



December 13, 2010

Karen Knaebel and Kimberli Lutchko
Vermont Department of Environmental Conservation
Waste Management & Prevention Division, E-Waste Program
103 South Main Street, West Building
Waterbury VT 05671-0404

RE: Draft E-Waste Plan Public Comment

Dear Karen and Kimberli,

Thank you for the opportunity to submit comments regarding the November 23rd draft Plan for the Collection and Recycling of Electronic Devices. These comments reflect the opinions of the Chittenden Solid Waste District (CSWD) as well as members of the Vermont Product Stewardship Council (VTPSC). This is the first plan that has been developed by the Agency of Natural resources to carry out product stewardship legislation. This plan will be the baseline that manufacturers use for developing their own plans if they choose not to participate in the state plan and program. This plan will also serve as a baseline for what is an acceptable product stewardship plan for other manufacturers of other products that fall under product stewardship legislation for years to come. It is critical for the success of this program as well as other product stewardship programs that follow it, that the standards in this plan are high. CSWD and the VTPSC does not feel that the plan is adequate or provides a standard that should be acceptable for other manufacturers to follow or the state agency to use in the implementation of the e-waste program. This could ultimately jeopardize the effectiveness of this program as well as other product stewardship programs.

Our primary concern is that ANR has provided a plan that decreases rather than increases opportunities for Vermont consumers to recycle their electronic waste with very little justification for doing so. I know firsthand from working on this legislation last year that this was not the intent of legislators. In fact, legislators wanted to see an increase in what consumers have for opportunities to recycle their electronic waste. The statute clearly requires the agency to provide an adequacy review and reads as follows:

Section 7552 of the statute reads: (a) In developing the plan, the secretary shall evaluate existing electronic waste collection opportunities and services in each county to determine whether such opportunities and services are adequate. In making an adequacy determination, the secretary shall consider the geography, population, and population density of each county. If after completion of an adequacy review, the secretary determines that the collection opportunities in a county are:

- (1) Inadequate, the secretary may require additional collection activities in that county. Additional collection activities may include additional collection facilities, collection events, or other collection activities identified by the secretary as necessary to achieve the statewide recycling goal. If the secretary requires additional collection activities, the secretary shall consider, as one of the criteria reviewed in selecting additional collection activities, the cost effectiveness of the additional collection activities in achieving the objective of convenient service.
- (2) Adequate, and that additional collection opportunities are not required.

This adequacy review does not state that the secretary should take the existing collection systems and decrease the number. Cost consideration is only mentioned in this section when the secretary determines the collection activities are inadequate and cost effectiveness should be considered when adding collection sites not decreasing current collection sites.

Despite the fact that cost is only mentioned in statute to be considered when increasing collection sites, cost appears to be the primary reason in the plan for decreasing the number of programs that currently exist in some counties. While I agree that cost needs to be balanced with convenience, there is very little information on what cost savings you will have by decreasing the number of locations and how that balances with convenience.

The costs for adding electronics collection to existing, staffed sites may be minimal. The number of pounds of electronic waste available for discard does not change depending on the number of sites you have. Therefore the amount that you spend on collection costs and recycling costs, if determined on a per pound basis is fixed. The only additional costs that you will have by providing more sites is going to be the additional pick up that the recycler has as well as their accounting for that collection site. For example if you have 5,000 pounds of electronic waste collected in Burlington in one year and you have two collection sites, then you are collecting 2,500 pounds at each location and you are paying x cents per pound for collecting 5,000 pounds of waste and x cents per pound for recycling 5000 pounds of electronic waste. If you have only one location that collects the waste, then you still have 5,000 pounds of material that you are paying for collection and recycling, it is just in one location which reduces the number of stops the recycler makes. It does not appear from the plan that anyone has done an analysis on what this one additional stop adds to the cost of the system yet the plan proposes to reduce the existing collection system in the state from 98 to 51.

CSWD and the VTPSC propose that a cost analysis be conducted on the current system and then again a year after implementation and amend the plan accordingly. Section 7560 (b) in the statute clearly provides for this. "In contracting for implementation and administration of the standard plan, the secretary shall review the costs incurred by similar electronic waste collection and recycling programs in other states. The secretary in his or her discretion may reopen the standard plan if bids received in response to a request for proposal exceed the average cost of the collection and recycling incurred by similar electronic waste collection and recycling programs in other states."

The intent of the legislators was to only look at a reduction in services if the costs were proven to be out of line with what it costs in other states with similar programs. These costs have yet to be determined.

Additional Comments:

Page 2, Section II. Adequacy of Collection Facilities, first paragraph, first sentence: “cost effective” is not mentioned in this section of the statute referred to in this sentence. This section of the statute refers to adequacy based on other parameters but cost is not one.

Page 2, Section II. Adequacy of Collection Facilities, first paragraph, last sentence: add charities, school districts and businesses with less than 10 employees to the end of the sentence.

Page 2 and 3, Section II. Adequacy of Collection Facilities, third paragraph: The Agency was charged with determining adequacy in the statute, not “to find a balance between providing convenient collection locations and providing a cost effective program”. The statute requires the agency to look at costs when the plan is implemented and to revisit the plan if they are too high. There is no way to “balance” these two factors without knowing costs and this cannot be done without implementing the plan or doing a detailed cost analyses of the current system. No costs are provided in the plan.

Page 4, 5, 6 (adequacy evaluation): In general, this section is difficult to follow. A map similar to the one developed for food waste generators in Vermont to plot locations so that you can visual see the collection sites that are existing vs. what is proposed would be very helpful. The reader would need to be looking at a map to understand the rationale in these sections.

Page 5, Minimum Number of Collection Locations in Other Counties: “while it is important to have many opportunities for recycling materials such as newspaper, cardboard, plastics, glass, metals, etc., it may not be necessary to have the same number of locations for collecting electronics”. Since the State is far from reaching its 50% diversion goal, it cannot be assumed that the number of facilities that exist are convenient and adequate for recycling these materials (glass, paper, metal etc.) nor can it be assumed that fewer sites would be adequate for recycling e-waste. The current infrastructure that exists today for e-waste collection has been developed in a relatively short period of time over the last 5-7 years. This infrastructure exists due to recognition from municipalities that they need to provide a convenient service and public demand. It is inappropriate to ban e-waste from the landfill, have a state-wide collection goal that is nearly double what the current rate is and then to reduce the number of current locations by almost 50% without more evaluation. The points in this section are not substantiated with any data.

“There has been adequate demonstration in some areas of the state that the goal of 5.5 pounds per capita could be achieved provided the facilities are centrally located, there is an overall awareness of the service, and most importantly there will be no cost”.

Where and how has this been demonstrated? There is no data in the plan on what facilities are collecting how much material. This should be the basis for making these assumptions.

Page 6 paragraph 4: “These counties currently have three or more facilities and the Agency does not have sufficient information to recommend less than three locations for these counties.”

If the Agency does not have sufficient information to recommend less than three locations, how does the Agency have sufficient information to recommend reducing the current number of collection facilities in these counties?

Page 6 paragraph 7: Add language to this paragraph that the publically owned and operated facilities cannot charge a fee and can only bring material from covered entities.

Page 7 first paragraph: This is a great mechanism to use after the first year in order to evaluate costs and convenience. The current infrastructure should not be drastically reduced until it is shown through this evaluation process, based on experience with costs and collection data, that fewer sites are needed or what other changes should be made.

Page 7, III. Plan Requirements for Collectors, Transporters, and Recyclers

Either in this section or elsewhere, it should be stated that the collection facilities, transporters and recyclers that are part of the program will be compensated for their services.

The registration date of July 1, 2011 needs to be earlier. Collectors will need to register prior to this date so that they can be approved by ANR and listed on the website prior to the program start-up date of July 1.

The last paragraph in this section (starting with collectors) is confusing. Are the collectors and recyclers in state and only transporters that are transporting out of state? If this is how the data will be collected on what the collection rates are, don't you also need to know from the transporters and the recyclers the amounts of covered e-waste collected by each collection location? If reuse is not allowed, why is it reported here?

Page 7, A. Collection Facility Requirements

We support the fact that this section of the plan requires collectors for the program to collect all electronic waste that is banned. It is important to maintain this requirement so that the public has locations that are consistent with what they accept even if they may have to pay for the electronics that are not covered. Under this scenario, solid waste districts can opt out of collecting all e-waste if they are not selected as a collector for the plan.

Section ii. "With no limits on quantity" is problematic for facilities. Operational considerations such as space limitations and solid waste certifications have to be made. If a site has reached its capacity to store under the requirements of their certification or this plan, they need the ability to refuse material until they have space to accommodate more. CSWD accomplishes this by requiring larger loads to make appointments. It is never refused, we just have to know in advance and make accommodations for larger loads.

Page 8, (iii): This section should specify from Vermont only.

Page 8, c: The definitions of electronic waste and covered electronics are confusing throughout the document. It is particularly evident in this paragraph. Although, the definitions in the plan try to mirror the definitions in statute, when you read "electronic waste" it sounds very general where it means the products that are free to the public and covered by the program. Consider either a different definition than the one in statute or describe it as "electronic waste paid for by the program" or similar language.

Page 8, e. :There is no definition for covered electronic waste. Also, this is redundant to section i. on this page. Section i. states that it should be managed as universal waste which under the hazardous waste regulations states that it must be stored on an impervious surface and should be protected from the rain and snow. "Weather" is too general and can imply that the space needs to be protected from freezing temperatures. We suggest deleting section (e) and leave (i).

Page 10 Section IV. Sound Environmental Standards:

What are “some minimum” standards referring to?

Page 10 Section V. Guidelines for Manufacturer Opt-out Plans:


This is not part of the Standard Plan and should only be included as an attachment or be a separate document.

Attachment C, Proposed Collection Locations, list two public facilities that currently exist in Burlington and one in South Burlington. It should be the opposite.

The statute requires that the standard plan “shall ensure that during plan implementation a public information and outreach effort takes place to inform consumers about how to recycle their electronic waste at the end of the product’s life.” The draft plan does not describe how this will be achieved. Much of the discussion between CSWD staff as well as VTPSC members concerned questions and details that will most likely be addressed in the Request for Proposals (RFP) for implementing the plan. We request that you involve the solid waste districts during the development of the RFP for this plan since it will most likely have a very significant impact on our facilities. Solid waste districts currently collect the majority of e-waste in the state and can offer a great deal of expertise on the issue.

Thank you again for this opportunity and we look forward to continuing to work with the Agency on this program.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jen Holliday', written over a horizontal line.

Jen Holliday
Environmental and Safety Compliance Manager, CSWD
Chair of Vermont Product Stewardship Council

Cc: Cathy Jamieson