

# A CVSWMD Guide to Developing Host Town Agreements

Developed for Central Vermont Solid Waste Management District Member Cities and Towns:

*Barre City, Barre Town, Berlin, Bradford, Cabot, Calais, Chelsea, East Montpelier, Hardwick, Marshfield, Middlesex, Montpelier, Northfield, Orange, Plainfield, Roxbury, Strafford, Tunbridge, Walden, Washington, Williamstown, and Woodbury.*

Written by *Aislinn Agnew, for the CVSWMD*

Edited by *Cathy Donohue, CVSWMD Marketing Communications Mgr.*

The CVSWMD Landfill Criteria was developed by the CVSWMD  
Ad Hoc Landfill Committee:

- *Ela Chapin*, CVSWMD Staff to the Committee
- *Ginny Callan*, Committee Chair, East Montpelier
- *Dave Evans*, Williamstown
- *Marion Fish*, Barre Town
- *John Hurley*, Berlin
- *Steve Jerome*, East Montpelier
- *Bob Shambo*, Barre City



**CENTRAL VERMONT SOLID WASTE MANAGEMENT DISTRICT**

137 BARRE STREET, MONTPELIER, VT 05602 802-229-9383 [WWW.CVSWMD.ORG](http://WWW.CVSWMD.ORG)

# Contents

Chapter 1: Introduction ..... page 2

Chapter 2: Landfills and the Permitting Process

- Landfill Basics ..... page 3
- The Proposal Process ..... page 4
- The Permitting Process ..... page 5

Chapter 3: The Host Town Agreement and  
How to Develop One for Your Community

- What is a Host Town Agreement? ..... page 6
- What Topics and Issues are Addressed  
in a Host Town Agreement? ..... page 7
- Developing a Host Town Agreement for  
Your Community ..... page 10

Resources .....page 15

Bibliography .....page 17

# 1. Introduction

*Much of the information in this booklet has universal application in the United States. However, there are some critical, unique requirements and criteria that apply only to the Central Vermont Solid Waste Management District and its member communities.*

The Central Vermont Solid Waste Management District has developed this booklet to help our member communities understand Host Town Agreements and engage in negotiations that might lead to such an agreement with the proposer of a landfill project. The Host Town Agreement is a critical component of the landfill proposal process in the CVSWM. In brief, the CVSWM has set criteria that must be met by a landfill developer proposing this type of solid waste facility in one or more District communities. There is a specific process for submittal of documents to the CVSWM for review. If these documents are incomplete or found to be inconsistent with our criteria, the District will not provide the necessary authorization allowing the developer to seek state approval for the project. In such a case, the project cannot move forward.

One of the criteria that must be met is the successful negotiation of a Host Town Agreement between the community or communities in which the landfill is to be located, and the developer. If the host town(s) is unable to reach an agreement, then the proposal will be rejected by the District as incomplete. This criteria does not require the host town(s) to reach an agreement. It only requires them to consider and explore the terms under which they would accept such a facility and to engage the developer in discussion about their preferred terms.

CVSWM staff have written this guide primarily for the local elected officials of our member communities who will be charged with negotiating a Host Town Agreement, although citizens may find it to be a useful tool as well.

A Host Town Agreement is a legal and binding document that is created through negotiations between the town in which a proposed landfill would be located and the developer proposing the project. It contains information about the terms of the landfill operation and the relationship between the developer, operator, and host community; it specifies any

beneficial circumstances or special stipulations to which the community hosting the facility is entitled; and it articulates the timeframe under which this agreement is bound.

It's important to note that simply entering the negotiation phase of a Host Town Agreement does not imply your community's agreement with a proposed landfill. But it can be a useful mechanism for gaining an in-depth understanding of what is being proposed and exploring the nature of a long-term relationship with a potential developer. Negotiating a Host Town Agreement can also be a strategy for engaging your community in learning about the proposed landfill and determining what the community's consensus may be on critical issues.

The Host Town Agreement negotiation process allows you, as the potential host town, the opportunity to say "no" to a landfill proposal or to say "yes, but..." and to indicate the specific, additional conditions under which a landfill will be acceptable to you.

---

**The CVSWM has officially stated in its current Solid Waste Implementation Plan that it does not envision the need for any new landfills to be sited in Vermont through the duration of its Plan (year 2013).**

---

It is also important to note that the Central Vermont Solid Waste Management District has officially stated in its current Solid Waste Implementation Plan that it does not envision the need for any new landfills to be sited in Vermont through the duration of its Plan (year 2013). The CVSWM has embraced a Zero Waste vision that guides all of its actions regarding waste management within the District. As such, our highest priority is to expend time and funds to diminish waste, rather than to plan ways of disposing it.

Because of our commitment to Zero Waste, we are intent on finding and creating ways of reducing the waste stream, therefore expanding the lives of the waste facilities that are already built instead of building new ones. However, we recognize that a private or town proposal could arise or that situations might change due to matters outside of our control, and

we want our member towns to remain committed to the vision of Zero Waste, and to use this perspective as a guide for their negotiations.

The landfill siting process is typically surrounded by controversy and tension and has sometimes divided communities. Landfills proposed and/or sited in the midst of such turmoil often leave the host communities and individual citizens feeling misunderstood or taken advantage of. But landfill negotiations don't need to be adversarial, and we feel it is possible to utilize a much less hostile and potentially more constructive process for decision-making in regards to such facilities. It is our hope that this guide will help lead you to such an experience. Citizens who want to better understand the process, opportunities, and roles of various entities within a landfill siting process and a Host Town Agreement negotiating process may find this document useful as well.

This booklet offers enough information about the proposal process to help elected officials and citizens understand what topics should be addressed during negotiations. It's important to note that it does not provide all of the information necessary to fully understand these topics, but it does point you toward resources that can help expand your knowledge base.

Our intention in developing the booklet is that, at the least, it will help you to protect your community from huge risks and, at best, it will help produce very well-educated citizens and inspire your community to be actively involved in creating a stronger waste management system through the Host Town Agreement negotiation process. We hope that the information provided here will help member communities to better protect the environment, economy, culture, and health in their community, and to better understand all of the concerns, risks, and benefits that are associated with municipal solid waste landfills.

The CVSWMD Board of Supervisors and staff wish you well in your Host Town Agreement negotiations. We hope you will be able to bring representatives from all parts of your community together to consider the issues and make decisions that represent your concerns and goals, and we hope to be a helpful resource to you during this process.

## 2. Landfills and the Permitting Process

### *Landfill Basics*

There are several different types of waste disposal facilities. According to the United States Environmental Protection Agency, the term "Solid Waste Landfill" includes four categories of waste facilities: municipal solid waste, industrial waste, construction and demolition debris, and bioreactors. The other main type of waste facility is called a "Hazardous Waste Land Disposal Unit," which includes surface impoundments, waste piles, injection wells, and other geologic repositories.

Each of these facility types are regulated by a different set of requirements, including the types of waste they are allowed to accept, facility design specifications, and monitoring requirements. This guide is designed to help with negotiating a Host Town Agreement regarding a municipal solid waste landfill (MSWLF).

A secure MSWLF is a carefully engineered depression in the ground, or mound above the ground, into which wastes are put. There are six critical elements of a secure landfill: the natural hydrogeologic setting, the bottom liner, the landfill leachate collection system, the landfill gas collection system, the top cover, and the monitoring systems. The natural setting must be correctly selected in order to ensure the minimal possibility of wastes escaping to the groundwater and area surrounding a landfill. The other five elements must be correctly engineered in order to prevent wastes from escaping and to monitor landfill activity during operation and after closure.

In an operating MSWLF, municipal solid wastes are dumped, spread, and compacted in blocked layers called "cells." Cells are generally filled one at a time, and are arranged in rows and layers called "lifts." A cover of soil or another suitable material is placed over the freshly deposited wastes at the end of each day to act as a barrier between the refuse and the environment. This daily cover helps to keep animals, insects, or scavengers from getting into the garbage, and helps prevent odors, some gases, and litter from getting out.

The types of wastes accepted at MSWLFs, according to the U.S. Environmental Protection Agency, are household waste, non-hazardous sludge, industrial solid waste, and construction and demolition debris. All MSWLFs must comply with the federal regulations in 40 CFR Part 258 (Subtitle D of RCRA), or equivalent state regulations. The Federal MSWLF standards require location restrictions, composite liners, leachate collection and removal systems, particular operational practices, ground-water monitoring systems, closure and post-closure care plans, corrective action plans, and proof of financial assurance.

The Vermont Agency of Natural Resources has further rules for MSWLFs, including planning, siting, design, operation, special wastes, financial responsibility and capability, and closure and post-closure care regulations adopted under the authority of 10 V.S.A. Chapter 159, Waste Management. Vermont requires that all landfills be lined, and items banned from Vermont landfills include lead acid batteries, nickel-cadmium batteries, motor oil, tires, white goods (refrigerators, freezers, washers, dryers, etc.), paint thinners, paint removers, stains, varnishes, and hazardous waste from cleaning and maintenance.

Vermont Act 250 and local zoning criteria also apply to landfill proposals; some city and town plans may also have criteria that apply to landfill proposals. The CVSWMD also has its own set of Landfill Criteria that any landfill proposed for a location within the CVSWMD will also need to address.

## *The Proposal Process*

A landfill may be proposed by a private or a public developer. Public developers could include the state, municipalities, or districts. Private developers could include land owners, solid waste companies, or other individuals or companies. The “host town” is the town or towns in which the proposed landfill is to be located.

A landfill proposer does not always have a very well-developed proposal in hand when the idea is initially presented. Sometimes a proposer can work with the town to develop the proposal, and the Host Town Agreement can also be developed during this process. The proposer may also approach the host town with a very well-developed proposal and, in this case, the Host Town Agreement process is an opportunity for a community to identify its issues and concerns, to consider and decide under what conditions these may be offset, and/or whether the town is willing to accept the proposed facility at all.

In either situation, the Host Town Agreement negotiation is a time when both the proposer and the host town work together to discuss the setting, design, and management of the landfill, as well as the impact it will have on the host community and what accommodations, financial commitments, and special considerations are to be agreed to in order to satisfy the host community.

Examples of negotiated conditions in a host town agreement include: annual cash contribution to the community to cover the costs borne by the local fire department in training, equipment, and additional staff necessary in order to be prepared to fight a landfill fire; free or reduced disposal of garbage and recyclables for all residents; an odor control procedure for eliminating spontaneous air quality impacts; and, regular testing for various, non-required pollutants in air, water, or surrounding soils.

Once a proposal has been sufficiently developed, it must be submitted to local zoning, the CVSWMD, and the state for review and permitting. Every proposal must go through each step of the application process and must obtain every permit. Public and private proposals go through the same process.

# The Permitting Process

It's important to note that most landfill proposals will likely meet all local, state, federal, and CVSWMD criteria. These requirements are public and landfill proposers usually know what is expected of them and design the facility to meet the requirements.

Each landfill proposal must be reviewed and permitted by the following four levels of government:

- Local zoning and planning review,
- CVSWMD review,
- Agency of Natural Resources review, and
- Natural Resources Board's ACT 250 permit hearing.

Due to the way in which the CVSWMD developed its landfill criteria, the review/permitting process has a very clear order and must be completed sequentially. For instance, a proposer can start the review process with both the local zoning board and the CVSWMD at the same time, but the Host Town Agreement must be completed before a landfill proposal could receive approval from the District, since this is a requirement of the CVSWMD landfill criteria. This means that most of the local planning and zoning review must be complete prior to the CVSWMD review.

Similarly, the VT Agency of Natural Resources will not be able to approve a proposal until it receives proof of CVSWMD approval, and the Natural Resources Board cannot offer an ACT 250 permit until they have received confirmation of VT Agency of Natural Resources approval. A proposer could submit their proposal to all four of these entities and start all of these steps at the same time, but they will need to be completed in a certain order and none of the steps may be omitted.

The following offers some basic information about each review process. Please contact each government entity for complete information about their landfill review process.

## 1. Local Zoning and Planning Review Process

Many towns have their own local zoning and planning review process. Please contact the town directly for that information.

## 2. CVSWMD Review Process

Landfill proposals submitted to the CVSWMD are evaluated against a set of criteria specific to CVSWMD member towns. One of these criteria

requires the submission of a completed Host Town Agreement with the landfill proposal. The CVSWMD Board will not review any landfill proposal submitted without a completed Host Town Agreement.

## 3. VT Agency of Natural Resources Review Process

The VT Agency of Natural Resources (ANR) Solid Waste Application Review process basically consists of two steps: 1. the administrative review, and 2. the technical review.

The administrative review determines whether the application contains all of the required information, whether it is properly completed, and whether all of the required fees have been paid. If the application is deemed "complete," there is a public comment period before it moves on to the technical review stage.

During the technical review, ANR determines whether the application conforms to the Solid Waste Rules and Procedures found in chapters 4 -10 of the Vermont Solid Waste Implementation Plan. If the proposal passes the technical review, there is another public comment period and consideration of those comments before the final certification is issued.

## 4. The Natural Resources Board Review Process

The Natural Resources Board is responsible for granting ACT 250 permits. It was created by ACT 115 of the Vermont General Assembly and is divided into two panels: the Land Use Panel and the Water Resources Panel.

The Land Use Panel oversees nine District Environmental Commission Boards, which are responsible for handling landfill ACT 250 application certifications. Each region of Vermont has its own District Coordinator and a Commission Board. A landfill proposer must work with their district's coordinator and submit an ACT 250 application directly to them. The application is evaluated according to 10 criteria, which are listed on the Natural Resources Board's Web site (see *Resources* at end). If the proposal meets the 10 criteria, it is granted an ACT 250 permit, and construction of the facility may begin.

The host community, solid waste district, and abutting neighbors have, or can have, party status to the Act 250 process; "party status" means the ability to participate in the process. The host town and affected neighbors should seek information directly from the District Environmental Commission that governs the county about this.

# 3. The Host Town Agreement and How to Develop One for Your Community

## *What is a Host Town Agreement?*

Typically, a Host Town Agreement is a legally binding document in which the terms and conditions under which “the landfill is accepted by the community in which it is to be located” are stipulated. The nature of the agreement is testimony to the fact that few communities would agree to serve as home to a landfill were it not for the terms set out in such agreements, which are intended to compensate the community for bearing this burden.

In most landfill siting processes, the proposer holds the power in the negotiations. They want the support of the host community, but typically, they do not need it in order to meet permitting requirements. In the Central Vermont Solid Waste Management District’s process, the Host Town Agreement is a critical part of the landfill permitting process.

The District feels strongly about requiring this step because we believe the potential host town community should have the power to decide what is and what is not acceptable for their town. We want to help ensure that our member communities have a very clear opportunity to voice their concerns and negotiate with a proposer on their own behalf before the proposal moves on to permitting.

The purpose of the CVSWMD, Agency of Natural Resources, and District Environmental Commissions Board reviews are to address whether or not the proposal meets their individual solid waste management criteria, and public comments taken during these stages are intended to address these areas only. It is generally not appropriate for citizens to voice personal or community concerns during these stages of the process, unless they directly relate to how the proposal does or does not meet those entities’ criteria. Instead, the CVSWMD sees the Host Town Agreement negotiation process as the appropriate time and place where this input is best directed.

Host Town Agreements address issues of compensation, mitigation, equity, and fairness. The Host Town Agreement is a way for the proposer to strike a deal with the town where both parties are satisfied that the waste disposal needs are being safely met and they are being well compensated for whatever risks they are accepting. If the town and proposer cannot come to an agreement, then the proposal does not move forward.

To reiterate: The CVSWMD will not review a landfill proposal without a Host Town Agreement, even if it meets the remaining CVSWMD landfill criteria. Thus, the landfill proposal process cannot proceed past the CVSWMD level until an agreement that is satisfactory to both parties has been worked out. This unique aspect of the CVSWMD review process for landfill proposals shifts the power in negotiating a Host Town Agreement to favor the community. The developer or proposer now not only wants an amicable relationship with the community, but they need to establish the conditions of a long-term, mutually beneficial relationship that is clearly articulated in the legally binding document referred to as the Host Town Agreement.

---

**The CVSWMD will not review a landfill proposal without a Host Town Agreement even if it meets the remaining CVSWMD landfill criteria.**

---

A Host Town Agreement is not a required part of the permitting process in many other parts of Vermont or, in fact, in many states, and this may contribute to the sentiment that landfills can be (or have been) forced into some towns against the town’s desires and/or without their approval. In contrast, by requiring a Host Town Agreement, the CVSWMD has given the potential host town a legitimate and powerful voice in the landfill proposal process: A landfill cannot be built in a CVSWMD member town without the town’s input and consent. Host Town Agreement negotiations are a vehicle for all parties involved to openly discuss the proposal without any obligation to commit to anything. Negotiating doesn’t commit the town to hosting the landfill, and it doesn’t commit the proposer to building it. If an agreement cannot be reached, the landfill permitting process cannot continue.

The negotiation process almost always requires some compromise

by each party. In some cases, landfills are proposed because the town or surrounding area needs a waste management facility. In this case, the potential host town might not have the option of rejecting the proposal outright, and the negotiations will require both the town and the proposer to come to an agreement in which both parties feel satisfied that their needs are met and they are fairly compensated for their compromises. A very different situation might find a group of towns competing for the opportunity to host a landfill.

Even with the risks, there may also be many benefits to hosting a MSWLF in your community. In this situation, a potential host town must realize that there might be some things that the proposer is unwilling to change about their proposal, and they might take their proposal elsewhere if the town is not willing to bend to suit them. As part of the negotiation process, the town will need to decide what risks and burdens it is willing to accept, and what compromises are worth the compensation and benefits.

## *What Topics and Issues are Addressed in a Host Town Agreement?*

Every Host Town Agreement negotiation will be different, depending on the circumstances surrounding the proposal, the proposed location, geography, and the values of the residents. The town will need to objectively weigh the needs and risks associated with their particular situation to make decisions for their community.

For instance, determining the benefits that are appropriate for the potential host town will depend entirely on the needs and character of that community. Demographics, geography, and economic climate will all play a role in the benefits negotiations. This section of the guide is intended to provide the potential host town with some ideas about the kind of topics and issues to address in the Host Town Agreement.

## **Compensation and Mitigation**

Compensation and mitigation are at the heart of a Host Town Agreement. A Host Town Agreement is basically a contract between the proposer and the host town that guarantees that the host community will be well protected and well compensated for the risks and burdens it is accepting by hosting the facility.

The mitigation and compensation topic areas almost all address the question, “What will the host community receive?” This part varies greatly from community to community. Almost all towns receive a certain amount of money from the facility, but this may be broken up and received in different ways to cover various community concerns.

Some of the ways a town can be compensated include:

- Annual revenue sharing on the municipal solid waste volume received at the facility
- Town royalties
- Tax rebates for property owners within a certain radius of the landfill
- Offering the fair market value for all land owners who wish to sell their property within the potential sphere of influence of the facility
- Water supply replacement guarantees for local adjacent property owners
- Community water supply guarantees, well testing, property value guarantees
- Property owner revenue-sharing or the town’s guaranteed interest in any future expansions of the landfill
- Town-wide residential curbside collection and recycling at no cost to residents
- Litter collection programs
- Road rebuilding and maintenance
- Parks and educational opportunities

The Host Town Agreement should clearly address the following financial issues:

- The amount and nature of the host fees
- The financial breakdown of what the host community receives
- Who will pay for procedural tools and planning fees, including legal and consulting fees
- Who will be responsible for monitoring, cleaning up, and paying for any pollution from the landfill after it's closed

It is in the host town's best interest to cover these topic areas very specifically and thoroughly during negotiations, although the specific topics included in the Host Town Agreement depend entirely on what the town and the proposer feel are important. The potential host town should strive to look ahead to the future as much as possible, addressing issues that might not currently be a problem but that could become a problem over time. Every town must negotiate for its own concerns and needs, as every proposer will negotiate for what they feel is necessary as well.

The Host Town Agreement should also address common mitigation concerns by laying out a plan which allows the town to feel secure that these issues will be well taken care of.

Some mitigation issues that should be covered and will be discussed in other sections of this booklet are:

- Air quality
- Odor
- Litter
- Ground water quality
- Negative neighborhood image
- Reduced property values
- Traffic safety/congestion
- Noise
- Dust
- Access/safety
- Vectors
- Visual impact
- Wetlands protection

## Landfill Design and Management

The landfill may already be designed according to state and federal requirements, but there are still some aspects that the town can influence.

The negotiations and agreement should cover topics such as:

- Facility design commitments
- Costs associated with local impacts from the facility
- Limits and/or requirements for location
- Size
- Height
- Building bulk
- On-site waste reduction, diversion, and composting options
- Setbacks
- Density of buildings
- Off-street parking
- Loading facilities
- Noise and visual impact
- Litter and/or dust, air pollution, or odor
- Traffic safety/congestion
- Lighting
- Landscaping
- Screening
- Termination and renewal decisions
- Quality and origin of the waste stream
- Diversion rate requirements for the facility
- Recycling, reuse, and diversion options located at the facility
- Anticipated service area of the facility
- Tipping-fee determination
- The extent of the landfill gas monitoring and collection system
- The extent of the groundwater monitoring system
- Hours of operation
- Who has authority to make or change standards
- Staff hiring and working hours preferences
- Who administers the Host Town Agreement
- Who has access to the facility and for what purposes

- How much influence the town has on the operations of the facility, including the curtailment of operation, and who has this power
- Buffer requirements
- Post-closure requirements

There are many more design and management topics that can be negotiated, but it's important to note that the Host Town Agreement is not intended to be a document that covers all of the nitty-gritty details. However, it can be used to cover many of the issues that could concern town residents and that could cause significant problems in the future if not dealt with properly at the outset.

Many safety concerns are covered in the topic areas listed above, so it is important to address these areas to help prevent environmental pollution and human health problems. It's also critical to draw clear boundaries regarding who has the ultimate authority over the landfill and the powers that are granted to different managerial bodies.

Host Town Agreement negotiations may also include discussions about the landfill site. Sometimes the proposer has already chosen a potential landfill site based on previous research or knowledge of the area. In other cases, a proposer might come to the town asking for help in finding a location for a potential landfill, and the town may be part of this discussion. In some situations, the town's negotiations might include rejecting the proposer's suggested site, but helping to find another that may be better suited to the proposal and the town.

## Reporting and Monitoring

Reporting and monitoring issues to address in the Host Town Agreement include:

- The type, design, and extent of landfill gas and landfill leachate collection and monitoring systems
- The type, design, and extent of groundwater and air pollution monitoring systems
- The amount and type of reporting on monitoring that occurs
- Who receives the monitoring reports
- Who will routinely monitor and inspect facility operations and waste management practices
- Who will pay for sampling, and what kind of sampling will be done
- What is the required post-closure monitoring period
- What is the funding source for the operator's post-closure requirements such as monitoring, testing, repairs, replacements, and mitigation
- Will a third party consultant carry out the monitoring programs, and who will pay for them

Much of the negotiations regarding landfill management, reporting, and monitoring revolve around financial obligation. In many situations, the landfill proposer is required to cover payments for monitoring and reporting for a certain period of time (called the post-closure period). The post-closure period required by federal and state standards is 30 years, but the town can decide to extend this if they desire.

If a host town is truly concerned about preventing environmental pollution and human health problems, then it's critical to negotiate strongly about the frequency and type of monitoring and reporting that will occur at the facility. The state and federal landfill criteria all require some form of landfill gas and landfill leachate collection and monitoring system, but many experts feel that these minimum requirements are insufficient for preventing health and environmental hazards. The host town should carefully research this topic to find out what is considered thorough, and also to what extent the monitoring and reporting will be sufficient to guarantee the health and safety of their community.

---

**If a host town is truly concerned about preventing environmental pollution and human health problems, then it's critical to negotiate strongly about the frequency and type of monitoring and reporting that will occur at the facility.**

---

The Host Town Agreement can also designate who receives these reports and what is done with the information. Some Host Town Agreements require that reports be sent to a number of different entities, including the host town, an independent consultant, and others. *The District recommends a Landfill Advisory Group to receive and review the reports; see p. 14.* Sometimes the facility is required to create a quarterly or semi-annual report for the whole town. The reporting requirements will depend on what your community prefers.

### **Health, Safety, and Environmental Protection**

Other health, safety, and environmental protection issues that might be included in the Host Town Agreement negotiations are:

- The formation of an emergency response plan for accidents that could cause a threat to human health and safety
- The set of actions that will be taken if detection of groundwater or landfill gas pollution occurred
- Who would be responsible for these actions

### **Compliance**

Compliance issues that might be addressed in the Host Town Agreement include:

- Who will pay the costs for ordinance development and appeals
- Who will be responsible for assuring that the facility is compliant with current regulations
- Who will manage the insurance and consultant requirements

### **Procedure**

Some procedural issues may also be included in the Host Town Agreement. The town should decide who will be responsible for overseeing and administering the Host Town Agreement in the future, as well as the extent of their authority.

## ***Developing A Host Town Agreement for Your Community***

Now that you have an overview of what is generally included in a Host Town Agreement, let's explore how to develop one for your community. It may sound simple on paper but, in reality, negotiations are often anything but simple.

The following offers an outline for a suggested process. Developing a Host Town Agreement for your community is a heavy burden for town officials, but one that can be accomplished fairly smoothly, if you know how to approach it, the questions to ask, and the tools to use.

### **Step One: Develop a Management Plan**

When your community is approached with a landfill proposal, the first step is to develop a management plan. Who will be responsible for managing and facilitating the landfill proposal process? Many towns have found it best to form a committee of some sort, or to modify a pre-existing committee, to be in charge of the process. This will depend on the needs of your town, and how much opposition or division there is concerning the landfill proposal.

Some towns find it necessary to create a separate Landfill Advisory Committee. This committee is often composed of representatives from a number of different groups, which may include state government, town government, local environmental and health organizations, members of larger public groups, local citizens, and perhaps even representatives from surrounding communities. This is an excellent way to facilitate public involvement right from the start. By asking public representatives to sit on the committee, the town is ensuring that its members will be represented in all steps of the proposal process.

Simply put, the town will need to designate a group of people to handle the logistics. Some questions to ask about this step are:

- Does our town have a committee that can handle this process, or do we need to form a new committee?
- How large does the committee need to be?
- Who should be invited to be part of this committee?
- What are the powers and responsibilities of this committee?

## Step Two: Assess the Proposal

Once the committee is formed, the group will need to gain a good understanding of the proposal. Sometimes an actual proposal has not yet been written, depending on how far along the proposer is with their process. Not having an actual proposal in hand is something that can cause misunderstandings and concern during host town negotiations. It might be in the town's best interest to require that a written proposal be submitted to the committee for review before negotiations can begin.

One of the first steps in assessing a proposal is to figure out whether or not it truly addresses the needs of your community and the surrounding communities. Local "dumps" were once common in Vermont, allowing individual towns to make decisions that addressed their own needs and concerns regarding waste management. But the cost of the environmental protections, safety monitoring, and construction required today make it impractical to build a landfill that's designed to handle the waste generated by just one city or town. Instead, facilities are designed to handle the waste stream coming from multiple towns, or possibly even a large part of a state, as in Vermont's case.

Thus, it is often necessary for the potential host town to also consider the situations of surrounding communities during negotiations. For instance, the potential host town will need to address a number of questions regarding need, capacity of the landfill, and origin of the landfill waste.

The potential host town should determine if the proposed facility is really needed. As part of the process, the proposer should be able to prove that the proposal is necessary. Some facilities are intended to address local waste management needs for the host town and surrounding communities, while others are designed as businesses that handle waste tonnage from more distant areas. Your town will need to discuss whether it is comfortable with the idea of hosting a facility that handles waste from other areas.

The proposer should be able to estimate the minimum and maximum size for the facility. If the local waste produced cannot meet the required daily quota, will waste be trucked in from other places to meet that figure? The host town should use this part of the negotiations to discuss what conditions will be placed on the type and source of the outside tonnage, as well as who will be charged for it.

---

**The CVSWMD is committed to reducing the amount of waste sent to landfills, and Zero Waste is the goal for all of our member communities.**

---

Some landfills are developed because of a real need in the area, but sometimes they are proposed in communities where there is no need at all. Your town will need to decide if it feels comfortable taking on a landfill where you will have little to no say or impact on the amount of waste being produced. In some cases a community's or region's waste stream exceeds the current landfill capacity, but a landfill proposal might still be unnecessary. Instead, your town might make it a priority to figure out what other options your community and/or surrounding communities might have to reduce the waste stream before building a new facility.

The CVSWMD is committed to reducing the amount of waste sent to landfills, and Zero Waste is the goal for all of our member communities. Many times communities can significantly expand the life of older facilities and avoid building new ones by committing to higher diversion standards through recycling and reuse practices. We ask that our member communities be mindful of this goal throughout Host Town Agreement negotiations, and to work with us to really make a difference in the waste management practices in our region.

Some questions for the town to ask during this stage are:

- Is there a written proposal?
- How developed is the proposal?
- Does the proposer need the help of the town to develop their proposal further?
- Why do we need a local landfill?
- Where will the waste be coming from?
- How many communities will benefit from this facility?
- What are the estimated minimum and maximum sizes of the facility?
- How long is the facility expected to last?
- How much municipal solid waste will be received annually at the facility, what will it be, and where will it be coming from?

- What is the estimated daily intake?
- Does the landfill size adequately address the needs of the local communities?
- What are the type and source conditions on outside tonnage?
- Have the town and applicant fully considered all the methods for reducing waste disposal and encouraging more reuse and recycling in the community and surrounding area?
- Have the town and the applicant considered opportunities for using convenience or cost as incentives for waste reduction?

### ***Step Three: Assess Community Concerns and Manage Public Involvement***

A landfill proposal is generally accompanied by many questions and concerns from the general public. Hosting a waste management facility in your town is a big decision, and one that can significantly affect local people and businesses. Residents and business owners will want and need to know what is going on, and a prime benefit of negotiating a Host Town Agreement is that it provides many excellent opportunities to inform and include the public.

The Landfill Advisory Committee should take some time to map out how they plan to include the public in the proposal process. Including representative members of the general public as part of the Landfill Advisory Committee is a great way to get this involvement from the start. If your town does not have a Landfill Advisory Committee, then whatever committee is responsible for handling landfill negotiations should make it a priority to invite representative members of the public to come and speak with them on certain occasions or at the least to attend committee meetings. Other ways to include and inform the public of the process and learn about their concerns and issues include holding public hearings, taking surveys, distributing newsletters, and holding special informational meetings. The committee needs to decide who will be in charge of handling these information exchanges. If a special Landfill Advisory Committee has been formed, these members might have the time to commit to handling this work. Sometimes there is a different citizens group that is willing to take on this task and act as the mediators between the landfill committee and the public.

It is critical that the group charged with this task is committed to impartially and objectively sharing information between the citizens and the committee. A lot of damage can be done if the truth is not accurately portrayed during this process. The amount of information sharing that needs to occur with the public will depend entirely on the specific situation. Every town is different, and every Host Town Agreement negotiation process is different. Your town will need to decide what actions are most appropriate for your situation.

Once you have decided how you will communicate with the public, the next step is to find out what the concerns of the public are. After all, the purpose of involving the public is to help identify the points which must be resolved during negotiations. A Host Town Agreement that will best suit the needs of your community, and therefore be the most successful in the long-run, must reflect the concerns of the public. The landfill committee's responsibility during this phase is to accurately explain the landfill proposal to the public, and to accurately assess the public's concerns about it.

Here are some questions to help guide you through this phase:

- Who will be in charge of facilitating public communications?
- What tools will be used to communicate with the public?
- How much information will be shared, and how often?
- How do we identify public concerns?
- Does the public accurately understand the proposal?
- Does the proposal address any of the citizens' concerns?

## **Step Four: Negotiating the Proposal**

Once the proposal has been initially assessed, and the committee's response is understood, it is time for the Landfill Advisory Committee to negotiate with the proposer. If the committee has decided that the proposal actually does fill a need in their community, or that they are willing to accept the responsibility for a facility that meets another community's needs, then they can move forward with the negotiation process. This is when the committee discusses whether the proposed facility is really a good fit in their community.

The committee can also "test" the proposal during this phase, to see if the proposer has accurately represented the situation. The committee might request permission to hire private, third-party consultants to review different aspects of the proposal. The proposal site might also be negotiated during this time.

Here are some questions for the town to ask at this stage of the negotiations:

- How was the proposal site selected?
- Is the site the best possible location for the facility?
- Do the soil/subsoil/bedrock studies show that the site is appropriate for the facility being proposed?
- Based on the groundwater flow of the proposed site, could the facility potentially pollute the groundwater beneath adjacent properties, and especially those used for public water supply purposes?
- What kind of threat could the landfill pose to the groundwater, and how long will the landfill be a threat?
- What are the expected impacts from the facility on public services and infrastructure?
- Will the landfill design (including cap, liner, leachate collection removal system, etc.) truly prevent pollution of the surrounding environment from occurring, as long as the wastes in the landfill represent a threat to groundwater quality?
- If the landfill were to leak at some point in the future, what would be the results, and how would the impacts be remediated?
- Is there an adequate land buffer around the facility?

- Are the monitoring and reporting systems sufficient to protect the health and environmental safety of the community?
- Are the public's health, safety, and welfare being protected?
- Is the facility consistent with the current local, state, and federal government regulations?
- What is the long-term responsibility of all trash/waste disposers using the facility?

## **Step Five: Negotiating the Host Community Benefits**

Once the details of the landfill location, design, and impact have been hashed out, the town should be able to get a better idea about the kinds of risks they might be taking on by hosting the facility. At this point, the landfill committee should begin discussing the benefits their community could/would realize by accepting the landfill proposal. But, compensation should not override or negate citizen concerns. The concerns of the citizens, especially those regarding health and environmental safety, need to be addressed through the design and management commitments of the proposal. These commitments along with certain kinds of mitigation can effectively solve many of the concerns.

---

### **Compensation should not override or negate citizen concerns.**

---

There are, however, certain risks inherent with a landfill that cannot be "fixed" or ignored. The EPA has stated that even the most current and best landfills will one day leak. Thus, the proposal must deal with this reality and must lay out a plan for what will happen when that occurs. The community must feel that they are being well compensated for this risk. The host town and proposer must negotiate to mitigate the concerns of the citizens while still realizing the benefits that both parties desire.

Here are some questions to consider during this phase of negotiations:

- What is the defined "impact area," and who will be eligible to receive benefits laid out in the the Host Town Agreement?
- What benefits would best fit the needs of our community?

- How much compensation is enough for the accepted risks?
- Are all the “at risk” citizens being fairly compensated, including ones located in other nearby communities?
- Have all the common mitigation concerns such as air pollution, odor, litter, groundwater pollution, negative neighborhood image, reduced property values, traffic safety/congestion, noise, dust, access/safety, visual impact, wetlands protection, and waste flow reduction been addressed?
- Have all the other concerns of the citizens been adequately addressed or compensated for?
- Are the citizens well informed of the risks and benefits they will incur as a result of the acceptance of the proposal?
- Are the suggested post-closure care actions sufficient for the needs of the community?
- Does the town feel like their groundwater supply is protected by the proposal?
- Are the terms of the proposal acceptable to both parties?

## The Negotiation Process: Conclusion

The last two steps of the negotiation process are likely to be the most difficult and lengthy. The landfill committee must be objective and fair about hearing everyone’s concerns and adequately negotiating on their behalf in a way that still meets the needs of the community and the proposer. If the town and the proposer can come to an agreement, then both parties sign the Host Town Agreement and the proposal continues through the review process. If the parties cannot come to an agreement, then the proposal cannot move forward.

It’s clear that negotiating a Host Town Agreement involves much more than simply addressing financial concerns. There are many social, environmental, and health concerns to also consider.

We strongly encourage whoever is in charge of negotiating the agreement to take the time to become educated about some of the health, environmental, financial, social, and waste management issues that surround the siting and operation of landfills. The *Resources* section can help you gain a more thorough understanding of these topics. Your community is depending on you to negotiate on their behalf, and being more informed will certainly help you make better decisions for everyone.

## ***If the Landfill is Built: The Landfill Advisory Group’s Work***

The CVSWMD recommends that the host town(s) name an Advisory Group to monitor the landfill’s operation as part of the Host Town Agreement, as noted in the CVSWMD Landfill Criteria. This group should include, at the least, representatives from the Vermont Department of Health, residents within the potentially affected area, the host town, the CVSWMD, and the Solid Waste Division of the Vermont Agency of Natural Resources.

The Advisory Group will be charged with reviewing the monitoring records provided by the landfill operator and/or owner and raising any issues of concern with the host town and the owner/operator. The reports to be reviewed could include: air quality; ground water; surface and well water quality; the number and type of incidents of noxious odors; increased noise; health and environmental concerns registered by the host community; and visual impacts to those who have clear sight of the landfill property.

# Resources

## *The Permitting and Proposal Process*

### **A. Federal Landfill Criteria**

The United State Environmental Protection Agency, Wastes Division. See the following Web page for Federal Municipal Solid Waste Landfill Regulations Information:

[www.epa.gov/epaoswer/non-hw/muncpl/landfill/msw\\_regs.htm](http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/msw_regs.htm)

### **B. Vermont Landfill Criteria and Review Process**

1. The Agency of Natural Resources, Department of Environmental Conservation, Waste Management Division.

See the following Web page for Vermont State Solid Waste Management Rules and Procedures Information: [www.anr.state.vt.us/dec/wastediv/solid/SWRules.htm](http://www.anr.state.vt.us/dec/wastediv/solid/SWRules.htm)

See the following Web page for Vermont State Solid Waste Certifications and Permitting Information:

[www.anr.state.vt.us/dec/wastediv/solid/permit.htm](http://www.anr.state.vt.us/dec/wastediv/solid/permit.htm)

2. Act 250 process: The Natural Resources Board, District Commissions Board. See the following Web page for information about the Natural Resources Board and ACT 250 rules and procedures:

[www.nrb.state.vt.us](http://www.nrb.state.vt.us)

### **C. CVSWMD Landfill Criteria and Review Process**

The Central Vermont Solid Waste Management District.

Contact the office to request information regarding landfill criteria:

CVSWMD, 137 Barre Street, Montpelier, Vermont 05602

802-229-9383 or 800-730-9475 [www.cvswmd.org](http://www.cvswmd.org)

See the following Web page for the Solid Waste Implementation Plan that contains information concerning this topic:

[www.cvswmd.org/member\\_towns/](http://www.cvswmd.org/member_towns/)

### **D. Local Process**

Contact your town clerk and selectboard, or mayor and city council, as applicable, as well as the local zoning administrator.

## *General Landfill Resources*

- Agency of Natural Resources, Vermont Department of Environmental Conservation, Waste Management Division. [www.anr.state.vt.us/dec/wmd.htm](http://www.anr.state.vt.us/dec/wmd.htm) The Waste Management Division oversees the use, treatment, and handling of hazardous and solid wastes. Use this Web site as a resource for site management, waste reduction, hazardous waste, spills, regulations, permits, and funding information.

- Earth Track. [www.earthtrack.net](http://www.earthtrack.net) “A primary resource for understanding how subsidies work and for learning about specific governmental interventions in your geographic region or market sector.” Site contains information about recycling and solid waste subsidies, and more.

- The Energy Information Administration Web site: [www.eia.doe.gov/cneaf/solar.renewables/page/landfillgas/landfillgas.html](http://www.eia.doe.gov/cneaf/solar.renewables/page/landfillgas/landfillgas.html) This site contains official energy statistics from the U.S. Government regarding the landfill gas industry.

- G. Fred Lee & Associates, EnviroQual Web site and Publications. [www.gfredlee.com](http://www.gfredlee.com) Dr. G. Fred Lee, PE, DEE and Associates have put together an expansive list of articles about topics such as landfills and groundwater, surface water quality, hazardous chemical sites, contaminated sediment, reclaimed wastewater, and others. They have written numerous articles about landfill design, regulations, and technology, especially in regards to the dangers and risks associated with them.

- Grassroots Recycling Network (GRRN). [www.grrn.org](http://www.grrn.org) GRRN’s mission is “to eliminate the waste of natural and human resources – to achieve zero waste.” Their Web site contains information about campaigns, zero waste, landfilling, producer responsibility, subsidies, and other related topics.

- MSW Management. *The Journal for Municipal Solid Waste Professionals*. [www.mswmanagement.com/msw.html](http://www.mswmanagement.com/msw.html) A Web site and journal with information about different areas of the solid waste industry.

- National Solid Wastes Management Association (NSWMA). [www.wastec.isroductions.net/webmodules/webarticles/anmviewer.asp?a=1059&z=106](http://www.wastec.isroductions.net/webmodules/webarticles/anmviewer.asp?a=1059&z=106) NSWMA's Institutes "are policy-making groups that develop positions on national issues." This Web site has some information about landfill policy, legislation, and regulatory issues.

- *Sites For Our Solid Waste: A Guidebook For Effective Public Involvement.* [www.epa.gov/garbage/sites/toc.pdf](http://www.epa.gov/garbage/sites/toc.pdf) This is a helpful publication created by the Office of Solid Waste and the Office of Policy, Planning and Evaluation of the U.S. Environmental Protection Agency. It would be very helpful for planning and organizing public involvement in the Host Town Agreement negotiations process.

- Solid Waste Association of North America (SWANA) Web site: [www.swana.org](http://www.swana.org) "For over 40 years, SWANA, The Solid Waste Association of North America, has been the leading professional association in the solid waste management field. SWANA's mission is to 'advance the practice of environmentally and economically sound management of municipal waste.' SWANA serves over 7,600 members and thousands more industry professionals with technical conferences, certifications, publications and a large offering of technical training courses."

- United States Department of Agriculture (USDA). Rural Development. [www.usda.gov/rus/water/SWMG.htm](http://www.usda.gov/rus/water/SWMG.htm) The USDA has a Solid Waste Management Grant Program to help reduce or eliminate pollution of water resources and improve planning and management of solid waste sites in rural areas.

- United States Environmental Protection Agency (EPA). Office of Solid Waste: [www.epa.gov](http://www.epa.gov) This Web site has information about all areas of waste management: residential, recycling/pollution prevention, special wastes, waste treatment/control, and government regulations and incentives, as well as individual state data.

- *Waste Age Magazine* and Web site: [www.wasteage.com](http://www.wasteage.com) Waste Age covers many waste management topics. Some articles can be viewed online without a subscription.

- *Waste News* Web site and Newsletter: [www.wastenews.com](http://www.wastenews.com) Contains articles about current waste management events and issues.

- Zero Waste America Web site: [www.zerowasteamerica.org](http://www.zerowasteamerica.org) Includes information about landfill technology, landfill leakage, emissions, and zero waste practices.

# Bibliography

The following resources were invaluable in developing this booklet:

Agency of Natural Resources Web site, Vermont Department of Environmental Conservation, Waste Management Division.

[www.anr.state.vt.us/dec/wmd.htm](http://www.anr.state.vt.us/dec/wmd.htm)

G. Fred Lee & Associates EnviroQual Website and Articles.

[www.gfredlee.com](http://www.gfredlee.com)

- *Landfills and Water Quality Management*. 11/2001
- *Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste*. 3/2006
- *A Groundwater Protection Strategy for Lined Landfills*.
- *Guidance on the Evaluation of the Potential Impacts of Proposed Landfill*.
- *Review of Proposed Landfills: Questions That Should Be Answered. Detection of the Failure of Landfill Liner Systems*.
- *MSW Landfill Closure and Post-closure Issues*. 5/2005
- *Addressing Justifiable NIMBY: A Prescription for MSW Management*. 1994
- *Municipal Landfill Post-Closure Care Funding: The “30-Year Post-Closure Care” Myth*. 7/1992
- *Selection of an Independent Consultant to Review the Potential Impacts of Proposed Landfills*. 12/2006
- *Practical Environmental Ethics: Is There an Obligation to Tell the Whole Truth?*
- *Improving Public Health and Environmental Protection from Inadequately Designed Landfills*. 3/2006

*Sites For Our Solid Waste: A Guidebook For Effective Public Involvement*.

[www.epa.gov/garbage/sites/toc.pdf](http://www.epa.gov/garbage/sites/toc.pdf) U.S. Environmental Protection Agency. 4/16/2002

United States Environmental Protection Agency (EPA) Web site, Wastes Section: [www.epa.gov/osw/](http://www.epa.gov/osw/)