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## **The Vermont Legislative Research Shop**

### **Solid Waste Disposal**

Currently in Vermont the Department of Environmental Conservation (DEC), as part of the Agency of Natural Resources, regulates solid waste disposal and management in Vermont. The department issues permits to private licensees to carry out the operations of solid waste disposal; the issuance is based on meeting all regulations and requisites.

In the US, control of solid waste disposal usually falls under local control, which is then regulated, by state laws, policies, and procedures. State regulations control the purchase and ownership as well as management of solid waste landfills. State governments are also responsible for establishing standards, funding research, issuing permits, and supporting recycling programs (Kundell *et al.* 1996).

Though solid waste disposal is regulated by local governments, these governments can contract to private or public disposal facilities. Eight of the 15 states surveyed for this report—VT, ME, DE, NH, PA, OH, WV, DC—used private disposal sites while the remaining seven use public disposal sites—OR, WA, MD, CT, NY, NJ, VA. States such as Wisconsin, Maine, and Georgia have established methods for facility siting and dispute management to deal with concerns of residents within local governments (See individual state Environmental Department sources).

### **Opposition to Landfills**

Many states have had experience with local opposition to landfills. Reasons for opposition vary from state to state but often include; increased truck traffic, odor, nuisance animals, liquid waste leakage thereby contaminating the water table and any nearby streams. Operators of the landfills often cite the benefits of jobs for the area as well as a percentage of the fees going to the town or county. Some operators are also willing to donate a certain portion of the land as a nature area replete with trails.

An example of such disputes occurred in Root, NY over an application to construct a landfill. The town banned the building of landfills in response to a previous application to construct a landfill. Landfill operator, Mohawk Environmental Services (MES), claims to have applied to construct a landfill before this ban was instituted. Though MES offered many monetary incentives to the town, the town maintains that the original application was incomplete and has

upheld the ban. The case was litigated to trial and upheld the town's actions in *Mohawk Environmental Services, Inc. v. Town of Root, NY* (No 97-1113, Schenectady Co. October 16, 1997) (Tuthill 1997).

A proposed construction-waste landfill in Scott County, Indiana has generated widespread opposition from county residents, who say they don't want the traffic or the refuse in their backyards. The opposition formed before plans for the 70-acre landfill were completed and before the necessary approvals from the county's Board of Zoning Appeals and the state. Residents of the small, rural county have formed a citizens group and have been circulating petitions, educating themselves and speaking out at local meetings. In November of 2001, at a meeting of the County Board of Commissioners and the Board of Zoning Appeals, more than 100 residents showed up to express their opposition to the landfill. This case has yet to be resolved (Hoyer 2001).

### **Tactics for Resolving Disputes**

A consortium of states (AZ, NJ, IN, CA, CT, NY, DC, GA, and TN) created the handbook entitled "Sites for our solid Waste: A Guidebook for Effective Public Involvement." This report discusses the conflict over solid waste, centering on the intense political conflict in local communities and an increasing need for facilities. Practical experience indicates that improving siting decisions in solid waste management can be extremely difficult. Nevertheless, the positive response received from potential users of the guidebook is seen as an encouraging sign that public involvement can serve as a productive policy tool. The complete guidebook can be found on the web at [www.epa.gov/epaoswer/non-hw/municipl/sites/TOC.PDF](http://www.epa.gov/epaoswer/non-hw/municipl/sites/TOC.PDF) (Regan 1997).

The state of Wisconsin has a Waste Management Program in charge of landfill siting. Any individual or organization proposing to build a landfill must submit a Feasibility Report to the Wisconsin Department of Natural Resources. 120 days prior to the submission of this report a local application must be obtained. Any township, county, city or village within 1500 feet of the proposed landfill's limits of filing can enter into negotiation with the applicant. Most issues such as the hours of operation, nuisance control, lighting, and vehicle routes and access are negotiable. However, if these issues cannot be resolved, arbitration must then occur. If arbitration is desired, the parties must petition the Wisconsin Waste Facilities Siting Board (WWFSB). Each party is then required to submit a final offer to the WWFSB who then selects this final offer without modification. This process can often take anywhere from three to five years to complete (Huebner, 2001).

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