

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

I. Purpose

In accordance with the Addison County Solid Waste Management District (“District”) Waste Management Ordinance (“Ordinance”), adopted by the District Board of Supervisors (“BOS”) on August 12, 1993, as amended to July 16, 2015, the BOS hereby establishes the following policies, practices and procedures (collectively “Policies” and each a “Policy”) to implement the Ordinance:

II. Definitions

- A. “ACSWMD” shall mean the Addison County Solid Waste Management District.
- B. “Board of Supervisors” (“BOS”) shall mean the governing body of the District.
- C. “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.
- D. “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.
- E. “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.
- F. “Compost” and “Composting” shall mean the controlled biological decomposition of organic matter through active management to produce a stable humus-rich material.
- G. “Conditionally Exempt Generator” shall mean any business Generator of Hazardous Waste that meets the criteria as defined in Subchapter 3, §7-306 of the Vermont Hazardous Waste Management Regulations.
- H. “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.

- I. “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.
- J. “District” shall mean the Addison County Solid Waste Management District.
- K. “District Fee” shall mean the per-ton fees established by the BOS on all solid waste destined for Disposal.
- L. “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.
- M. “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.
- N. “Generator” shall mean a Person who produces Solid Waste by any means including, but not limited to, residential, commercial, institutional, and industrial activities.
- O. “Hauler” shall mean any Person that collects, Transports, or delivers Solid Waste generated within the District.
- P. “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.
- Q. “License” shall mean any License issued or required pursuant to Article IV of the Ordinance.
- R. “Mandated Recyclables” shall mean the source-Separated Recyclables listed in **Attachment 1**.

- S. “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.
- T. “Municipal Solid Waste” shall mean combined household, commercial and industrial waste materials generated in a given area.
- U. “Ordinance” shall mean the Waste Management Ordinance adopted by the BOS on August 12, 1993, as amended to July 16, 2015.
- V. “Person” shall mean an individual, partnership, company, corporation, association, institution, unincorporated association, joint venture, trust, municipality, agency, department, or any other legal entity. In any provision of the Ordinance prescribing a fine, penalty, or denial or revocation of a License, the term "Person" shall include the officers and directors of the corporation.
- W. “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.
- X. “Prohibited Materials” shall mean materials that shall not be accepted at the District Transfer Station or District-Designated Facility; provided, however, that the BOS 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 BOS. The Prohibited Materials are listed in **Attachment 2**.
- Y. “Recyclables” shall mean Solid Waste that may be reclaimed and/or processed and used in the production of raw materials or products.
- Z. “Recycled” and “Recycling” shall mean the act of reclaiming and/or Processing using Solid Waste in the production of raw materials or products.
- AA. “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.
- BB. “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.

- CC.** “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.
- DD.** “Special Waste” shall mean the list of discarded materials in **Attachment 3** that, for whatever reason, are to be managed separately from other Solid Waste.
- EE.** “Tipping Fees” shall mean the per-ton gate fees established by the BOS to be charged at the District Transfer Station.
- FF.** “Transfer” shall mean to carry, remove, Transport, or shift Solid Waste from one place, Facility, vehicle, trailer, or container to another.
- GG.** “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.
- HH.** “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.

III. Policy

A. Ordinance Requirements for Designation and Separation of Solid Waste

1. Pursuant to Article III, §3.2 of the Ordinance, every Person who generates Solid Waste within the District shall separate Mandated Recyclables, Special Waste, and Unregulated Hazardous Waste.

- a. Mandated Recyclables shall be separated from other Solid Waste. A current list of Mandated Recyclables is included as **Attachment 1**.
 - b. Special Waste shall be separated from other Solid Waste into components as prescribed by the BOS. The current official list of Special Waste is included as **Attachment 3**.
 - 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.
2. Pursuant to Article V, §5.2 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 Materials is included as **Attachment 2**.

B. Other Separation Requirements at the District Transfer Station

In addition to the Special Waste listed in **Attachment 3**, the following items shall be designated as Separate components of Solid Waste at the District Transfer Station. These materials are not to be mixed with other Solid Waste, and must be managed separately as indicated:

Item	Issue	Management
Wood Treated with Preservatives such as Creosote, Pentachlorophenol (Penta), Chromated Copper Arsenate (CCA) and Ammonical Copper Arsenate.	Landfill will accept according to specific criteria. Has to be managed separately by staff.	Large amounts are only accepted at District Transfer Station by appointment, and in a form specified by Transfer Station Supervisor.
Dusty Wastes (crystalline silica, cellulose or other insulation, industrial fibers)	Landfill and District Transfer Station require it to be managed separately. Landfill may require an Industrial Waste Form.	At the discretion of the Landfill and Transfer Station, manage, transport, and dispose of separately to minimize exposure.
Industrial Special Wastes (sludges, large paper rolls, filter material, wiring, etc.)	Landfill requires an Industrial Waste Form.	Accept at District Transfer Station by appointment. Manage in accordance with Landfill preferences, and applicable law.

In the event that a Special Waste not listed above or in **Attachment 3** enters the District 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 proper management of the Special Waste.

C. Inspection of Waste Deliveries

So that the District may comply with the requirements of state statutes, its state certification, state waste management rules and the Ordinance (collectively “Requirements”), regarding the acceptance of certain Waste only if it has been Separated from other Waste, including, but not limited to (i) 10 V.S.A. 6605j, requiring the District to “collect mandated recyclables separate from other solid waste ...”and (ii) Requirements pertaining to the Separation of Special Waste, Prohibited Materials, Unregulated Hazardous Waste, or other unacceptable Waste, all Waste deliveries to the District Transfer Station, in whatever form delivered, and whether in bags, boxes, or other containers, are subject to inspection by the Transfer Station Operators or other District representatives. An inspection form (see **Attachment 4**) will be filled out for any inspection that discovers the presence of unseparated Mandated Recyclables, Special Waste, Prohibited Materials, Unregulated Hazardous Waste, or other unacceptable Wastes. A copy of the inspection form will be provided to the Commercial Hauler, along with copies of any letters sent to Generators. The purpose of this Policy is so that the District may comply with the Requirements imposed on it as to acceptance only of certain Waste that is separated.

D. 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:

1. Tipping Fees and District Fees

Pursuant to Article VI, §6.1 of the Ordinance, all Persons delivering Solid Waste to the District Transfer Station shall be responsible for the payment of fees pursuant to fee schedules adopted from time to time by the BOS. The fees listed in the rate schedules shall include both Tipping Fees and the District Fees, as these terms are defined and established pursuant to the Ordinance.

For each load or item of Solid Waste delivered to the District 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 Commercial Hauler qualifies for credit as described below.

2. 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 District 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 (2) months' normal or expected billings at the District Transfer Station. However, credit privileges may be withdrawn if an otherwise qualified Commercial Hauler fails to pay two (2) District invoices (whether or not consecutive) by their due dates. In instances where credit privileges have been denied or withdrawn, use of the District Transfer Station will be on a cash or prepaid basis only.

3. Issuance and Payment of Invoices

The District will issue invoices monthly to Commercial Haulers who have a letter of credit, and municipalities and other qualifying public entities, on the 1st of the month, unless that day falls on weekends or holidays, in which cases invoices will be issued on the next regular business day. The District will also issue monthly statements to all customers who have an active balance on account, whether debit or credit, during the preceding month.

Payment of District is due in full thirty (30) days from the date of invoices. A due date of less than thirty (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 Commercial Hauler does not pay a District invoice by its due date, the District Manager may prohibit that Hauler's use of the District Transfer Station until the invoice 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 Commercial 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. Solid Waste Not Delivered to the District Transfer Station

Solid Waste generated in the District that is destined for Disposal is required to be delivered to the District 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 VI, §6.2 of the Ordinance, regardless of its final Disposal destination.

To be consistent with payment policies for users of the District Transfer Station, payment and credit terms for District Fees for Solid Waste not delivered to the District Transfer Station shall be consistent with Section D of this Policy. 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 (2) months' normal or expected billings.

E. Licensing

1. Licensing Fee

Pursuant to Article IV 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 Twenty-dollar (\$20.00) fee.

2. Licensing Insurance

Pursuant to Article IV, §4.10(C) of the Ordinance, the Commercial Hauler shall demonstrate that commercial vehicle liability insurance is in force for each vehicle noted on the Commercial Hauler's License, with a combined single limit of One Million Dollars (\$1,000,000) for each occurrence, by providing a Certificate of Insurance naming the ACSWMD as "Additional Insured." Such insurance shall not be cancelled, nor reduced in coverage, without at least ten (10) days' prior written notice to the District. Such cancellations or changes may result in suspension or revocation of the License. Any change that reduces the coverage below the combined single limit may result in suspension or revocation of the License.

F. Enforcement of Ordinance

1. Education Prior to Enforcement

The District undertakes ongoing 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.

2. Violations of Waste Separation Requirements

a. **Mandated Recyclables and Special Waste**

Mandated Recyclables or Special Waste in a load may result in a notice of violation being issued. The Transfer Station Operator will document the nature and extent of any Mandated Recyclables or Special Waste as part of the inspection process. The Commercial Hauler may be required, at his/her own expense, to remove the Mandated Recyclables or Special 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 F(3) of this Policy).

If, during the inspection process, Mandated Recyclables or Special Waste are found, the Generator may 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:

- i. Rejecting the load;
- ii. Allowing the waste to continue directly to the Disposal Facility;
- iii. Segregating and storing the material under cover on an impervious surface in an appropriate container(s); or
- iv. Immediately calling a hazardous waste contractor for collection of the material.

In deciding whether to accept or reject a load, staff will use their best judgment as to 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 Unregulated Hazardous Waste from their loads.

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 Commercial Hauler or customer 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 may be contacted by the District and made aware of any penalties and/or fees incurred in the proper management of the Prohibited Materials and 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 fees incurred in the proper management of Prohibited Materials and Unregulated Hazardous Waste discovered in their loads. In addition, Commercial Haulers shall be responsible for any penalties due for delivering Solid Waste to the District 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 Unregulated Hazardous Waste with other wastes shall immediately be subject to civil penalties under Article VIII of the Ordinance for any future violations.

3. Non-Separation Surcharges and Cost Recovery

Consistent with Article VI, §6.5 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 provisions of the Ordinance. As such, this Policy establishes the following non-Separation surcharges:

- a. In any Inspection, if five percent (5%) or more of the load (by volume) consists of Mandated Recyclables or Special Waste (except for Prohibited Materials and Unregulated Hazardous Waste), the load will be surcharged ten percent (10%). This surcharge will not be applied in Driver Requested Inspections.
- 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 Requested Inspections.
- c. At 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 this Policy 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 labor fee of Seventy-Five Dollars (\$75.00) per person, per hour or a fraction thereof.

- d. Any surcharges will be included on the Waste receipt and District invoices and are subject to the payment requirements detailed above. Invoices 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 Mandated Recyclables, Special Waste, Prohibited Materials or Unregulated Hazardous Waste that enter the District 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, those for: disposal, lab tests, staff time, contractor fees, spill cleanup, site investigation and remediation, fines, emergency response and lost business. As per Article VIII, §8.6 of the Ordinance, other penalties and fines may apply. As per §8.7 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.

4. Payment of Fees and Surcharges

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

IV. EXCEPTIONS

Notwithstanding any provisions of this Policy, 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.

V. STATE OF EMERGENCY POLICY CHANGE

Pursuant to § 3.1(A) and § 3.2(F) of the District Ordinance, for the duration of any declared emergency under 20 V.S.A Ch. 1 due to COVID-19, and to implement 10 V.S.A. 6607a(g)(1)(A), § X4 by Act of the 2020 Legislature, a generator is not required to separate Mandated Recyclables from the MSW.

Further, for the duration of such stated emergency, the requirements of § 4.12(E) and § 4.12(J) of the Ordinance are waived, and Commercial Haulers shall bring Mandated Recyclables to the District Transfer Station, along with other MSW for disposal.

The full, amended Policy will take effect upon adoption of the attached, proposed Act. The District Executive Board is authorized to make any further changes to the Policy to the extent the Legislature makes other modifications to the attached bill.

Date of Original Issuance: September 30, 1993

Revision dates:

- *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) - BOS 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 this Policy.*
- *November 19, 2009 – To adopt a District Fee of \$10.00/ton for contaminated soils approved by the VT ANR for use as Alternative Daily Cover at a landfill (section 4.2); and to adopt a \$20 annual Commercial Hauler License Fee (section 5).*
- *November 19, 2015 – To conform to the Waste Management Ordinance amended by the BOS on July 16, 2015, and to update the Policy to reflect current practices.*
- *November 21, 2019 – To change the District Fee from \$33.40 per ton to \$34.00 per ton (section 6.3 of the WMO), to take effect on 1/1/2020.*
- *April 9, 2020 – To conform the Waste Management Ordinance to proposed changes to Act 148 by the Legislature due to the COVID-19 emergency declaration, as they may be amended.*