling (897-5637)



Goshen: Curbside Trash & Recycling
 Day & Time: Wednesdays
 Contacts: Marci Hayes (247-3133),
 David Sabatini (247-6350)



Starksboro: Town Garage, 3904 Rte. 116
 Day & Time: 1st & 3rd Saturday, 8am-11am
 Name: Jennifer Turner Town Recycling Center
 Hauler: Acker Waste Management (349-2414)



Leicester: Town Shed, 2241 Fern Lake Rd.
 Day & Time: 1st & 3rd Saturday, 9am-12pm
 Contact: Van Denton (247-8340)



Vergennes*: Intersection of Canal & West St.
 Day & Time: Saturdays, 8am-12pm & Wednesdays, 2pm-6pm
 Hauler: R&L Rubbish (388-6288)



Lincoln: 1111 Downingsville Rd.
 Day & Time: Saturdays, 8am-1pm
 Hauler: Moose Rubbish & Recycling (897-5637)



Weybridge: Behind Town Garage, 460 Quaker Village Rd.
 Day & Time: Saturdays, 9:30am-11am
 Contact: Chris Anderson (545-2874)



Middlebury: Desabrais Glass, 198 Boardman St.
 Day & Time: Saturdays, 8am-10am
 Hauler: Desabrais Trash (989-4332)



Whiting: Between Fire Dept. & School, 79 So. Main St.
 Day & Time: 2nd & 4th Saturday, 9:00am-11am
 Contact: Gayle Quenneville (623-7813)



Monkton: 4047 States Prison Hollow Rd.
 Day & Time: 2nd & 4th Saturday, 9am-12pm
 Contact: Jessica Demeritt (453-5686)



Hauler: BK Services (483-2800)



New Haven: Town Clerk Office, 78 North St.
 Day & Time: Saturdays, 8am-12pm
 Contact: Town Clerk (453-3516)



***Addison, Ferrisburgh, Pantton and Waltham may also use this facility**

Hauler: R&L Rubbish (388-6288)



= Food Scrap Collection = Recycling = Trash

= Leaf & yard waste

(Contact your hauler about their seasonal pick-up.)

**ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT
2020 SOLID WASTE IMPLEMENTATION PLAN**

Appendix A

LICENSED COMMERCIAL HAULER LIST 2020

6/30/2020

COMPANY	FIRST NAME	LAST NAME	STREET	CITY	STATE	ZIP	PHONE	FAX	EMAIL ADDRESS	TYPE OF SERVICE
1-800-GOT JUNK?	John	Wagner	397 Patchen Rd., #3	So. Burlington	VT	05403	Cell: 846-7714		vermont@1800gotjunk.com	Cleanouts only.
Acker Waste Management	Wade	Acker	1853 Mountain Rd.	Bristol	VT	05443	Cell: 349-2414	453-3388	ackewastemanagement@gmail.com	Curbside of Trash & Recycling, Food Scraps, and Leaf & Yard Debris. Fast Trash Truck for Trash & Recycling, Food Scraps, and Leaf & Yard Debris at Starksboro Town Drop-off, Town Garage (1st & 3d Sats, 8AM-11AM). Roll-offs.
BK Services, LLC	Brad	Keith	P.O. Box 341	Pittsford	VT	05763	483-2800 cell: 779-2950		BKServices25@yahoo.com	Cleanouts. Fast Trash Truck for Trash & Recycling, Food Scraps and Leaf & Yard Debris at Whiting Town Drop-off, Rt. 30 (2d & 4th Sats, 9AM-11AM).
Brenda Kimball	Brenda	Kimball	930 Quaker Village Rd.	Weybridge	VT	05753	545-2891		llabmik@msn.com	Fast Trash Truck for Trash, Food Scraps and Leaf & Yard Debris at Weybridge Town Drop-off, Town Garage (Sats, 9:30AM - 11AM).
Casella Waste Management	Nicole	Russin	533 Exchange Street	Middlebury	VT	05753	1-800-292-0297. Cell: 377-0030	388-9682	Nicole.Russin@casella.com	Curbside of Trash & Recycling. Curbside of Food Scraps at some businesses only. Service recycling roll-offs only at Monkton, Ripton and Weybridge Town Drop-offs on Sats. C&D roll-offs.
Clover State Window & Siding Co., Inc.	Marcel	Brunet	236 Brunet Lane	Vergennes	VT	05491	cell: 316-7166		MLBrunet@gmavt.net	Roll-offs only.
Cota Trucking Company	Laurie M.	Cota	6 Curtis Ave	Essex Jct	VT	05452	878-2668	879-5189		Roll-offs only.
Delphia Lawn Care	Jeffrey	Delphia	P.O. Box 63	Middlebury	VT	05753	349-6981		delphiaawnare@gmail.com	Curbside of Trash & Recycling, and Leaf & Yard Debris.
Denton & Son Waste and Recycling	Van & Sharon	Denton	64 Paint Works Rd.	Brandon	VT	05733	247-8340		VSDenton51@yahoo.com	Curbside of Trash & Recycling, Food Scraps and Leaf & Yard Debris. Cleanouts. Fast Trash Truck for Trash & Recycling, Food Scraps, and Leaf & Yard Debris at Leicester Town Drop-off, Town Shed, 2241 Fern Lake Rd. (1st & 3d Sat, 9AM-12PM).
Desabrais Trash	Joseph	Desabrais	2379 Town Farm Rd	Brandon	VT	05733	989-4332		joseph.desabrais@gmail.com	Cleanouts. Fast Trash Truck for Trash & Recycling, Food Scraps and Leaf & Yard Debris (Sats, 8AM-10AM) at Desabrais Glass, 198 Boardman St. in Middlebury.
DH Cameron Construction Co., Inc.	Donald	Cameron	7056B, US Rt. 7	No. Ferrisburgh	VT	05473	425-3782. Cell: 923-6206	425-2004	builderdc@comcast.net	Cleanouts. Roll-offs.
Draft Trash Pick-up, LLC	Macey	Ross	1502 Hunt Rd	New Haven	VT	05472	cell: 377-0640		DrivenbyDrafts@gmail.com	Handmade horse-drawn wagon. Curbside in Middlebury for Trash & Recycling, and Food Scraps.
Frank D. Lossmann Garbage & Recycling	Frank	Lossmann	22 Church St.	Bristol	VT	05443	453-3906 cell: 777-3319		fwloss@gmavt.net	Curbside of Trash & Recycling. Cleanouts.
Gauthier Trucking Co., Inc.	Jane	Gauthier	5 Gauthier Dr.	Essex Jct.	VT	05452	879-4020	879-4140	Jane@gauthiertruckingvt.com	Curbside of Trash & Recycling, Leaf & Yard Debris (on call only), and Food Scraps (commercial only). Cleanouts. Roll-off and compactor servicing on demand.
Grow Compost of VT	Lisa Scott	Ransom Baughman	2046 US Rt. 2	Waterbury	VT	05676	882-8257 Cell: 595-8380		kyle@growcompost.com	Curbside - packaged food scraps from commercial customers only.
Grunts Move Junk	Arthur Kari	Newhouse Lavee	P.O. Box 696	Stowe	VT	05672	695-0362		info@gruntsmovejunk.com	Cleanouts.

COMPANY	FIRST NAME	LAST NAME	STREET	CITY	STATE	ZIP	PHONE	FAX	EMAIL ADDRESS	TYPE OF SERVICE
Middlebury College	Kimberly	Bickham	Facility Services, 84 So. Service Rd	Middlebury	VT	05753	443-5471 . Cell: 989-9925	443-2090	kimberly@middlebury.edu	Middlebury College only
Moose Rubbish and Recycling	Randy	Orvis	2744 Watch Point Rd.	Shoreham	VT	05770	897-5637	897-5660	br213@yahoo.com	Curbside of Trash & Recycling, Food Scraps, and Leaf & Yard Debris. Cleanouts. Fast Trash Truck & Trailer for Trash & Recycling, Food Scraps and Leaf & Yard Debris at: Bridport Town Drop-off, Happy Valley Rd. (Sats, 7:30AM-12PM); Lincoln Town Drop-off, Downingsville Rd. (Sats, 8AM-1PM); Monkton Town Drop-off, Town Garage (2d & 4th Sats, 9AM-12PM); and Shoreham Town Drop-off, behind church (Sats, 9AM-12PM).
Myers Container Service Corp.	Lynn	Bergeron	P.O. Box 38	Winooski	VT	05404	655-4312	655-5609	lynn@theredcanfamily.com	Roll-offs only.
New England Quality Service, Inc. (dba Earth Waste & Metal)	Kevin Sharon	Einicki Herbert	49 Wales St., Suite #1	Rutland	VT	05701	775-7722 Cell: 747-8294	786-9070	sherbert@earthwastesystems.com	Scrap Metal Collection & Recycling.
PDS Waste Mgmt., LLC	Steve	Smith	P.O. Box 10	New Haven	VT	05472	453-7548, Cell: 349-9166		pds_waste@gmail.com	Curbside of Trash & Recycling.
R&L Rubbish	Richard	Rhearme	215 Munson Rd.	Middlebury	VT	05753	388-6288 Cell: 316-1806			Curbside of Trash & Recycling, and Food Scraps. Cleanouts. Fast Trash Truck for Trash & Recycling, Food Scraps, and Leaf & Yard Debris in: Addison at Town Clerk's office (Sats, 9-11AM). Cornwall at Bingham Memorial School (Sats, 1-3PM). New Haven at Rt. 17 East, next to Fire Station in New Haven (Sats, 8AM-12PM). Bristol Town Drop-off, Town Garage (Sats, 8AM-12PM). Vergennes Drop-off (Sats, 8AM-12PM). Salisbury Town Drop-off (Sats, 8AM-1PM).
RNU, LLC (dba Jenn of All Trades)	Jenn	Buker	439 Zeno Road	Lincoln	VT	05443	349-6292		jennbucker@yahoo.com	Cleanouts
Seguin Services, LLC	Sean	Seguin	P.O. Box 314	Fair Haven	VT	05743	948-2912 Cell: 779-1187		seguinservicesllc@gmail.com	Curbside of Trash & Recycling, and Food Scraps. Cleanouts. Fast Trash Truck for Trash & Recycling, Food Scraps, and Leaf & Yard Debris at "Orwell Trash/Bag Drop", at Dundon's Portable Restroom, Plumbing & Heating, 344 Rt. 22A, just no. of Orwell GasNGo (Sats, 9AM-12PM).
Thornapple Farm	Patrick	Palmer	1772 Hunt Road	New Haven	VT	05472	Cell: 377-0921		thornapplefarm@comcast.net	Curbside (horse-drawn trailer) of Trash & Recycling, Food Scraps and Leaf & Yard Debris in Bristol. Cleanouts.
Webb & Sons Landscaping Co.	Lyle	Webb, Jr.	P.O. Box 956	Middlebury	VT	05753	388-4532 cell: 324-4237		None.	Curbside of Trash & Recycling, Food Scraps and Leaf & Yard Debris in Ripton only. Cleanouts. Fast Trash Truck for Trash, Food Scraps and Leaf & Yard Debris at Ripton Town Drop-off, Town Shed, 333 Peddler's Bridge Rd. (1st & 3d Sats, 9AM-12PM).

Transfer Station Hours:
 Mon-Fri: 7:00 AM – 3:00 PM
 Saturdays: 8:00 AM – 1:00 PM

Addison County Solid Waste Management District

2020 Adopted RATE SCHEDULE

TRANSFER STATION & DISTRICT FEES

A \$1.00 admin fee is charged on all monetary transactions in addition to prices listed below.

MSW (Trash), Construction & Demolition Debris.....\$128/ton
Minimum Fee - Minimum Load Size - 1/2 ton for MSW only.....\$64
 Minimum Fee - 100 lbs. or less - mixed debris.....\$7 load
 (Telephone poles must be cut into 10' sections)

Appliances w/ CFCs (refrigerator, freezer, window A/C, water fountain, vending machine, dehumidifier).....\$10/ea.
 Commercial-Grade A/C units & outdoor residential A/C units.....At Cost

Appliances - no CFCs (furnace, washer, dryer, hot water heater, stove, dishwasher, microwave, woodstove, etc.).....No Charge

Asbestos, Non-Friable (packaging requirements apply).....\$250/ton

Ashes (wood).....\$1/load

Asphalt Shingles and Drywall Recycling.....\$110/ton

Batteries (wet-cell, automotive).....No Charge

Batteries (small dry-cell, cell phones, rechargeable, button cell, lithium, lithium ion, NiMH, NiCad).....No Charge

Books (hard and soft cover) – Residential.....\$1/load
 Business.....\$5/load

Clean Wood, brush, branches, (cut into 16" logs if > 6" diameter)
 Residential, small car only.....\$2.50/load
 Residential, regular pick-up truck or small trailer.....\$5/load
 Trucks (larger than pick-up truck), & ALL commercial loads.....\$50/ton
 Mulch loading assistance (upon request).....\$5/scoop

Cooking Oil (Large quantities call ahead).....No charge

Documents (Secure Destruction), small amounts only.....No charge

Electronics (large items or quantities charged by weight at the discretion of the scalehouse operator).....\$0.23/lb
 Computers, whole systems (includes everything).....\$11/ea. (or no charge*)
 Computers, by piece (monitor or CPU or printer).....\$6/pc. (or no charge*)
 Televisions (Regular size TV).....\$7/ea. (or no charge*)
 (Console size TV).....\$15/ea. (or no charge*)
 Desktop Photocopier.....\$11/pc.
 Small Electronics (Fax, VCR, DVD/CD, Stereo, Telephones, etc.).....\$2.50/pc.
 Mixed Bag (cords, adapters, CDs, tapes, cassettes, DVDs, chips, cards - grocery bag size).....\$5/bag

Film Plastic & Plastic Bags (must meet acceptance criteria, Residential).....No charge

Business limit 1 CY per week or less.....\$10
Business only, Baled.....\$50/ea.

Fire Extinguishers – >5 lbs.....\$5/ea.

Fluorescent Light Bulbs – Compact Fluorescent Lamps.....No Charge
 U-Tube, Circular or Straight Tubes 4 ft. or shorter.....\$0.35/ea. (or no charge**)
 Straight Tubes longer than 4 ft.....\$0.60/ea. (or no charge**)
 HID Lamps.....\$1/ea. (or no charge**)
 UV, Neon or other Specialty Lamps.....\$1.95/ea.
 (Residential only).....No Charge
 (Business, containers up to 5-gal).....\$1.25/ea.
 (Business, 35-gallon container).....\$11/ea.
 (Business, 48-gallon container).....\$15/ea.

HazWaste Center Hours:
 Mon-Fri: 8:00 AM – 2:00 PM
 Saturdays: 8:00 AM – 1:00 PM

Hazardous Waste (Residential) – (including all paint).....No Charge

Hazardous Waste (Business, CEG) (including all paint).....Actual Cost+\$5 Fee***
 Must call for appointment day/time.....\$1/load

Leaf & Yard Waste (grass clippings, leaves, small twigs) - 3 CY or less.....\$10/load
 Over 3 CY.....\$2.25/ea.

Light Ballasts (containing PCBs).....No Charge

Maple Tubing (call for acceptance guidelines, by appointment only)
 Loads with fittings removed.....\$20/CY
 Loads with fittings still attached.....No Charge

Mercury Devices (intact thermometers, thermostats, etc.).....No Charge

Motor Oil (Residential, uncontaminated only, 10 gal or less per day).....No Charge
 (Business any amount or Residential >10 gal), uncontaminated only,
 drums by appt.).....\$0.30/ gal.

Oil Filters (Residential).....No Charge
 (Business) individual filters.....\$0.25/ea.
 (Business) 5-gallon pail full (crushed or uncrushed).....\$7/pail
 (Business) 55-gallon drum full (crushed or uncrushed).....\$70/drum

Propane Tanks, 1-lb (Residential).....No Charge
 1-lb (Business).....\$1/ea.
 20-lb or larger (grill size, resident or business).....\$3/ea.

Recycling – Single Stream Recyclables from Commercial Haulers.....\$120/ton
Single Stream self-hauled from Businesses - Min. Fee 1 CY or less.....\$9.00
Single Stream self-hauled from Businesses > 1 CY.....\$120/ton

Reuse It or Lose It! (for items accepted at the discretion of the scalehouse operator)
 Per Visit - Dropping off (50 lbs or less) or Just Visiting Admin Fee.....\$1/visit
 Household goods weighing >50 lbs.....\$4/ea.

Construction Materials (reusable lumber, doors, fixtures, windows, etc.).....No Charge

Scrap Metal.....No Charge

Stumps (Must be clean, dry, and in bags).....\$15/CY
 No Charge

Textiles (Passenger Tires).....\$2.25/ea.
 Large Truck Tires.....\$8/ea.

Tires - Passenger Tires.....\$50/ea.
 Agricultural Tires.....\$0.08/lb.
 Earthmoving Tires, Extra Large Tires, Large Quantities of Tires

District Fee – \$34/ton on all MSW and C&D disposed of (included in Transfer Station tip fee), and \$10/ton on contaminated soils approved by ANR for use as ADC.
Scale Weights are \$5.00 per vehicle.
 * VT E-Waste Law – No charge for households, 501(c)(3) charities, school districts, small businesses (10 or < employees) OR 7 or < covered items/visit.
 ** VT Mercury Lamp Law – No charge for general purpose mercury bulbs, 10 or </per day.
 *** VT Paint Law – No charge for architectural paint. The \$5-per-visit admin. Fee will be waived on paint-only loads.
Tel: (802) 388-2333 | Fax: (802) 388-0271 | Email: acswmd@acswmd.org
www.AddisonCountyRecycles.org

Addison County Regional Planning Commission

14 Seminary Street Middlebury, VT 05753 www.acrpc.org Phone: 802.388.3141 Fax: 802.388.0038

November 17, 2020

Teresa A. Kuczynski
District Manager
Addison County Solid Waste Management District
1223 Route 7 South
Middlebury, VT 05753

Re: 2020 Addison County Solid Waste District Plan


Dear Mr. Kuczynski:

This letter responds to your request to confirm that the newly revised Addison County Solid Waste District (“ACSWD”) Waste Management Plan conforms to the regional plan and has the support of the regional planning commission. You have represented that ACSWD’s plan proposes continued operation of the Middlebury Transfer Station and is revised to make changes designed to reduce waste generation, promote sustainable materials management, minimize reliance on waste disposal and conserve resources by minimizing energy consumption and reducing greenhouse gas emissions and other adverse environmental impacts.

The Solid Waste Subsection of the Addison County Regional Plan supports managing the region’s solid waste in a safe, cost-effective and efficient manner and to work on reducing the amount of waste generated per person. To meet this goal, it supports managing the Region’s waste as close to the source as reasonable, to encourage composting and recycling in a manner that promotes planning and reduces the chance for human health impacts and environmental degradation and to consider the transportation, water quality and air quality impacts of disposing of the Region’s waste. Addison County Regional Plan, Utilities, Facilities and Services, Sub-section 7.1 Solid Waste Goal C, Objectives 1(a)-(d) and 3(a)-(e) page 7-9 (2018). ACSWD’s plan amendments, designed to reduce the waste produced per person and educate businesses and consumers on why and how to recycle and reuse solid waste for safe and beneficial purposes close to where the waste is generated constitutes a cost-effective way to promote recycling, save energy consumption and to lower disposal bills for customers.

This letter constitutes the support of the Addison County Regional Planning Commission of ACSWD’s proposed plan amendments. Please call me if we can provide you with any further assistance or if you have any questions or concerns regarding this letter.

Very truly yours,


Adam G. Lougee,
Executive Director

cc: ACRPC Executive Committee

Addison	Bridport	Bristol	Cornwall	Ferrisburgh	Goshen	Leicester
Lincoln	Middlebury	Monkton	New Haven	Orwell	Panton	Ripton
Salisbury	Shoreham	Starksboro	Vergennes	Waltham	Weybridge	Whiting


Addison County
Regional Planning Commission



ADDISON COUNTY REGIONAL PLAN

Adopted July 18, 2018



Addison County
REGIONAL PLANNING COMMISSION

Vermont and New York in 2002 sets limits on the amount of phosphorus the treatment plants can release. The TMDL will not have any immediate effects on the region's facilities. However, in order for the treatment facilities to accommodate growth over the long-term, they will have to become more efficient at removing phosphorus from the effluent.

Solid Waste

The Addison County Solid Waste Management District (ACSWMD) serves 19 of the region's 21 municipalities. The district operates a transfer station in Middlebury and currently contracts with a landfill outside the region for waste disposal. The towns of Bristol and Salisbury operate pre-existing, unlined landfills under a 1,000-ton exemption.

Vermont revised and readopted its Solid Waste Management Plan in 2001. The 2001 plan addressed a number of issues and increased the statewide recycling goal from 40 to 50 percent diversion. As part of that plan, all municipalities and solid waste districts must have updated their plans by May of 2003.

In their 2003 implementation plans, ACSWMD estimated a disposal rate of 3.2 pounds per person per day, Bristol's rate was 1.15 pounds per person per day and Salisbury's rate was 2.05 pounds per person per day. None of the plans indicated any significant changes to their current services or proposed new facilities in the region.



(Adopted July 18, 2018) **ACRPC**
Utilities, Facilities and Services

Addison County Solid Waste Management District

Site Selection Criteria for a Transfer Station or Materials Recovery Facility (MRF)

I. INTRODUCTION

The Vermont Materials Management Plan (“Plan”) requires that the Addison County Solid Waste Management District (“District”) Solid Waste Implementation Plan (“SWIP”) include siting criteria for Solid Waste Transfer Stations and Recycling Facilities, including Materials Recovery Facilities (“MRFs”), that require a certification under the VT Solid Waste Management Rules (“Rules”). A Facility includes all buildings and associated outdoor storage, parking, and traffic areas used for daily operations, excluding the access road from the Facility to the nearest approved road.

Siting criteria will be used as a general guide in the search for and review of suitable sites that meet the District’s long-term needs for transfer of waste or processing of recyclables. These Criteria will be used to review proposed locations available through the private sector, through volunteer or real estate opportunities or through a public site screening process.

These Criteria are not intended to be used as site design standards for the construction of facilities. In addition, these Criteria do not apply to waste collection containers and drop boxes such as dumpsters or roll-offs, which are commonly used for the temporary storage of waste by businesses, residences, public agencies, or other generators, unless the containers are part of a Facility that requires certification.

These Criteria do not apply to facilities that are exempt under §6-302 of the Rules.

The District believes that the siting and operation of a transfer or recycling facility requires public confidence in the operator’s capabilities and serious consideration of the cost effectiveness of hauling trash and recyclables. The following principles are therefore established to guide siting considerations:

1. A comprehensive, detailed operations plan for the Facility must be prepared, followed, and monitored;
2. Total system costs and potential cost savings associated with hauling options and Facility locations must be taken into account. As part of this, consideration should be given to the positive and negative effects of the Facility’s proximity to population centers.

II. DEFINITIONS

- A. “Agency of Natural Resources”, “ANR” and “Agency” means the Vermont Agency of Natural Resources.
- B. “Board of Supervisors” means the governing body of the District.
- C. “Distance” means the distance measured horizontally from the outer perimeter of the Facility.
- D. “District” means the Addison County Solid Waste Management District and its successors, and as appropriate in the context, the total area within the boundaries of all member municipalities within the District.
- E. “District Manager” means the Manager of the District, or such Manager's designee.
- F. “District Transfer Station” means the Facility owned by the District on Route 7 South in Middlebury that accepts and/or processes Solid Waste for ultimate Transfer to off-site locations for disposal, Processing, treatment, or incineration.
- G. “Drop-Off Facility” means a Transfer Facility that primarily serves Residents who are Self-Haulers.
- H. “Facility” means any site or structure used for treating, storing, Processing, Recycling, Transferring or disposal of Solid Waste. A Facility may consist of a single or several treatment, storage, Recycling, or disposal units, and may include a Mobile Solid Waste Collection Operation.
- I. “Food Residuals” means source-separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with 10 V.S.A. Chapter 159 §6605k. Food Residuals may include pre-consumer and post-consumer food scraps. “Food Residuals” does not mean meat and meat-related products when the Food Residuals are composted by a resident on site.
- J. “Generator” means a Person who produces Solid Waste by any means including, but not limited to, residential, commercial, institutional, and industrial activities.
- K. “Materials Recovery Facility (MRF)” means a Recycling facility that accepts, aggregates, stores and/or processes recyclable waste materials. Some Recyclables may be stored at the MRF until a large enough shipment has accumulated.

- L. “Municipal Solid Waste (MSW)” means combined household, commercial and industrial waste materials generated in a given area.
- M. “Processing” means any activity that: (1) accepts Recyclables from off site and prepares the Recyclables for sale; or (2) accepts compostable materials from off site and composts the materials.
- N. “Processor” means any Person who engages in Processing as defined in Section M above.
- O. “Recyclables” means Solid Waste that may be reclaimed and/or processed and used in the production of raw materials or products.
- P. “Recycled” and “Recycling” means the act of reclaiming and/or Processing using Solid Waste in the production of raw materials or products.
- Q. “Resident” means an individual owning or occupying a dwelling unit in a particular city, town or village within the District.
- R. “Reuse” means Solid Waste that is Reused by the Generator or other Person, in the material’s original or altered state, and is thereby diverted from Recycling, composting or Disposal. Nothing in this definition shall be construed to include incineration of any kind, landfilling, or use as an alternative daily cover for a landfill.
- S “Secretary” means the Secretary of the VT Agency of Natural Resources.
- T. “Self-Hauler” means a person who Transports and delivers his or her own Solid Waste or Solid Waste from other individuals within a member municipality for no compensation.
- U. “Separate” and “Separation” means the segregation and collection of materials, apart from Solid Waste destined for Disposal, for the sole purpose of Recycling, Reuse, composting, or special handling.
- V. “Solid Waste” means any: Discarded garbage; refuse; septage; sludge from a waste treatment plant, water supply plant, or pollution control facility; Recyclables and other waste destined for composting, Reuse or Recycling; Special Waste; Unregulated Hazardous Waste; and other discarded material including solid, liquid, semi-solid, or contained gaseous materials, but does not include: (i) animal manure and absorbent bedding used for soil enrichment; (ii) high carbon bulking agents used in composting; (iii) solid or dissolved materials in industrial discharges which are point sources subject to permits under the

Water Pollution Control Act (10 V.S.A. Chapter 47); or (iv) Hazardous Waste that does not qualify as Unregulated Hazardous Waste.

- W. “Solid Waste Implementation Plan” and “SWIP” means the Solid Waste Implementation Plan developed and adopted by the District on March 19, 1992 in accordance with the provisions of 24 V.S.A. §2202a, as such SWIP is amended from time to time.
- X. “Solid Waste Rules” and “Rules” means “2016.12.01 Draft VT Solid Waste Management Rules.”
- Y. “Special Waste” means: discarded major appliances; electronics; empty compressed gas cylinders; tires; scrap metal larger than one (1) cubic foot or weighing more than twenty-five (25) pounds; non-friable asbestos-containing materials; liquid latex paint; sludge from a municipal, commercial, or industrial wastewater treatment facility, water supply treatment plant, or air pollution control facility; Leaf and Yard Residuals; Food Residuals; deceased animals of any type or size, and offal; free-standing liquids, including grease; fluorescent light bulbs; mercury-containing devices; PCB ballasts and capacitors; cathode ray tubes; used oil; used antifreeze; waste pesticides; automotive (wet-cell) batteries; nickel-cadmium and other rechargeable batteries; mercuric-oxide batteries; and silver-oxide batteries, which, for whatever reason, are to be managed separately from other Solid Waste. Special Waste does not include Regulated Medical Waste, Regulated Hazardous Waste, and Unregulated Hazardous Waste. The list of Special Waste may be established and modified from time to time by resolution of the Board of Supervisors or by the District acting in accordance with policies and/or guidelines established and adopted by, and that may be amended from time to time by, the Board of Supervisors. A current official list of Special Waste shall be maintained by the District and be available at the District office.
- Z. “Transfer” means to carry, remove, Transport, or shift Solid Waste from one place, Facility, vehicle, trailer, or container to another.
- AA. “Transfer Station” means facilities that manage Solid Waste for both diversion and disposal, including Municipal Solid Waste (“MSW”) and Construction & Demolition Debris (“C&D”) (Solid Waste Rules §6-902(B)).
- BB. “Transport” means any movement of Solid Waste by air, rail, highway, or water.

III. Background

A. Transfer Station

A Transfer Station must obtain a full certification from the VT Agency of Natural Resources (“ANR”) prior to operation. At such a Transfer Station, Solid Waste would be transferred from relatively small volume carriers, such as 15 to 35- cubic-yard compactor vehicles, light trucks with or without trailers, roll-off trucks, cars and other vehicles, and loaded / compacted into high-volume trailers for transport to a disposal site or to recycling facilities. Activities at the Transfer Station would include the collection of a variety of waste materials that are prepared for recycling markets and transported in trailers and other types of vehicles to recyclers.

The District owns and operates a Transfer Station to consolidate MSW and C&D destined for a landfill, incinerator or other disposal facility outside of Addison County. The facility also collects waste materials that are consolidated and transported to reuse, recycling and composting facilities. In considering the siting of additional Transfer Stations, the District would require a Transfer Station capable of handling up to an estimated 50 tons of MSW per day. A facility of this size, including an enclosed building and processing area, would occupy a minimum of one acre of land.

A variety of concerns must be addressed in order to obtain permits from the State and the Town/City where the Facility is located. General concerns about noise, odor control, visual screening, landscaping, traffic, blowing debris, vectors, and potential pollution from the facilities will be addressed through state and local controls, as well as through the criteria listed herein. A Transfer Station must be included in the District’s Solid Waste Implementation Plan and any regional plan.

B. Materials Recovery Facility (MRF)

MRFs are similar to light industrial or commercial enterprises in terms of truck traffic, visual appearance, and operation. At a MRF, recyclables will be delivered to the facility daily. They will be processed, temporarily stored, and then transported to markets specific to each recyclable material.

A MRF must obtain a categorical certification from ANR. Further local control over landscaping, setback, noise and traffic may be provided through requirements of the Town with adopted zoning ordinances. According to §6-302(A)(4) of the Rules, recycling facilities that accept, aggregate, store and/or process less than fifty (50) tons of recyclable materials per year are exempt from regulation.

IV. STATE SITING CRITERIA

According to §6-701 of the Rules, the following requirements apply to all Solid Waste management facilities with the exception of those facilities that meet the requirements for categorical certifications. The requirements of this Subchapter are the minimum requirements, and

additional requirements specific to the type of Solid Waste Facility are presented in the relevant Facility specific subchapters.

Prohibited Areas (§6-702)

Facilities are prohibited from being sited in the following designated areas:

1. Class I and II groundwater areas;
2. Class I and Class II wetlands and their associated buffer zones, as defined in the VT Wetlands Rules, unless a Conditional Use Determination has been issued by the Agency;
3. Class III wetlands and their associated buffer zones, as defined in the VT Wetlands Rules, unless a Conditional Use Determination has been issued by the Agency;
4. Class III wetlands, as defined by the VT Wetlands Rules, unless a Water Quality Certification has been issued pursuant to 40 CFR Part 401, or has been waived by the Agency;
5. A National Wildlife Refuge as designated by the United States Fish and Wildlife Service;
6. A wildlife management area as designated by the Agency;
7. A threatened or endangered species habitat area as designated by the Agency, except for diffuse disposal facilities;
8. Floodways, mapped fluvial erosion hazard zones;
9. Within 100-year flood plains, except for land application sites as provided in §6-1305(E);
10. A watershed for a Class A Waters; and
11. Within 500 feet of an Outstanding Resource Water. This criterion does not apply to previously certified storage, transfer or recycling facilities where there is no expansion of the Facility beyond the previously certified waste management boundary.

Siting Standards (§6-703)

- A. Facilities shall be located such that an emission or discharge from the facility will not unduly harm the public health and safety and will have the least possible reasonable impact on the environment.

- B. An applicant must satisfactorily demonstrate the following:
 - 1. The isolation distances from the high seasonal water table, bedrock and surface waters are sufficient to ensure that an emission or discharge from the Facility will meet all applicable environmental quality and public health standards and rules.
 - 2. The isolation distance to public and private drinking water sources is sufficient to ensure that an emission or discharge from the Facility will not adversely affect drinking water.
 - 3. The isolation distances to property lines must adhere to local zoning regulations, where applicable, for any residence, school, day-care facility, hospital or nursing home, not owned by the applicant and are sufficient to minimize negative impacts such as:
 - i. Objectionable odors off site;
 - ii. Unreasonable visual impact, including light pollution, off site;
 - iii. Increased level of noise detectable off site; or
 - iv. Otherwise adversely affect public health.
 - 4. The minimum isolation distances for the Facility or activity listed in Table A are met, or significantly increased, to make the demonstrations required under §6-703B(1-3) of the Rules.
 - 5. The Facility is not located in areas that have serious development limitations, such as highly erodible soils, steep slopes, or do not have the physical capability to support the facility.
 - 6. The Facility is accessible from a state or federal highway or a Class III or better town highway.

- C. The Secretary may request any additional information necessary to determine if a proposed Facility meets the standards contained in this section.

Numerical Criteria

Excerpt from §6-703 of the Rules, “Table A: Required minimum isolation distances” (for storage, transfer, and recycling facilities):

CATEGORY	Minimum Distances by Facility Type Storage, Transfer, and Recycling Facilities
Minimum vertical separation from high seasonal water table	n/a
Minimum vertical separation to bedrock	n/a
Minimum distance to waters from the waste management boundary	100' ⁴
Minimum distance from waste management boundary to drinking water source not owned by the applicant	100' ⁴
Minimum distance to property line from waste management boundary	50' ⁶
Minimum distance from waste management boundary to residences, schools, daycare facilities, hospitals, and nursing homes, not owned by the applicant	100' ⁷

⁴ These criteria apply for all facilities constructed after the effective date of these Rules and for facilities constructed prior to the effective date of these Rules where expansions or modifications result in a reduction in the isolation distance to a drinking water source.

⁶ These criteria apply only to facilities constructed after July 1, 1998. The Secretary may approve a distance which is less than 50 feet if the operator makes a satisfactory demonstration under § 6-703(B)(3).

⁷ These criteria apply only to initial certification of new facilities or modifications of existing facilities certified after October 1, 2004.”

According to §6-903(A), “Storage, Transfer, Recycling and Processing Facilities Siting”, there are no additional siting requirements for these facilities beyond the requirements of §6-703.

V. REGIONAL SITING CRITERIA

1. Acreage for Facility and buffer zone.

Definition: Acreage is defined as the total land area needed to accommodate the Facility structure, storage/parking area, access roads, and associated lands to buffer the Facility from adjacent uses or roadways.

Acceptable Minimum: One acre of land.

2. Compliance with state, regional and local plans, ordinances and zoning regulations.

The Facility shall be planned, constructed and operated in accordance with applicable regional and local plans and ordinances.

3. Access to Class I Town Highway or State Numbered Route, or better.

VI. PREFERRED SITING CRITERIA

These Criteria further recommend that preference be given to:

1. Utilization or adaptation of existing buildings or structures, to the maximum extent feasible, over construction of a new facility;
2. Sites that are farthest away from residences or public places when sites are determined to be equivalent;
3. Sites on land owned by or available for purchase by the Facility operator.
4. Sites >1 acre.
5. Existing brownfields or paved land to lessen impact on the environment and undeveloped areas and surrounding environment.

(H.298)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CREATION OF ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT

Creation of a union municipal district known as the Addison County Solid Waste Management District, initially comprising the city of Vergennes and the towns of Addison, Bridport, Bristol, Cornwall, Ferrisburg, Leicester, Lincoln, Middlebury, Monkton, New Haven, Panton, Ripton, Salisbury, Shoreham, Starksboro, Waltham, and Weybridge, heretofore effected under subchapter 3 of chapter 121 of Title 24, is confirmed and approved.

Sec. 2. GOVERNING AGREEMENT

The agreement for the creation of the Addison County Solid Waste Management District, as approved by the voters on November 8, 1988, is amended to read as follows:

ARTICLE I
CREATION AND POWERS

SECTION 1. CREATION

Pursuant to subchapter 3 of chapter 121 of Title 24, and upon approval of at least two voting municipalities, a Union Municipal District to be know as the "Addison County Solid Waste Management District" (hereinafter referred to as the "District"), which shall be a body politic and corporate, shall be created.

SECTION 2. PURPOSE

The District is created and shall exist for the purpose of providing a comprehensive system for managing solid waste generated within the member municipalities. The principal elements of the management system may include, but are not limited to, collection, transportation, processing, citizen information and education, land disposal, incinerators, recycling centers, intermediate processing facilities, composting plants or resource recovery facilities, or any combination thereof, as well as any other methods allowed by law. In order to assure that everyone pays the real cost of solid waste management, the primary source of funding for District operations will be based on user fees.

SECTION 3. COMPOSITION

This District shall consist of those municipalities which elect to join the District by votes of their voters present and voting at annual or special meetings duly warned for such purpose, and such other municipalities as are subsequently admitted to the District as herein provided, excepting those municipalities which may withdraw as herein provided.

SECTION 4. DURATION

The District shall continue as a body politic and corporate unless and until dissolved according to the procedures herein set forth.

SECTION 5. POWERS

Except as otherwise provided or limited herein, the District shall have the following powers:

- (1) to operate, cause to be operated, contract for and otherwise provide for the collection and transportation of solid waste, and for the operation and maintenance of solid waste facilities, programs and services of every kind, including but not limited to, sanitary landfills, incinerators, recycling centers, intermediate processing facilities, composting plants or resource recovery facilities,

information and education programs, waste reduction services, or any combination thereof, and to determine and make proper charges for the cost of such facilities, programs and services by rule, regulation or ordinance; such cost for facilities, programs and services may be recovered, in whole or in part, by requiring the owners and operators of facilities accepting solid waste generated from within the District, including facilities within and without the District, not owned or controlled by the District, to charge persons delivering solid waste to such facilities and to remit such charges to the District;

- (2) to purchase, sell, lease, own, acquire, convey, mortgage, improve, and use real and personal property in connection with the purpose of the District, and to construct, develop and maintain solid waste facilities in accordance with federal and state law; District owned and leased real property shall not be exempt from municipal property taxation, except that a municipality by its voters and the District by its Board of Supervisors may agree to exempt District owned or leased property from taxation and to provide for payments to the municipality in such amounts as are agreeable to the respective parties;
- (3) to hire and fix the compensation of employees;
- (4) to sue and be sued;
- (5) to enter into contracts for any term or duration; including but not limited to contracts with consultants and other experts for services, contracts with the State of Vermont or the federal government or any agency or department thereof, for services, and contracts with any participating municipality for the services of any officers or employees of the municipality useful to it;
- (6) to provide solid waste disposal services for the member municipalities, the inhabitants thereof, and the businesses therein, and for such others as its facilities and obligations may allow;
- (7) to contract with a nonmember municipality or a private entity for the disposal of solid waste generated outside the boundaries of the District, provided that the contract will not increase the cost of solid waste disposal to the member municipalities or the inhabitants thereof;
- (8) to contract to pay for solid waste disposal services on the basis of guaranteed amounts, whether delivered for disposal and accepted for disposal or not, of solid waste, with payments based on such guaranteed amounts, whether actually disposed of or not, which payments may be variable and may be determined by formulae expressed in such contracts;
- (9) to the extent that quantities of regulated and unregulated hazardous wastes are found as part of the solid waste stream, to require the separation of, and otherwise plan for and manage such wastes, consistent with applicable state and federal laws and regulations;
- (10) to make recommendations for review and action to its member municipalities and other public agencies which perform functions within the region in which its member municipalities are located;
- (11) to acquire by the exercise of the power of eminent domain any real property located within the District at any time after June 28, 1991 (except for property lying within a municipality that withdrew from the District before November 1, 1991) for the construction and operation of sanitary landfills, transfer stations, and other solid waste facilities, including suitable buffer areas, following the procedures for the condemnation of real property and interests therein provided in 24 V.S.A. § 2299b through 24 V.S.A. § 2299i and in 24 V.S.A. § 2299k, and to enter onto any lands which the District has the power to condemn for the purposes and following the procedures specified in 24 V.S.A. § 2299i. Furthermore, following these procedures, the District may condemn any real property located outside the boundaries of the District, if that property is located within a municipality in which both of the following have taken place: the municipality has entered into a binding host town agreement with the District; the residents of the municipality, by Australian ballot, have approved and ratified the host

town agreement and consented to the District constructing and operating solid waste management facilities within the limits of the municipality. Property already devoted to a public use may be acquired, provided that no real property belonging to a member municipality, the county, the State, or any political subdivision thereof may be acquired without its consent;

- (12) to borrow money and issue evidence of indebtedness as provided by chapter 53 of Title 24;
- (13) to establish a budget and assess member municipalities in accordance therewith;
- (14) to appropriate and expend monies;
- (15) to establish capital reserve funds for public improvements in furtherance of its purpose;
- (16) to regulate the collection, transportation, resource recovery, recycling and disposal of solid waste within the District and to require that acceptable solid wastes generated within the District and any member municipality therein shall be disposed of only in and upon facilities operated by or on behalf of the District; or in a facility or manner that is part of an approved District Plan;
- (17) to issue local franchises and to enact, amend or repeal, any and all rules, regulations and ordinances necessary to manage the collection, transportation, storage, processing, recovery, recycling and disposal of solid waste, or otherwise necessary or desirable for the orderly conduct of the affairs of the District, and to impose penalties for the violation thereof not exceeding \$500.00, and to provide, upon petition of the District to the Superior Court, in addition to such injunctive and other relief as may be available, for civil penalties for the violation thereof not exceeding \$500.00. Any such rule, regulation or ordinance may further provide that each day a violation continues shall constitute an additional, separate and distinct offense;
- (18) to require each member municipality, either directly or through independent parties, to provide one or more collection sites for the solid waste generated within such member municipality and for the transportation of such solid waste to the District facility, together with all costs incident thereto, and to assess any costs resulting to the District as a result of a failure of any member municipality to comply with the District's requirements to such member municipality;
- (19) to accept and administer gifts, grants, and bequests in trust or otherwise for the purpose of the District;
- (20) to exercise all powers incident to a public corporation;
- (21) to exercise any other powers which are exercised or are capable of exercise by any of the District's participating municipalities, and necessary or desirable for dealing with problems of mutual concern.

SECTION 6. PROCEDURE FOR ADOPTION OF ORDINANCES, RULES AND REGULATIONS

Any ordinance, rule, or regulation of the District may be adopted by the Board of Supervisors at a duly called Board of Supervisors' meeting following the following procedure: if the Board of Supervisors desires to adopt an ordinance, rule or regulation, it shall hold at least one public hearing on the proposed ordinance, rule or regulation. Public notice shall be given of the public hearing by publication of the date, place and purpose of the hearing in a newspaper of general circulation within the District on a date not less than 15 days prior to the date of the hearing; the notice shall also be posted in at least three public places within each member municipality and mailed to the Town Clerk of each municipality at least 30 days prior to the date of the hearing. The notice shall make reference to a place within the District where copies of the proposed ordinance, rule or regulation may be examined, and the full text of the ordinance, rule or regulation, or a concise summary of it including a statement of purpose, principal provisions, and table of contents or list of section headings shall also be published. Following such public hearing, the Board of Supervisors may at any duly called Board of Supervisors' meeting adopt the ordinance, rule or

regulation by resolution, and the ordinance, rule or regulation shall become effective upon adoption. An ordinance, rule or regulation adopted in accordance with these procedures may be amended or repealed in accordance with the same procedures. No ordinance, rule or regulation, or amendment or repeal shall be subject to any voter referendum. The foregoing procedure shall not be required for rules as to the internal workings of the Board, or internal administration of this District.

ARTICLE II BOARD OF SUPERVISORS

SECTION 7. AUTHORITY

The voters of the District shall have the power to vote on bonded indebtedness, amendments to the District Agreement, and dissolution of the District as herein set forth. All other power and authority of the District and the administration and the general supervision of all fiscal, prudential, and governmental affairs thereof shall be exclusively vested in a governing body known as the Board of Supervisors.

SECTION 8. COMPOSITION

The Board of Supervisors shall be composed of one (1) representative from each member municipality; each representative shall be a resident of the municipality he or she represents, or may be a nonresident employee of the municipality. No one person may represent more than one municipality.

SECTION 9. APPOINTMENT

- (a) Initial board. The initial Board shall be appointed by the legislative body of each member municipality. Appointments shall be made within 30 days of the effective date of this Agreement and certified by the Clerk of each member municipality to the Board. Within 60 days of the effective date of this Agreement, the initial Board shall meet and shall elect from its membership a Chair and Vice-Chair to serve until the organizational meeting to be held pursuant to Section 10, and until their successors are duly elected and qualified. The initial Board shall also appoint a Clerk and Treasurer pursuant to Sections 24 and 25.
- (b) Subsequent boards. Each year, subsequent to Town Meeting and prior to the annual organizational meeting, the legislative body of each member municipality shall appoint its representative, and shall also name an alternate representative to the Board of Supervisors. Appointments shall be in writing, signed by the Chair of the legislative body and presented to the Clerk of the District. The legislative body, by majority vote, may remove its municipality's appointed representative or alternate during his or her term of office at its discretion. The alternate representative shall represent the municipality at all meetings of the Board of Supervisors that the regular representative is unable to attend and shall have all the rights and privileges of the regular representative in his or her absence.

SECTION 10. ORGANIZATIONAL MEETING

Annually, on the second Thursday in April commencing in 1989, the Board of Supervisors shall hold its organizational meeting. At such meeting, the Board of Supervisors shall elect from among its membership a Chair and a Vice-Chair, each of whom shall hold office for one year and until his or her successor is duly elected and qualified. The Chair and Vice-Chair are eligible to be elected to not more than three (3) successive terms.

SECTION 11. REGULAR MEETING

A schedule of regular meetings of the Board of Supervisors shall be established at the organizational meeting.

SECTION 12. SPECIAL MEETINGS

Special meetings of the Board of Supervisors may be called at any time by the Chair or shall be called by the Clerk upon written request of a majority of the members of the Board of Supervisors. Except in case of emergency, each member of the Board of Supervisors shall be given at least 24-hours' notice of any special meeting of the Board of Supervisors by notice in person, by telephone, or by written notice delivered personally, mailed, or left at such member's usual place of residence.

SECTION 13. QUORUM

For the purpose of transacting business, the presence of 50 percent of the municipal representatives to the Board of Supervisors shall constitute a quorum. However, a smaller number may adjourn to another date. The entire number of regular representatives to be appointed to the Board under Section 9 shall be used to determine a quorum, regardless of whether vacancies exist.

SECTION 14. VOTING

Each representative in attendance at a meeting of the Board of Supervisors at which a quorum is present shall cast one vote for every 2500 population, or part thereof, in the municipality which he or she represents. If a representative is unable to attend, the municipality's duly designated alternate shall be entitled to vote. A member of the Board of Supervisors may not split his or her vote(s). In order for any motion to carry, it must be voted on affirmatively by a minimum of the representatives from one-third of the member municipalities and a majority of the votes cast at a meeting of the Board of Supervisors, except as otherwise provided in this Agreement.

SECTION 15. TERM

All representatives and alternate representatives to the Board of Supervisors shall hold office for one year or until their successors are duly appointed and qualified. Any representative may be reappointed to successive terms without limit.

SECTION 16. VACANCY

Any vacancy on the Board of Supervisors or in an alternate representative position shall be filled within thirty (30) days after such vacancy occurs by the legislative body of the member municipality which appointed the representative or alternate whose position has become vacant. An appointee to a vacancy shall serve until the expiration of the term of the representative to whose position the appointment was made and may thereafter be reappointed.

SECTION 17. RULES OF PROCEDURES

Except as otherwise provided in this Agreement, Robert's Rules of Order shall govern at all meetings.

SECTION 18. COMPENSATION OF MEMBERS OF BOARD OF SUPERVISORS

Each member municipality shall pay to its representative to the Board of Supervisors such reimbursement or expenses as it shall determine reasonable.

ARTICLE III OFFICERS

SECTION 19. OFFICERS

The officers of the District shall be the Chair and the Vice-Chair of the Board of Supervisors, the Clerk of the District, and the Treasurer of the District. The offices of the Clerk of the District and the Treasurer of the District may be held by one person. No other person may hold more than one office at one time.

SECTION 20. BOND

Prior to assuming their offices, all officers shall post bond in such amounts as shall be determined by resolution of the Board of Supervisors. The cost of such bond shall be borne by the District.

SECTION 21. CHAIR

The Chair of the Board of Supervisors shall be the chief executive officer of the District. The Chair shall preside at all meetings of the Board of Supervisors and shall make and sign all contracts on behalf of the District upon approval by the Board of Supervisors. The Chair shall perform all the duties incident to the position and office.

SECTION 22. VICE-CHAIR

During the absence or inability of the Chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the Vice-Chair and when so acting, the Vice-Chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the Chair.

SECTION 23. VACANCY

During the absence or inability of the Vice-Chair to render or perform his or her duties or exercise his or her powers, the Board of Supervisors shall elect from among its membership an acting Vice-Chair who shall have the powers and be subject to all the responsibilities hereby given or imposed upon the Vice-Chair.

SECTION 24. CLERK

The Clerk of the District shall be appointed by the Board of Supervisors, shall not be a member of the Board, and shall serve at its pleasure. The Clerk shall have the exclusive charge and custody of the public records of the District and the seal of the District. The Clerk shall record all votes and proceedings of the District, including meetings of the District and meetings of the Board of Supervisors, and shall cause to be posted and published all warnings of meetings of the District. The Clerk shall prepare all warnings of meetings of the District as required by Article V, Section 44. Following approval by the Board of Supervisors, the Clerk shall cause the annual report to be distributed to the legislative branches of its member municipalities. The Clerk shall prepare and distribute any other reports required by laws of the State of Vermont and resolutions or regulations of the Board of Supervisors. The Clerk shall perform all the duties and functions incident to the office of secretary or clerk of a body corporate.

SECTION 25. TREASURER

The Treasurer of the District shall be appointed by the Board of Supervisors, shall not be a member of the Board, and shall serve at its pleasure. The Treasurer shall have the exclusive charge and custody of the funds of the District and shall be the disbursing officer of the District. When authorized by the Board of Supervisors, the Treasurer, or in his or her absence the Chair, may sign, make or endorse in the name of the District all checks and orders for the payment of money and pay out and disburse the same and receipt therefor. The Treasurer shall keep a record of every note or bond issued by the District and of every payment thereon of principal and interest and, if coupons are taken up, shall cancel and preserve them. The Treasurer shall keep correct books of account of all the business and transactions of the District and such other books and accounts as the Board of Supervisors may require. The

Treasurer shall render a statement of the condition of the finances of the District at each regular meeting of the Board of Supervisors and at such times as shall be required of him or her. The Treasurer shall prepare the annual financial statement and the budget of the District for distribution, upon approval of the Board of Supervisors, to the legislative bodies of the member municipalities. The Treasurer shall do and perform all the duties appertaining to the office of Treasurer of a body politic and corporate. The Treasurer shall settle with the auditors within 60 days of the end of the fiscal year, at such other times as the Board of Supervisors may require, and upon retirement from office. Upon retirement from office, the Treasurer shall immediately pay over to his or her successor all the funds belonging to the District and at the same time deliver to his or her successor all official books and papers.

SECTION 26. RECORDS

The conduct of all meetings and public access thereto, and the maintaining of all records, books and accounts of the District shall be governed by the laws of this State relating to open meetings and accessibility of public records.

SECTION 27. AUDIT

The Board of Supervisors shall cause an audit to be performed annually by an independent professional accounting firm or a certified public accountant, who shall be the auditors selected by the Board of Supervisors.

SECTION 28. EXECUTIVE BOARD

The Board of Supervisors shall have the authority to establish an Executive Board and grant such powers as it may deem necessary.

SECTION 29. COMMITTEES

The Board of Supervisors shall have the authority to establish any and all committees as it may deem necessary.

SECTION 30. COMPENSATION OF OFFICERS

Officers of the District shall be paid such compensation and/or reimbursement of expenses as shall be determined by the Board of Supervisors.

SECTION 31. RECALL OF OFFICERS

An officer shall serve at the pleasure of the Board of Supervisors and may be removed by a vote of the Board as set forth in Section 14, except that two-thirds of the representatives of the member municipalities and two-thirds of the votes cast shall be required.

ARTICLE IV FISCAL AFFAIRS

SECTION 32. FISCAL YEAR

The fiscal year of the District shall commence on January 1 and end on December 31 of each year.

SECTION 33. BUDGET APPROPRIATION

- (a) PROPOSED BUDGET. Annually, on or before the first day of November, the Board of Supervisors shall approve and cause to be distributed to the legislative branch of each member municipality for

review and comment an annual report of its activities, including a financial statement, and a proposed budget of the District for the next fiscal year. This proposed budget shall include reasonably detailed estimates of:

- (1.) deficits/surpluses from prior fiscal years;
- (2.) anticipated expenditures for the administration of the District;
- (3.) anticipated expenditures for the operation and maintenance of any District solid waste facilities;
- (4.) costs of debt service;
- (5.) payments and other obligations due on long-term contracts;
- (6.) payments due to any capital reserve funds;
- (7.) anticipated revenues from charges for the disposal of solid waste and other sources;
- (8.) the necessary appropriations to operate and carry out the District's functions for the next fiscal year;
- (9.) the proposed assessment, if any, to each member municipality;
- (10.) such other estimates as the Board of Supervisors shall deem necessary to propose.

The Board of Supervisors shall hold a public hearing on or before the last day of November, of each year to receive comments from the legislative bodies of member municipalities and hear all other interested persons regarding the proposed budget. Notice of such hearing shall be given in such manner as the Board may prescribe. The Board of Supervisors shall give consideration to all comments received and make such changes to the proposed budget as it deems advisable.

- (b) **BUDGET, ADOPTION, APPROPRIATIONS.** Annually, on or before the third Thursday in December, the Board of Supervisors shall adopt the budget, appropriate the sums which it deems necessary to operate and carry out the District's functions for the next ensuing fiscal year, determine the assessment of each member municipality, if necessary, for its proportionate share of the sums so appropriated over and above anticipated revenues to the District, and adopt a schedule designating when such assessments, if any, are due and payable by the member municipalities.
- (c) **APPORTIONMENT OF ASSESSMENTS.** In the event that it becomes necessary to levy assessments on the member municipalities, the assessments shall be apportioned among the member municipalities on the basis of relative quantities of solid waste disposal by each member municipality in a District facility if in the judgment of the Board of Supervisors those quantities can be adequately determined, or on the basis of population within each of the member municipalities should the Board conclude that relative waste quantities cannot be adequately determined for each member municipality at the time assessments needed to be levied. Each member municipality shall be assessed a percentage of the sum appropriated equal to the ratio which the waste quantity or population of the member municipality bears to the total waste quantity or population within the District.
- (d) Failure of the Board to take any action required by this Section by its prescribed deadline shall not constitute grounds for any claim or defense as to the invalidity of any assessment.

SECTION 34. COLLECTION

Annually, after adoption of the budget by the Board of Supervisors, the Treasurer of the District shall issue and present a warrant to the legislative body of each member municipality requiring that the amount of such assessment, if any, be paid to him or her in accordance with the schedule of payments adopted by the Board of Supervisors. The legislative body of each member municipality shall draw an order on the municipal treasurer for the amount of such assessment and the municipal treasurer shall pay to the District Treasurer the amount of such order in accordance with the schedule for payments adopted by the Board of Supervisors. If any member municipality shall fail to pay when due any assessment against it by the District, the District shall be entitled to collect interest on any payment due, from its due date at the maximum rate which the municipality is allowed by law to collect on overdue taxes.

Such interest, together with the amount due, court costs, and reasonable attorney fees of the District may be recovered by the District in a civil action under this section, notwithstanding the availability of any other remedy available to the District.

SECTION 35. LIMITATIONS OF APPROPRIATIONS

Appropriations made by the Board of Supervisors for the various estimates of the budget as defined in Section 33(a) shall be expended only for such estimates, but by vote of the Board of Supervisors, the budget may be amended from time to time to transfer funds between or among such estimates, except as otherwise limited herein.

SECTION 36. INDEBTEDNESS

- (a) **SHORT-TERM BORROWING.** The Board of Supervisors may borrow money through the issuance of notes of the District for the purpose of paying current expenses of the District. Such notes must mature within one (1) year. The Board of Supervisors may also borrow money in anticipation of grants-in-aid from any source and any revenues other than assessments through the issuance of notes of the District. Such notes must mature within one (1) year, but may be renewed as provided by general law. The Board of Supervisors may also borrow money in anticipation of assessments to each member municipality in an amount not to exceed ninety percent (90%) of the total amount assessed for each year, and may issue notes of the District which must mature within one (1) year. The Board of Supervisors may also borrow money in anticipation of bond proceeds which have been authorized as provided herein. Said notes shall be issued as provided in chapter 53 of Title 24.
- (b) **LONG-TERM INDEBTEDNESS; LONG-TERM CONTRACTS**
 - (1) **SUBMISSION TO VOTERS.** On a petition signed by at least ten percent (10%) of the voters of the District, the proposition of incurring a bonded debt to pay for public improvements or of authorizing a long-term contract shall be submitted by the Board of Supervisors to the qualified voters thereof at a special meeting to be held for that purpose. In the alternative, when the Board of Supervisors, at a regular or special meeting of the Board of Supervisors called for such purpose, shall determine by vote, that the public interest or necessity demands improvements or entry into a long-term contract, and that the cost of the same will be too great to be paid out of the ordinary annual income and revenue, it shall order the submission of the proposition of incurring bonded debt or of authorizing a long-term contract to the qualified voters of the District at a meeting to be held for that purpose. A "long term contract" means a contract in which the District incurs obligations for which the costs are too great to be paid out of the ordinary annual income and revenues of the District, in the judgment of the Board of Supervisors. The term "public improvements" shall include improvements which may be used for the benefit of the public, whether or not publicly owned or operated. Bonded debt may be authorized for any purpose permitted by chapter 53 of Title 24, or any other applicable statutes for any purpose for which the District is organized. The Board of Supervisors may not submit to the voters more than twice in the same calendar year the proposition of incurring bonded debt to pay for the same or similar public improvement or of entering the same or similar long-term contract.
 - (2) **WARNING OF MEETING.** The warning calling the special meeting of the District to incur bonded debt or to authorize a long-term contract shall state the object and purpose for which the indebtedness or long-term contract is proposed to be incurred or authorized, the estimated cost of public improvements, the amount of bonds proposed to be authorized, and a summary of the terms of any long-term contract proposed to be authorized. The warning shall fix the places where and the date on which the meeting shall be held and the hours of opening and closing the polls. The Board of Supervisors, in consultation with the board of civil authority

of each member municipality shall determine the number and location of polling places; provided, however, that there shall be at least one polling place in each member municipality.

- (3) NOTICE OF MEETING. The Clerk of the District shall cause notice of such special meeting to be published in a newspaper of known circulation in the District once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting. Notice of such meeting shall also be posted in a minimum of three public places within each member municipality at least 30 and not more than 40 days before the meeting and be filed with the clerk of each member municipality and the Clerk of the District prior to posting.
- (4) AUTHORIZATION. When a majority of all the voters present and voting on the question from all the member municipalities at such special meeting vote to authorize the issuance of bonds or to authorize a long-term contract, the District shall be authorized to issue the bonds or to enter into the long-term contract. The ballots cast in each member municipality shall be commingled and counted by a member(s) of the Board of Supervisors with the town clerk from each member municipality, or his or her designee. Article V, Sections 45 (Australian Ballot), 46 (Qualifications and Registration of Voters), 47 (Conduct of Meetings), 48 (Reconsideration or Rescission of Vote), and 49 (Validation of District Meetings) shall apply to any District meeting called to incur long-term debt or to authorize a long-term contract.
- (5) ASSESSMENT. The cost of debt service or of payments under a long-term contract shall be included in the annual budget of the District. The applicable provisions of chapter 53 of Title 24 or other enabling law under which debt is incurred or long-term contract authorized shall apply to the issuance of bonds or other evidence of indebtedness by the District and for that purpose the District shall be deemed a "municipal corporation", the Board of Supervisors shall be deemed a "legislative branch", and the District Treasurer shall be deemed a "municipal treasurer" within the purview of that chapter. Bonds or other evidence of indebtedness and long-term contracts shall be signed by the Treasurer and Chair of the Board of Supervisors of the District.

SECTION 37. CAPITAL RESERVE FUND

The Board of Supervisors may establish and provide for a capital reserve fund to pay for public improvements, replacement of worn-out buildings and equipment, and planned and unplanned major repairs of a disposal facility, in furtherance of the purpose for which the District was created. Any such capital reserve fund shall be kept in a separate account and invested as are other public funds and shall be expended for such purposes for which established. The cost of payments to any capital reserve fund shall be included in the annual budget of the District.

SECTION 38. DISPOSAL FEES

The Board of Supervisors shall establish and periodically adjust charges, including but not limited to tipping fees, for the purpose of generating revenues from sources other than assessments to member municipalities for the District's services in the management of solid waste.

ARTICLE V SPECIAL DISTRICT MEETING

SECTION 39. SPECIAL MEETINGS

The Board of Supervisors may call a special meeting of the District for the purposes of incurring bonded debt or entering into a long-term contract under section 36 or for purposes of dissolution under Section 53 or for reconsideration under Section 48. The Board shall call a special meeting if petitioned pursuant to Section 48 or if

requested pursuant to Section 54 to disallow an amendment to this Agreement, and shall call a special meeting regarding the question of dissolution of the District if petitioned to do so by not less than five percent of the legal voters from each municipality in the District. The Board shall also call a special meeting on the question of incurring bonded debt if petitioned by at least ten percent of the legal voters in the District as defined in Section 36. The Board of Supervisors may rescind the call of a special meeting called by them but not a special meeting called on application of the legal voters of the District or pursuant to Section 54. The Board of Supervisors shall endeavor to have the time of such special meeting coincide with the time of annual municipal meetings, primary elections, general elections or similar meetings when the electorate within the member municipalities will be voting on other matters.

SECTION 40. PLACES OF MEETINGS

At any special meeting of the District, voters of each member municipality shall cast their ballots at such polling places within the municipality of their residence as shall be determined by the Board of Supervisors of the District in cooperation with the Board of Civil Authority of each member municipality.

SECTION 41. PUBLIC HEARINGS

The Board of Supervisors shall hold at least one public hearing prior to any special District meeting at such time and upon such notice as it may prescribe.

SECTION 42. WARNINGS REQUIRED

The Board of Supervisors of the District shall warn a special meeting of the District by filing a notice with the town clerk of each member municipality and by posting a notice in a minimum of three public places in each municipality in the District not less than 30 nor more than 40 days before the meeting. In addition, the warning shall be published in a newspaper of general circulation in the District once a week on the same day of the week for three consecutive weeks before the meeting, the last publication to be not less than five nor more than ten days before the meeting.

SECTION 43. SIGNING OF WARNING

The original warning of any special meeting of the District shall be signed by the Chair of the Board of Supervisors and shall be filed with the District Clerk before being posted.

SECTION 44. WARNING CONTENTS

The posted notification shall include the date, time, place, and nature of the meeting. It shall, by separate articles, specifically indicate the business to be transacted and the questions to be voted upon.

SECTION 45. AUSTRALIAN BALLOT

The Australian ballot system shall be used at all special meetings of the District when voting is to take place.

SECTION 46. QUALIFICATIONS AND REGISTRATION OF VOTERS

All legal voters of the member municipalities shall be legal voters of the District. The member municipalities shall post and revise checklists in the same manner as for municipal meetings prior to any District meeting at which there will be voting.

SECTION 47. CONDUCT OF MEETINGS

At all special meetings of the District, the provisions of chapter 51 of Title 17 regarding election officials (Subchapter 1), voting machines (Subchapter 3), polling places (Subchapter 4), absent voters (Subchapter 6), process of voting (Subchapter 7), count and return of votes (Subchapter 8), recounts and contest of elections (Subchapter 9), and jurisdiction of courts (Subchapter 10) shall apply except where clearly inapplicable. The Addison Superior Court shall have jurisdiction over petitions for recounts. Election expenses shall be borne by the District.

SECTION 48. RECONSIDERATION OR RESCISSION OF VOTE

- (a) A question considered or voted on at any special meeting of the District shall not be submitted to the voters for reconsideration or rescission, except at a subsequent special meeting duly warned for that purpose, and called by the Board of Supervisors on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section.
- (b) Where a petition signed by not less than five percent (5%) of the qualified voters from each municipality in the District requesting reconsideration or rescission of a question considered or voted on at a previous special meeting is submitted to the Board of Supervisors of the District within thirty (30) days following the date of that meeting, the Board of Supervisors shall provide for a vote by the District in accordance with the petition within sixty (60) days of the submission at a special meeting duly warned for that purpose.
- (c) A vote taken at a special meeting shall remain in effect unless rescinded at a special meeting called and warned in accordance with this section.
- (d) A question voted on or considered shall not be presented for reconsideration or rescission at more than one subsequent meeting except with the approval of the Board of Supervisors.

SECTION 49. VALIDATION OF DISTRICT MEETINGS

When any of the requirements as to notice or warning of a special District meeting have been omitted or not complied with, the omission or noncompliance, if the meeting and the business transacted at it is otherwise legal and within the scope of the District powers, may be corrected and legalized by vote at a special meeting of the District called and duly warned for that purpose. The question to be voted upon shall substantially be: "Shall the action taken at the meeting of this District held on (state date), in spite of the fact that (state the error or omission), and any act or action of the District officers or agents pursuant thereto be readopted, ratified or confirmed?" Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning, may be cured by a resolution of the Board of Supervisors of the District by a vote stating that the defect was the result of an oversight, inadvertence or mistake. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been initially complied with however, upon condition, that the original action thereby corrected by the Board of Supervisors was in compliance with the legal exercise of its corporate powers.

SECTION 50. PRIORITY

When a special meeting of the District is called to act upon a proposition to incur bonded indebtedness or to enter into a long-term contract, the special meeting procedures outlined in Article IV shall control over the meeting procedures outlined in this article in the event of conflict.

ARTICLE VI MISCELLANEOUS

SECTION 51. WITHDRAWAL OF MEMBER MUNICIPALITY

A member municipality may withdraw from the District upon the terms and conditions specified below:

- (1) WITHDRAWAL DURING A PERIOD OF TWELVE MONTHS FROM THE ESTABLISHMENT OF THE DISTRICT
 - (A) The Board of Supervisors shall not enter into any long-term contract, (meaning for a term of more than 12 months) or call a special meeting on incurring long-term debt for a period of 12 months from the date the District becomes a body politic and corporate.
 - (B) A vote of withdrawal taken after the District has become a body politic and corporate but less than 12 months after that date shall be null and void.
 - (C) After the expiration of 12 months from the date the District becomes a body politic and corporate a member municipality may vote to withdraw in the manner set forth herein. If a majority of the voters of a member municipality present and voting at a meeting duly warned for such purpose shall vote to withdraw from the District, the vote shall be certified by the clerk of that municipality and presented to the Board of Supervisors. Thereafter, the Board shall give notice to the remaining member municipalities of the vote to withdraw and shall hold a meeting to determine if it is in the best interests of the District to continue to exist. Representatives of the member municipalities shall be given an opportunity to be heard at such meeting together with any other interested persons. After such a meeting the Board of Supervisors may declare the District dissolved immediately or as soon thereafter as the financial obligations of the District and of each member municipality have been satisfied, or it may declare that the District shall continue to exist despite the withdrawal of such member municipality. The membership of the withdrawing municipality shall terminate as soon after such vote to withdraw as the financial obligations of said withdrawing municipality have been paid to the District.
- (2) WITHDRAWAL AFTER DISTRICT BOND VOTE OR ENTRY INTO LONG-TERM CONTRACT
Notwithstanding subsection 51(1)(C) above, if a member municipality votes to withdraw after the District has voted to bond itself for construction and improvements or to enter a long-term contract, as defined in Section 36, the Board of Supervisors shall hold a meeting to determine if it is in the best interest of the District to continue to exist only after the municipality proposing to withdraw has submitted a Plan to the Board of Supervisors which shall at a minimum provide:
 - (A) that the withdrawing municipality shall continue to be jointly and severally liable with the other member municipalities of the District for all such bonded indebtedness and any long-term contract, as well as any temporary loans in anticipation of the sale of such bonds or receipt of grants-in-aid under section 1773 of Title 24.
 - (B) that the withdrawing municipality shall, at least ten days before any payment is due from the District on such bonded indebtedness, or on any such long-term contract or temporary loan, pay to the District a percentage of such District payment determined on the basis of relative quantities of solid waste disposed of by each member municipality (including the withdrawing municipality) in the calendar year immediately prior to the vote of withdrawal if in the judgement of the Board those quantities can be adequately determined, or, on the basis of population determined as published by the State Department of Health most immediately prior to the vote of withdrawal should the Board conclude that such relative waste quantities cannot be adequately determined.

- (C) that the withdrawing municipality shall pay a share of each assessment levied under subsection 33(c) above and due under Section 34 above. Such share of each assessment shall be based upon the same percentage utilized in subdivision (B) above, and shall be due and payable on the dates specified by the Board in Section 34 above.
- (D) that the withdrawing municipality shall comply with all the provisions of the Plan and pay all reasonable attorney fees and other costs incurred by the District as a result of any default in making a payment when due, and that the full faith and credit of such municipality shall be pledged to making all payments where due.

The Plan shall be executed by a majority of the legislative body of the withdrawing municipality, or a person duly authorized by the legislative body, and shall be accompanied by the certification of the Clerk of such municipality that at the meeting when the vote of withdrawal occurred, the voters of such municipality also voted to authorize the legislative body to execute and file a Plan pursuant to this subsection 51(2) with the Board of Supervisors, and further certifying that the time for petitioning to rescind such vote has passed, and no petition to rescind has been filed. Execution of the Plan as set forth herein shall constitute the municipality's agreement to comply with all terms and conditions of the Plan following withdrawal.

Following the filing of such Plan, and the meeting required by subdivision 51(1)(C) above, the Board shall, unless it declares the District dissolved as provided therein, permit such municipality to withdraw upon condition that it comply with all the terms of the Plan.

- (3) **AUSTRALIAN BALLOT REQUIREMENT FOR WITHDRAWAL VOTE**
Any vote by a member municipality on the question of withdrawing from the District shall be by Australian ballot, and shall be preceded by a public informational hearing on the question. Notice shall be given of such hearing by posting warnings at least ten (10) days in advance of the hearing in at least two (2) public places within the municipality and in the Town Clerk's office. The hearing shall be held within ten (10) days preceding the meeting at which the Australian ballot vote is to be used.

SECTION 52. ADMISSION OF NEW MEMBER MUNICIPALITIES

The Board of Supervisors may authorize the inclusion of additional member municipalities in the District upon such terms and conditions as it in its sole discretion shall deem to be fair, reasonable and in the best interests of the District. The legislative branch of any nonmember municipality which desires to be admitted to the District shall make application for admission to the Board of Supervisors of the District. The Board shall determine the effects and impacts which are likely to occur if such municipality is admitted and shall thereafter either grant or deny authority for admission of the petitioning municipality. If the Board grants such authority, it shall also specify any terms and condition, including but not limited to financial obligations upon which such admission is predicated. The petitioning municipality shall thereafter comply with the approval procedures specified in chapter 121 of Title 24. If a majority of the voters of the petitioning municipality present and voting at a meeting of such municipality duly warned for such purpose shall vote to approve the Agreement and the terms and conditions for admission, the vote shall be certified by the clerk of that municipality to the Board of Supervisors. Thereafter upon satisfactory performance of the terms and conditions of admission, said municipality shall by resolution of the Board of Supervisors become and thereafter be a member municipality of the District.

SECTION 53. DISSOLUTION OF DISTRICT

- (a) **Dissolution by Board of Supervisors.** If the Board of Supervisors by resolution determines that it is in the best interests of the public, the member municipalities and the District that the District be dissolved, and if the District then has no outstanding debt or obligations under long-term contracts, or will have no such debt or obligation upon completion of the plan of dissolution, it shall prepare a plan of dissolution and thereafter adopt a resolution directing that the question of such dissolution and the plan of dissolution be submitted to the voters of the District at a special meeting of the District duly warned

for such purpose. The vote required for passage of such resolution shall be as prescribed in Section 14 except that the votes of the representatives of two-thirds of the member municipalities and two-thirds of the votes cast shall be required for adoption. If two-thirds of the voters of the District present and voting at such special meeting of the District duly warned for such purpose shall vote to dissolve the District and approve the plan of dissolution, the District shall cease to conduct its affairs except insofar as may be necessary for the winding up thereof. The Board of Supervisors shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the District and to the Vermont Secretary of State and shall proceed to collect the assets of the District and apply and distribute them in accordance with the plan of dissolution.

- (b) Dissolution Pursuant to Petition. In the event of a vote pursuant to the petition of the voters for dissolution under Section 39 above, the Board of Supervisors shall proceed to prepare and adopt a plan of dissolution and upon adoption of the plan, the District shall then cease to conduct its affairs except insofar as necessary for the winding up thereof, and the Board shall cause a notice of the proposed dissolution to be mailed to each known creditor of the District and to the Secretary of State and shall proceed to collect the assets of the District and apply and distribute them in accordance with plan of dissolution.
- (c) Plan of Dissolution. The plan of dissolution shall:
 - (1) Identify and value all unencumbered assets of the District;
 - (2) Identify and value all encumbered assets of the District;
 - (3) Identify all creditors of the District and the nature or amount of all liabilities and obligations of the District;
 - (4) Identify all obligations under long-term contracts;
 - (5) Specify the means by which assets of the District shall be liquidated and all liabilities and obligations of the District shall be paid and discharged, or adequate provision shall be made for the satisfaction thereof;
 - (6) Specify the amount of monies due from each member municipality, if necessary, to extinguish the liabilities of the District;
 - (7) Specify the nature and amount of any liabilities or obligations to be assumed and paid by the member municipalities;
 - (8) Specify the means by which any assets remaining after the discharge of all liabilities shall be liquidated if necessary;
 - (9) Specify that any assets remaining after payment of all liabilities shall be apportioned and distributed among the member municipalities according to the same basic formula used in apportioning the annual assessments of the District.
- (d) Termination. When the plan of dissolution has been implemented, the Board of Supervisors shall adopt a resolution certifying that fact to the member municipalities whereupon this Agreement and the District created hereby shall be terminated.

SECTION 54. AMENDMENT OF THE DISTRICT AGREEMENT

- (a) The Board of Supervisors may amend this District Agreement by the following procedure. Any vote of the Board required under this Section shall be as prescribed in Section 14, except that the votes of the representatives of two-thirds of the member municipalities and two-thirds of the votes cast shall be required for adoption. The Board of Supervisors at any regular or special meeting of the Board of Supervisors may pass a resolution stating their intent to amend the Agreement. A written copy of the resolution, stating the wording of the amendment and the purpose of the amendment, and the date of a Board meeting scheduled to act on the amendment, shall be delivered to the legislative branches of each municipality and mailed or left at the usual place of residence of each member of the Board of Supervisors at least thirty (30) business days prior to the meeting scheduled to adopt the amendment.

The amendment shall be considered adopted by the Board of Supervisors thirty (30) business days following approval of the Board. However, if a majority of the legislative branches of member municipalities request a special District meeting within such a 30-day period, a special District meeting shall be held on the question of approval of the proposed amendment as provided in Article V and the amendment shall not be adopted unless approved by the District voters.

- (b) Upon adoption by the Board of Supervisors or approval of the voters the amendment shall be submitted and acted on by the general assembly in accordance with the provisions of section 2645 of Title 17. The amendment shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the general assembly. For the purposes of this Section, the District Agreement shall be considered a municipal charter.
- (c) This Agreement may be amended from time to time in the manner herein provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or other evidence of indebtedness or substantially affect any obligations under long-term contracts of the District then outstanding or in effect, or the rights of the District to procure the means for payment, continuation, or termination thereof.

SECTION 55. SEVERABILITY

Should any court of competent jurisdiction judge any term, phrase, clause, sentence or provision of this Agreement to be invalid, illegal, or unenforceable in any respect, such judgement shall not affect the validity, legality, or enforceability of the Agreement as a whole or any other part of this Agreement.

SECTION 56. DEFINITIONS

- (a) Solid Waste shall mean any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment or solid or dissolved materials in industrial discharges which are point sources subject to permits under chapter 47 of Title 10, the Water Pollution Control Act.
- (b) Hazardous Waste shall mean any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Agency of Natural Resources, or his or her duly authorized representative may cause, or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1964 and amendments thereto, codified in 42 U.S.C. 2014, is specifically excluded from this definition.
- (c) Population, for the purpose of determining the number of votes to be cast by municipal representatives, amounts of municipal assessments, and other purposes under this Agreement, shall be established by reference to the official Vermont State Department of Health Population Estimate (including group quarters or institutional population) as published most recently preceding the beginning of the District's fiscal year in which the vote is being cast, assessment being determined, or other action is occurring which requires a determination of population (except that for purposes of determining amounts due

under subdivision 51(2)(B), the most recent publication prior to a vote of withdrawal shall be used). In the event that the Vermont State Department of Health ceases to publish population estimates, then the Board of Supervisors may designate another appropriate publication containing population estimates for purposes of establishing population.

- (d) Solid Waste Facility means all contiguous lands, structures, other appurtenances and improvements on the land, used for treating, storing, or disposing of waste. A facility may consist of several treatment, storage, or disposal operational units.

Sec. 3. CONSISTENCY WITH STATE LAW

By ratifying this Agreement, the General Assembly does not intend to ratify or authorize actions or procedures which otherwise would be inconsistent with state law, as state law may be amended from time to time, pertaining to the storage, collection, transportation, processing, recovery or disposal of solid waste.

Sec. 4. DATE OF DISTRICT ESTABLISHMENT

For purposes of this Agreement, the date of establishment of the District and the date the District became a body politic and corporate shall be deemed to be November 8, 1988, and the District shall have all the powers and be subject to all the obligations set forth in the Agreement from that date onward.

Sec. 5. EFFECTIVE DATE

This act shall take effect from passage.

Approved: May 5, 1989

Revised 1991 - To include language in Section 5-1, 5-1, 5-17, and Section 8

Revised 1993 - Section 5-11 Relating to Eminent Domain and Host-Town Agreement, Section 32 changing our fiscal year, Section 33 Budget Appropriation, and Section 51-3 Australian ballot for withdrawal vote.

**Addison County Solid Waste Management District Draft Solid Waste Implementation Plan
Historic/Closed Landfills Located Within the Addison County Solid Waste Management District**

**APPENDIX D
July 1, 2020**

TOWN	TYPE OF LANDFILL	Latitude/longitude	Date Opened	Date Closed	Estimated Location/ Road	Sources of Information	Notes/Map
Addison	Town	44 04 55/73 15 07	1955	Unknown	Wilmarth Rd. Ext. (East off Mountain Road)	Jeff Bordeaux, ANR	Road Map only
Bridport	Town	43 57 35/73 19 27	1945	1994 (capped)	Happy Valley Road	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Bridport	Private	43 59 51/73 16 18	1979		Market Road	Ibid	Ibid
Bristol	Town Landfill	Unknown	1926	2015 (capped)	80 Pine St., Bristol	Addison County Solid Waste Mgmt. District (Post-Closure Monitoring)	Google Maps
Bristol	Bristol Waste Management Landfill	Unknown	Unknown	1994	East of 247 Burpee Road, Bristol	ANR Certification AD070 (Post-Closure Monitoring)	
Ferrisburgh	Private/Junkyard	Unknown	Unknown	Unknown	Route 7, North Ferrisburgh	Town Clerk	As licensed haulers, Pickett's brought <7 tons of MSW in 6 years. Casella never serviced this property for trash collection. Trash may be buried or stockpiled on site.
Leicester	Private (J. Johnson)	43 52 02/73 04 00	Unknown	Unknown	Route 53 (Lake Dunmore Road) and Indian Trail	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Leicester	Private (C. Prescott)	43 51 27/73 04 12)	1974	1979	Fern Lake Rd.	Ibid.	Ibid.
Lincoln	Town	72 59 10/44 07 52	Unknown	Unknown (post-1987, capped)	Downingsville Rd.	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Middlebury	Town	73 10 39/ 44 01 49	Unknown	40' s-50' s approx.	Colonial Drive, old gravel pit.	Wrong location - Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Div. Correct location confirmed by Steve Webber (Middlebury College) and ACSD drive-by.	State location (73 10 39/44 01 49) and Map created by Tate Jeffrey, NRCS are erroneous. Road map only.
Middlebury	Town	Unknown	Unknown	Stump dump closed.	Off Seymour St. Extension	Common knowledge.	Map created by Tate Jeffrey, NRCS
Monkton	Town	44 14 13/73 08 50	Unknown	Unknown	Hollow Road, near Rec. Field	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Monkton	Unknown	44 13 10/ 73 09 18	Unknown	Unknown	Monkton Road at old Barnumtown	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Monkton	Unknown		Unknown	Unknown	Monkton Road, northeast of Post Road	Addison County Sheriff's office	Roadmap only (drive-by)

TOWN	TYPE OF LANDFILL	Latitude/longitude	Date Opened	Date Closed	Estimated Location/ Road	Source of Information	Notes/Map
New Haven	Private (Pike Asphalt)	44 05 20/73 10 34	Unknown	1975	Campground Road and Dallinger Road	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	No Map
Orwell	Private	43 48 27/73 19 14	Unknown	1971	Old Foundry Road	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Orwell	Unknown	43 48 48/ 73 14 04	1969	1970	Abell Corners (Old Sawmill) Road at Lemon Fair River	Ibid.	Ibid.
Orwell	Unknown		Unknown	Unknown	Junction of Shoreham Depot Rd., Royce Hill Rd., Murray Rd., Fisher Road	Addison County Sheriff's Department – Dick Debonis	Roadmap only (drive-by)
Ripton	Private (Old Breadloaf dump, Middlebury College)	43 52 30/72 59 09*	1900	1975	Route 125	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS. Incorrect coordinates, or they refer to a different landfill (old Town Dump?)
Salisbury	Town Landfill	73 05 37/ 43 56 26	Unknown	2019 (operations)	Upper Plains Road	Pedie O'Brien, Salisbury Selectboard; ANR Certification AD 720 (30-yr Post-Closure Monitoring)	Final capping completed in Spring 2020.
Shoreham	Town	43 54 27/73 15 38	1940	Unknown	Buttolph Road, South of Wooster Rd. junction and Bascomb Brook	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Starksboro	Town	44 12 33/73 03 05	1969	1993 (capped)	Old gravel pit off of Rt. 116 (southeast of Tatro Road)	Jeff Bordeaux, ANR; landfill closure grant file, ACSWMD	No Map; Landfill not noted on Pollution Source Inventory
Starksboro	Private (A. Cody)	44 14 48/73 03 42	1955	1965		Jeff Bordeaux, ANR.	Ibid.
Starksboro	Private (G. Rheume)	44 11 37/73 02 40	1965	1975		Jeff Bordeaux, ANR.	Ibid.
Starksboro	Private (G. Rheume)	44 11 54/73 02 22	1971	1976		Jeff Bordeaux, ANR.	Ibid.
Vergennes	Town	44 09 59/73 15 41	1964	1970	Off Canal Street	Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Vergennes	Town	44 10 06/73 15 39	1854	1964	Canal & Mechanic Streets	Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS
Weybridge	Unknown	Unknown	Unknown	Unknown	Weybridge Road (Route 23), <1 mile South of Route 17	Jeff Bordeaux, ANR; Pollution Source Inventory, 1980; ANR Groundwater Division	Map created by Tate Jeffrey, NRCS

*Steve Webber, Middlebury College, from Orthophoto map: Vermont Plain Coordinates are Easterly – 460974.03, Northerly – 161042.16. ANR's coordinates are not Breadloaf's old landfill.

ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT WASTE MANAGEMENT ORDINANCE

WHEREAS, the Addison County Solid Waste Management District (the "District") exists as a union municipal district under the laws of the State of Vermont; and

WHEREAS, the State Legislature has approved and confirmed the creation of the District through the enactment of the District's governing agreement in No. M-6 of the Acts of 1989, as amended (the "Charter"); and

WHEREAS, pursuant to its Charter and the State Solid Waste Management Act, the District has developed and adopted a Solid Waste Implementation Plan (the "Plan") providing for, among other things, Separation, collection, Transport, Recycling and Disposal of Solid Waste; and

WHEREAS, the Board of Supervisors has determined that recyclable materials should be collected and Recycled to minimize the consumption of resources, prolong the life of landfills, and protect the environment and the public health and welfare; and

WHEREAS, the Board of Supervisors has determined that the goals and benefits of the Waste management program set forth in the Plan, together with the environmental quality of the District and efficient administration of the District, will be assisted by the direction of all acceptable Solid Waste to the District Transfer Station in Middlebury for Disposal; and

WHEREAS, the District has the authority under the Charter and the General Laws of the State of Vermont to: provide Solid Waste Disposal services for its member municipalities; manage and regulate the collection, storage, Transport, resource recovery, Recycling, and Disposal of Solid Waste within the District; make proper charges for its facilities, programs, and services; and enact, amend, or repeal any and all rules, regulations, and ordinances otherwise necessary or desirable for the orderly conduct of the affairs of the District and for carrying out the purposes of the District; and

WHEREAS, the Board of Supervisors has determined that this Ordinance is in the public interest; promotes public health, safety and welfare; promotes the efficient, economical and environmentally sound management of Solid Waste within the District; and is in furtherance of the District's Plan and the State's Solid Waste Management Plan;

NOW THEREFORE, it is hereby enacted and ordained by the District as follows:

ARTICLE I PURPOSE; TITLE

1.1 Purpose. This Ordinance is enacted to: promote the health, safety and general welfare of the District, its member municipalities and their inhabitants and the general community by promoting Waste reduction, Reuse and Recycling; fulfill the District's responsibilities under 24 V.S.A. 2202(a); regulate the Separation, collection, Transport, Recycling and Disposal of Solid Waste within the District; facilitate the adequate provision of Solid Waste Recycling and Disposal services such that the Generators of Solid Waste pay costs reflecting the real costs of Waste management; regulate Waste Disposal practices that pose a danger to the public health and welfare and the environment; make proper charges for the District's facilities, programs, and services; implement and further the District Plan and the State's Waste

Management Plan; and provide for the efficient, economical, and environmentally sound management of Solid Waste.

1.2 **Title.** This Ordinance shall be known and may be cited as the "District Waste Management Ordinance."

ARTICLE II **DEFINITIONS**

2.1 As used in this Ordinance, the following terms shall have the following meanings:

- A.** "Board of Supervisors" shall mean the governing body of the District.
- B.** "Clean-Out Service Provider" shall mean any Person who cleans out Solid Waste from a residential or business property located within District borders, and collects, Transfers, or Transports the Solid Waste for compensation.
- C.** "Clean Wood" shall mean Discarded brush and limbs, trees, raw (unpainted and untreated) dimensional wood or lumber, untreated wood pallets; wood chips generated from these materials; and other natural woody debris, including tree stumps, root mats and logs. Clean Wood does not include manufactured particleboard, oriented strand board, plywood, painted wood or wood treated with preservatives.
- D.** "Commercial Hauler" shall mean any Person who collects, Transfers, or Transports Solid Waste generated within District borders for compensation, including Clean-Out Service Providers and operators of a Mobile Solid Waste Collection Operation.
- E.** "Compost" and "Composting" shall mean the controlled biological decomposition of organic matter through active management to produce a stable humus-rich material.
- F.** "Conditionally Exempt Generator" shall mean any business Generator of Hazardous Waste that meets the criteria as defined in Subchapter 3, Section 7-306 of the Vermont Hazardous Waste Management Regulations.
- G.** "Contractor" shall mean any Person who Transfers or Transports Solid Waste generated within District borders for compensation as part of a construction and/or demolition job, as long as the quantity of Waste Transported and disposed does not exceed one hundred (100) tons in a rolling year.
- H.** "Designated Area" shall mean an area designated for placement of Solid Waste for collection, which must be readily accessible at all times by a conventional Solid Waste collection truck and not directly on the travelled portion of any public road or sidewalk. An area may be so designated through mutual agreement between a Person and his, her, or its Commercial Hauler. However, the location of a Designated Area shall not violate any applicable local or municipal ordinance. For purposes of this Ordinance, a municipally owned Drop-Off Facility is also considered a Designated Area.
- I.** "Discarded" shall mean when the original Generator of a material has released his or her direct control of the material. This will be assumed to have occurred when the original Generator of the material has delivered the material to a treatment, storage, Composting, Recyclables Processing, Transfer, or Disposal Facility or has had the material collected for delivery to a treatment, storage, Composting, Recyclables Processing, Transfer, or Disposal Facility.

J. “Disposal” or “to Dispose” shall mean: (1) the incineration of any Solid Waste other than Clean Wood for fuel; (2) the placement of any Solid Waste in a landfill; or (3) the discharge, deposit, injection, dumping, spilling, leaking, or placing of any Solid Waste into or on any land or water so that such Solid Waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters. Disposal does not include the placement of Solid Waste in a Transfer, Composting, or Recyclables Processing Facility that is in compliance with this Ordinance and is fully permitted at the time of placement.

K. “District” shall mean the Addison County Solid Waste Management District and its successors, and as appropriate in the context, the total area within the boundaries of all member municipalities within the District.

L. “District Manager” shall mean the Manager of the District, or such Manager's designee.

M. “District Transfer Station” shall mean the Facility owned by the District on Route 7 South in Middlebury that accepts and/or processes Solid Waste for ultimate Transfer to off-site locations for Disposal, Processing, treatment, or incineration.

N. “Drop-Off Facility” shall mean a Transfer Facility that primarily serves Residents who are Self-Haulers.

O. “Executive Board” shall mean the subcommittee of the Board of Supervisors established under the District’s Charter.

P. “Facility” shall mean any site or structure used for treating, storing, Processing, Recycling, Transferring or Disposal of Solid Waste. A Facility may consist of a single or several treatment, storage, Recycling, or Disposal units, and may include a Mobile Solid Waste Collection Operation.

Q. “Food Residuals” shall mean source-separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with 10 V.S.A. Chapter 159 §6605k. Food Residuals may include pre-consumer and postconsumer food scraps. “Food Residuals” does not mean meat and meat-related products when the Food Residuals are composted by a resident on site.

R. “Generator” shall mean a Person who produces Solid Waste by any means including, but not limited to, residential, commercial, institutional, and industrial activities.

S. “Hauler” shall mean any Person that collects, Transports, or delivers Solid Waste generated within the District.

T. “Hazardous Waste” shall mean any Waste or combination of Wastes of a solid, liquid, contained gaseous, or semi-solid form, which, by reason of its composition or characteristics, is from time to time defined as hazardous either by 42 U.S.C. §§ 6901 et seq., or by 15 U.S.C. § 2605(e), or by 42 U.S.C. §§ 9601 et seq., or by 10 V.S.A. Chapter 159, or by any laws of similar purpose or effect, or by any regulations promulgated under any of the foregoing, and any other material which the Federal Environmental Protection Agency, the Vermont Agency of Natural Resources or its Secretary, or the Vermont Department of Environmental Conservation, or any similar governmental agency or unit having

jurisdiction, shall determine from time to time is ineligible for Disposal, whether by reasons of being toxic, reactive, ignitable, corrosive, strong sensitizers, or which generate pressure through decomposition, heat, or other means, which in the judgment of the State may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such Waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the State. All special nuclear, source or by-product material, as defined by the Atomic Energy Act of 1954, as amended, codified in 42 U.S.C. §2014, is specifically excluded from this definition.

U. “Household Hazardous Waste” shall mean any Waste from households that would be subject to regulation as Hazardous Waste if it were not from households.

V. “Leaf and Yard Residuals” shall mean source-separated, compostable, untreated vegetative matter, including: grass clippings, leaves, kraft paper bags, and brush, which is free from non-compostable materials; and other organic, compostable materials accumulated during the normal maintenance or restoration of a yard, garden, recreational field or other area covered with vegetation. It does not include such materials as pre- and postconsumer Food Residuals, food processing residuals, or soiled paper.

W. “License” shall mean any License issued or required pursuant to Article IV hereof.

X. “Mandated Recyclables” shall mean the following source separated materials: aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

Y. “Mobile Solid Waste Collection Operation” shall mean the operation of a vehicle or trailer, or a container on or attached to such vehicle or trailer, used to collect Solid Waste by Commercial Haulers or by Self-Haulers, provided that: (a) the vehicle or trailer is registered and inspected as required by the State; (b) the vehicles, trailers, or containers used to collect Solid Waste must prevent the release of all Solid Waste and related liquids; and (c) Solid Waste collected pursuant to such an operation is delivered to a certified Waste management Facility by the end of the next business day, or within 48 hours of collection, whichever is later.

Z. “Municipal Solid Waste” shall mean combined household, commercial and industrial waste materials generated in a given area.

AA. “Person” shall mean an individual, partnership, company, corporation, association, institution, unincorporated association, joint venture, trust, municipality, agency, department, and any other legal entity. In any provision of this Ordinance prescribing a fine, penalty, or denial or revocation of a License, the term "Person" shall include the officers and directors of the corporation.

BB. “Plan” shall mean the Solid Waste Implementation Plan developed and adopted by the District on March 19, 1992 in accordance with the provisions of 24 V.S.A. 2202a, as such Plan is amended from time to time.

CC. “Processing” shall mean any activity that: (1) accepts Recyclables from off-site and prepares the Recyclables for sale; or (2) accepts compostable materials from off-site and Composts the materials.

DD. “Processor” shall mean any Person who engages in Processing as defined in Section 2.1(CC) of this Ordinance.

EE. “Prohibited Materials” shall mean materials that shall not be accepted at the District Transfer Station or District-Designated Facility; provided, however, that the Board of Supervisors may accept certain Prohibited Materials or designated components thereof at a District-Designated Facility, pursuant to rules and regulations (i) adopted by the District, and (ii) approved by resolution of the Board of Supervisors. The list of Prohibited Materials may be established and modified from time to time by resolution of the Board of Supervisors or by the District acting in accordance with policies and/or guidelines established and adopted by, and that may be amended from time to time by, the Board of Supervisors. A current official list of Prohibited Materials shall be maintained by the District and be available at the District office.

FF. “Recyclables” shall mean Solid Waste that may be reclaimed and/or processed and used in the production of raw materials or products.

GG. “Recycled” and “Recycling” shall mean the act of reclaiming and/or Processing using Solid Waste in the production of raw materials or products.

HH. “Resident” shall mean an individual owning or occupying a dwelling unit in a particular city, town or village within the District.

II. “Reuse” shall mean Solid Waste that is Reused by the Generator or other Person, in the material’s original or altered state, and is thereby diverted from Recycling, Composting or Disposal. Nothing in this definition shall be construed to include incineration of any kind, landfilling, or use as an alternative daily cover for a landfill.

JJ. “Scale” or “Licensed Scale” shall mean a device or Facility approved by the District for the weighing of vehicles used for the delivery, Transport or shipment of Solid Waste generated or delivered within the District or destined for disposal.

KK. “Self-Hauler” shall mean a Person who Transports and delivers his or her own Solid Waste or Solid Waste from other individuals within a member municipality for no compensation.

LL. “Separate” and “Separation” shall mean the segregation and collection of materials, apart from Solid Waste destined for Disposal, for the sole purpose of Recycling, Reuse, Composting, or special handling.

MM. “Solid Waste” shall mean any: Discarded garbage; refuse; septage; sludge from a waste treatment plant, water supply plant, or pollution control facility; Recyclables and other Waste destined for Composting, Reuse or Recycling (unless the context indicates that "Solid Waste" does not include such materials for the particular purpose of any part of this Ordinance); Special Waste; Unregulated Hazardous Waste;; and other Discarded material including solid, liquid, semi-solid, or contained gaseous materials, but does not include: (i) animal manure and absorbent bedding used for soil enrichment; (ii) high carbon bulking agents used in composting; (iii) solid or dissolved materials in industrial discharges which are point

sources subject to permits under the Water Pollution Control Act (10 V.S.A. Chapter 47); or (iv) Hazardous Waste that does not qualify as Unregulated Hazardous Waste.

NN. “Special Waste” shall mean, for purposes of this Ordinance: discarded major appliances; electronics; empty compressed gas cylinders; tires; scrap metal larger than one (1) cubic foot or weighing more than twenty-five (25) pounds; non-friable asbestos-containing materials; liquid latex paint; sludge from a municipal, commercial, or industrial wastewater treatment facility, water supply treatment plant, or air pollution control facility; Leaf and Yard Residuals; Food Residuals; deceased animals of any type or size, and offal; free-standing liquids, including grease; fluorescent light bulbs; mercury-containing devices; PCB ballasts and capacitors; cathode ray tubes; used oil; used antifreeze; waste pesticides; automotive (wet-cell) batteries; nickel-cadmium and other rechargeable batteries; mercuric-oxide batteries; and silver-oxide batteries, which, for whatever reason, are to be managed separately from other Solid Waste. Special Waste does not include Regulated Medical Waste, Regulated Hazardous Waste, and Unregulated Hazardous Waste. The list of Special Waste may be established and modified from time to time by resolution of the Board of Supervisors or by the District acting in accordance with policies and/or guidelines established and adopted by, and that may be amended from time to time by, the Board of Supervisors. A current official list of Special Waste shall be maintained by the District and be available at the District office.

OO. “Transfer” shall mean to carry, remove, Transport, or shift Solid Waste from one place, Facility, vehicle, trailer, or container to another.

PP. “Transfer Facility” shall mean any Facility to which Solid Waste is Transferred from one vehicle, trailer, or container to another, or deposited onto a floor.

QQ. “Transport” shall mean any movement of Solid Waste by air, rail, highway, or water.

RR. “Unit-Based Pricing” (also referred to as “Variable Rate Pricing”) shall mean a pricing system whereby Drop-off, Transfer and Disposal facilities and Commercial Haulers shall charge residential, institutional and commercial customers for the collection of Solid Waste for disposal based on the volume or weight of the waste collected, at rates that provide a reasonable economic incentive to their customers to reduce the amount of Solid Waste destined for disposal that they generate. Fees established solely on the quantity of Solid Waste of a Generator (such as per bag, per cubic yard, or per pound fees), or the offering of a choice of bi-weekly, monthly, bi-monthly, and quarterly collection frequencies, shall be deemed to satisfy the requirements of this Ordinance as to Unit-Based Pricing.

SS. “Unlawful Conduct” shall mean any act, or failure to act, in violation of any provision of this Ordinance, any rule, or regulation enacted by the District, any term, condition, or restriction imposed upon, or required by, any License issued or required under the terms of this Ordinance or any applicable law or regulation relating to the Management of Solid Waste. Unlawful Conduct shall subject the violator to civil penalties as provided in this Ordinance.

TT. “Unregulated Hazardous Waste” shall mean Hazardous Waste that, prior to its delivery to a Facility, would be classified as either Household Hazardous Waste or Hazardous Waste from a Conditionally Exempt Generator, pursuant to and determined in accordance with the rules and regulations of the U.S. Environmental Protection Agency and the State of Vermont.

UU. “Waste” shall mean a material that is: Discarded; or is being accumulated, stored, or physically, chemically or biologically treated prior to being Discarded; or has served its original intended

use and is normally Discarded; or is a manufacturing or mining by-product and is normally Discarded, including, without limitation, Solid Waste.

ARTICLE III
RESPONSIBILITIES OF GENERATORS

3.1 General

A. All Generators within the District shall Separate their Solid Waste according to the provisions of this Ordinance and any policies, procedures or practices adopted by the Board of Supervisors to implement this Ordinance.

B. No Person shall accept, receive, or allow the acceptance or receipt of any Solid Waste unless it is from either a Self-Hauler or a Person holding a valid Commercial Hauler's License and only in accordance with the terms, conditions and restrictions contained in such License.

3.2 Separation of Solid Waste. Except as hereinafter provided in Section 3.2(F) of this Article, every Person who generates Solid Waste within the District shall Separate Mandated Recyclables, Special Waste, and Unregulated Hazardous Waste from such Solid Waste. Recyclables shall be free of food or other residues and non-recyclable parts. This Section shall not be construed to prohibit or restrict the Composting or the Reuse or Recycling of materials by a Resident, or by a Person as part of such Person's normal commercial, manufacturing or industrial process.

A. Separation of Mandated Recyclables. Mandated Recyclables shall not be disposed with other Solid Waste. Except as provided in Section 3.2(F) of this Article, all Generators shall Separate Mandated Recyclables from other Solid Waste, place the Mandated Recyclables in a container designated for Recycling, and handle them as specified in Section 3.2 of this Article.

B. Separation of Special Waste. Special Waste shall not be disposed with other Solid Waste. Special Waste shall be Separated and placed in Facilities that manage that particular Special Waste and are fully permitted at the time of placement.

C. Separation of Unregulated Hazardous Waste. Unregulated Hazardous Waste shall not be disposed with other Solid Waste. Unregulated Hazardous Waste shall be separated and delivered to a special collection event or placed in Facilities that manage Unregulated Hazardous Waste and are fully permitted at the time of placement.

D. Separation of Leaf and Yard Residuals. Leaf and Yard Residuals shall not be disposed with other Solid Waste. All Leaf and Yard Residuals shall be managed using an alternative method that is in conformance with the State of Vermont Air Quality Rules and local ordinances.

E. Responsibility of Generators. Any Mandated Recyclable, Special Waste, Unregulated Hazardous Waste, or Solid Waste destined for Disposal not properly Separated, placed, hauled or disposed in accordance with this Ordinance shall remain the responsibility of the Generator, and shall be retrieved and corrected by such Person within twenty-four (24) hours' notice thereof.

F. Waiver by District of Separation and/or Placement Requirements. Separation and/or placement requirements for Solid Waste may be waived by the District on a case-by-case basis.

3.3 Disposal of Solid Waste. After proper Separation of Mandated Recyclables, Special Waste and Unregulated Hazardous Waste from Solid Waste, each Generator shall either set such Solid Waste in a

Designated Area for collection by a Commercial Hauler or deliver such Solid Waste to a Designated Area at a Facility that is legally authorized and permitted to accept such Solid Waste. All such Solid Waste placed in a Designated Area shall be placed in the area in a manner such that each component may be collected Separately. This Section shall not be construed to prohibit or restrict the Composting by a Person of his or her own Leaf and Yard Residuals, or the Recycling or Reuse of any materials by any Person, or the burning of Clean Wood for fuel.

3.4 Drop-Off Facilities. Drop-Off Facilities must obtain and abide by all required local, regional, Vermont State and Federal permits. Drop-Off Facilities must, at a minimum, accept and recycle all Mandated Recyclables.

3.5 Rental Property Requirements. Solid Waste generated by Persons who are renting property remains the responsibility of such Persons. However, if the collection costs for Solid Waste destined for Disposal are included in the rent charged to tenants, the owners of rental properties must collect or provide for the collection and Recycling of Mandated Recyclables at least once monthly.

3.6 No Regulation of Hazardous Waste or Medical Waste. This Ordinance shall not regulate the storage, Disposal, collection, Processing, Transfer or Transport of Hazardous Waste or Medical Waste to the extent that such storage, Disposal, collection, Processing, Transfer, or Transport is otherwise regulated by Vermont State or Federal laws, rules or regulations.

ARTICLE IV LICENSING

4.1 License Requirement. A License from the District is required for any Person to manage Solid Waste generated within the District as provided in this Article. Four categories of Licenses are hereby established:

A. Commercial Hauler's License. Except as provided in Section 4.2 of this Ordinance, no Commercial Hauler shall collect, Transport, or deliver Solid Waste generated within the District unless such Commercial Hauler holds a valid License from the District, issued as provided in this Article.

B. Processor's License. A Processor's License shall be required for any Person, other than Self-Haulers, Drop-off Facilities, Mobile Solid Waste Collection Operations, and Persons required to accept beverage containers under 10 V.S.A. Chapter 53, to accept, receive, or allow the acceptance or receipt for storage or Processing in the District of Recyclables or Compostable materials.

C. Transfer/Disposal Facility License. A Transfer/Disposal Facility License shall be required for any Person, other than Self-Haulers, Drop-off Facilities, and Mobile Solid Waste Collection Operations, to accept, receive, or allow the acceptance or receipt in the District of any Solid Waste destined for Disposal.

D. Scale License. A Scale License shall be required for any Scale used to document the delivery, Transport, or shipment of Solid Waste generated or delivered within the District and destined for Disposal.

4.2 Exemptions. The following Commercial Haulers are exempt from the License requirement of Section 4.1:

A. The District, and any member municipality of the District, in the Transport and delivery of Solid Waste generated in its municipal operations, utilizing its own vehicles.

B. Freight companies that: (a) collect Recyclables prepared according to end market specifications and Transport them directly to a fully-permitted end market or to out-of-District Processing/brokering facilities; (b) collect Unregulated Hazardous Waste and Transport it directly to a certified Hazardous Waste Facility as defined in the Vermont Hazardous Waste Management Regulations; or (c) collect Special Waste in exchange for the purchase of a replacement item.

C. Contractors, as defined in this Ordinance.

4.3 RESERVED -

4.4 License Application. The District shall establish the requirements for each type of License. A Person seeking a License shall obtain a License application from the District office. License applications may be obtained in person during normal business hours at the District's office or may be requested by mail. Such application shall be accompanied by the Licensing Fee established pursuant to Section 4.7 hereof.

4.5 Amendments to License

A. A Person may request to amend an existing License. The District shall promptly consider any requests for amendments within the timeframe for License Applications under Section 4.6 of this Article. In order to become effective, any amendments must be approved in writing by the District Manager.

B. A License holder shall seek to amend an existing License under the following circumstances: (1) a significant change in operation; (2) the assignment of services to subcontractors; (3) the addition of vehicles; (4) change in ownership; or (5) dissolution of business.

4.6 Expiration of License, Renewal. Each License shall expire on the December 31st next following its date of issuance, provided, however, that in the event an application is made for renewal prior to the expiration date of a License, such License shall remain in force until such time as the District Manager issues a final decision on the renewal application, but subject to Section 4.8 below. Any renewal application shall comply with the application requirements in this Article and be accompanied by the Licensing Fee as prescribed in Section 4.7. A License shall not be assignable or transferrable, and upon any assignment or transfer, the License shall automatically expire and become null and void.

4.7 Licensing Fee. For the purpose of administering the provisions of this Ordinance and the Licensing program established herein, the Board of Supervisors may impose an annual Licensing Fee as a condition to issuance and renewal of a License. The amount of the Licensing Fee shall be established, and may be modified from time to time.

4.8 Administration of Licensing Program. The District Manager shall administer the Licensing program established by this Ordinance.

A. Commercial Hauler's License and Scale License

(1) Within thirty (30) days of receipt of a completed Commercial Hauler's License or Scale License application, the District Manager shall make a determination on the

License application, and the District shall thereafter notify the applicant in writing whether the License application is: (a) accepted; (b) conditionally accepted subject to the applicant's fulfillment of any number of conditions and/or requirements; or (c) denied and the reason(s) for denial.

(2) Any applicant for a Commercial Hauler's License or Scale License aggrieved by any decision of the District Manager may appeal to the Board of Supervisors, which may hear the appeal, or may designate a Committee thereof to hear the appeal. Upon notice and hearing, the Board of Supervisors, or such Committee, may affirm, reverse, or modify the decision of the District Manager. Any such appeal shall not stay the District Manager's decision, and shall be filed with the District Manager within thirty (30) days of mailing of the decision to the applicant, by registered or certified mail, addressed to the applicant at the address shown on the License, or to such other address as the applicant may designate in writing mailed to the District by the aforementioned method, and if not so filed, the decision of the District Manager shall be final and binding on such applicant.

B. Processor's License and Transfer/Disposal Facility License. Within sixty (60) days of receipt of a completed Processor's License or Transfer/Disposal Facility License application, the District Manager shall make a determination on the License application, and the District shall thereafter notify the applicant in writing whether the License application is complete. The District Manager shall then forward the complete application to the Executive Board for their review at their next scheduled meeting. The Executive Board shall then forward the application to the Board of Supervisors for final consideration of whether the License application is: (a) accepted; (b) conditionally accepted subject to the applicant's fulfillment of any number of conditions and/or requirements; or (c) denied and the reason(s) for denial.

4.9 Standards for Issuance of License. In order to obtain, reinstate, or renew a License, a Person shall:

A. Properly complete and file all necessary application forms and the materials described in subsections (C)-(H) below;

B. Pay the Licensing Fee established under Section 4.7;

C. Obtain, prior to commencing activities under the License, all other necessary permits and licenses from the State and all agencies thereof and all applicable member municipalities of the District;

D. Demonstrate compliance with all District Plan criteria, and other rules, regulations and ordinances pertaining to the management of Solid Waste as enacted by the District and all applicable Federal, State, and local laws, rules and regulations;

E. Not be delinquent in any payments owed to the District;

F. Demonstrate that an education and training program for employees is in place and is sufficient to ensure safe and proper conduct of the applicant's activities under the License;

G. Demonstrate adequate financial resources to enable the applicant to safely and properly conduct the applicant's activities under the License;

H. Demonstrate that the applicant's activities under the License will not have an undue adverse impact on human health or the environment, nor impose any undue burden upon the community. A

permit issued by a State agency so finding shall be considered satisfactory evidence that this condition has been met.

4.10 Commercial Hauler's License Requirements. Commercial Haulers must abide by the following requirements:

A. Each Commercial Hauler's License shall designate the allowable destinations for all Solid Waste that is collected, Transferred, or Transported under the License. The District Manager reserves the right to modify any and all Licenses previously issued upon notice to the holder of such applicable License that it may not Transfer or Transport Solid Waste to a Facility if the District finds that such Facility has failed to operate in compliance with all material laws, regulations, and permits applicable to such Facility, or the operator of such Facility has been found to have engaged in Unlawful Conduct, or the Facility is no longer a District-Designated Facility.

B. The Commercial Hauler shall identify by make, model, State registration number, VIN number, tare weight (supported by the weigh slip of a Licensed Scale), and capacity of each vehicle the Commercial Hauler proposes to use to collect and Transport Solid Waste, and demonstrate that each vehicle identified will not leak or spill Waste, and will not create a nuisance with respect to noise, odor, or litter; and all such qualifying vehicles shall be noted on the License. The Commercial Hauler shall physically mark each vehicle and container with the Commercial Hauler's name, logo, trademark, or other identifying symbol or license number. If the Commercial Hauler proposes to use any additional vehicles not identified at the time of application, the Commercial Hauler shall identify the vehicle and make the demonstration required by subsections (C) and (D), and the District shall add any such qualified vehicle to the License.

C. The Commercial Hauler shall demonstrate that liability insurance is in force for each vehicle noted on the Commercial Hauler's License, in amounts as may be required in procedures established by the Board of Supervisors, by a Certificate of Insurance providing that such insurance shall not be cancelled, nor reduced in coverage, without at least ten (10) days' prior written notice to the District.

D. The Commercial Hauler shall file a Unit-Based Pricing Schedule with the License application, except as may be exempted under Section 4.12(E).

E. The Commercial Hauler shall identify on the License application each Licensed Scale operator and the location of each Licensed Scale the applicant will use in order to comply with Section 4.12(C) below, and file the written authorization of any such operator other than the District, in a form satisfactory to the District Manager, so that the District, its agents, employees, and independent contractors may inspect such operator's records regarding the weight of the applicant's vehicles. The District shall note each Scale operator and the License number and location of each Scale on the Commercial Hauler's License. If the Commercial Hauler proposes to use any additional Licensed Scale not noted on the Commercial Hauler's License, the Commercial Hauler shall identify the Scale operator and the location of such Licensed Scale and furnish a similar authorization as to the additional Scale operator. The District shall note any additional Licensed Scale and Scale operator on the Commercial Hauler's License.

F. The Commercial Hauler shall pay any past due amounts owed to the District.

G. The Commercial Hauler shall demonstrate the ability to comply with the provisions of this Ordinance and, in situations where a Commercial Hauler's License has been revoked pursuant to Section 8.3, demonstrate that corrective actions have been taken, as necessary, to ensure that the Commercial Hauler will comply with this Ordinance. In situations where past payments to the District have been late or where the District Manager has reason to believe that the District may be at risk for late

payment or non-payment of Tipping Fees or District Fees, the District Manager may require that the demonstrations required by this subsection include the provision of a letter of credit or other security in amounts and on terms necessary to ensure proper payment.

H. The Commercial Hauler shall demonstrate conformance with all applicable local, Vermont State and Federal licensing requirements, including proof of a Vermont State Waste Transportation Permit for all vehicles.

4.11 Terms, Restrictions, and Conditions of Licenses. The District Manager may attach to any License such reasonable terms, restrictions, and conditions as are necessary to ensure that Solid Waste is Separated, collected, Transported, Recycled, and disposed in an environmentally sound manner, and to ensure compliance with this Ordinance.

4.12 Responsibilities of Commercial Haulers and Other Haulers

A. A Commercial Hauler shall not use any vehicle not noted on the Commercial Hauler's License for the collection, Transport, or delivery of Solid Waste generated within the District, nor shall any such vehicle be used for such purposes during any period of time when the insurance required by Section 4.10(C) is not in force, nor shall any Commercial Hauler use a Scale in order to weigh vehicles as required by subsection (C) below unless such Scale is noted on the Commercial Hauler's License, and the authorization required by Section 4.10(E) is in effect.

B. Each Commercial Hauler shall comply with all the terms and conditions of the Commercial Hauler's License and the requirements of this Ordinance. Each Hauler who is not a Commercial Hauler shall comply with all the terms and conditions of this Ordinance applicable to Haulers who are not Licensed.

C. Each Commercial Hauler, and each Hauler who is not Licensed, shall cause each vehicle Transporting a load of Solid Waste generated within the District to be weighed either through the use of District owned or operated truck scales or another Licensed Scale. In cases where a Commercial Hauler uses Scales owned or operated by the District, the District shall be responsible for producing and maintaining weight information of such loads. In cases where a Commercial Hauler uses non-District owned or operated Scales that have been Licensed, the Commercial Hauler shall:

- (1) Obtain a weigh slip from the Scale operator, showing the date of weighing, and the vehicle's loaded and unloaded (gross and tare) weights;
- (2) Note on each such weigh slip whether the vehicle weighed contained Recyclables or other materials destined for Composting, Reuse or Recycling, or other Solid Waste, using such distinguishing abbreviations as the District Manager may prescribe;
- (3) File with the District, by the seventh (7th) day of each month, all weigh slips required to be obtained under subsection C(1) for vehicles weighed during the calendar month just ended, with the notations required by subsection C(2) above, and the Commercial Hauler's or other Hauler's name and address;
- (4) File with the District, by the seventh (7th) day of each month: (a) a summary, on such form as the District Manager may prescribe, showing, for the month just ended, the total Solid Waste collected, total Recyclables and other materials destined for Composting, Reuse or Recycling collected, and the total Solid Waste collected after subtracting Recyclables and materials destined for Composting, Reuse or Recycling; and (b) such other information, on forms to be provided by the District, as the District Manager may prescribe;

- (5) Furnish the District Manager, within ten (10) business days of the District Manager's written request, such documentation as the District Manager may require to verify or substantiate the information required under C(1)-(4) above, or to otherwise determine the amount of Solid Waste collected during a calendar month or its components.

D. Each Commercial Hauler, and each Hauler who is not Licensed, shall keep and maintain such records within the State of Vermont as will enable the District to determine compliance with this Ordinance, including but not limited to records on a daily basis of the amount of Solid Waste generated within the District that is collected and/or Transported by such Person for purposes of Disposal; separate records shall be kept showing on a daily basis, total Solid Waste collected and/or Transported, the amount of such Waste consisting of Recyclables and other materials destined for Reuse, Recycling, or Composting, and the amount of Solid Waste after subtracting Recyclables and other Separated materials; such records shall include, on a daily basis, the gross and tare weight information for each vehicle collecting and/or Transporting loads of Solid Waste required to be weighed under subsection (C) above. All such records shall be made available to the District and its agents for inspection and copying during normal business hours of the District. The records for each day of operation shall be retained for at least five (5) years. It is the responsibility of each Commercial Hauler to inform its customers of the material separating and reporting requirements of this Ordinance.

E. Each Commercial Hauler shall provide (independently or through duly Licensed subcontractors) collection of Mandated Recyclables at least once monthly to all customers for whom such Commercial Hauler provides collection of Solid Waste destined for Disposal. A Commercial Hauler may not offer, and his or her customers may not subscribe to, trash-only collection service unless: (a) curbside collection service of Mandated Recyclables is provided or subcontracted by the District or a member municipality; or (b) a Commercial Hauler obtains an exemption from the District. Exemptions may be provided for the Commercial Hauler: (a) contracting with a municipality or the District to collect Solid Waste at a municipally-owned or District-owned Drop-off Facility that collects Mandated Recyclables; or (b) servicing Generators who market their Mandated Recyclables directly to Recycling brokers, Processors, or manufacturers, or who self-haul their Mandated Recyclables to Recycling Facilities that are fully permitted at the time of delivery.

F. No Commercial Hauler shall require their customers to sort Mandated Recyclables (except in situations where more than a 15-gallon container per week of one or more Mandated Recyclables are generated), into more than two groups, one group of fibers (including but not limited to white paper, newspaper, cardboard, and magazines) and a second group of containers (including but not limited to glass, plastic, and metal containers). Mandated Recyclables and any other Recyclables set out by customers for collection shall be rejected by the Commercial Hauler if the Recyclables contain five percent (5%) or more (by volume) of contaminants, and the Commercial Hauler shall indicate to the Generator the reason why the Recyclables were rejected.

G. Unit-Based Pricing by Commercial Haulers

(1) Except as provided herein, each Commercial Hauler shall offer Unit-Based Pricing to all of its customers within the District, and mail notice of such Unit-Based Pricing Schedule to all customers at least once per year.

(2) Each Commercial Hauler's Unit-Based Pricing Schedule shall be filed with the District as part of the Commercial Hauler's annual License application, and shall otherwise be available to the District upon request.

(3) In compliance with 10 V.S.A. §6607a(h), as of July 1, 2015, a Commercial Hauler that offers the collection of Solid Waste may not charge a separate line item fee on a bill to a residential customer for the collection of Mandated Recyclables, provided that a Commercial Hauler may charge a fee for all service calls, stops, or collections at a residential property and a Commercial Hauler may charge fees based on Unit-Based Pricing. A Commercial Hauler may incorporate the cost of the collection of Mandated Recyclables into the cost of the collection of Solid Waste and may adjust the charge for the collection of Solid Waste. A Commercial Hauler that offers the collection of Solid Waste may charge a separate fee for the collection of Leaf and Yard Residuals or Food Residuals from a residential customer.

(4) Flat Fee. In addition to the Unit-Based Price charged per unit of MSW, Commercial Haulers may, but are not required to, charge a Flat Fee to residential customers for the purpose of covering operational costs for collecting, Transporting and Disposing of MSW. In the event that a Commercial Hauler elects to establish a Flat Fee, all bills for services provided to residential customers shall clearly show both the Flat Fee and the Unit-Based Price to maintain transparency.

H. Each Commercial Hauler shall gather and submit, if requested by the District, information documenting as to Solid Waste generated within the District:

(1) Participation rates (the percentage of customers Recycling in a set time period) for any route, not more than once/year, according to a methodology approved by the District Manager; and

(2) Capture rates (the percentage of Recyclables found in garbage, by weight or by volume, as determined by sorts of customers' Solid Waste) on any route according to a methodology approved by the District Manager, not more than once per year unless the District Manager has determined, through visual inspections, that one or more of the Commercial Hauler's loads of Solid Waste contain five percent (5%) or more (by volume) of Recyclables.

I. Each Commercial Hauler, and each Hauler who is not Licensed, shall prepare and furnish to the District when arriving at the District Transfer Station, an itinerary, upon a form approved by the District Manager, that shows the total quantity of Solid Waste collected within each municipality served by the Hauler's vehicle.

J. No Commercial Hauler, and no Hauler who is not Licensed, shall (i) knowingly collect or Transport for Disposal Solid Waste that has not been Separated as required by Article III of this Ordinance, or (ii) co-mingle any such Solid Waste previously Separated in the collection or Transport thereof. Any non-Separated Solid Waste shall be rejected by the Hauler, who shall notify the Generator of such Solid Waste of the reasons for rejection. Any rejected Solid Waste shall remain the responsibility of the Generator for delivery to a Facility authorized to receive it. However, at such time as the non-Separated Solid Waste is collected by a Hauler, the Solid Waste becomes the concurrent, joint and several responsibility of the Generator and the Hauler who collected the Solid Waste to deliver it to a Facility authorized to receive it. This provision shall not be construed as authorizing the collection or Transport of non-Separated Solid Waste.

K. No Hauler shall place or cause to be placed any Solid Waste on private property unless lawfully authorized by the owner of the property and such placement of Solid Waste on the property

is lawfully permitted. Each Commercial Hauler shall include such Solid Waste in its reports required by Section 4.12(C) of this Ordinance.

L. All vehicles used to collect Solid Waste must retain and prevent the release of all Solid Waste contained in the vehicle.

M. All Solid Waste that is destined for Disposal and collected by a Hauler must be delivered to a certified Waste management Facility by the end of the next business day, or within 48 hours of collection, whichever is later.

N. Each Commercial Hauler shall provide Recycling instructions to new customers when service commences and to all customers on an annual basis, at a minimum.

O. No Hauler shall knowingly collect or Transport for Disposal any Solid Waste that has been co-mingled with any Unregulated Hazardous Waste.

P. Any Solid Waste co-mingled with Unregulated Hazardous Waste shall be rejected by the Hauler, who shall notify the Generator of such Solid Waste of the reasons for rejection. Any Solid Waste so rejected shall remain the responsibility of the Generator for delivery to a Facility authorized to receive it. However, at such time as any Solid Waste co-mingled with Unregulated Hazardous Waste is collected by a Hauler, the Waste becomes the concurrent, joint and several responsibility of the Generator and the Hauler who collected the Solid Waste, regardless of whether knowingly or unknowingly, to deliver it to a Facility authorized to receive it and to pay all charges and fees associated with the proper handling and Disposal of such Waste. This provision shall not be construed as authorizing the collection or Transport of Solid Waste mixed with Hazardous Waste or Regulated Medical Waste.

Q. Each Commercial Hauler, and each Hauler who is not Licensed, shall deliver all Solid Waste collected within the District, after proper Separation of Mandated Recyclables, Special Waste and Unregulated Hazardous Waste from such Solid Waste, to the District Transfer Station in Middlebury, or such other District-Designated Facility for Disposal. This provision shall not apply to a Self-Hauler who delivers properly Separated Solid Waste to a Drop-Off Facility or to a Mobile Solid Waste Collection Operation.

ARTICLE V USE OF DISTRICT OR DISTRICT-DESIGNATED FACILITIES

5.1 Use of District Facilities. A Person delivering Solid Waste to a Facility owned or operated by the District shall follow all of the procedures and practices established by the District for use of the Facility, and shall deliver to the Facility only such types of Solid Waste as: (i) the Facility is certified to accept; and (ii) the Board of Supervisors by resolution approves for delivery to the Facility.

5.2 Prohibition. No Person may deliver to a District owned or operated Facility or to a District-Designated Facility Solid Waste that does not meet the Separation requirements of this Ordinance, nor may a Person deliver Prohibited Materials to a District owned or operated Facility or District-Designated Facility. Nothing within this Ordinance shall be construed at any time to restrict the ability of the District to refuse to accept Hazardous Waste or other Prohibited Materials at the District Transfer Station or any other District-Designated Facility. The District may, from time to time, provide alternative Disposal means at the District Transfer Station or other District-Designated Facilities for selected Prohibited Materials. All Disposal requirements specified herein may be amended or adjusted from time

to time by resolution of the Board of Supervisors or by the District acting in accordance with policies and/or guidelines established and adopted by, and that may be amended from time to time by, the Board of Supervisors.

5.3 Unlawful Entry. It shall be unlawful for any Person to enter any Solid Waste Facility of the District or any member municipality when said Facility is not open, nor shall they deposit, dump, or leave Solid Waste of any kind in any such Facility or adjacent to any such Facility without the express permission of the authorized operator of said Facility.

5.4 Unit-Based Pricing at Facilities.

A. Drop-off, Transfer and Disposal Facilities shall charge residential, institutional and commercial customers for the Collection of Solid Waste for Disposal based on the volume or weight of the Solid Waste collected, at rates that provide a reasonable economic incentive to their customers to reduce the amount of Solid Waste destined for disposal that they generate. Fees shall be established solely on the quantity of Solid Waste of a Generator (i.e., on a unit basis, such as per bag, per cubic yard, or per pound).

B. Operators of Drop-off, Transfer and Disposal Facilities shall offer a base unit of Disposal service of thirty-three (33) gallons or less, or offer service by weight of Solid Waste destined for Disposal that is delivered by residents to their Facility. Operators of Drop-off, Transfer, and Disposal Facilities shall charge per unit of Solid Waste destined for Disposal that is delivered to their Facilities and shall charge the same fee per each additional equal unit of Solid Waste destined for Disposal.

C. Flat Fee. In addition to the Unit-Based Price charged per unit of Solid Waste, Facilities may, but are not required to, charge a Flat Fee to residential customers for the purpose of covering operational costs for collecting, Transporting and Disposing of Solid Waste. In the event that a Facility elects to establish a Flat Fee, all bills for services provided to residential customers shall clearly show both the Flat Fee and the Unit-Based Price to maintain transparency.

Sections 5.4 (A)-(C) shall not apply to the District in its charges at the District Transfer Station.

ARTICLE VI
ESTABLISHMENT AND PAYMENT OF CHARGES

6.1 Tipping Fees. The Board of Supervisors shall adopt, and revise from time to time, charges on a per ton and/or other unit basis for Solid Waste delivered to a District Facility ("Tipping Fees"), in order to generate revenues and defray some or all of the direct and indirect costs of operation of the District Transfer Station and any other Facilities owned or operated by the District, and the costs of Transport out and Disposal of Solid Waste delivered to any such District Facility. In establishing and from time to time revising the Tipping Fee, the Board will assign to (and may from time to time make additions to and/or deletions from) costs of operation, all or portions of those costs which it desires to defray by the Tipping Fee charge, which may include, but are not limited to, labor, benefits, utilities, all or portions of fixed District costs and expenses, fuel, maintenance and repair, Transport and Disposal, taxes and fees, and the District Fees. Tipping Fees shall be paid by any Hauler delivering Solid Waste to any Facility owned or operated by the District, based on tonnage or other applicable unit of Solid Waste delivered.

6.2 District Fees. The Board of Supervisors shall adopt, and revise from time to time, a charge per ton of Solid Waste generated within the District that is collected and/or Transported for Disposal ("District Fee"). The purpose of the District Fee is to generate revenue to defray some or all of District costs other than those to be defrayed by the Tipping Fees. In establishing and from time to time revising the

District Fee, the Board will include all or portions of the costs which it desires to defray by the District Fee, which may include, but are not limited to: debt service (principal and interest), capital reserves, any portion of the costs of operation not being defrayed by the Tipping Fees, Special Waste programs, Recycling programs, educational programs, administration costs, and other District Facilities, programs, and service costs. Each Hauler collecting and/or Transporting Solid Waste generated within the District shall pay the District an amount per ton or part thereof which such Hauler collects and/or Transports calculated by multiplying the per ton District Fee by the amount of Solid Waste collected and/or Transported. These charges shall be paid regardless of the final Disposal location, and shall be included in Tipping Fees as to deliveries to a District owned or operated Facility.

A. Exemptions from District Fees. As used in this Section, and for purposes of computing the District Fee charge, the following categories of Solid Waste shall be exempt from the District Fee:

- (1) Recyclables or other materials the District determines are Separated and destined for Reuse, Recycling or Composting;
- (2) Sludge;
- (3) Clean Wood for use as fuel;
- (4) Unregulated Hazardous Waste that is delivered to certified Hazardous Waste Facilities as defined in the Vermont Hazardous Waste Management Regulations;
- (5) Non-friable Asbestos-containing Materials;
- (6) Deceased Animals of any type or size, offal;
- (7) Free-standing Liquids, including grease;
- (8) Other materials approved by the District.

6.3 Establishment of Fees. The Fees described in Sections 6.1 and 6.2 shall be set and may be amended from time to time by resolution of the Board of Supervisors, in accordance with the budget appropriation procedures in Section 33 of the District Charter. Reasonable notice of such an increase or decrease shall be sent to all holders of Commercial Hauler's Licenses and Scale Licenses. The District shall also publish a notice of such increase or decrease in one or more newspapers of known circulation in the District at least thirty (30) days prior to the effective date of such increase or decrease.

6.4 Determination of Fees. The fees based on tonnage established by Sections 6.1 and 6.2 shall be determined on the basis of weight through the weighing requirements in Section 4.12(C) above, provided however that if weigh slips and other documentation are not furnished to the District as required by Section 4.12(C), or the District Manager deems such weigh slips or documentation to be unreliable, the District Manager may determine weight of loads of Solid Waste by any reasonable method approved by the Board of Supervisors. Tipping Fees and the District Fees established for Special Waste may be determined by the Board of Supervisors on a per-unit basis other than weight.

6.5 Fee Variations and Surcharges. The Board of Supervisors may establish fee variations or surcharges on Solid Waste delivered to District owned or operated Facilities or to District-Designated Facilities to encourage or otherwise provide economic incentives to comply with the provisions of this Ordinance.

6.6 Payment of Fees. The District shall render bills for Tipping Fees and the District Fee to such Persons, and upon such terms, cash or credit, including furnishing of letters of credit on terms and in amounts satisfactory to the District Manager, as the Board of Supervisors establishes by resolution. If a Hauler does not pay a District bill by its due date, the District Manager may place such Hauler on a cash-

only basis or prohibit that Hauler's use of the District Facility until the bill is paid. Any billed amount not paid when due shall bear interest at the rate of one percent (1%) per month from its due date. The District Manager may place a Hauler on a cash-only basis at a District owned or operated Facility indefinitely if, in the District Manager's opinion, such action is warranted.

ARTICLE VII
INSPECTIONS

7.1 Vehicles. Vehicles used in the collection or Transport of Solid Waste within the District shall be subject to reasonable inspection by the District or its agents for purposes of determining compliance with the terms of Licenses and this Ordinance and for the purposes of data collection. Failure to allow inspection shall be a violation of this Ordinance.

7.2 Solid Waste. All Solid Waste generated within the District and set at a Designated Area for collection by a Hauler, and all Solid Waste deposited at Facilities owned or operated by the District or at District-Designated Facilities, shall be subject to inspection without notice by the District or its agents, for purposes of ensuring compliance with this Ordinance and for the purposes of data collection. Failure to allow inspection shall be a violation of this Ordinance and constitutes Unlawful Conduct.

7.3 False Statements and Failure to File Data. Any Person filing or causing to be filed, making or causing to be made, or giving or causing to be given, any certificate, affidavit, representation, information, testimony, or statement, which is willfully false or willfully omits to state material facts, or any Person willfully failing to file data that the District, by rule or otherwise, may require, shall have committed Unlawful Conduct.

ARTICLE VIII
ENFORCEMENT AND REMEDIES

8.1 This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

8.2 The following civil penalties and waiver penalties are hereby imposed for violations of this Ordinance. Civil penalty amounts will be imposed except that in cases where violations are brought in the Vermont Judicial Bureau, and where the violation is admitted or not contested, the waiver penalty amounts will be imposed in lieu of the civil penalty amounts. Each day the violation continues shall constitute a separate violation.

A. Penalties for Violations of Article III

	<u>Civil Penalty</u>	<u>Waiver Penalty</u>
First Violation	\$100	\$ 50
Second Violation	\$200	\$100
Third Violation	\$300	\$150
Fourth and subsequent violations	\$500	\$250

B. Penalties for Violations of Article IV

	<u>Civil Penalty</u>	<u>Waiver Penalty</u>
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First Violation	\$500	\$250
Second Violation	\$500	\$500
Third and subsequent violations	\$500 and/or revocation of License	

C. Penalties for Violations of Articles V, VII and IX

	<u>Civil Penalty</u>	<u>Waiver Penalty</u>
First Violation	\$100	\$ 50
Second Violation	\$200	\$100
Third Violation	\$300	\$150
Fourth and subsequent violations	\$500	\$250

8.3 License Revocation Hearing Rules and Procedures

A. The burden of proof in establishing a violation shall be upon the District.

B. Hearings shall be held before the District Manager or other hearing officer appointed by the Board of Supervisors. The Hearing Officer shall have the power to set the time and place of the hearing, grant recesses and adjournments, rule upon motions and requests, rule upon the admissibility of evidence and make findings of fact.

C. The Commercial Hauler may be represented by counsel.

D. Witnesses shall be sworn and subject to cross-examination. A stenographic record of the proceedings shall be kept.

E. Evidence submitted shall be relevant and may include evidence as to the past performance of the Commercial Hauler. Hearsay evidence shall be admissible, but shall be accorded such weight as the Hearing Officer deems appropriate, consistent with its reliability.

F. Findings of fact shall be made by the Hearing Officer, in writing, upon a preponderance of the evidence.

G. Upon a finding that a violation is proved, the Hearing Officer shall impose such penalty, short of revocation, which shall be applicable, or shall refer the matter to the Board of Supervisors for consideration of revocation of the License. The Board of Supervisors may, on the basis of the record presented and without further testimony, elect to: (a) revoke the License; or (b) impose a lesser penalty consistent with the circumstances of the offense; or (c) remand the matter back to the Hearing Officer for further action or investigation. In the event of revocation, the decision of the Board shall be considered final, subject to review pursuant to the laws of the State of Vermont.

8.4 Injunction. In addition to any other remedy provided in this Ordinance or available at law or in equity, the Board of Supervisors may cause the District to institute a suit in equity for an injunction to prevent, restrain or abate any violation of this Ordinance, and may sue for any unpaid District Fees or Tipping Fees.

8.5 Refusals and Rejections by the District. Notwithstanding any provisions in this Ordinance to the contrary, the District Manager may refuse to accept Solid Waste or refuse to allow

Disposal at any Facility operated by or on behalf of the District where such Solid Waste does not meet the requirements of this Ordinance.

8.6 Other Penalties. The Board of Supervisors shall be authorized to impose any other civil penalty and fine to the maximum extent permitted by law.

8.7 Attorney's Fees. In any action brought by the District to enforce the provisions of this Ordinance, to enjoin violation of this Ordinance, to collect any Tipping Fees or District Fees and/or interest thereon, or to collect any civil penalty or other amount due the District, the Person in violation or liable for amounts due the District shall pay the District its reasonable attorneys' fees and other costs and expenses of such action.

8.8 Enforcement of Final Order. The District may seek enforcement of a final order in the Superior Court or before the Environmental Court for the State of Vermont.

8.9 Presumptions. There shall be rebuttable presumptions in the enforcement of this Ordinance that:

A. The placement of any container, which is marked or identified with the name, logo, trademark, or other identifying symbol or license number, or the collection of any container by a vehicle marked or identified with the name, logo, trademark or other identifying symbol or license number, of any Commercial Hauler, at any location within the District, shall be presumptive evidence that said Commercial Hauler is providing Solid Waste collection services at said location within the District as of the date of said placement.

B. Evidence of Solid Waste in a container located as described in 8.9(A) above, and subsequent observation of the same container empty, shall be presumptive evidence that Solid Waste was collected from the container by the Commercial Hauler whose name or other identifying symbol or number is marked on the container or on the vehicle delivering the container.

C. The failure to deliver any Solid Waste to the District Transfer Station within three (3) days of the collection of Solid Waste from any location within the District shall be presumptive evidence of a violation of Section 4.12(M) or (Q) of this Ordinance.

ARTICLE IX **PUBLIC SAFETY**

9.1 No Person shall permit or cause any Solid Waste within their control to become a hazard to public travel, health or safety or to become a nuisance of any sort.

9.2 All vehicles used in the Transport or Transfer of Solid Waste must be registered with the State of Vermont.

ARTICLE X **MISCELLANEOUS**

10.1 Local Regulation. Nothing in this Ordinance shall be construed to prohibit any member municipality of the District from enacting and enforcing ordinances and regulations regarding the collection, Transport, storage, Processing, and Disposal of Solid Waste within its jurisdiction, provided that any such regulation or ordinance is not inconsistent with the provisions of this Ordinance.

10.2 Existing Contracts. Nothing contained in this Ordinance shall be construed to unconstitutionally interfere with or modify the provisions of any existing contract within the District on the effective date of this Ordinance, provided that no contract shall be renewed, and no new contract shall be entered into, which does not comply with the requirements of this Ordinance.

10.3 Construction. The terms and provisions of this Ordinance are to be liberally constructed so as to best achieve and promote the goals and purposes hereof. The captions and headings in this Ordinance are inserted for purposes of convenience and reference only, and shall not be used in any way for the construction and interpretation of this Ordinance.

10.4 Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any Person or circumstances or within any part of the District is held invalid, illegal, or unenforceable by a court of competent jurisdiction, said invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

Adopted: August 12, 1993

Amended:

- *September 30, 1993 -- To establish District Fee at \$28.49/ton, and to authorize letters of credit as additional payment option.*
- *December 16, 1993 -- To amend sections related to Tiered Schedules and allowing capture rate information by volume as well as weight.*
- *January 19, 1995 -- To change the District Fee from \$28.49 to \$29.87 per ton.*
- *August 31, 1995 -- To tighten licensing provisions to assure payment of District Fees and to add section providing for attorney's fees.*
- *September 28, 1995 (effective January 1, 1996) -- Board resolution adding to list of Mandatory Recyclables.*
- *March 21, 1996 -- To change the District Fee from \$29.87 to \$29.54 per ton.*
- *June 20, 1996 -- To clearly designate the Ordinance as a civil ordinance and to establish penalty schedules for violations.*
- *October 16, 1997 -- To enact Board resolution deleting polystyrene plastic #6 from the list of Mandatory Recyclables.*
- *February 18, 1999 -- To change the District Fee from \$29.54 to \$33.40 per ton.*
- *February 15, 2001 -- To adjust the fine system and to more clearly define Hazardous Waste. Also to incorporate some general "housekeeping" within the document.*
- *July 20, 2006 -- To adjust the system of fines and to more clearly define Mandatory Recyclables collection. To require the delivery of Solid Waste destined for disposal to the District Transfer Station or other District-Designated Disposal Facility. Also to incorporate some general "housekeeping" within the document.*
- *July 16, 2015 -- To conform to the requirements of Vermont's Universal Recycling Law (Act 148), Vermont statutory changes, and the State Solid Waste Plan (rev. 2014), and other housekeeping changes.*

**ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT
ILLEGAL BURNING AND DISPOSAL ORDINANCE**

WHEREAS, the Addison County Solid Waste Management District (the "District") exists as a union municipal district under the laws of the State of Vermont; and

WHEREAS, the State Legislature has approved and confirmed the creation of the District through the enactment of the District's governing agreement in No. M-6 of the Acts of 1989, as amended by No. M-5 of the Acts of 1991 (the "Charter"); and

WHEREAS, the District has the authority under the Charter and the General Laws of the State of Vermont to manage and regulate the collection, transportation, resource recovery, recycling, storage, processing, and disposal of Solid Waste within the District, among other things, and to enact, amend, or repeal any rules, regulations, and ordinances otherwise necessary or desirable for the orderly conduct of the affairs of the District and for carrying out the purposes of the District; and

WHEREAS, the District has determined that the burning and disposal practices prohibited by this Ordinance constitute public nuisances, and the District has the authority to regulate and prohibit such practices under 24 V.S.A. 2291 (14); and

WHEREAS the Board of Supervisors has determined that this Ordinance is in the public interest; promotes public health, safety and welfare; promotes the efficient, economical and environmentally sound management of Solid Waste within the District; and is in furtherance of the District's Plan and the State's Solid Waste Management Plan;

NOW THEREFORE, it is hereby enacted and ordained by the District as follows:

**ARTICLE I
PURPOSE; TITLE**

1.1 Purpose. This Ordinance is enacted to promote the health, safety and general welfare of the District and the inhabitants of its member municipalities and to prohibit Solid Waste disposal practices that pose a danger to the public health and welfare and the environment or constitute a public nuisance.

1.2 Title. This Ordinance shall be known and may be cited as the "Illegal Burning and Disposal Ordinance".

**ARTICLE II
DEFINITIONS**

2.1 As used in this Ordinance, the following terms shall have the following meanings:

A. "Board of Supervisors" shall mean the governing body of the District.

B. "District" shall mean the Addison County Solid Waste Management District, and as appropriate in the context, the total area within the boundaries of all member municipalities within the District.

C. "Facility" shall mean any site or structure used for treating, storing, processing, recycling or disposing of Solid Waste. A Facility may consist of a single or several treatment, storage, Recycling, or Disposal units.

D. "Person" shall mean an individual, partnership, company, corporation, association, institution, unincorporated association, joint venture, trust, municipality, agency, department, and any other legal entity.

E. "Solid Waste" shall mean any discarded garbage, refuse, rubbish, recyclables, Yard Wastes, construction or demolition wastes, and other discarded material including solid, liquid, semi-solid, or contained gaseous materials, but does not include: (i) animal manure and absorbent bedding used for soil enrichment, or (ii) solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act (10 V.S.A. Chapter 47).

F. "Yard Wastes" shall mean tree stumps, brush, lawn clippings, leaves, weeds, and other organic materials accumulated during the normal maintenance or restoration of a yard, garden, recreational field, or other area covered with vegetation.

ARTICLE III BURNING OF SOLID WASTE PROHIBITED

3.1. Except as provided by this Article, the burning of Solid Waste is prohibited in the District.

3.2 To the extent allowed by Vermont Air Pollution Control regulations, and with the appropriate local and State authorizations, the following are exempt from the prohibition in Section 3.1.:

A. Burning of materials customarily burned in fireplaces, wood stoves, campfires, and outdoor grills provided such materials are not burned for disposal purposes. Chemically treated wood shall not be deemed to be a material customarily burned in such devices;

B. Burning of Yard Waste and natural wood;

C. Burning by a municipality of natural wood at a place in a member municipality authorized by its legislative branch;

D. Incineration of Solid Waste at any Facility regulated by the Agency of Natural Resources, and having all other necessary permits in accordance with all applicable laws, rules, and regulations (including all air quality permits);

- E. Burning of solid or liquid fuels or structures for the purpose of bona fide instruction and training of municipal, volunteer, and industrial firefighters;
- F. Burning in forest land areas of brush, tree cuttings and slash where the cuttings accrue from logging or site clearing operations; and
- G. Burning for the purpose of weed abatement; disease, forest fire and pest preventions or control; and for the purpose of agricultural, forestry, or wildlife habitat management.
- H. Burning as necessary for the protection of public health or to thwart a hazard.

**ARTICLE IV
ILLEGAL DISPOSAL**

4.1. It shall be unlawful for any Person who is not acting on behalf of the District or a member municipality to enter any Facility operated by or on behalf of the District, or any Facility of any member municipality, when the Facility is not open.

4.2. It shall be unlawful for any person to deposit, dump, or dispose of Solid Waste of any kind in any Facility specified in Section 4.1 or on lands of the owner of such a Facility, without the express permission of the authorized operator of the Facility.

4.3. Without the explicit consent of the owner, it shall be unlawful for any Person to deposit, dump, or dispose of Solid Waste in any disposal container other than:

- A. Their own, or
- B. Containers available for public use (consistent with the normal use for which the public container is available).

4.4. It shall be unlawful for any Person to deposit, dump, or dispose of Solid Waste in any stream or other waters or on any property except by written approval or certification from the Agency of Natural Resources. This Section shall not be construed to prohibit or restrict the composting by an individual of his or her own compostable Solid Waste, or the recycling or reuse of any materials by any Person, or the disposal of Solid Waste by burning as allowed in Section 3.2.

4.5. If a Person violates Section 4.2, 4.3, or 4.4, any such Person shall immediately remove the Solid Waste so deposited or left. Each day following the day of the prohibited act, during which the Solid Waste is not so removed, shall constitute a separate violation of this Ordinance.

**ARTICLE V
ENFORCEMENT AND REMEDIES**

5.1 This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. §1971(b).

5.2 The following civil penalties are hereby imposed for violation of this Ordinance:

First violation of the Ordinance	\$100
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Second violation of the Ordinance	\$150
Third violation of the Ordinance	\$250
Fourth and subsequent violations of the Ordinance	\$500

Each day a violation continues shall constitute a separate violation.

5.3. In cases where violations of the Ordinance are brought in the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:

First violation of the Ordinance	\$ 35
Second violation of the Ordinance	\$ 75
Third violation of the Ordinance	\$150
Fourth and subsequent violations of the Ordinance	\$400

5.4 Injunction. In addition to any other remedy provided in this Ordinance or available at law or in equity, the District may institute a suit for an injunction to prevent, restrain or abate violations of this Ordinance.

ARTICLE VI MISCELLANEOUS

6.1 Local Regulation. Nothing in this Ordinance shall be construed to prohibit any member municipality of the District from enacting and enforcing ordinances and regulations regarding the burning or illegal disposal of Solid Waste within its jurisdiction, provided that any such regulation or ordinance is at least as strict as the provisions of this Ordinance.

6.2 Construction. The terms and provisions of this Ordinance are to be liberally constructed so as to best achieve and promote the goals and purposes hereof. The captions and headings in this Ordinance are inserted for purposes of convenience and reference only, and shall not be used in any way for the construction and interpretation of this Ordinance.

6.3 Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any Person or circumstances or within any part of the District is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

6.4 Implementation Date. This Ordinance shall be effective upon adoption by the Board of Supervisors under Section 6 of the District Charter.

Adopted: March 16, 1995