

Windham Solid Waste Management District

# Solid Waste Implementation Plan (SWIP)



# 2020

Adopted 12/10/2020

- Year 1 – 2021
- Year 2 – 2022
- Year 3 – 2023
- Year 4 – 2024
- Year 5 – 2025



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

December 17, 2020

Bob Spencer  
Windham Solid Waste Management District  
327 Old Ferry Road  
Brattleboro, VT 05301

**RE: Approval of Solid Waste Implementation Plan (SWIP)**

Dear Bob,

The Windham Solid Waste Management District Solid Waste Implementation Plan, adopted on December 10, 2020, is approved. The Agency finds the SWIP conforms to the State of Vermont Materials Management Plan, adopted on November 19, 2019, and the requirements of 10 V.S.A Section 6604(a)(1) and 24 V.S.A. Section 2202a(c)(2).

If you have any questions regarding the implementation of this approved SWIP, please contact Mia Roethlein at [mia.roethlein@vermont.gov](mailto:mia.roethlein@vermont.gov) or 802-522-5926.

Thank you for your work to reduce the volume and toxicity of Vermont's waste as well as the State's other waste management priorities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chuck Schwer".

Chuck Schwer  
Director  
Waste Management and Prevention Division

Cc:

John Fay, Windham Solid Waste Mgmt. District; Mia Roethlein, Solid Waste Program, VT DEC

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# WSWMD Solid Waste Implementation Plan 2020-2025

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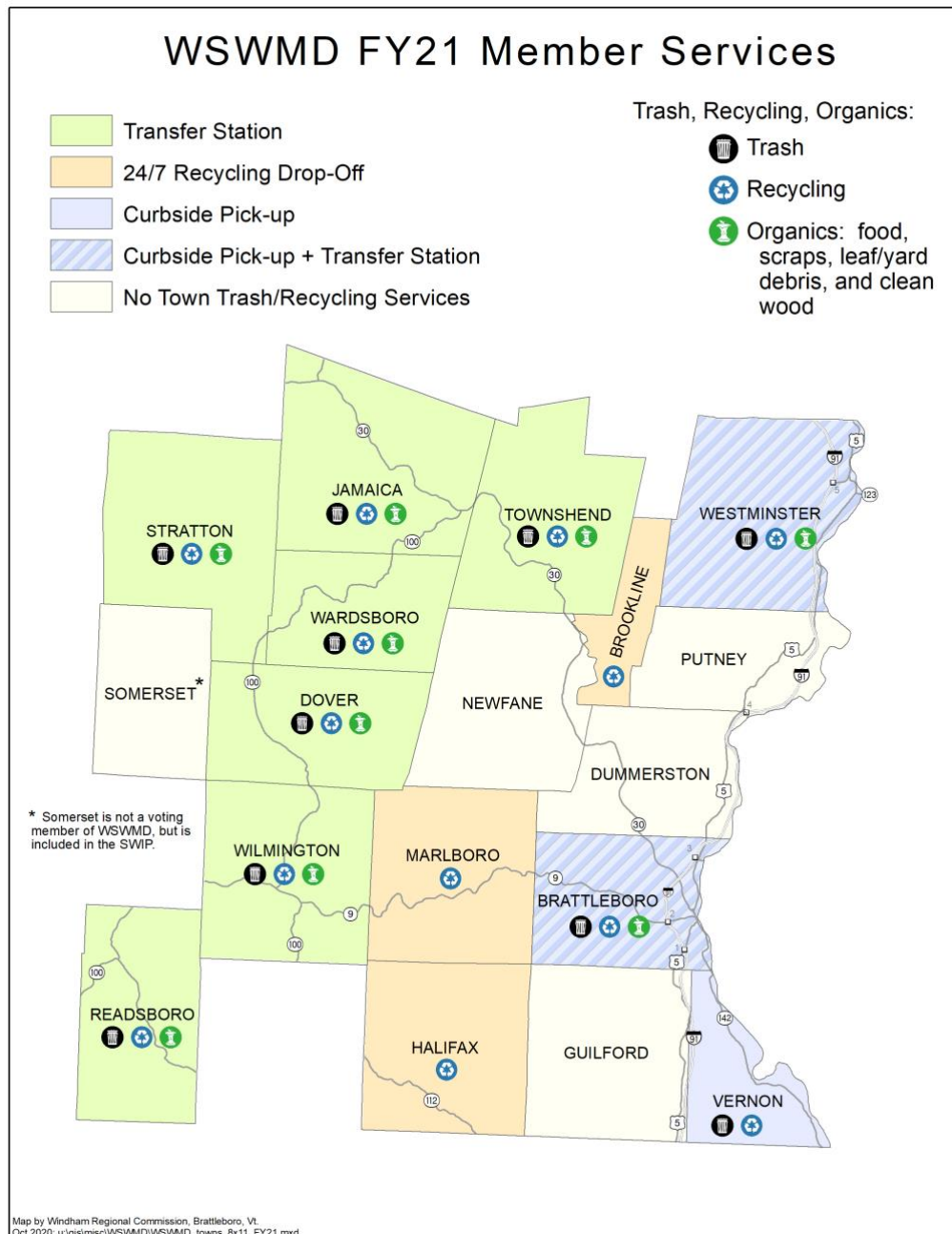
- A. WSWMD Charter and Board Motion
- B. 2015 Variable Rate Pricing ordinance
- C. Letter of Conformance with the Windham Regional Commission Plan

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Table 1 Towns Included in the Windham Solid Waste Management District		
Brattleboro	Jamaica	Stratton
Brookline	Marlboro	Townshend
Dover	Newfane	Vernon
Dummerston	Putney	Wardsboro
Guilford	Readsboro	Westminster
Halifax	Somerset*	Wilmington

\* Somerset is not a voting member of WSWMD, but it is included in this SWIP.



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## Name, Year Chartered, Mission, Member Towns

<b>Name of SWME</b>	Windham Solid Waste Management District					
<b>Year Chartered (if applicable)</b>	1988					
<b>Mission for Sustainable Materials Management</b>	<p>The Windham Solid Waste Management District (WSWMD, or the District) is a public entity formed by charter through the State of Vermont in 1988. It is comprised of 18 towns that range in population from 216 to 12,046, for a total population of 35,328 in 2010. The District is governed by a Board of Supervisors comprised of a representative and an alternate from each community, appointed annually by their Selectboards. The Charter, signed by the governor, states that WSWMD is responsible for design, implementation and administration of the programs necessary for disposing of the solid waste generated by the residents of member municipalities.</p> <p>The District is created and shall exist for the purpose of providing for integrated solid waste management for both solid and unregulated hazardous waste generated by member municipalities and their residents, but nothing herein shall constitute a limit on acceptance of waste from outside the district, provided such outside acceptance is approved by majority vote of the board of supervisors. The means of management shall follow the priorities set forth in 10 V.S.A. § 6604(a)(1), and may include, but are not limited to reduction and reuse activities and programs, recycling, composting, collection, transportation, unregulated hazardous waste collection and transportation, resource recovery, land disposal, or any combination thereof.</p> <p>WSWMD's mission is to provide solid waste education, recycling management, and disposal services for its member's towns and other entities as the need arises. This means the WSWMD is responsible for providing public education programs on all aspects of solid waste and hazardous waste management to member communities, and collection and diversion services for all wastes banned from Vermont landfills. In 1995, the WSWMD adopted the following goal: "Each item of waste generated within the District (should) be directed to the highest level of the solid waste management hierarchy as is possible."</p>					
<b>Names of Member Town(s)</b>	Brattleboro Brookline Dover	Dummerston Guilford Halifax	Jamaica Marlboro Newfane	Putney Readsboro Somerset	Stratton Townshend Vernon	Wardsboro Westminster Wilmington
	<b>Attach cover page once SWIP has been pre-approved with title and date adopted by SWME.</b>					

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## General

<b>G1</b>	<b>Disposal and Diversion Reporting</b> <ol style="list-style-type: none"><li><b>DISPOSAL RATE:</b> 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 ReTRAC by July 1<sup>st</sup>. <b>DOCUMENTATION (only required in annual SWIP reports):</b><ol style="list-style-type: none"><li>First (1<sup>st</sup>) Year SWIP Report: report year 1 annual per person per year disposal rate.</li><li>Fifth (5<sup>th</sup>) Year SWIP Report: report year 5 annual per person per year disposal rate.</li></ol></li><li><b>DIVERSION RATE:</b> 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.</li></ol>
<b>Plan to submit data:</b>	<p>The District's Programs Manager will be responsible for compiling data and completion of reports.</p> <p><u>DISPOSAL RATE:</u> The current disposal rate (calendar year 2019) was calculated at 2.92 lbs/per person/day.</p> <p>The District will use the information supplied to Re-TRAC by the eight town-owned transfer stations and three towns with residential trash and recycling collection to extrapolate the total disposal and per capita disposal rate for MSW within the District. The District will also use information obtained from other facilities that accept waste from the District.</p> <p>The WSWMD will use two Re-TRAC modules, "Vermont Material Generation Report" and "Vermont Material Destination Report" to gather District data. The total tons of MSW disposed from our region and the per capita MSW disposal rate from our region will be reported using ANR Guidance material. Disposal rate data will be calculated and reported by calendar year on Year 1 and Year 5 of this SWIP term.</p> <p><u>DIVERSION RATE:</u> Since WSWMD ceased operation of our MRF three years ago; three towns have continued 24/7 recycling drop-off using our loaned roll-off boxes, which are hauled by private haulers. We are able to calculate diversion rates in the three towns with residential curbside collection. The towns receive their tonnages from their respective haulers, and report through ANR's Re-TRAC tracking system. The District will use this information to develop diversion rates to track success of diversion efforts.</p> <p>All materials hauled in and out of the District's transfer station are weighed and tracked through a computer system. We have calculated a 76% overall diversion rate at the transfer station.</p>

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<b>G2</b>	<p><b>SWIP Posting &amp; Publicity</b></p> <p>To ensure community members are aware of and can access the SWIP, each SWME must—within one month of their SWIP approval—<b>post their approved SWIP</b> on their website and <b>submit one press release</b> about their SWIP to local newspapers within two months of SWIP approval.</p> <p><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>1. First (1<sup>st</sup>) Year SWIP Report: supply website link of SWIP and attach press release along with date released and list of newspapers where it was sent.</li> </ol>
<b>Plan for Posting and Press Release:</b>	<p>Within one month of ANR &amp; WSWMD Board of Supervisors SWIP approval, the SWIP will be posted on the District website and Facebook page. Within two months of SWIP approval, a press release about the SWIP, the adoption process, and how to comment on the document, will be sent to the Brattleboro Reformer, Deerfield Valley News, and the Commons. The District’s First (1st) Year SWIP Report will provide a website link to the SWIP, copies of press releases, as well as published articles.</p>
<b>G3</b>	<p><b>A-Z Waste &amp; Recycling Guide</b></p> <p>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 <a href="#">state disposal</a> 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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>1. Provide A-Z website link in annual SWIP report.</li> <li>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.</li> <li>3. Publicize the A-Z Waste &amp; Recycling Guide with at least two forms of outreach annually throughout the SWIP term.</li> </ol>
<b>Plan for Updating Webpage:</b>	<p>The District’s A-Z Guide is available on every page of our website, with primary access through the home page: <a href="https://windhamsolidwaste.org/">https://windhamsolidwaste.org/</a></p> <p>WSWMD implemented an A-Z Waste &amp; Recycling Guide on its website upon adoption of its first SWIP. The District designed a new website in spring 2020 which features a link to the A-Z Guide on every webpage. The A-Z listing includes how to manage, recycle, or divert all state disposal banned items in addition to information on where to recycle or reuse: clothing/textiles, asphalt shingles and drywall, sharps, pharmaceuticals, and food for donation. We regularly populate it with new listings as we get “what do I do with…” inquiries, discover new items worth listing, or to update reduction, reuse, recycling, or proper disposal information. Listings contain local, regional, and national management options. Staff has worked with the Town of Brattleboro to merge their “What do I do with…” listings with the District’s; and, is working with the website designer to format the Guide for posting or hyperlinking on Member Town websites.</p> <p>By the end of SWIP Year 1, all keywords from the ANR’s “<a href="#">2020 A-Z Requirements</a>” will be added to the District’s online guide.</p>
<b>Plan for Publicity:</b>	<p>District staff promotes the A-Z Guide on flyers and other outreach materials. The A-Z Guide is posted periodically on our Facebook page. We will continue to promote the listing in this manner.</p>

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<b>G4</b>	<p><b>Variable Rate Pricing</b></p> <p>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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>In annual SWIP report, explain the method used to ensure haulers and facilities are charging residents for trash based on volume or weight.</li> </ol>
<b>Description of System:</b>	<p>In 2015, WSWMD adopted a civil ordinance “Variable Rate Pricing for Residential Solid Waste Collection” on behalf of member towns. All waste brought into the WSWMD Transfer Station is assessed a per bag fee or waste is weighed and charged accordingly. All District member towns which collect waste, have adopted and implemented a PAYT system using special bags, stickers, or punch cards. District staff initially worked with the towns to develop their PAYT system and continues to ensure through our Board of Supervisor representatives and direct town contact that it remains enforced. Additionally, District staff work with member towns to provide ongoing education about PAYT, as well as to revise the bag fees adopted by towns as needed. Those towns which do not have town waste services can direct residents to use the District Transfer Station, other private transfer stations, or contract with a private hauler for curbside waste collection. All haulers collecting trash and recyclables must register with the District, at no charge, describe their PAYT system, and display a current District hauler sticker on all of their collection vehicles.</p>

<b>G5</b>	<p><b>Solid Waste Hauling Services</b></p> <p>To ensure community members have access to information on solid waste hauling services in their region or town, SWMEs <b>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</b> on the SWME website. SWMEs may elect to establish licensing or registration programs to accomplish this requirement.</p> <p><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>In annual SWIP report, provide website link to hauler contact list and services haulers provide.</li> </ol>
<b>Description of Updating Process:</b>	<p>The District requires all haulers and caretakers providing solid waste hauling services to register with the District, and display their permit decal on all vehicles. The District is in the process of updating its list of all commercial waste haulers registered to provide services in the District; the list will be updated annually and posted on the WSWMD website. It will also be promoted through social media, and distributed to Town Clerks and District Board of Supervisors. A link will be provided in our annual SWIP reports.</p>



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

<b>O1</b>	<p><b>School Outreach</b></p> <p>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, <b>SWMEs must annually <u>visit and work with</u> 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.</b> 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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"><li>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.</li></ol>
<b>Description of Outreach Plan:</b>	<p>There are 35 schools within the District. The District provides technical assistance to a minimum of four schools each year, reaching at least 20 of the schools with in-person assistance by the end of the SWIP term. Outreach includes working with administration, maintenance and kitchen staff, teachers, and students. District staff maintains a spreadsheet of school compliance with Act 148, promotional materials provided to schools, and technical assistance for program enhancement. The District commits to following-up with all assisted schools as needed.</p> <p>Assistance and resources (including ANR School Waste Reduction Guide) are provided to promote school-wide engagement, including assistance in organizing activities (e.g., Trash on the Lawn Day, field trip to the WSWMD composting facility, transfer station, composting demonstrations, school presentations, and more). School resources are posted on the District’s website as well.</p> <p>Outreach will cover, 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.</p> <p>As needed to assist schools in remote learning options and activities, District staff have gathered numerous resources and will promote District availability to provide remote learning opportunities. District staff will work with school districts, local food recovery agencies and other partners to develop webinars on the food recovery hierarchy and composting.</p> <p>The District donates up to 2 cubic yards of its Brattlegrow Compost to schools for gardens and provides information on the relationship between food scrap composting and building healthy soils for growing food.</p>

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<b>02</b>	<h2>Direct Business Outreach</h2> <p>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, <b>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.</b> 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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"><li>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.</li></ol>
<b>Description of Outreach Plan:</b>	<p>There are approximately 2,098 businesses in the District. On an annual basis, the District contacts a minimum of 42 businesses/institutions via phone or onsite visit. The District will reach at least 10% (210) of the businesses in the region by the end of this SWIP term.</p> <p><u>Outreach includes:</u></p> <ul style="list-style-type: none"><li>• Conducting a <i>Universal Recycling &amp; Composting Business Assistance Survey</i> via phone or onsite to assess current waste diversion/proper disposal efforts.</li><li>• Survey follow-up with additional information or hands-on technical assistance. Technical assistance will include how to implement new programs or improve the current ones, as necessary to meet or exceed State requirements—including disposal bans—and reduce waste, recycle, compost, donate food/goods, and responsibly manage materials. Assistance will include how to safely manage hazardous waste, and information on collection options that are available from Vermont’s Extended Producer Responsibility Programs for electronics, paint, batteries, mercury-containing bulbs and thermostats.</li><li>• Onsite technical assistance consists of a walk-through of the business/institution, providing the entity with recommendations, signage, and employee training, as needed. Survey results, outreach/training materials disseminated, and a description of technical assistance provided are tracked and recorded.</li><li>• Informing local haulers of the availability of the District’s free technical assistance available to their business/institution customers.</li><li>• The District and the Composting Association of Vermont received funding for a 2020-21 model pilot mixed-use building (commercial, institutional, and residential shared occupancy) food scrap diversion project in Brattleboro. The goal is to assist project participants to undertake the challenges of providing the capacity, tools, and assistance needed to effectively implement food scrap diversion in multi-use buildings, including: 1) Meeting the needs of facilities serviced by different haulers providing a mix of services (e.g., carts vs. dumpsters); 2) Working with haulers to best meet the needs of their customers; 3) Space and storage constraints (inside and outside); 4) Accommodating collection containers and service needs in alleyways, parking lots, and public access areas; 5) Compliance with local health and zoning ordinances; and, 6) Providing uniform, easy-to-understand assistance and training.</li><li>• Working with multi-family properties and property managers to comply with recycling and food scrap diversion and address specific challenges faced by these properties.</li></ul>

# WSWMD Solid Waste Implementation Plan 2020-2025

(Adopted 12/10/2020)

<b>O3</b>	<b>Waste Reduction at Events</b> <p>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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"><li>1. Provide information on SWME or town website of event waste reduction and diversion resources and services and provide link in annual SWIP report.</li><li>2. In annual SWIP report, list events that have received assistance each year.</li></ol>
<b>Description of Assistance:</b>	<p>The District's website contains an "Event Recycling" drop-down menu item to inform event organizers about the District's 20 "Event Recycling Stations" that are available for use at fairs, festivals, weddings, family reunions, etc. The "Event Recycling" webpage includes event waste reduction information, signage, and posters. The website address is:</p> <p><a href="https://windhamsolidwaste.org/event-recycling/">https://windhamsolidwaste.org/event-recycling/</a></p> <p>Each Event Recycling Station consists of recycling, food scrap/paper (for composting), and trash bins; organizers are also provided up to fifteen collection bags/liners per station (depending on the size of the event). The District provides bin signage with photographs of acceptable recyclables, food scraps/soiled paper, and trash. The District has allocated funding to replace some damaged/lost bins and to also add additional Stations in the next two years.</p> <p>To use the Stations, all organizers must review and sign a <i>Windham Solid Waste Management District Event Zero Waste Station Lending Policy</i>. The policy, posted on the District website, describes requirements for recycling and food scrap diversion, offers tips on the best ways to set-up and monitor the Stations, where to take collected recyclables, food scraps, and trash, tips for monitoring the stations, and District technical assistance available to organizers.</p> <p>For larger festivals, the District coordinates with the contracted hauler to provide recycling and food scrap collection carts to better meet the needs of the event. District staff works with organizers and the hauler to provide onsite collection dumpsters (trash, recycling, food scraps). The District also provides a dumpster for cardboard and food scraps, depending on the size and needs of the event.</p> <p>Technical assistance includes: 1) Onsite meetings and coordination with event organizers and the contracted hauler; 2) Recommendations for implementation are developed and discussed with organizers and a plan confirmed; 3) Providing organizers with a list of organizer tips for zero waste events, volunteer needs, promotional/participant outreach, etc.; 4) Providing promotional outreach and signage samples; 5) Providing training to volunteer Station monitors; 6) Working with organizers and event volunteers to implement/expand recycling and food scrap/soiled paper collection 7) Providing training to food vendors to divert their cardboard, recyclables, and food scraps during the event and conducting a food vendor survey to determine the types of serveware used by vendors (recyclable, compostable, trash).</p> <p>A spreadsheet is used to track the Station sign-outs and technical assistance provided. District staff regularly updates its list of local festivals, caterers, and wedding planners, to contact for event recycling outreach.</p>

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(Adopted 12/10/2020)

## HHW & CEG Hazardous Waste

<p><b>H1</b></p>	<p><b>HHW Collection Events and Facilities</b></p> <p>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><b>Minimum Requirements for SWMEs utilizing Collection Events:</b> 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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
<p><b>Description of Collection Plan:</b></p>	<p>The District previously held four HHW collection events annually, spreading them throughout the District. The District received funding from Vermont ANR to develop a semi-permanent, seasonal HHW Facility (“HHW Depot”) to be located at the District operations at 327 Old Ferry Road in Brattleboro. It is anticipated that the HHW Depot will be open the summer of 2020. The proposed facility would meet all Vermont Solid Waste Facility certification requirements and meet the definition of a semi-permanent HHW collection facility as defined within Vermont’s Materials Management Plan. All required HHW collection reporting will be completed in Re-TRAC.</p> <p>The facility will be open seasonally from May 1 – October 31 to all District member town residents, schools, and Conditionally Exempt Generator Hazardous Waste (CEGs). During that time, the facility will be open at least one day each week. All residents using the facility will be charged a user fee; schools and CEGs will be charged pertinent disposal fees and invoiced by the District accordingly. No appointment will be required for residents to use the facility during open hours; Schools and CEGs will be required to register in advance and schedule an appointment.</p> <p>A press release and promotional flyers will be distributed prior to the opening. The District’s HHW webpage will be modified to promote the new HHW Depot, acceptable materials, charges, etc., as well as a registration form for schools and CEGs to complete. Social media outreach and newspaper ads will also promote the new facility.</p> <p>The District has ongoing promotion of EPR program diversion options, including flyers distributed at the District office and outreach events, on its website, through newspaper/radio ads, and via social media.</p>

# WSWMD Solid Waste Implementation Plan 2020-2025

(Adopted 12/10/2020)

<b>H2</b>	<b>Collection of Landfill-Banned and Dangerous Materials</b> Each SWME shall demonstrate that year-round collection options exist in their region for the following materials: <b>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)</b> . 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. <b>DOCUMENTATION (only required in annual SWIP reports):</b> 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.
<b>Plan for Updating Collection Locations:</b>	<p>The District’s Transfer Station accepts a variety of waste materials on a daily basis, including: municipal solid waste, construction &amp; demolition debris, commingled and source separated recyclable materials, scrap metal and appliances, tires, fluorescent tubes, ballasts, lead-acid and household batteries, waste oil and oil filters, oil-based paint, sharps, reusable materials, textiles, food waste and yard waste. Collected used oil is used for onsite heating of the (MRF) building. The District’s Transfer Station serves all residents through its acceptance of Vermont Extended Producer covered items, waste oil, books, and other materials not generally accepted in the towns.</p> <p>The District website promotes the EPR materials diversion options in the District, along with listings of other privately owned locations accepting some or all of these materials. These listings will be updated regularly and updates promoted on the website homepage and social media.</p> <p>The landfill-banned and dangerous materials will be listed in the A-Z guide on the website and updated at least annually. Communications will include guidance making it clear that collection of these materials is separate from blue-bin recycling.</p>

# WSWMD Solid Waste Implementation Plan 2020-2025

(Adopted 12/10/2020)

## Food Donation

<p><b>F1</b></p>	<p><b>Food Rescue</b></p> <p>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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
<p><b>Plan for Updating Website:</b></p>	<p>The District will generate and maintain a list, with contact information, of organizations within the District that collect food and distribute it to residents in need. The food donation listing will be included in the online A-Z guide. This will be completed before the end of Year 1 in this SWIP term, and updated at least annually.</p> <p>District staff collaborates with food donation organizations, including Food Connects and Farm-to-Plate to promote their services and the importance of food recovery. The District is also working with the Composting Association of Vermont and their Farm-to-Plate work to inform farmers of opportunities to donate excess produce to food pantries and meal sites. The growing emergence and involvement of the District and CAV to promote the relationship between composting, soil health, and community gardening will also allow more outreach on the food cycle and promotion of gleaning events to harvest excess fruits and vegetables for food rescue.</p>

## Textiles

<p><b>T1</b></p>	<p><b>Textile Reuse and Recycling</b></p> <p>To ensure community members have access to textile reuse and recycling centers where used clothing can be donated, SWMEs must <b>annually ensure that at least one collection location exists within their region</b>. 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 <b>locations can also be shared amongst SWMEs</b> so long as the facility is within the same county or SWME region. SWMEs must <b>list where to donate and reuse/recycle "clothing/textiles" in their A-Z Guides</b>.</p> <p><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
<p><b>Plan for Ensuring Collection Exists:</b></p>	<p>In its A-Z Guide, the District includes a list of donation and reuse/recycling opportunities for clothing, textiles, and other items. The list is by town with addresses, phone numbers and links to the appropriate websites, if available. The listings will be updated annually to verify that locations are still current and to make any changes if needed.</p> <p>The District Transfer Station provides Salvation Army Donation boxes, collection of books, and a Swap Shop. District staff is also working with local partners to start a Repair Cafe.</p>

# WSWMD Solid Waste Implementation Plan 2020-2025

(Adopted 12/10/2020)

## Construction & Demolition (C&D)

<b>C1</b>	<p><b>Leaf, Yard, and Clean Wood Debris Recycling</b></p> <p>To ensure community members have options to recycle leaf, yard, and clean wood debris that are banned from landfill disposal, SWMEs must <b>annually ensure that at least one leaf, yard, and clean wood recycling collection location exists within their jurisdiction</b>. 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 <b>must list where to drop off clean wood in their A-Z Guides</b>. 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 <a href="#">Leaf, Yard, and Clean Wood Debris Guide</a>. Collection locations should be co-located with solid waste facilities that collect C&amp;D and trash to make clean wood recycling convenient.</p> <p><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"><li>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.</li></ol>
<b>Plan for Ensuring Collection Exists:</b>	<p>The District Transfer Station provides a drop-off container for clean wood and brush which is hauled to a private company that grinds the wood for use as mulch. Our operation is listed on the District website. Other clean wood recycling options available will be researched and also listed on the website and updated annually to verify that locations are still current and to make any changes if needed. The District is working with local entities to promote the use of erosion control products made from mulch and compost for use in filter socks and filter berms.</p>
<b>C2</b>	<p><b>Asphalt Shingles and Drywall Recycling</b></p> <p><b>Asphalt Shingles Recycling:</b> To ensure community members have options to recycle asphalt shingles, SWMEs <b>must ensure that at least one recycling collection location exists within their region</b>. 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><b>Clean Drywall Recycling:</b> To promote the recycling of clean drywall, <b>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)</b>. 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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"><li>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.</li><li>2. Fifth (5<sup>th</sup>) Year SWIP Report: describe contact made to drywall recyclers for costs for recycling option.</li></ol>
<b>Plan for Ensuring Collection Exists:</b>	<p><b>Asphalt Shingles:</b> This District is in communication with ARS Systems about the options and costs for asphalt shingle collection at its Transfer Station. Fees to be charged, dumpster purchase or rental, costs for ramp, and other issues are being examined to cost-effectively offer the collection.</p> <p><b>Clean Drywall Recycling:</b> The District will contact drywall collectors once during SWIP term to obtain costs and services, and post a list on its website A-Z Guide. Tips for drywall waste reduction and reuse will also be posted. Link will be posted on social media.</p>

# WSWMD Solid Waste Implementation Plan 2020-2025

(Adopted 12/10/2020)

## Residuals – Biosolids, Wood Ash, Short Paper Fiber

<p><b>R1</b></p>	<p><b>Residuals Recycling Meetings</b></p> <p>To promote the recycling of residual materials, each SWME must <b>attend and help ANR Residuals Program staff host and coordinate at least one regional public meeting on residuals recycling during the SWIP term.</b> 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><b>DOCUMENTATION (only required in annual SWIP reports):</b></p> <ol style="list-style-type: none"> <li>1. Collaborate with Residuals staff to host/coordinate regional public meeting on residuals recycling.</li> <li>2. Report date of meeting and list of attendees in 5<sup>th</sup> year SWIP report.</li> </ol>
<p><b>Plan for Assisting with Meeting Coordination:</b></p>	<p>District staff will attend and help ANR Residuals Program staff host and coordinate at least one regional public meeting on residuals recycling during the SWIP term. The District will reserve a space, develop an invitation list, help develop an agenda, and report on the meeting in the Year 5 SWIP report.</p> <p>The District has assisted towns with finding outlets for use of biosolids compost, as well as paper mills generating paper sludge. The District’s composting facility is permitted to compost paper sludge from several mills.</p>

## Additional SWIP Requirements Outlined in Overview

### Solid Waste Facility Siting Criteria

<p><b>Solid Waste Facility Siting Criteria</b></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. <u>As required by 10 V.S.A. §6605(c)</u>, siting criteria shall not be less stringent than the criteria in Vermont Solid Waste Management Rules.</p>
<p><b>Description:</b></p>	<p>The state certification process requires that a solid waste facility (with the exception of exempt facilities, categorical certifications, and sludge or septage land application sites) be included in the local or regional SWIP in order to issue certification. Therefore, public or private entities desiring to operate a solid waste facility in the WSWMD shall initiate the review process with the District before or concurrently with application for certification with the Agency of Natural Resources (ANR).</p> <p><b>Wastewater Treatment Facilities (WWTF).</b> All biosolids and septage treatment and storage facilities included in the SWIP, with the exception of composting and other Class A treatment facilities that qualify for distribution to the public. Such composting and other Class A treatment facilities must be included in WSWMD’s Plan by using the process specified in this section.</p> <p>Continued Next Page</p>



# WSWMD Solid Waste Implementation Plan 2020-2025

(Adopted 12/10/2020)

(Continued from previous page)	<p><b>Review</b>                  Applicants for proposed facilities shall submit a letter to the District requesting inclusion in the District’s SWIP along with a completed Vermont ANR solid waste management facility certification application for review. During a publicly warned, regularly scheduled meeting, at which the applicant may make a presentation or be available to answer questions, the District Board of Supervisors will assess if the proposed facility:</p> <ol style="list-style-type: none"> <li>1. Operates or will operate in a manner which helps to achieve the goals of this Plan.</li> <li>2. Has relevant permits and certifications in place or is actively pursuing them in good faith.</li> </ol> <p><b>Public Participation</b>                  The proposed facility will be discussed at a publicly warned meeting of the Board of Supervisors, where the public and affected parties are encouraged to attend and participate.</p> <p><b>Approval</b>                  After conditions for positive review have been met, and a public review and discussion of the proposed facility has taken place, the District Board of Supervisors will vote on inclusion of the facility in the SWIP. The District will submit to ANR a statement that the process followed was in conformance with the approved SWIP.</p>
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## Facilities Included in the SWIP

<b>Specify Facilities Included in SWIP &amp; How Proposed Facilities Will Be Reviewed</b>	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.
<b>Facilities and Process:</b>	<p>The District is in the process of completing its permit application per the Vermont Hazardous Materials Regulation for a semi-permanent Household Hazardous Waste Collection Depot. The District will also amend its current Vermont certification for its transfer station Solid Waste Permit and update its permanent EPA Identification Number, for its semi-permanent HHW Depot. Once approved by ANR and all permits obtained, the HHW Depot will be discussed at a publicly warned meeting of the Board of Supervisors, where the public and affected parties are encouraged to attend and participate. The District will amend its SWIP accordingly once all permits are obtained and the District’s approval processed completed.</p> <p>In 2023, the District will update its Transfer Station Solid Waste Permit in accordance with ANR requirements. The District is evaluating the cost of amending its “small food waste composting” facility permit to a “medium food waste composting” facility. It has prepared a capital plan to build a larger facility over a period of years.</p>

# WSWMD Solid Waste Implementation Plan 2020-2025

(Adopted 12/10/2020)

## Public Participation in the SWIP Approval Process

<b>Public Participation in the SWIP Approval Process</b>	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.
<b>Description of Process:</b>	<p>The public has been and will continue to be invited to participate in the development of the SWIP in the following ways:</p> <ul style="list-style-type: none"> <li>• Public comment is invited and will be accepted at the WSWMD offices during regular business hours throughout the duration of the planning process.</li> <li>• Public comment was solicited at a public hearing on June 29 at 1 pm (via Zoom conference call) and another will be scheduled after the SWIP is approved by ANR. The District will submit a summary and documentation of the date of the public meetings to ANR as part of final approval process of this SWIP.</li> <li>• A copy of the draft has been distributed to the Town Selectboards' and appointed Supervisors of each member town. These recipients are the elected representatives of the public, have the duty to look out for public interest, and have the most access to the public as well as waste management policy.</li> <li>• A copy of the SWIP draft is posted on the website and also available at the WSWMD office.</li> </ul> <p>Public input will be encouraged SWIP implementation over the next five years, through:</p> <ul style="list-style-type: none"> <li>• Continued presence on District website.</li> <li>• Flyers distributed to Member Town Selectboards, Clerks, and Planning Commissions.</li> <li>• Additional public meetings designed to meet town/geographic specifics will be provided, per request by member towns.</li> </ul>

## Ordinances

<b>Ordinances</b>	Include copies of any solid waste related ordinances with the SWIP.
<b>Copies of Ordinances:</b>	Variable Rate Pricing for Residential Solid Waste Collection (2015): see Exhibit B

## Conformance with Other Plans

<b>Conformance with Other Plans</b>	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.
<b>Letter or other Documentation:</b>	The draft SWIP has been reviewed by the Windham Regional Commission Plan. Letter of conformance: see Exhibit C.

# **Exhibit A**

WSWMD Charter and Board Motion

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 24 Appendix: Municipal Charters****Chapter 417: Windham Solid Waste Management District****Subchapter 1: Creation And Powers****§ 417-1. Creation**

The creation of the union municipal district known as the Windham Solid Waste Management District under Number M-22 of the Acts of 1988 is hereby continued. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-2. Purpose**

The District is created, as a body politic and corporate, and shall exist for the purpose of providing a comprehensive system for managing solid waste, recyclable materials, organic material, and exempt hazardous waste generated within member municipalities. The principal elements of the management system may include the following: collection, transportation, processing, citizen information and education, land disposal, recycling centers, intermediate processing facilities, composting facilities, or resource recovery facilities, or any combination thereof, within and outside the District, as well as any other methods allowed by law. The District may accept solid waste and other materials from outside the District. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-3. Composition**

The District shall be composed of and shall include all of the lands and residents within those municipalities which vote to approve and enter into this chapter at the time of its creation, and any other municipalities subsequently admitted to the District, except for those municipalities which may withdraw as provided in this chapter. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-4. Duration**

The District shall continue as a body politic and corporate unless and until dissolved according to the procedures set forth in this chapter. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-5. Powers**

The District shall be a body politic and corporate with the powers incident to a municipal corporation under the laws of the State of Vermont consistent with the purpose of the District and in addition 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 sanitary landfills, recycling centers, intermediate processing facilities, composting facilities, or resource recovery facilities, or any combination thereof, and to determine and make proper charges for the cost of such services.
- (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.
- (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.
- (6) To contract with architects, engineers, financial and legal consultants, and other experts for services.
- (7) To contract with individuals, corporations, associations, authorities, and agencies for services.
- (8) 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.
- (9) To contract with the State of Vermont, the United States of America, or any subdivision or agency thereof for services.

(10) To contract with any member municipality for the services of any officers or employees of that municipality useful to it.

(11) To promote cooperative arrangements and coordinated action among its member municipalities.

(12) 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.

(13) To exercise any other powers which are necessary or desirable for dealing with solid waste problems of mutual concern and which are exercised or are capable of exercise by any of its member municipalities.

(14) To exercise the power of eminent domain within the District or within any municipality which has withdrawn from the District, provided such property or site to be taken by eminent domain must have been considered, by official action of the Board of Supervisors, as a potential site or sites for a solid waste management facility during the 12-month period immediately preceding the date of withdrawal.

(15) To borrow money and issue evidence of indebtedness as provided by 24 V.S.A. chapters 53 and 119 or other provisions of law authorizing general obligations or revenue debt, including 10 V.S.A. chapter 12.

(16) To establish a budget and assess member municipalities in accordance therewith.

(17) To appropriate and expend monies.

(18) To establish sinking funds for the retirement of bonded or other indebtedness.

(19) To establish capital reserve funds for improvements in furtherance of its purpose.

(20) To regulate by rule, regulation, or ordinance the collection, transportation, processing, 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 owned by the District.

(21) To enact and enforce any and all necessary or desirable regulations for the orderly conduct of governance and for carrying out the purpose of the District.

(22) To accept and administer gifts, grants, and bequests in trust or otherwise for the purpose of the District.

(23) To exercise all powers incident to a public corporation.

(24) To require that solid waste from commercial, agricultural, or industrial activities be tested by an entity specified by the District, and to require that the costs of testing be borne by the generator of the solid waste.

(25) To enter into contract services with individual nonmember municipalities or other entities to provide services otherwise in the scope of the District's powers and purposes.

(26) To appoint law enforcement officers or other agents for the enforcement of ordinances, rules, and regulations of the District.

(27) To enter into siting agreements with municipalities within which a District facility is to be located, which agreements may specify the terms, conditions, and provisions under which a District facility shall be constructed, operated, and maintained. In the event it is impractical or impossible to determine whether damage to the environment is caused by the District facility or from an adjacent property, the District may indemnify and hold harmless the municipality from any such damage, costs, and liabilities.

(28) To enter into cooperative or interlocal agreements with other municipalities or persons, within or outside the District, providing for the management of solid waste, recyclable materials, organic material, or a combination of solid waste, recyclable materials, and organic material.

(29) To enact policies defining and regulating conflicts of interest of members of the Board of Supervisors, and employees and officers of the District.

(30) To enact policies and regulations with respect to procurement of goods and services. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-6. Transportation and collection site**

Each member municipality, either directly or through independent parties, shall be responsible for providing one or more collection sites for the solid waste and recyclables generated within such member municipality, and for the transportation of such solid waste to the District facility, together with

all costs incident thereto. In the event that any member municipality does not wish to institute its own collection system for delivery of the solid waste and recyclables to the facility designated by the District, the Board of Supervisors may provide for collection and transportation as provided in subdivision 5(1) of this chapter. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-7. Responsibility to accept solid waste**

(a) The District may become responsible for providing a system for solid waste disposal, as delineated in subsection (b) of this section when the Board of Supervisors declares the disposal system operational.

(b) The District may provide a system for disposal or recycling of all solid waste generated by residential and commercial activities within the member municipalities. The District may provide for the disposal of solid waste from industrial activities within a member municipality. The District may provide for the disposal of sludge through contract with a member municipality, provided the sludge is disposed of at no cost to the other member municipalities. Finally, the District may contract with a nonmember municipality or a private entity for the disposal of solid waste generated outside the boundaries of the District, provided the contract will not increase the cost of solid waste disposal to the member municipalities.

(c) Each member municipality agrees to act as a host community in the event the District decides to establish a solid waste transfer, treatment, or disposal facility within that member municipality. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

### ***Subchapter 2: Board Of Supervisors***

#### **§ 417-8. Authority**

The legislative power and authority of the District and the administration and the general supervision of all fiscal, prudential, and governmental affairs thereof shall be vested in a governing body known as the Board of Supervisors, except as specifically provided otherwise in this chapter. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-9. Composition**

The Board of Supervisors shall be composed of one primary representative and one alternate from each member municipality. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-10. Appointment**

Annually, on or before the last Monday in March, the legislative branch of each member municipality shall appoint its representative and an alternate representative to the Board of Supervisors. Appointments shall be in writing, signed by the chair of the legislative branch, and presented to the Clerk of the District. The legislative branch, by majority vote, may remove their appointed representative during the one-year term for stated reasons. 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 a regular representative. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-11. Organization meeting**

Annually, during its first meeting in April, the Board of Supervisors shall hold its organizational meeting. At the 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 successive terms without limit. For this election, each member municipality's representative shall cast one vote. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-12. Regular board meetings**

A schedule of regular meetings of the Board of Supervisors shall be established at the organizational meeting. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-13. Special Board 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 electronically, mailed, or left at such member's usual place of residence. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-14. Quorum**

For the purpose of transacting business, the presence of members who represent more than 50 percent of the member towns with an appointed representative shall constitute a quorum. However, a smaller number may adjourn to another date. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-15. Voting**

Except as otherwise provided in this chapter, each member of the Board of Supervisors shall be entitled to cast one vote for every 3,000 population, or part thereof, in the municipality which he or she represents. The determination of population shall be made based upon the latest census provided by the State of Vermont. Any member town which is the site of a major District facility shall be entitled to one additional vote. A member or an alternate of the Board of Supervisors may not split his or her votes. Any action supported by a minimum of three communities and adopted by a majority of the votes cast at a meeting of the Board of Supervisors at which a quorum is present shall be the action of the Board, except as otherwise provided in this chapter. Meetings of the Board of Supervisors or any committee thereof may be

conducted by electronic or telephonic means, provided that all participants are able to communicate with one another, that a record of such proceedings is prepared and circulated among all members of the Board of Supervisors within 72 hours of such meeting, and the meeting complies with all requirements of the Vermont Open Meeting Law. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-16. Term**

All representatives to the Board of Supervisors shall hold office for one year beginning April 1st. Any representative may be reappointed to successive terms without limit. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-17. Vacancy**

Any vacancy on the Board of Supervisors shall be filled within 30 days after such vacancy occurs by appointment by the authority which appointed the representative 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-18. Rules of procedures**

Except as otherwise provided in this chapter, the most recent version of Robert's Rules of Order shall govern at all meetings. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-19. Compensation of members of Board of Supervisors**

Each member municipality shall pay to its representatives to the Board of Supervisors such reimbursement or expenses as it shall determine reasonable. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

### ***Subchapter 3: Compensation Of Members Of Board Of Supervisors***

#### **§ 417-20. Officers**

The Board of Supervisors annually shall elect from among its members a Chair, Vice Chair, Treasurer, and Clerk and those other officers as it deems appropriate for the conduct of its business. Upon majority vote of the Board of Supervisors, the Treasurer and Clerk may be non-Board members. No person may hold more than one office at one time. Any officer vacancy shall be filled at the next regular or special meeting of the Board of Supervisors. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-21. Bond**

Prior to assuming their offices, the District shall secure appropriate public official bonds in such amounts as may be determined by resolution of the Board of Supervisors. The cost of such bond shall be borne by the District. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-22. Chair**

The Chair shall preside at all meetings of the Board of Supervisors and shall sign contracts on behalf of the District upon approval by the Board of Supervisors. The Chair shall perform all of the duties incident to the position and office. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-23. Vice Chair**

(a) During the absence of 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.

(b) 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-24. Clerk**

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. The Clerk shall prepare and warn all meetings of the District and Board of Supervisors in accordance with Vermont law and shall cause the annual report approved by the Board of Supervisors to be distributed to the legislative bodies of the member municipalities. The Clerk shall prepare and distribute any other reports required by the laws of the State of Vermont and resolutions or regulations of the Board of Supervisors. The Clerk shall perform all of the duties and functions incident to the office of secretary or clerk of a body corporate. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-25. Treasurer**

The Treasurer shall have the custody of the funds of the District and shall be the disbursing officer of the District. The Treasurer may perform all of the duties and functions incident to the office of treasurer of a municipal corporation. Such duties and functions shall be determined annually by the Board of Supervisors. During the absence or inability of the Treasurer to render or perform his or her duties or exercise his or her powers, the Chair shall serve as the disbursing officer of the District. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-26. Administrative personnel**

The Board of Supervisors may employ an Executive Director and such other personnel as it deems necessary for the conduct of the business of the District, and the Board of Supervisors shall have the power to prescribe duties, set compensation, and delegate such responsibilities as it deems appropriate. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-27. 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-28. Audit**

The Board of Supervisors shall cause an audit to be performed annually by an independent professional accounting firm or a certified public accountant. A copy of the completed audit shall be distributed to each member municipality. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-29. Executive Board**

The Board of Supervisors shall have the authority to establish an Executive Board. The Board of Supervisors shall annually grant such powers as it may deem necessary. Additionally, the Board of Supervisors may grant to or remove from the Executive Board such powers as it deems necessary. The members of the Executive Board shall consist of the Chair, Vice Chair, and other members as appointed by the Board of Supervisors. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-30. Committees**

The Board of Supervisors shall have the authority to establish any and all committees as it may deem necessary. Each committee shall elect a chair by majority vote, at a minimum of annually. The Board of Supervisors may appoint non-Board members to serve on a committee but such non-Board members may not serve as chair of the committee. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-31. Compensation of officers**

Officers of the District shall be paid such compensation or reimbursement, or both, of expenses as shall be determined by the Board of Supervisors. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-32. Recall of officers**

An officer may be removed by a two-thirds vote of the Board of Supervisors whenever, in its judgment, the best interest of the District will be served. For this action, each member of the Board of Supervisors shall cast one vote. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**Subchapter 4: Fiscal Affairs**

**§ 417-33. Fiscal year**

The fiscal year of the District shall commence on July 1 and end on June 30 of each year. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-34. Preparation of budget**

Annually, on or before December 15th, the Board of Supervisors shall approve and cause to be distributed to the legislative branch of each member municipality for review and comment a proposed budget of the District for the next fiscal year. Included with the proposed budget sent to each member municipality shall be the previous fiscal year's financial statement. This proposed budget shall include:

- (1) Deficits or surpluses, or both, from prior fiscal years.
- (2) Anticipated expenditures for the administration of the District.
- (3) Anticipated expenditures for the operation and maintenance of any District facilities.
- (4) Costs of debt service.
- (5) Payments due on long-term contracts.
- (6) Payments due to any sinking funds for the retirement of debts.
- (7) Payments due to any capital reserve funds.
- (8) Anticipated revenues from tipping fees and other sources, not including assessments levied on the member municipalities.
- (9) The necessary appropriations to operate and carry out the District's functions for the next fiscal year.
- (10) The proposed assessment, if any, to each member municipality.
- (11) Such other estimates as the Board of Supervisors shall deem necessary to propose. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-35. Budget hearing**

The Board of Supervisors shall hold a public hearing on or before January 7 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 the hearing shall be the same as that specified under section 46 of this chapter (public hearings). The Board of Supervisors shall give consideration to all comments received and make such changes to the proposed budget as it deems advisable. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012; 2013, No. 34, § 17.)

**§ 417-36. Budget adoption, tipping fees, and appropriations**

Annually, on or before January 15, 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, and assess each member municipality for its proportionate share of the sums so appropriated, and adopt a schedule designating when such assessments are due and payable by the member municipalities. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-37. Apportionment of assessments**

Assessments may be apportioned among the member municipalities on the basis of population, trash generation (relative to the tonnage or volume of solid waste generated by or within each of the member municipalities), or other basis voted by the Board of Supervisors. If, after the first year of operation of any District facility, Board of Supervisors determines that prior assessments were substantially inequitable, it may retroactively adjust prior year assessments such that municipalities overcharged are given a proportionate credit against future assessments and municipalities undercharged are assessed a proportionate surcharge payable over such period as the Board of Supervisors determines will be reasonable. Thereafter, the Board of Supervisors may by a vote of members present and representing two-thirds of all the votes entitled to be cast at a regular meeting, or a special meeting called for that purpose, change the basis of the assessment. The Board may adjust the assessments accordingly, but no retroactive adjustments shall be made. Similar estimates and adjustments shall be made for new member



municipalities and for the first time use of a new or different disposal facility. In the event of a proposed change in the method of assessment, the Board of Supervisors shall hold a public hearing on or before December 7th of each year to receive comments from the legislative bodies of member municipalities and hear all other interested persons regarding the proposed method of assessment. Notice of such hearing shall be the same as that specified under section 46 of this chapter, public hearings. The Board of Supervisors shall give consideration to all comments received and make such changes to the proposed method of assessment as it deems advisable. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-38. Collection**

Annually, on or before January 20, 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 treasury 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, it may incur the maximum penalty allowed by law plus interest at the maximum rate allowed by law. Such penalty and interest, together with the amount due, court costs, and reasonable attorney's 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-39. Limitations of appropriations**

Actions or resolutions of the Board of Supervisors for the annual appropriations of any year shall not cease to be operative at the end of the fiscal year for which they were adopted, except as otherwise provided by the laws of the State of Vermont. Appropriations made by the Board of Supervisors for the various estimates for the budget, as defined in section 34 of this chapter, shall be expended only for such estimates, but by majority vote of the Board of Supervisors, the budget may be amended to transfer funds between or among such estimates, except as otherwise limited in this chapter. At the end of the fiscal year, should actual revenues exceed actual expenditures, the Board of Supervisors may, by a vote of members present and representing two-thirds of all the votes entitled to be cast at a regular meeting or a special meeting called for that purpose, choose to reimburse member communities, add to a reserve fund, make capital purchases, make any improvements needed at that time, or refund members in the manner provided by law. At the end of a fiscal year, should actual expenditures exceed actual revenues, the Board of Supervisors, by a vote of members present and representing two-thirds of all the votes entitled to be cast at a regular meeting or a special meeting called for that purpose, will determine how to pay the deficit in future fiscal years. The amount of any deficit at the end of the fiscal year may be paid out of a reserve fund or may be included in and paid out of the operating budget and appropriations in the next fiscal year or may be resolved in any other manner by a two-thirds vote of the Board of Supervisors present and voting at a regular or special meeting thereof. For these actions, each member of the Board of Supervisors shall cast one vote. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-40. 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 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 year, but may be renewed as provided by general law. The Board of Supervisors may also borrow money in anticipation of assessments in an amount not to exceed 90 percent of the amount assessed for each year, and may issue notes of the District which must mature within one year. The Board of Supervisors may also borrow money in anticipation of bond proceeds which have been authorized as provided in this chapter. The Board of Supervisors may engage in capital asset financing by any other means allowed by law.

(b) Long-term indebtedness; long-term contracts.

(1) Submission to voters. On a petition signed by at least 10 percent of the voters of the District, the proposition of incurring a bonded debt or other indebtedness 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 resolution passed by a vote of a majority of members present and voting that the public interest or necessity demands improvements or a long-term contract, it shall order the submission of the proposition of incurring bonded debt or other indebtedness 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 terms "long-term contract" and "debt" or "indebtedness" shall not include any contract that is subject to annual renewal or extension at the election of the District or any contract pursuant to which payment by the District shall be subject to annual appropriations in accordance with the annual budget or any contract for services or the purchase or lease of equipment, materials, or supplies needed in the ordinary course of business of the District. 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 or other indebtedness may be authorized for any purpose permitted by 24 V.S.A. chapter 53, 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 or other indebtedness to pay for the same or similar public improvement or of entering the same or similar long-term contract.

(2) Sale of evidence of indebtedness. Any bonds, notes, or other evidence of indebtedness of the District may be sold at par, premium, or discount at public or private sale or to the Vermont Municipal Bond bank as the District, by a two-thirds vote of the Board of Supervisors, shall determine. For this action, each member of the Board of Supervisors shall cast one vote. Such indebtedness shall constitute a joint and several general obligation of the District and its members.

(3) Warnings of meeting. The warning calling the special meeting of the District to incur bonded debt or other indebtedness 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 the improvements or service, the amount of bonds or other evidence of indebtedness proposed to be authorized, a summary of the terms of any contract proposed to be authorized, and means of raising or apportioning costs entailed thereby for debt service or payments under a long-term contract. 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 cooperation with the board of civil authority of each member municipality, shall determine the number and location of polling places; provided, however, there shall be at least one polling place in each member municipality.

(4) 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 10 days before such meeting. Notice of the meeting shall also be posted in at least two 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.

(5) Informational hearing. The Board of Supervisors shall call, notice, and conduct at least one public informational hearing preceding the date of the special meeting in the manner provided in section 46 of this chapter.

(6) 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 other evidence of indebtedness or to authorize a long-term contract, the District shall be authorized to issue the bonds or other evidence of indebtedness as provided in 24 V.S.A. chapter 53 or other applicable statutes, or to enter into the long-term contract. The ballots cast in each member municipality shall be counted by the election officials of each member municipality, preserved and secured with the checklist, and thereafter the results shall be certified to the District Clerk within 48 hours, who shall then certify the aggregate votes in favor and opposed to the proposition. Subchapter 5, sections 50 (Australian ballot), 51 (Qualifications and registration of voters), 52 (Conduct of meetings), 53 (Reconsideration or recession of vote), and 54 (Validation of District meetings) of this chapter shall apply to any District meeting called to incur long-term debt or to authorize a long-term contract.

(7) Assessment. The cost of debt service or of payments under a long-term contract shall be included in the annual budget of the District and shall be allocated among the member municipalities as provided in sections 36 and 37 of this chapter unless otherwise provided by applicable law and in the vote authorizing the same. The applicable provisions of 24 V.S.A. chapter 53, or other enabling law under which debt is incurred, or long-term contracts 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-41. Sinking Fund**

The Board of Supervisors may establish and provide for a sinking fund, however denominated, for the retirement of bond issue or other debt, or to provide security for the payment thereof. When so established, it shall be kept intact and separate from other monies at the disposal of the District, and shall be accounted for as a pledged asset for the purpose of retiring or securing such obligations. The cost of payments to any sinking fund shall be included in the annual budget of the District. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-42. Capital reserve fund**

The Board of Supervisors shall 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 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-43. Disposal fees and service charges**

The Board of Supervisors shall establish and periodically adjust disposal fees and service charges for the District's own facility or facilities for the purpose of generating revenues for the District's services in the management of solid waste from sources other than assessments to member municipalities. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

### ***Subchapter 5: Special District Meeting***

#### **§ 417-44. Special District meetings**

The Board of Supervisors may call a special meeting of the District when it deems it necessary or prudent to do so, and shall call a special meeting of the District when action by the voters of the District is necessary under this chapter or under any applicable law. In addition, the Board of Supervisors shall call a special meeting of the District if petitioned to do so by not less than five percent of the legal voters of the District. The Board of Supervisors may rescind the call of a special meeting called by it but not a special meeting called on application of five percent of the legal voters of the District. The Board of Supervisors shall endeavor to have the time of such special meetings 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-45. 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 within the board of civil authority of each member municipality. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-46. Public hearings**

Not less than three nor more than 14 days prior to any special meeting called by the Board of Supervisors, at least one public hearing shall be held by the Board of Supervisors at which time the issues under consideration shall be presented and comments received. Notice of such public hearing shall include the publication of a warning in a newspaper of general circulation in the District at least once a week, on the same day of the week, for three consecutive weeks, the last publication not less than five nor more than 10 days before the public hearing. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-47. 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 at least two 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 10 days before the meeting. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-48. 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-49. 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.

**§ 417-50. Australian ballots**

The Australian ballot system shall be used at all special meetings of the District when voting is to take place. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-51. 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. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-52. Conduct of meetings**

At all special meetings of the District, the provisions of 17 V.S.A. chapter 51 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 District Clerk shall perform the functions assigned to the Secretary of State under that chapter. The Windham Superior Court shall have jurisdiction over petitions for recounts. Election expenses shall be borne by the District. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-53. Reconsideration or rescission of vote**

(a) A question 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 of the qualified voters of the District requesting reconsideration or rescission of a question considered or voted on at a previous special meeting (except with respect to action taken under section 40 of this chapter, for which a petition shall be signed by 10 percent of the qualified voters) is submitted to the Board of Supervisors of the District within 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 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 shall not be presented for reconsideration or rescission at more than one subsequent meeting within the succeeding 12 months except with the approval of the Board of Supervisors. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-54. 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." Error 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 of two-thirds of all the votes entitled to be cast at a regular meeting or a special meeting called for that purpose, stating 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 upon condition, however, that the original action thereby corrected by the Board of Supervisors was in compliance with the legal exercise of its corporate powers. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-55. Priority**

When a special meeting of the District is called to act upon a proposition to incur bonded or other indebtedness, the special meeting procedures outlined in subsection 40(b) of this chapter shall control over the meeting procedures outlined in this subchapter in the event of conflict. (Amended 2011, No. M-11 (Adj. Sess.), § 2, eff. July 12, 2012.)

**Subchapter 6: Miscellaneous**

**§ 417-56. Indemnification**

(a) The District agrees it shall protect, indemnify, and hold harmless each member municipality (except a member municipality found by a court of competent jurisdiction to be at fault) and its respective officials, officers, members, employees, and agents from and against all liabilities, damages, claims, demands, judgments, losses, costs, expenses, suits, actions, or proceedings, and attorney's fees and further agrees to defend the indemnified party in any suit, action, or proceeding with respect to any act by or default of the District arising out of the location and operation of a District waste disposal facility or the negligent conduct arising from any District activities.

(b) Any member municipality which operates or maintains or has operated or maintained a facility or facilities for the disposal of solid or hazardous waste (except a facility the operation or maintenance of which is, pursuant to express written authorization of the Board of Supervisors, conducted for the District) agrees that it shall protect, indemnify, and hold harmless the District and each other member municipality (except a member municipality found to be at fault) and their respective officials, officers, members, employees, and agents from and against all liabilities, damages, claims, demands, judgments, losses, costs, expenses, suits, actions, or proceedings, and attorney's fees and further agrees to defend the indemnified parties in any suit, action, or other proceeding with respect to any act by or default of such municipality arising out of its operation or maintenance, or both, of such facility.

(c) It is expressly agreed and understood by the District and the member municipalities that neither the District nor any member municipality has accepted or assumed any responsibility or liability for the past, present, or future operation or maintenance of any solid or hazardous waste disposal facility located within the District or operated by any member municipality, except a facility the operation or maintenance of which is, pursuant to express written authorization of the Board of Supervisors, conducted for or on behalf of the District.

(d) In the event the District is unable to meet any obligation with regard to which the member municipalities are jointly liable, each member municipality shall contribute its proportionate share of such obligations as computed under section 37 of this chapter which are paid by the District to insure that all member municipalities share financial responsibility for these obligations. (Amended 2011, No. M-17 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-57. Withdrawal of member municipality**

A member municipality may terminate its membership in the District by a majority vote of its voters present and voting at a duly warned annual or special meeting voting for such a termination. At such annual or special meeting, a majority of the municipality's voters present and voting must also approve the terms and conditions of this chapter for withdrawal required pursuant to subdivision (1) of this section. Such duly warned meeting must be held no less than 30 days after notice of intent to withdraw has been given to the Board of Supervisors. Said notice shall be in writing and delivered to the Board by certified mail, return receipt requested. The termination shall take effect upon a certification of the termination vote by the clerk of the terminating municipality which must be delivered by certified mail, return receipt requested, to the Secretary of the District between July 1 and October 31 to become effective the following July 1. Requests for withdrawal received after October 31 shall result in the District requiring full payment of the withdrawing municipality's assessment for the next fiscal year.

(1) The terminating municipality must sign a written agreement with the District to pay, as applicable:

(A) Its share of any financial obligations incurred by the District up to the point of termination, including its share of obligations subject to annual appropriation up to the effective date of withdrawal;

(B) Its share of all existing indebtedness incurred by the District and obligations under long-term contracts, at the time its termination becomes effective, including its share of the debt or obligations incurred by the District for the remaining bonding term or contract term; and

(C) Any direct, incidental, and consequential costs resulting from its withdrawal, including fixed operational costs and costs of redesigning, relocating, or rebuilding a facility.

(2) [Deleted.] (Amended 2011, No. M-17 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-58. 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 interest 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 conditions, including financial obligations upon which such admission is predicated. 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 this chapter 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. (Amended 2011, No. M-17 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-59. Dissolution of District**

(a) Procedure. If the Board of Supervisors receives a dissolution petition from no less than five percent of voters in each member municipality in which votes are verified by the town clerk in each municipality, or if the Board by Supervisors, by resolution approved by two-thirds of all the votes entitled to be cast, 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. 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 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) 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 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.

(c) Termination. When the plan of dissolution has been implemented, the Board of Supervisors shall adopt a resolution certifying that fact to the member municipalities. Then, this chapter and the District created hereby shall be terminated. (Amended 2011, No. M-17 (Adj. Sess.), § 2, eff. July 12, 2012.)

**§ 417-60. Amendment of charter**

(a) This chapter may be amended by petition of five percent of the voters (certified by each Town Clerk) of the District under subchapter 5 of this chapter or by the Board of Supervisors under this section. The Board of Supervisors at any regular or special meeting of the Board of Supervisors may, by a majority vote, adopt a resolution stating its intent to amend the chapter. A written copy of the resolution, stating the

wording and purpose of the amendment and the date of the meeting scheduled to act on the amendment, shall be delivered to the legislative branches of each member municipality and mailed or left at the usual place of residence of each member of the Board of Supervisors, by the Clerk of the District at least ten business days prior to the meeting scheduled to adopt the amendment. The amendment may be adopted by a vote of members present and representing two-thirds of all the votes entitled to be cast at a regular meeting or a special meeting called for that purpose of the Board of Supervisors, unless two-thirds of legal voters of the legislative branches of the member municipalities request, in writing, the Board of Supervisors hold a special District meeting to vote on the amendment.

(b) If the amendment is adopted by the Board of Supervisors or by the voters of the District, the Clerk of the District, within 10 business days after the vote of adoption, shall certify to the Secretary of State each proposal of amendment showing the facts as to its origin and the procedure followed. The Secretary of State shall then proceed as with municipal charter amendments under 17 V.S.A. § 2645. The amendment shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the General Assembly. Section 53 of this chapter, relating to reconsideration and rescission of vote, shall apply to an amendment adopted by a vote of the Board or the voters under this section.

(c) This chapter may be amended in the manner provided in this chapter, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or other notes 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. (Amended 2011, No. M-17 (Adj. Sess.), § 2, eff. July 12, 2012.)

#### **§ 417-61. Severability**

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

#### **§ 417-62. Definitions**

As used in this chapter, all terms below shall have the following meanings:

(1) "Composting" means the controlled biological decomposition of organic matter through active management to produce a stable humus-rich material.

(2) "Conditionally exempt generator" (CEG) means a generator of hazardous waste which is conditionally exempted from certain provisions of the Vermont Hazardous Waste Management Regulations.

(3) "Discrete disposal facilities" means all facilities other than diffuse disposal facilities that are used for the disposal of solid wastes. A discrete disposal facility may include one or more landfill units.

(4) "Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form, including 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 Natural Resources 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, 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 1954, is specifically excluded from this definition.

(5) "Recyclable materials" means solid waste which may be reclaimed or processed so that it may be used in the production of materials or products.

(6) "Recycle" means the process of utilizing solid waste for the production of materials or products, but shall not include processing solid waste to produce energy or fuel products.

(7) "Recycling facility" means a facility that accepts, aggregates, stores, or processes recyclable materials.

(8) "Resource recovery facility" means a waste-to-energy facility.

(9) "Sludge" means any solid, semisolid, or liquid generated from a municipal, commercial, or industrial wastewater treatment plant or process, water supply treatment plant, air pollution control facility, or any other such waste having similar characteristics and effects.

(10) "Solid waste" means any discarded garbage, refuse, septage, or sludge from a waste treatment plant, water supply plant, or pollution control facility, and other discarded material including solid, liquid, semisolid, 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 the Water Pollution Control Act, 10 V.S.A. chapter 47. For the purposes of this chapter, solid waste that is also hazardous waste is subject to further regulation under the Vermont Hazardous Waste Management Regulations.

(11) "Solid waste management" means the activities that result in the storage, transportation, transfer, or treatment of solid waste or recyclable materials or in the disposal of solid waste.

(12) "Transfer station" means a solid waste management facility where solid waste is collected, aggregated, sorted, stored, or processed for the purpose of subsequent transfer to another solid waste management facility for further processing, treatment, transfer, or disposal.

(13) "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous or solid waste so as to neutralize such waste or so as to recover energy or material resources from the waste or so as to render such waste safer for transport, amenable for recovery, amenable for storage, or reduced in volume or, for hazardous wastes, so as to render such waste nonhazardous. (Amended 2011, No. M-17 (Adj. Sess.), § 2, eff. July 12, 2012.)

**Windham Solid Waste Management District (WSWMD)**  
**Brattleboro, Vermont**  
**Board of Supervisors Meeting**  
**Via ZOOM**  
**Minutes of December 10, 2020**

**Members Present:** Michelle Cherrier, Chair, Dummerston; Patrick Moreland, Vice Chair, Brattleboro; Dan Toomey, Putney; Sandra Ruelwich, Vernon; Nancy Meinhard, Wardsboro; Russell Hodgkins, Westminster; Merrill Mundell, Wilmington; Greg Meulemans, Jamaica; Doris Knechtel, Newfane.

**Members Absent:** David Jones, Brookline; Michael Becker, Guilford; Stillman Vonderhorst, Marlboro; Rickey Harrington, Somerset; Kent Young, Stratton; Kevin Stine, Dover; Lewis Sumner, Halifax; Stillman Vonderhorst, Marlboro; Jim Damato, Readsboro; Irvin Stowell, Townshend.

**WSWMD Staff Present:** Robert Spencer, Executive Director; Vicki Hayes, Office Manager/Bookkeeper/District Clerk; John Fay, Programs Manager.

**Others Present:** None

Vicki performed a roll call, as a quorum was present Michelle called the meeting to order at 7:08P.M.

[...]

- 7. Discuss Public Hearing of SWIP and Approve Final SWIP:**  
As there was no public participation, Merrill made a motion to approve the SWIP, Russ seconded, and the motion carried

[...]

- 11. Executive Session:** None  
**12. Next Meeting:** January 14<sup>th</sup> at 7:00P.M.  
**13. Other Business:** None

**The meeting was adjourned at 8:33 P.M.**

**Minutes submitted by**



**Vicki Hayes**  
**District Clerk**

## **Exhibit B**

2015 Variable Rate Pricing ordinance

**WINDHAM SOLID WASTE MANAGEMENT DISTRICT  
CIVIL ORDINANCE**

Approved March 12, 2015

**Variable Rate Pricing  
For Residential Solid Waste Collection**

WHEREAS, the WINDHAM SOLID WASTE MANAGEMENT DISTRICT has, by virtue of the authority granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal within its district towns; and

WHEREAS, in accordance with 24 V.S.A. § 2202a (d) of Act 148, Vermont's Universal Recycling law, which requires municipalities implement a Variable Rate Pricing system by no later than July 1, 2015; the WINDHAM SOLID WASTE MANAGEMENT DISTRICT is implementing and requiring Variable Rate Pricing charges for residential solid waste (RSW) Collection based on the volume or weight of the waste collected. This requirement applies to all solid waste haulers, property caretakers and facilities that accept and collect RSW from residential customers.

WHEREAS, Variable Rate Pricing systems have been shown to be one of the most effective mechanisms for decreasing solid waste, increasing recycling and composting, and increasing the diversion and reuse of valuable materials from the solid waste stream; and Variable Rate Pricing is an equitable method for pricing for solid waste disposal by charging based on the volume or weight of solid waste a residential customer produces;

NOW, THEREFORE, to encourage the responsible use of resources and the protection of the environment, the WINDHAM SOLID WASTE MANAGEMENT DISTRICT BOARD of SUPERVISORS hereby adopts this ordinance requiring Variable Rate Pricing charges for Collection of Residential Solid Waste from residential customers in the WINDHAM SOLID WASTE MANAGEMENT DISTRICT of Vermont.

**Article I: PURPOSE; TITLE**

Purpose. This ordinance is enacted to encourage the responsible use of resources and the protection of the environment.

Title. This ordinance shall be known and may be cited as the "Ordinance Requiring Variable Rate Pricing" (VRP), which may interchangeably be called Unit Based Pricing (UBP) or Pay As You Throw (PAYT).



## **Article II: DEFINITIONS**

- a. "Collection" shall mean the pickup or acceptance of solid waste by solid waste haulers, property caretakers, and solid waste facilities such as transfer stations.
- b. "Facility" shall mean any private or municipally owned and operated site or structure used for treating, storing, processing, transferring or disposal of residential solid waste.
- c. "Hauler" or "Service Provider" shall mean any person, or business commercially collecting, transporting, or delivering solid waste generated within a given area and are subject to the Vermont state permit and disclosure, reporting and registration requirements.
- d. "Property Caretaker" shall mean an individual or business commercially collecting, transporting, or delivering solid waste generated within a given area and are NOT subject to the Vermont state permit and disclosure, reporting and registration requirements and are not required to pay the Vermont state permit fee. A Property Caretaker must also meet these requirements: the volume of solid waste transported is not more than four cubic yards at any time and the solid waste transportation services performed are incidental to other non-waste-transportation related services.
- e. "Residential Solid Waste" hereinafter referred to as "RSW", means combined household waste materials generated in a residential setting.
- f. "Variable Rate Pricing" (or "Unit Based Pricing") means a fee structure that charges for RSW Collection based on its volume or weight.
- g. "District Towns" shall mean all member towns of WINDHAM SOLID WASTE MANAGEMENT DISTRICT.

## **Article III: VARIABLE RATE PRICING**

Haulers and Facilities that provide collection and/or drop-off disposal services for RSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the RSW which they produce.

Each Hauler or Facility shall establish a Variable Rate Pricing system for the Collection/drop-off disposal of each unit of RSW generated from residential customers.

Haulers and Property Caretakers who use a District Town Facility must comply with that Facility's Variable Rate Pricing method. Each District Town of the WINDHAM SOLID WASTE MANAGEMENT DISTRICT with a solid waste Facility or curbside Collection program shall adopt Variable Rate Pricing for their Residential Solid Waste.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of residential solid waste materials. A Hauler, Property Caretaker or Facility may refuse to collect RSW, or may collect and bill the customer for excess RSW.

**Article IV: FLAT FEE**

In addition to the Variable Rate Price charged per unit of RSW, Haulers, Property Caretakers and 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 RSW, recyclables, leaf and yard waste and organic matter (food scraps).

In the event that a Hauler, Property Caretaker or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the Variable Rate Price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler, Property Caretaker or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler, Property Caretaker or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with Vermont state statutes. A Hauler, Property Caretaker or Facility may incorporate the cost of mandated recyclables into the cost of the Collection of residential solid waste.

**Article V: LICENSING OF HAULERS AND PROPERTY CARETAKERS**

Haulers shall file an annual license application with the WINDHAM SOLID WASTE MANAGEMENT DISTRICT BY JULY 31, to be effective the following AUGUST 1 through JULY 31.

Haulers offering residential curbside Collection, in addition to submitting evidence of their Variable Rate Pricing system, shall also submit a description of their recycling methodology as well as a valid copy of their current VT WTVR (Vermont Waste Transportation Vehicle Report) with their annual license application/renewal.

Property Caretakers shall file an annual license application with the WINDHAM SOLID WASTE MANAGEMENT DISTRICT BY JUNE 1, to be effective the following JULY 1 through JUNE 30. This annual license application/renewal must include a description of their recycling methodology and a detailed list of vehicles to be included for licensing.

The WSWMD must approve all aspects of the application and review the applicant's performance prior to issuance of its annual license.

Haulers, Property Caretakers and Facilities must abide by the provisions of their approved application and license. Failure to do so is an offense.

The Board of Supervisors of the WINDHAM SOLID WASTE MANAGEMENT DISTRICT retains the authority to set an annual license fee.

A current year WSWMD decal will be issued to licensed Haulers and Property Caretakers for each vehicle as proof of valid licensure. The decal shall be affixed to each licensed vehicle for viewing by the WINDHAM SOLID WASTE MANAGEMENT DISTRICT, municipality and Facility operators. Without the required affixed licensing decal, the Hauler or Property Caretaker will be refused access to the Facility or service and the violation of non-compliance must be reported to WINDHAM SOLID WASTE MANAGEMENT DISTRICT by the Facility or municipality that same day.

**Article VI: FILING OF PRICING SYSTEM FOR A FACILITY OR A MUNICIPALITY**

The owner or operator of a Facility managing Residential Solid Waste and any municipality offering curbside pickup shall annually submit 1) evidence of their Variable Rate Pricing system, and 2) a description of their recycling methodology to the WINDHAM SOLID WASTE MANAGEMENT DISTRICT annually BY JUNE 1st.

**Article VII: PENALITIES AND CIVIL ENFORCEMENT**

Facilities and municipalities must verify that incoming vehicles with RSW have a valid WINDHAM SOLID WASTE MANAGEMENT DISTRICT decal. If the decal is absent, the violation of non-compliance must be reported to WINDHAM SOLID WASTE MANAGEMENT DISTRICT. Failure to comply with this requirement will be reported to state authorities.

a. The penalties for violating this ordinance are as follows:

1st offense: WINDHAM SOLID WASTE MANAGEMENT DISTRICT shall provide WRITTEN Notice of Violation to the Hauler, Property Caretaker, or Facility. IF the violation is not corrected within thirty (30) calendar days, it will be considered a second offense.

2<sup>nd</sup> offense: WINDHAM SOLID WASTE MANAGEMENT DISTRICT shall provide WRITTEN Notice of Violation to the Hauler, Property Caretaker, or Facility AND make a written report to the State of Vermont Agency of Natural Resources. WINDHAM SOLID WASTE MANAGEMENT DISTRICT shall immediately REVOKE the Hauler's or Property Caretaker's license. The license remains revoked until the violation is corrected by the violator, or dismissed by the WSWMD's appointed agent after an informal hearing is held as soon as practical.

3<sup>rd</sup> offense: WINDHAM SOLID WASTE MANAGEMENT DISTRICT shall provide WRITTEN Notice of Violation to the Hauler, Property Caretaker, or Facility AND make a written report to the State of Vermont Agency of Natural Resources. WINDHAM SOLID WASTE MANAGEMENT DISTRICT shall immediately REVOKE the Hauler's or Property Caretaker's license. The license remains revoked for a minimum of fourteen (14) calendar days or until the violation is corrected, whichever is longer, unless dismissed by the WSWMD's appointed agent after an informal hearing is held as soon as practical. This, and other repeated violations, may result in Vermont state civil penalties and fines or other relief as designated in Section b.

Offenses and violations are cumulative and carry over from year to year.

b. This is a civil ordinance and enforcement may be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a (b) et seq.

**Article VIII: DESIGNATION OF ENFORCEMENT PERSONNEL**

For the purposes of this ordinance, the Board of Supervisors shall designate an appointed agent for the WINDHAM SOLID WASTE MANAGEMENT DISTRICT as well as any official with law enforcement authority under Vermont law as agents for enforcement of this ordinance.

**Article IX: REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Article X: SEVERABILITY**

This ordinance and its various parts, sentences, sections, and clauses are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**Article XI: EFFECTIVE DATE**

This ordinance shall become effective 60 days after the adoption date shown below.

Adopted this 16th day of April, 2015.

Windham Solid Waste Management District Board of Supervisors



Chair signature, as Authorized

Louis A. Brusso, Jr.

Chair printed name

## **Exhibit C**

Letter of Conformance with the Windham Regional Commission Plan



October 7, 2020

Ms. Mia Roethlein  
Waste Management and Prevention Division, Solid Waste Program  
1 National Life Drive - Davis 1  
Montpelier, VT 05620-3704

Dear Ms. Roethlein:

The solid waste management policies of the Windham Regional Plan, adopted in September, 2014, state that the Windham Regional Commission (WRC) will do the following:

- Support regulations that govern the safe disposal of all wastes, including hazardous wastes.
- Support federal, state, and local actions that reduce the volume and toxicity of solid waste in the Windham Region, including implementation of Act 148.
- Work with solid waste entities and towns to plan for waste disposal needs, including regulations under Act 148, through the establishment of recycling, composting, waste reduction and reuse, and general waste management programs, while addressing public health, environmental quality, and impacts on adjacent and nearby land uses.
- Support the assessment of waste disposal fees that accurately and fairly charge disposal costs to the waste generators.
- Work with the District Environmental Commission to satisfy waste management requirements in Act 250 land use permit applications, as appropriate.

The Windham Solid Waste Management District's (WSWMD) Solid Waste Implementation Plan for 2020-2025 is in conformance with the WRC's regional plan. All of the 18 towns in the WSWMD are WRC member towns. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "John Bennett". The signature is written in a cursive style with a large initial "J".

John Bennett  
Associate Director  
139 Main Street, Suite 505  
Brattleboro, VT 05301  
Phone: 802-257-4547 / Fax 802-254-6383  
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