

**ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT
POLICIES OF THE BOARD OF SUPERVISORS
IMPLEMENTING THE DISTRICT WASTE MANAGEMENT ORDINANCE**

In accordance with the Addison County Solid Waste Management District (“District”) Waste Management Ordinance (“Ordinance”), adopted by the District Board of Supervisors (“Board”) on August 12, 1993, as amended, the Board hereby establishes the following Policies to implement the Ordinance:

1. Ordinance Requirements for Designation and Separation of Solid Waste

1.1 Pursuant to Article 3.2, “Separation of Solid Waste”, of the Ordinance, every Person who generates Solid Waste within the District shall separate Mandatory Recyclables, Special Waste (including Yard Waste), and Unregulated Hazardous Waste.

(A) Mandatory Recyclables shall be separated from other Solid Waste. A current list of Mandatory Recyclables is included as Attachment 1, and is available at the District office.

(B) Special Waste shall be separated from other Solid Waste into components as prescribed by the Board of Supervisors. The current official list of Special Waste is included as Attachment 2, and is available at the District office.

(C) Unregulated Hazardous Waste shall not be disposed with other Solid Waste. Unregulated Hazardous Waste shall be separated and delivered to a special event or Facility that manages Unregulated Hazardous Waste and is fully permitted at the time of placement.

1.2 Pursuant to Article 5.2, “Prohibition”, of the Ordinance, no Person may deliver to a District-owned or Operated Facility or to a District-Designated Facility Prohibited Materials or Solid Waste that does not meet the Separation requirements of the Ordinance.

Prohibited Materials are waste materials that shall not be accepted at the District Transfer Station or District-Designated Facility. A current official list of Prohibited Waste Materials is included as Attachment 3, and is available at the District office.

2. Other Separation Requirements at the District Transfer Station

In addition to the Special Waste listed in the Ordinance, the following items shall be designated as separate components of Solid Waste at the District Transfer Station (“Transfer Station”) located at 1223 Route 7 South in Middlebury, Vermont. These materials are not to be mixed with other Solid Waste, and must be managed separately as indicated:

Item	Issue	Management
Scrap Metal - smaller than (1) cu. ft. or weighing less than 25 lbs.	Landfill would prefer it to be separated; and it is a viable recyclable.	Recycled.
Wood Treated with Preservatives such as Creosote, Pentachlorophenol (Penta), Chromated Copper Arsenate (CCA) and Ammonical Copper Arsenate.	The Landfill will accept in larger loads, by appointment only.	Accepted by appointment with the Transfer Station. Transfer Station will set them aside until enough to ship a load to the Landfill.
Dusty wastes (crystalline silica, cellulose or other insulation, industrial fibers)	Landfill and Transfer Station require it to be managed separately.	At the discretion of the Landfill and Transfer Station, managed, transported, and disposed of separately to minimize exposure.
Industrial Special Wastes (sludges, huge paper rolls, filter material, wiring, etc.)	Landfill requires an Industrial Waste Form completed, & issues a written approval.	Accepted by appointment with the Transfer Station. Managed in accordance with Landfill preferences, and applicable law.

In the event that a Special Waste not listed above or in the Ordinance enters the Transfer Station and poses an imminent risk to human health or environment, or is rejected by the Landfill or other District-designated disposal facility, the District Manager has the authority to use his/her best judgment in determining the appropriate course of action and recovering costs for the management of the Special Waste.

3. Inspection of Waste Deliveries

All waste deliveries to the Transfer Station are subject to visual review by the Transfer Station Operators or other District representatives. In addition to visual review, there are three types of formal inspections:

3.1 Staff Review Inspection: The Transfer Station Operator may conduct a full inspection at any time if there is reason to believe that unacceptable materials are being delivered.

3.2 Routine Inspection: Routine inspections will be conducted. Users should expect that the inspections will occur no less frequently than every 40th trip. During these “Routine Inspections,” the Transfer Station Operator shall direct the driver to unload the vehicle for inspection. A portion of the load will be physically sorted as appropriate to determine if any Mandatory Recyclables, Special Waste, Prohibited Materials, Unregulated or other Hazardous Waste, or other unacceptable solid wastes are in the load.

3.3 Driver Request Inspection: Upon arriving at the Transfer Station, the driver of a vehicle may request an inspection of his or her load.

During a Staff Review or Routine Inspection, the Transfer Station Operator shall pull and inspect three bags or physically inspect the contents of a bulk load (e.g., roll-off). Any number of bags may be inspected during a Driver Request Inspection. An inspection form (see Attachment 4) will be filled out for any inspection (other than a simple visual review). A copy of the inspection form will be mailed to the Hauler, along with copies of any letters sent to Generators (see Section 6 of these Policies). Following the inspection, the Transfer Station Operator shall be responsible for re-loading the inspected waste into the appropriate container.

There may also be random inspections of residential and commercial trash at the curb prior to collection. These curbside programs will be conducted by District staff.

4. Establishment and Payment of Fees and Surcharges

Pursuant to the Ordinance, payment for waste handling services shall be on a user fee basis, according to the following procedures:

4.1 Tipping Fees

Pursuant to Article 6.1 of the Ordinance, all Persons delivering Solid Waste to the Transfer Station and Unregulated Hazardous Waste to the HazWaste Center co-located at the Transfer Station will be responsible for the payment of fees as detailed in the Transfer Station rate schedule, included as Attachment 5. The fees listed in the rate schedule shall include both Tipping Fees and the District Fee, as these terms are defined and established pursuant to the Ordinance.

For each load or item of Solid Waste delivered to the Transfer Station, the Transfer Station Operator will issue a receipt indicating the quantity of waste delivered and the fees due to the District. Payment will be required at the time of receipt unless the Hauler qualifies for credit as described below.

4.2 District Fee

The District Fee, as defined by Article 6.2 of the Ordinance, shall be \$33.40/ton.

4.3 Credit

Commercial Haulers who hold valid licenses from the District, member municipalities of the District, and any other public entity as may be approved by the District Manager may qualify for credit in paying Transfer Station Tipping Fees. Licensed Commercial Haulers may qualify for credit only upon supplying a satisfactory letter of credit in an amount that represents two months' normal or expected billings at the Transfer Station. However, credit privileges may be withdrawn if an otherwise qualified Commercial Hauler fails to pay two District bills (whether or not consecutive) by their due dates. In instances where credit privileges have been denied or withdrawn, use of the Transfer Station will be on a cash or prepaid basis only.

4.4 Issuance and Payment of Bills

The District will issue bills monthly, normally on the 1st of the month, unless that day falls on weekends or holidays, in which cases bills will be issued on the next regular business day.

Payment of District bills is due in full thirty (30) days from the date of billing. A due date of less than 30 days may be set by the District Manager if the District Manager determines that there has been a history of late payment or reporting, or other similar situation that could place the District at a financial risk or disadvantage. If a Hauler does not pay a District bill by its due date, the District Manager may prohibit that Hauler's use of the Transfer Station 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.

4.5 Solid Waste Not Delivered to the Transfer Station

Solid Waste generated in the District that is destined for disposal is required to be delivered to the Transfer Station or a District-designated Disposal Facility. However, all Solid Waste generated within the District and destined for disposal is subject to a District Fee, as such Fee is defined and established pursuant to Article 6.2 of the Ordinance, regardless of its final disposal destination.

To be consistent with payment policies for users of the Transfer Station, payment and credit terms for District Fees for waste not delivered to the Transfer Station shall be consistent with Section 4.4 of these Policies. Since payment at the time of delivery is, by definition, not possible, the only allowable payment terms are pre-payment or a letter of credit for two months' normal or expected billings.

5. Licensing Fee

Pursuant to Article IV, "Licensing", of the Ordinance, any Commercial Hauler, Processor, Transfer/Disposal Facility or Scale, unless exempt by the Ordinance, shall apply to the District Manager for a License. The application and subsequent annual renewals of the License shall be accompanied by a five-dollar (\$5.00) fee.

6. Enforcement of Ordinance

6.1 Education Prior to Enforcement

The District undertakes on-going education and public awareness programs to promote compliance with the Ordinance. This includes the District newsletter, local paper, website and other means to advertise and provide the public with information explaining the program.

6.2 Violations of Waste Separation Requirements

(A) Mandatory Recyclables and Special Waste

Mandatory Recyclables or Special Waste in a load may result in a violation being cited. The Transfer Station Operator will document the nature and extent of any unacceptable waste as part of the inspection process. The Commercial Hauler may be required, at his/her own expense, to remove the unacceptable waste and return it to the Generator for proper handling. The Commercial Hauler is also responsible for any surcharge or penalties on the District tipping fee for delivering non-separated waste (See Section 6.3 of these Policies).

If, during the inspection process, Mandatory Recyclables, or Special Waste are found the Generator will be notified in writing of a violation of the Ordinance. The District may exercise its discretion to issue warnings in lieu of violations. A copy of the written notification will be sent to the Commercial Hauler.

(B) Prohibited Materials and Unregulated Hazardous Waste

Prohibited Materials and Unregulated Hazardous Waste found during a waste load inspection shall constitute a violation of the Ordinance. Following documentation of the violation, the Transfer Station Operator or other District staff will determine the appropriate action to be taken, on a case-by-case basis, based on the nature and extent of the hazards and safety risks involved. The possible actions could include:

- (1) reject the load;
- (2) allow the waste to continue to the disposal facility;

- (3) segregate and store the material under cover on an impervious surface in an appropriate container(s); or
- (4) immediately call a hazardous waste hauler for collection of the material.

In deciding whether to accept or reject a load, staff will use their best judgment of whether the load can be handled safely. Once any Unregulated Hazardous Waste is unloaded onto the District's property, the District will assume possession of the waste to ensure proper disposal – in these cases, for their own safety, customers will not be permitted to retrieve Hazardous Waste from their load.

In the case of a violation, the District staff will fill out an inspection report detailing the nature of the violation and the possibility that penalties and/or disposal charges may be forthcoming. This inspection report shall be copied and attached to the transaction report, and given to the Hauler before he/she leaves the site.

In situations where the Hauler is not also the Generator, the District will work with the Commercial Hauler to identify the Generator, who will be contacted by the District and made aware of any penalties and/or management and disposal fees incurred in the proper management of the Unregulated Hazardous Waste. In situations where the Generator is unknown or if the Commercial Hauler chooses not to provide Generator information, the Commercial Haulers will be held responsible for any management and disposal fees incurred in the proper management of hazardous materials discovered in their loads. In addition, Commercial Haulers shall be responsible for any penalties due for delivering Solid Waste to the Transfer Station that does not meet the separation requirements.

If, during the inspection process, residential Unregulated Hazardous Waste is found, the Generator will be notified in writing of a violation of the Ordinance. The District may exercise its discretion to issue warnings in lieu of violations. A copy of this notification will be sent to the Commercial Hauler. Any person that has received one official warning under this subsection shall be subject to civil penalties under Article VIII of the Ordinance for any future violations. Any Person other than a Resident that mixes Hazardous Waste with other wastes shall immediately be subject to civil penalties under Article VIII of the Ordinance for any future violations.

6.3 Non-Separation Surcharges and Cost Recovery

Consistent with Article 6.5, “Fee Variations and Surcharges”, of the Ordinance, fee variations or surcharges may be established by the District 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 provision of the Ordinance. As such, these Policies establish the following non-separation surcharges:

- (A) In a “Staff Review” or “Routine” inspection, if all three bags inspected have Mandatory Recyclables and there has been no apparent effort at recycling, the load will be surcharged ten percent (10%) This surcharge will not be applied in “Driver Request Inspections.” A load will also be surcharged ten percent (10%) if five percent (5%) or more of the load (by volume) consists of Mandatory Recyclables, or Special Waste (except for Prohibited Materials and Unregulated Hazardous Waste) .
- (B) In an initial incident, if any amount of Unregulated Hazardous Waste or Prohibited Materials is found, the load will be surcharged 20 percent (20%). This surcharge will not be applied in “Driver Request Inspections.”
- (C) In the discretion of the District Manager, surcharges may be doubled for repeat violators. The District also retains the right to issue penalties for waste separation violations under these Policies when, in the discretion of the District Manager, the nature and extent of the violation is significant enough to warrant further action. If the District must remove the Unregulated Hazardous Waste or Prohibited Materials from a load, the District will charge a minimum hourly fee of \$75.00.
- (D) Any surcharges will be included on the waste receipt and District bills and are subject to the payment requirements detailed above. Bills associated with the handling and disposal of Prohibited Materials or Unregulated Hazardous Waste will be issued separately, but are also subject to the payment requirements detailed above.
- (E) The District may choose to either reject or properly manage Mandatory Recyclables, Special Waste, Prohibited Materials or Unregulated Hazardous Waste that enter the Transfer Station. Management costs for Solid Waste not meeting the separation requirements of the Ordinance shall be borne by either the Generator or the Commercial Hauler, or both. Such costs may include, but are not limited to: disposal, lab tests, staff time, contractor fees, spill cleanup, site investigation and remediation, fines, and lost business. As per Article 8.6, “Other Penalties”, of the Ordinance, other penalties and fines may apply. As per Section 8.7, “Attorney’s Fees”, of the Ordinance, the Person responsible for the violation shall pay the District its reasonable attorneys’ fees and other

costs and expenses of any action brought by the District to enforce the provisions of the Ordinance.

6.4 Payment of Charges

Article 6.6 of the Ordinance and Section 4 of these Policies establish requirements for payment of charges and fees. If charges or fees remain unpaid after following these requirements, or if the charges and fees requirements are otherwise violated, the District may institute enforcement actions consistent with Section 6 of these Policies, but may in its sole discretion proceed directly to filing suit in a Court having jurisdiction.

6.5 Exception to Procedures

Notwithstanding any provisions of these Policies, the District may directly institute a suit seeking any remedy or relief authorized by the Ordinance in any instance where Unlawful Conduct threatens public health or safety, the safe operation of District Facilities, or the financial integrity of the District.

Adopted: September 30, 1993

Amended:

- *May 18, 1995 -- (section 6.3.1), and to authorize letters of credit as additional payment option (section 6.6).*
- *July 20, 1995 -- To change the District Fee from \$28.49 to \$29.87 per ton (section 6.3.1).*
- *September 28, 1995 (effective 1/1/1996) -- Board resolution adding to list of mandatory recyclables in section 2.1.O.*
- *February 18, 1999 - To change the District Fee from \$29.54 to \$33.40 per ton (section 6.3.1).*
- *February 15, 2001 - To adjust the fine system and to more clearly define hazardous waste. Also to incorporate some general "housekeeping" within the document.*
- *February 21, 2008 – To clarify changes from the 7/20/2006 Ordinance Amendment, and to fold the “Policy Regarding Designation and Separation of Special Wastes” into these Policies.*