



Adopted by the CVSWMD Board of Supervisors – June 1, 2016

CIVIL ORDINANCE

SOLID WASTE MANAGEMENT ORDINANCE

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ARTICLE I – PURPOSE; TITLE

- 1.1 **Purpose.** This Ordinance is enacted and ordained to promote health, safety and general welfare of the District, its member municipalities and their inhabitants, and the general community; to provide environmentally acceptable and economical means of waste management; to encourage the responsible use of resources and the protection of the environment; to facilitate the adequate provision of Solid Waste disposal and recycling services such that the generators of Solid Waste pay disposal costs that reflect the real costs to society of waste management and disposal; to regulate through a licensing process the collection and transportation of solid waste; to direct that all Solid Waste be disposed of at a permitted facility that has been named in the CVSWMD’s Solid Waste Implementation Plan; to facilitate economical and environmentally acceptable means of regulating the waste stream; to discourage the wasting of recyclable and compostable resources; and to implement and further the District Plan and the Vermont Materials Management Plan or equivalent to fulfill the District's responsibilities under 24 VSA 2202(a).
- 1.2 **Title.** This Ordinance shall be known and may be cited as the Central Vermont Solid Waste Management District Solid Waste Management Ordinance.

ARTICLE II – DEFINITIONS

1. “Beneficial Reuse” means using or reusing materials (such as construction and demolition waste, food residuals, clean wood, and leaf and yard residual) for purposes other than disposal. Beneficial reuse includes but is not limited to, roadway bedding, drainage bedding, and materials to be used for landfill operations only.
2. “Board” means the Board of Supervisors of the Central Vermont Solid Waste Management District.
3. “Clear Bag” means clear or translucent bag.
4. “Collection” means the gathering, pickup, acceptance, and/or allowance to drop off municipal solid waste by both solid waste service providers and solid waste facilities such as transfer stations where drop off municipal solid waste is permitted.
5. “Commercial Generators” means any individuals who use or maintain places of business or institutional activity within the corporate limits of the District, including but not limited to, landlords and their tenants, businesses, and non-profit institutions.
6. “Commercial Hauler” means any person that transports solid waste for compensation.
7. “Construction and Demolition Waste” means, for the purpose of these rules, waste derived from the construction or demolition of buildings, roadways, or structures including but not limited to clean wood, treated or painted wood, plaster, sheetrock, roofing paper and shingles, insulation, glass, stone, soil, flooring materials, brick, masonry, mortar, incidental metal, furniture and mattresses. This waste does not include asbestos waste, regulated hazardous waste, hazardous waste generated by households,

hazardous waste from conditionally exempt generators, or any material banned from landfill disposal under 10 VSA Section 6621.

8. “Disposal” or “Dispose” means: 1) the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any group of surface water; 2) the placement of any solid waste in a landfill; 3) delivery of solid waste to a gasification or plasma arc conversion facility or, 4) the incineration of any solid waste other than clean wood for fuel. Disposal does not include the placement of solid waste in a composting or recyclables processing facility that is fully permitted at the time of placement.
9. “District” means the Central Vermont Solid Waste Management District and, as appropriate in the context, the total area within the boundaries of all member municipalities within the District.
10. “District Manager” means the General Manager of the District, or such person’s designee.
11. “Executive Board” means a committee of the Board, which consists of the Board Chair, Vice Chair, and up to four (4) Board members appointed by the Chair.
12. “Facility” means any site or structure and all contiguous land used for treating, storing, processing, transferring, recycling or disposal of solid waste. A Facility may consist of single or several treatment, storage, recycling or disposal units.
13. “Financial Oversight Committee” means a committee of the Board, which reviews the ongoing fiscal affairs and procedures of CVSWMD through oversight and recommendations on budgeting, financial policies, and procedures.
14. “Food Residual” means material that is derived from processing or discarding of food and that is recyclable or reusable. Food residual may include pre-consumer and post-consumer food scraps. “Food residual” does not include food residuals composted by a resident on-site.
15. “Garbage” means any materials meant for landfilling, incineration, gasification, or other disposal method of treating solid waste, so that there is no further immediate use.
16. “Generator” means a person who produces solid waste by any means, including, but not limited to, household, commercial, institutional and industrial activities.
17. “Hazardous Waste” means any material or substance that, by reason of its composition or characteristics, is defined as hazardous either by 42 U.S.C 6901 et seq., or by 15 U.S.C. 2605(c), or by 42 U.S.C 9601 et seq., or by any laws of similar purpose or effect, or any other materials that the State, the State Agency of Natural Resources, or the Vermont Department of Environmental Conservation or any similar government agency or unit having appropriate jurisdiction shall determine from time to time is ineligible for disposal in landfills.
18. “Household Solid Waste” means solid waste generated by residential housing units.

19. “Incident” means each day of business (hauling or drop-off collection).
20. “Leaf and Yard Residual” means source separated, compostable untreated vegetative matter, including grass clippings, leaves, Kraft paper bags, and brush, which is free from non-compostable materials. It does not include such materials as pre- and postconsumer food residuals, food processing residuals, or soiled paper. Leaf and yard residual does not include leaf and yard materials handled by a resident on-site.
21. “License” means an authorization issued to a person and/or business by the District, according to the provisions of any ordinances adopted by the District, authorizing said person to engage in the business of commercial hauling of solid waste.
22. “Licensee” means the holder of a license issued by the District.
23. “Mandated Recyclable” means the following source separated materials: aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.
24. “Person” means an individual, partnership, company, corporation, association, institution, unincorporated association, joint venture, trust, municipality, agency, department, and any other legal entity. In any provision of this Ordinance, prescribing a fine, penalty, or denial or revocation of a License, the term “Person” shall include the officers and directors of the corporation.
25. “Plan” means the Solid Waste Implementation Plan developed and adopted by the District in accordance with the provisions of 24 VSA 2202(a), as such Plan is amended from time to time.
26. “Processor” means any person who accepts recyclables or solid waste from off-site, and prepares the material for sale or reuse.
27. “Recyclables” means solid waste, which may be reclaimed and/or processed so that they may be used in the production of materials or product, as may be specified by rule by the Board of Supervisors from time to time.
28. “Recycle” or “Recycling” means the process of utilizing product residuals, packaging, or food residuals for the production of materials or products, but does not include processing solid waste to produce energy or fuel products.
29. “Repurposing” means changing, altering, or reusing materials for a purpose subsequent to that of its original use or the redirecting of materials that would otherwise be sent to a landfill.
30. “Resident” means an individual owning or occupying a dwelling unit in a particular city, town or village within the District.
31. “Residence” means any dwelling units used in whole or in part for full-time or part-time habitation by individuals.

32. “Residential Customers” means any individual homeowners who use or maintain places of primary or part-time residence within the corporate limits of the District.
33. “Secretary” means the secretary of the Agency of Natural Resources, or his or her duly authorized representative.
34. “Self-Haulers” means any individuals who collect and/or haul solid waste from locations in the District, who are not commercial haulers, or engaged in a commercial operation that generated the solid waste.
35. “Service Provider” means any person who or facility that, for charge, hire, fee or other consideration, collects, transports, stores or otherwise deals with Solid Waste.
36. “Sludge” means solids and semi-solids generated by a wastewater treatment plant. Notwithstanding any provision of this chapter, the District shall have the power to impose and collect a surcharge or special assessment for the collection, storage, and disposal of sludge.
37. “Solid waste” means garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other material, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities. Solid waste does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges that are point sources subject to permits under the Water Pollution Control Act.
38. “Source Separated” or “Source Separation” means the separation of compostable and recyclable materials from non-compostable, non-recyclable materials at the point of generation.
39. “Special Wastes” are all wastes that may not be disposed of with general mixed solid waste.
40. “Tires” means all rubber, belted, and non-belted vehicle tires.
41. “Transport” means the movement of solid waste and/or recyclables.
42. “Unit Based Pricing” means a system of providing for collection of solid waste based on different levels of service, thus creating a financial incentive for persons to recycle, reuse, compost or generate less solid waste. Fees established solely on the quantity of solid waste of a Generator (such as per bag, per cubic yard, or per pound fees) shall be deemed to satisfy the requirements of this Ordinance.
43. “Unlawful Conduct” shall mean any act or failure to act that is in violation of any provision set forth in this Ordinance, any rule or regulation enacted by the District in furtherance of this ordinance, or any term, condition or restriction imposed upon, or required by, any License issued or required under the term of this Ordinance.
44. “Variable Rate Pricing” means Unit Based Pricing.
45. “Waste” means material that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or has served its original

intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

ARTICLE III – AUTHORITY & RESPONSIBILITY

3.1 Authority of the District. Under 24 VSA, Section 2202a, and 2203a, and its Charter (Act M-8 of 1987), the District is responsible for management and regulation of the storage, collection and disposal of solid waste, including recyclables and food residuals, within its jurisdiction, in conformance with the State Solid Waste Management Plan authorized under Title 10 VSA, Chapter 159. The District is authorized to issue local franchises and to make, amend, or repeal rules as necessary to manage the storage, collection, transportation, disposal and repurposing of solid waste materials, recyclables and food residuals collected within the District and to impose penalties for violations thereof, provided that the rules are consistent with the State Solid Waste Management Plan and rules promulgated by the Secretary, under Title 10 VSA, Chapter 159.

3.2 Local Regulation. Nothing in this Ordinance shall be construed to prohibit any member of the District from enacting and enforcing ordinances and regulations regarding the collection, transportation, storage and disposal and repurposing of solid waste within its jurisdiction, provided that any such regulation or order is not inconsistent with the provisions of this Ordinance and does not conflict with any disposal site designation made by the District under Section 5.1 hereof.

3.3 Graduated Surcharges. The District establishes temporary or permanent solid waste fee variations as a mechanism to encourage or provide economic incentives for persons to comply with the provisions of this Ordinance, with District programs as they may be created or amended from time to time, or with other District policies.

ARTICLE IV – REGULATION OF SOLID WASTE

4.1. Regulation of Commercial Haulers. No person shall accept, receive or allow the acceptance or receipt for storage or disposal of any solid waste, recyclables or food residuals in the District and its member municipalities except from the person holding a valid license, and only in accordance with the terms, conditions and restrictions contained in such license.

4.2 Exemption for Self-Haulers. Notwithstanding the foregoing, a person engaging in self-hauling may transport, dispose and or repurpose solid waste, recyclables or food residuals at a stated location permitted to receive such amount of solid waste, recyclables or food residuals for disposal or repurposing.

4.3 Hauler's Responsibilities. Commercial haulers are required, on a regular and convenient basis, to collect recyclables and food residuals from their customers, shall keep recyclables and food residuals separate from other solid waste, and shall not dispose of recyclables or food residuals in a landfill. Haulers will be responsible for establishing and communicating sorting specifications to their customers.

4.4 Generator's Responsibilities. All generators of solid waste, recyclables and food residuals within the District shall separate their solid waste and recyclables and shall ensure that materials are sorted without contamination.

a. **Residential:** No person who owns, rents, leases or otherwise uses property in the District for residential purposes shall place for collection or deposit for disposal at curbside, on site or at any public or private collection facility or landfill any residential recyclables which are not separated from other solid waste, nor any solid waste which is not free of residential recyclables.

b. **Commercial:** No person who owns, rents, leases or otherwise uses or occupies any property in the District for commercial or institutional purposes shall place for collection or deposit for disposal at curbside, on site or at any public or private collection facility or landfill any commercial recyclables which are not separated from other solid waste, nor any solid waste which is not free of commercial recyclables.

4.5 Property Owners. Property owners providing collection of solid waste for tenants, either residential or commercial, must also provide for the collection of recyclables and food residuals. Property owners who do not provide such services will be subject to the enforcement proceedings outlined in this Ordinance.

4.6 Per Bag Collection. At any location where a hauler accepts solid waste from households on a per-bag basis (i.e., where customers are charged for dropping off their household solid waste), regardless of whether such a location is permanent or temporary, source separated recyclable material and food residuals shall be accepted during all operating hours. Recyclable materials collected at drop-off locations shall be delivered by the hauler to a processor or broker of recyclable materials. Haulers must maintain records of delivery of such materials provided by the processor or broker. The list of recyclable materials, which must be accepted at such locations, shall be set by rule of the District Board from time to time. Nothing in this Ordinance shall be construed to limit the acceptance of recyclables only to these materials. Haulers may choose to accept for recycling materials in addition to those required by the District to be accepted.

4.7 Hazardous Waste. This Ordinance regulates the storage, disposal, collection or transportation of Hazardous Waste that is not regulated by Federal or State laws, rules or regulations.

4.8 Special Wastes. Special wastes, tires, car and truck batteries, metal appliances and other large metal items shall not be disposed of with or as ordinary solid waste. These items shall be collected and/or disposed of in accordance with State law.

4.9 Load Inspections and Incident Reports. Hazardous waste generated within the Central Vermont District shall be unacceptable for landfill disposal. Waste delivered from within District member municipalities for transfer or disposal shall be subject to random load inspections. Any time a visual, sampling and/or full load inspection identifies hazardous waste, the facility operator, District designated employee, or a person/business contracted by the District to conduct load inspections shall fill out a written incident report. All incident reports shall be submitted to

the District office within one week. Copies of incident reports shall be provided by the District to the affected hauler, together with written warning of hazardous waste violation.

4.10 Maximum Weights. Service providers may establish rules and regulations regarding the safe maximum weight of bags or containers of solid waste materials. A service provider may refuse to collect or allow disposal of any bag or container that is overloaded, ripped, or contains a solid waste greater than the rated or specified volume or weight of such bag or container.

4.11 Clear Bags. The District prefers that recyclable and organic materials not be bagged, but be placed in reusable containers. If a service provider requires state mandated recyclable materials and organic materials to be bagged, these materials should be bagged in clear or translucent bags. A service provider may refuse to collect recyclable and organic materials bagged in opaque bags and/or bags of waste that have mandated recyclables or mandated organic materials clearly mixed with waste materials.

ARTICLE V – DESIGNATED SOLID WASTE FACILITIES

5.1 Delivery to District Facilities: In the event that the District owns a solid waste facility, no person shall deliver, or cause to be delivered, solid waste, recyclables, or food residuals in the District except to any facility designated by and owned by the District for receipt of such material.

ARTICLE VI – RECORD KEEPING & INSPECTION

6.1 Records. It shall be the responsibility of each solid waste hauler to collect such solid waste disposal charges on behalf of the District, and to remit the same to the District under rules prescribed from time to time by the Board, for inclusion in the District's general fund. Each such solid waste hauler shall establish and maintain records of all solid waste, recyclables and food residuals collected and delivered to such facility for disposal sufficient to establish or verify the quantity of solid waste, recyclables and food residuals upon which the solid waste surcharge fee or administrative fee shall be computed.

a. Such records shall be made available to the District upon request and shall be deemed to constitute Trade Records, and designated confidential and not public records or documents subject to the provisions of 1 VSA, Chapter 5 with respect to public access.

6.2 Vehicle Checks. Vehicles used in the collection or transportation of solid waste, recyclables and food residuals within the District shall be subject to reasonable inspection by the District or its agents for the purposes of determining compliance with the terms of licenses and this Ordinance and for data collection. Failure to allow inspection shall be a violation of this Ordinance.

6.3 Enforcement Personnel. Any person designated, in writing, by the District Manager as an enforcement officer may inspect haulers' loads and records to check compliance with license requirements and requirements of this and other District ordinances, and to determine the

quantity, type and origin of solid waste and recyclables. Any person(s) designated by the Board may issue written warnings and summonses to haulers for failure to comply with these or any other District regulations.

ARTICLE VII – LICENSING

7.1 License Requirement. All persons collecting, receiving, accepting for disposal, transporting, or disposing of solid waste in the District and its member municipalities shall obtain a license from the District.

7.2 License Application. Any hauler, other than a self-hauler exempt under Section 4.2, who desires to collect, transport, or deliver solid waste, recyclables or food residuals generated within the District shall apply to the District for a license on such form, containing such information, as the District Manager shall designate. Such application shall be accompanied by the fee established pursuant to Section 7.6 hereof. Application forms are available from the District office.

7.3 Requirements and Responsibilities. Each commercial hauler who collects, transports, and/or delivers solid waste and recyclables within the District shall obtain a license as provided herein. All commercial haulers of solid waste within the District shall be licensed by the District to collect solid waste and recyclables. Further, haulers shall comply with all local ordinances, including local zoning and/or vendor licensing. No person shall at any time engage in the business of or act as a commercial hauler in the District without having obtained a valid license from the District, therefore, as required in this Ordinance.

7.4 Standards for Issuance of License. In order to obtain, reinstate, or renew a license, a Hauler shall:

- a. Properly complete and file all necessary application forms and provide such materials as may be required in this ordinance or through the rules, procedures and practices of the District.
- b. Pay the License fee as may be established by the Board.
- c. Provide verification of current and valid hauler's license by the State of Vermont where applicable.
- d. Pay any past due amount(s) owed to the District.
- e. Demonstrate the ability to comply with the provisions of this Ordinance and, in situations where a hauler's license has been suspended or revoked, demonstrate that corrective actions have been taken, as necessary, to ensure that the hauler will comply with this Ordinance. In situations where past payments to the District have been late or where the District Manager has reason to believe that the District may be at risk for late or non-payment of District Fees, the District Manager may require that the demonstration required by this subsection include the provision of a letter of credit or other security in amounts and on terms necessary to assure proper payment.

7.5 Designation in License. Each license shall designate the facility or facilities to which the licensee has delivered solid waste and recyclables. Each licensee shall collect and dispose of all solid waste in conformance with such terms, restrictions and conditions as the District shall impose in its license.

7.6 Licensing Fee. For the purpose of administering the provisions of this Ordinance and the licensing program established herein, the District Board imposes an annual licensing fee as a condition to issuance and renewal of a license. The amount of the licensing fee shall be established by the Board and may be modified from time to time. The licensing fee shall be set on or before November 15 each year.

7.7 Expiration of License, Renewal. Each License shall be valid for a period not to exceed one year. Each license shall expire annually at midnight on December 31. Any renewal application shall comply with the application requirements in this Article and be accompanied by the fee as prescribed in Section 7.6. A license shall not be assignable or transferable without the written approval of the District, and upon any assignment or transfer without approval, the license shall automatically expire and become null and void.

7.8 Terms and Conditions. The District Manager may attach to any license such reasonable terms, restrictions, and conditions as are necessary to assure that solid waste is separated, collected, transported, recycled, repurposed and disposed of in an environmentally sound manner, and to assure compliance with this Ordinance.

7.9 Responsibilities of Licensees and Other Haulers Who are not Licensees. Each hauler shall keep and maintain such records within the State of Vermont as will enable the District to determine compliance with this Ordinance, including but not limited to records on a daily basis of the amount of solid waste that is collected and/or transported for purposes of disposal; total amounts of recyclables; total amount of other materials as may be collected and destined for other uses such as reuse, composting or other methods of disposal. ·

- a. All such records shall be made available to the District and its agents, for inspection and copying during normal business hours of the District. The records of each day of operation shall be retained for at least 3 years.

7.10 Changes to License. Each license shall be subject to reasonable changes.

7.11 Emergency Powers: The Executive Board may, by order, permit temporary changes to any license condition.

ARTICLE VIII – UNIT BASED PRICING

8.1 Authority. In accordance with Vermont Act 148, service providers that provide collection and/or drop-off disposal services for solid waste to residential customers shall charge these customers for this service based on the volume of the solid waste they produce.

8.2 Pricing. Each service provider shall establish a unit-based price to be charged for the collection/drop-off disposal of each unit of solid waste from residential customers; for example,

a price per gallon bag or gallon container that is collected or disposed of by a resident. Each larger unit of solid waste shall carry an increased price that is equal to the increase in volume. For example, if the fee is 15 cents per gallon, a 13-gallon bag of trash must cost \$1.95 to dispose of; a 60-gallon bag must cost \$9.00.

8.3 Flat Fee. In addition to the unit-based price charged per unit of solid waste, service providers may, but are not required to, charge a flat fee to residential customers, for the convenience of having materials collected at the customer's residence.

8.4 Transparency. In the event that a service provider elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

8.5 Notice. Service providers seeking a license from the District must demonstrate to the District that financial incentives for waste reduction, organics diversion and recycling for residents and businesses have been incorporated into their rate structure. Each service provider shall offer a unit based pricing to all customers within the District, and shall provide notice of such unit based pricing to all curbside collection customers at least once per year. In accordance with State of Vermont Statute and this Ordinance, service providers must collect mandated recyclable materials from residential customers at no additional charge. The list of mandated recyclable materials may be modified through a resolution made by the full Board during a warned meeting.

8.6 Evidence of Fees. The Service Provider shall file and submit evidence of their unit-based pricing system, including a breakdown of all fees including any flat fees, to the District each year along with their annual license application

8.7 Fee Posting. Service providers are required to post their fee schedules at collection sites during hours of operation.

8.8 Additional Fees. Nothing herein shall prevent or prohibit a service provider from charging additional fees for the collection of materials such as leaf and yard residuals or bulky items; except however, that no service provider may charge a separate line item fee on a bill to a residential customer for materials mandated by State Statute to be collected at no additional charge. A service provider may incorporate the collection cost of mandated materials into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

ARTICLE IX – SURCHARGE & ADMINISTRATIVE FEES

9.1 Authority. The District imposes fees on solid waste in two manners, through an administrative fee or a surcharge fee, which are imposed on all solid waste collected or generated in the District. These fees are set on or before December 15 of each year. A hearing will be held on or before November 1 to discuss the fees. The rate of either the surcharge or administrative fee may be revised from time to time by resolution of the Board, upon 60 days advance public notice.

9.2 Surcharge Fee. The District may impose a surcharge fee applied to, but not limited to, solid waste generated or collected for disposal in a landfill.

9.3 Administrative Fee. In lieu of a surcharge fee, the District may impose an administrative fee for materials that are subject to a surcharge fee that are solely being used for beneficial reuse. The fee may be imposed on materials used for landfill operations and improvements. The beneficial reuse materials shall be separated from other solid waste intended for landfilling. The fee imposed on such materials shall be 25% of the surcharge fee.

9.4 Rules and Proof of Payment. Haulers must deliver all collected materials to permitted facilities within or outside the District's boundaries, and must report the facility used. Haulers may submit their weight tickets as evidence of payment, or they may remit on their own payment.

a. Each Solid Waste Hauler may discharge its responsibility under this section by obtaining from such facility having a contractual relationship with the District or situated within the District jurisdiction, a receipt signed by or with authorization on behalf of the facility, and setting forth the proper amount of the solid waste fee together with the Facility's statement that the solid waste fee has been collected by the Facility and will be remitted to the District by the Facility. In that event, any solid waste hauler may submit a receipt in lieu of direct payment to the District of that portion of the District solid waste fee to which the receipt refers. All receipts shall be of a form approved by the District.

b. Upon request of any licensed District solid waste hauler, it shall be the responsibility of the operator of any facility having a contractual relationship with the District or situated within the District jurisdiction, to collect such solid waste fees on behalf of the District, and to remit the same to the District under rules prescribed from time to time by the Board of Supervisors or by agreement with the District, for inclusion in the District's general fund. Each such facility operator shall provide a District approved receipt to each such solid waste hauler upon request, bearing the authorized mark by or on behalf of the facility, and setting forth the amount of District solid waste fee collected, the municipality within which it was collected, the date and time of collection and the identity of the solid waste hauler from which it was received, and shall at all times establish and maintain records of all solid waste delivered to such facility for disposal sufficient to establish or verify the quantity of solid waste upon which the solid waste disposal charge shall be computed. Such records shall be made available to the District upon request.

ARTICLE X – ENFORCEMENT, REMEDIES AND PENALTIES

10.1 Penalties. A person or licensee violating the provisions of this Ordinance may be given a written 'Notice of Violation' letter, to be sent via certified mail, as detailed in 24 VSA, Section

4451. This notice will include reference to which condition has been allegedly violated, the facts giving rise to the alleged violation, and to whom appeal may be taken and the period of time for taking an appeal. Violators of this Ordinance shall be subject to a civil penalty of not more than \$500.00 for each violation, and shall make restitution to the District of all solid waste fees for which the person or licensee was obligated to collect and remit, without regard to whether the solid waste fee was in fact collected, together with any proved damages, legal fees incurred by the District, and costs of collection. Any such violation is further subject to investigation or action by or on behalf of the State of Vermont pursuant to 13 VSA, Section 2537. Each daily incident in violation of any provision of this ordinance shall be deemed a separate violation. In addition, the District shall have the power to enjoin violations of this ordinance. The 'Notice of Violation' letter shall be sent by the District Manager, or another District employee designated by the District Manager.

A. Penalties for Violations of the Ordinance

First Violation \$100

Second Violation \$500

10.2 Remediation. In addition to the penalties listed in Section 10.1, the District may require any person or licensee subject to this Ordinance to abate hazards or nuisances created as a result of the Unlawful Conduct or, if such Unlawful Conduct was found to have caused contamination or damage to any land or property, to restore the land or property in question to the condition existing before the Unlawful Conduct. The District has the ability to bring the violator to court for injunctive relief if they do not comply with the order.

10.3 Property Owners. Property owners may be fined an amount determined by the Board for each tenant unit at the site of the offense per occurrence of each offense.

10.4 Suspension and Revocation of License. The District Manager may suspend or revoke a license for any violation of this Ordinance or repeated failure to pay one or more District billings rendered pursuant to Section 7 by their due dates. Notification of suspension or revocation will be made in writing and delivered in person or by registered mail return receipt requested. Any license may be revoked by the District, following notice and hearing, for any violation of a rule, regulation, or Ordinance promulgated by the District, including any term, condition, or restriction contained in the license; or any other act committed by the licensee, which constitutes unlawful conduct.

10.5 Right of Appeal. A person or licensee may appeal any Notice of Violation or suspension, revocation or modification of a licensee within thirty (30) days of receipt of the notice, and request a hearing. In requesting such a hearing, the person or licensee must state the grounds for the appeal in writing to the District Manager. Upon receipt of a request for appeal, District staff shall schedule a day, time and place for the hearing and notify the person or licensee in writing. If an appeal is not received within thirty (30) business days of notification, the decision of the District Manager to suspend, revoke or modify shall be final and binding upon the person or

licensee. In the event of an appeal, such suspension or revocation shall not be effective in keeping with the provisions of Section 10.5 through Section 10.8.

10.6 Opportunity for Hearing. Parties subject to violations of this ordinance shall have the right to the following process for protesting the alleged violation.

10.7 Preliminary Hearing by Financial Oversight Committee. A person or licensee who receives a violation or civil penalty notice shall be offered an opportunity for a hearing before the CVSWMD's Financial Oversight Committee for determining whether the conduct leading to the penalty occurred. The request for hearing must be made by the person or licensee, in writing, to the District Manager of the District no later than ten (10) days after the date the notice of violation is received. The Financial Oversight Committee shall hold a hearing within fourteen (14) days of receipt of the request for a hearing. If 1) no hearing is requested within ten (10) days after the date of the receipt of the notice of violation, or 2) if a hearing is held, then within thirty (30) days of such hearing, the Financial Oversight Committee shall issue a proposed order pursuant to 204 V.S.A., Section 2297a(e). Such Proposed order shall be mailed to the respondent by Certified Mail, return receipt requested.

10.8 Hearing by Executive Board. A person or licensee who receives an order or violation after a hearing by the Financial Oversight Committee shall be offered an opportunity for a hearing before the Executive Board provided that the request for a hearing is made in writing to the District Manager no later than fifteen (15) days after the date of receipt of the proposed order of the Financial Oversight Committee. If the respondent does not request a hearing, the order shall be deemed a final order and shall be effective on the date of receipt or a later date stated in the order. If the respondent does request a hearing subsequent to the receipt of the order, the Executive Board shall hold a hearing within fourteen (14) days of receipt of the request. After the hearing, the Executive Board may withdraw or amend the order and may issue a final order, which shall be delivered or mailed to the respondent in the same manner as proposed orders and which shall be effective on the date of receipt or a later date stated in the order.

10.9 Final Order. The District may seek enforcement of a final order in Vermont Superior Court, Environmental Division.

ARTICLE XI – DESIGNATION OF ENFORCEMENT PERSONNEL

11.1 Enforcement Personnel. For the purposes of this ordinance, the Board may designate any combination of the following persons as enforcement personnel: members of the Board, specified employees of the CVSWMD, the CVSWMD Attorney, the CVSWMD Treasurer and any official with law enforcement authority under Vermont law.

ARTICLE XII – MISCELLANEOUS

12.1 Existing Contracts. Nothing contained in this ordinance shall be construed to interfere with or in any way modify the provisions of any existing contract existing within the District and a licensee on the effective date of this Ordinance; PROVIDED that no contract shall be renewed,

and no new contract shall be entered into, which does not comply with the requirements of this Ordinance.

ARTICLE XIII – REPEAL OF INCONSISTENT PROVISIONS

13.1 **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 XIV – SEVERABILITY

14.1 **Severability.** The provisions of these regulations are severable. If any provision of these regulations or its application to any person or circumstance or within any part of the District is held invalid, illegal or unenforceable by a court of competent jurisdiction, said invalidity shall not apply to any other portion of these regulations, which can be given effect without the invalid provision or application thereof.

ARTICLE XV – EFFECTIVE DATE

This article shall become effective August 1, 2016.