

# **INCREASING RECYCLING IN NEW MEXICO**

**October 14, 2015**

**Albuquerque, NM**

**Hosted by the  
NM Recycling Coalition**

**In partnership with NM Environment Dept.**

**Thanks NMSU-ABQ and NMSU Institute of Energy and  
Environment for Hosting**

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## **Introduction**

- **Welcome**
- **Check cell phones**
- **Restrooms**
- **Emergency exits**
- **Recycling & composting available**
- **Coffee flowing**

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## Format

- Each Topic Will Have Presentation
- Q & A After Each Couple Presentations – Write Your Questions Down, Send Online by Chat Feature
- Survey Form For Each Attendee – Fill Out As We Go Through Day
- RETURN survey before leaving

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## Background

- HM51 passed 2014 legislative session
- Rep. Jeff Steinborn
- Requests development of strategies to meet the 50% recycling rate goal outlined in the NM Solid Waste Management Act

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# Background

## Priorities Identified from June 2014 HM51 Stakeholder Group

Resources NMED Would Need to Accomplish Goal  
 Increased Funding (for grants, staffing, education/outreach)  
 Education and Outreach  
 Technical Assistance to Communities  
 Hire More Staff (3-5 Positions)  
 Examine Reporting Requirements on Recycling

Identify Funding Source to Support 50% Goal

### Short-Term Policy Recommendations (within next 6 years)

- Mandated Commercial Recycling
- State Agencies/NMDOT Use of Recycled-Content Materials
- State Agency and Publicly Funded Entity Recycling and Waste Reduction Requirements
- Develop Construction and Demolition Recycling Strategies

### Long-Term Policy Recommendations (6+ years)

- Statewide Pay-As-You-Throw
- Landfill Bans on Materials
- Product Stewardship/Extended Producer Responsibility
- Incentives for Private Business

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# Today's Plan

- **Final Executive Summary created**
- **Will outline policy initiatives, stakeholder feedback**
- **Solicit stakeholder input and discussion on topics**

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## Benefits of Increasing Recycling

- Allow NM to comply with 50% goal as outlined in the NM Solid Waste Management Act
- Economic development and potential for new businesses added in sectors such as composting, construction/demolition, hauling, Extended Producer Responsibility)
- Jobs created in recycling sector = estimate of 3500 direct new jobs in NM, adding 9,000 total
- Funding provided to local communities to help with their ongoing MSW management

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## Building on NM's Successes

- **Access to Recycling – 87% of incorporated communities have access to recycling**
- Hub and Spoke Model – 22 hubs, many new or improved, 40+ new spokes in recent years
- Material Marketing Success – R3 Coop assisted smaller communities to gain market value for materials
- Economic Development – Building partnerships, small-scale niche models
- NMED Recycling and Illegal Dumping Grants

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# Valuing Cost of Solid Waste

## Valuing the Cost of Solid Waste and Financial Incentives to Divert

Presented by Tim Gray, New  
Mexico Environment  
Department

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## Valuing the Cost of Solid Waste

**Need:** Change the culture of being able to throw away as much solid waste as desired without a reflective cost

**Challenge:** In NM, many solid waste/recycling programs are not collecting enough in fees to cover costs in solid waste/recycling programs

**Solution:** Pay-As-You-Throw aka Variable Solid Waste Pricing

- Proven method that incentivizes diversion and source reduction
- Equitable and transparent
- Likened to utility billing (e.g. electricity/water)
- Can ensure all costs of solid waste and diversion are covered
- Financial incentive = increased participation
- When implemented with best practices in place 45% reduction in solid waste disposed



## Valuing the Cost of Solid Waste

- State-Level Legislation in regard to variable pricing
- Washington, Minnesota, Wisconsin, Iowa and Oregon have some form of PAYT as part of their state-level laws
- Washington and Minnesota require variable pricing
- Iowa and Wisconsin require it if community has not met a recycling rate threshold
- Oregon offers PAYT as option in menu of choices
- Enacted at local level in 7,000+ communities
- Making a state-level law ensures consistency, technical assistance and supports communities

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## Pay-As-You-Throw Precedent

### Minnesota

- State PAYT law, called Volume or Weight-Based Pricing
- Put in place 1989-1992
- All local solid waste haulers must register with the local entity
- The local entity must submit that list to the State
- Haulers are the accountable parties
- Focuses only on residential
- Requires trash fees to increase as the volume/weight increases

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## Pay-As-You-Throw Precedent

### Washington

- State-level PAYT law
- In study (SERA) of how variable rates worked in WA communities, communities generally offered 20, 35, 64, 96 gallon carts
- Those with high trash fees, saw greatest recycling increases/ participation
- Those with lower trash fees, saw much lower recycling rates
- In communities with high trash fees, majority of households selected 35 gallon trash can, 20-30% selected 64 gallon & small % selected 96 gallon
- Most successful WA PAYT programs offer high trash rates and a variety of supportive diversion programs
- Consideration of organics management important

*SERA = Skumatz Economic Research Associates*

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## Mandatory & Universal Recycling

**Requiring Recycling  
Collections and  
Participation for Business  
and Residential  
Communities**

**Presented by English Bird,  
NMRC**

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## Mandated Commercial Recycling

- Landed on as one of the top short-term priorities from HM51 June 2014 stakeholder meeting
- Requires recycling at businesses, multi-family dwellings, all types of government bldgs, and/or facilities
- Mandate can be for all covered entities or use amount of solid waste generated or number of units (generally)
- **Holds the local communities primarily responsible**
- Usually phased in, can target certain materials
- Can require local communities to create ordinance
- Some states mandate recycling for all citizens/entities
- States with commercial recycling requirements: NC, PA, WV, CT, NJ, WI, CA, RI, MN

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## Universal Recycling

- A recent strategy that provides universal access to recycling = Much Like Our Access to Recycling Concept
- **Requires solid waste haulers to provide recycling containers and collections as part of their service and fee**
- Haulers charge one fee for trash and recycling
- Usually targets all 3 sectors: Commercial, Residential and/or Multi-Family
- Usually phased in
- Targets traditional recyclables, can add on guidelines for yard waste and/or food waste
- States with universal recycling: DE, VT

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## Mandated Recycling Snapshot

State-Level Policy	Mandatory Recycling	Universal Recycling
<b>Responsible for Enforcement</b>	Municipality must design strategy, usually through local ordinance. State, haulers, facilities play role	State enforces haulers
<b>Pros</b>	Responsibility placed on waste-generating community to divert waste	Straightforward means to provide service and enforce. Responsibility placed on all trash haulers to provide recycling service
<b>Cons</b>	Enforcement is tough. Mixed results	If recycling requirement (mandatory/bans) for customers, haulers may not like policing their customers. New approach.

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## Mandatory Recycling

### Connecticut

- Has required mandatory recycling for all entities and citizens since early 1990s
- 26% recycling rate (uses formula/info much like NM)
- Biggest issue: Hard to enforce
- All entities have a role in enforcement: state, localities, facilities, haulers
- Law required locality to create local ordinance
- State primarily responds to complaints
- Bans two materials (lead-acid batteries and grass clippings)
- Working on strategies to increase recycling rates

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## Mandatory Commercial Recycling

### Minnesota

- Minnesota just passed law, effective Jan 2016
- Part of update of Solid Waste Laws, first time in 25 years, updating goals, funding, expanded composting, etc.
- Businesses that generate 4+ cubic yards of solid waste a week must recycle at least 3 items from list of paper, glass, metals, food waste and plastics or single stream meets requirement
- Includes professional and collegiate sports facilities recycling at least 3 items

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## Mandatory Commercial Recycling

### California

- 2012 – law targets 4+ cubic yards per week at businesses and 5+ units in multi-family housing, does not specify materials to be recycled
- Up to local jurisdiction to provide outreach, education and monitoring
- Localities may create their own mandatory recycling ordinance or program in support of state law, adding enforcement
- Targets both rural and urban areas – no exceptions
- 4 and great cubic yard of trash per week is measured by bin size and # of collections a week. Not whether it is full.
- Localities must show good faith effort to reach 50% per capita generation target goal, lbs per person per day – penalties could be considered. State recently passed a statewide pounds per day per person recycling goal of 75% by 2020.

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## Mandatory Commercial Recycling

- Fresno's Story...
- Had commercial recycling in place, with voluntary participation
- Passed mandatory commercial recycling ordinance
- Instituted a form of Pay-As-You-Throw two-tiered pricing structure, significantly more expensive for trash container
- Same sized trash container was 3.5 times more expensive than the same size recycling container
- Community recycling rate went from 32% to 62% in 2 years – business strategy primary factor!!
- Incentives played critical role...

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## Universal Recycling

### Delaware

- Passed in 2010, with phased-in steps
- Single Family Residential 2011: All public and private waste haulers must provide single-stream recycling collections, picked up at minimum of every other week, cart provided to all. Included bars/restaurants. Cost for all collections included as one fee
- Guidelines for phased-in Multi-Family (2013) & Commercial Recycling (2014)
- Haulers must be licensed with state, list of certified providers, state can enforce penalty on haulers for noncompliance
- No one is necessarily required to recycle, they have options to select service provider, high trash tip fees incentivize recycling
- Combine trash/recycling fee must be paid either way
- Haulers do not have to police their customers – just provide service

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## Universal Recycling

### Delaware

- Went from 23% recycling rate in 2006 to 42% in 2013 (Uses EPA measurement, increased from combination of yard waste ban, universal recycling efforts and improved reporting)
- Commercial recycling requirement includes all state buildings – lending to ability for state to have recycling at all covered facilities
- Advisement from DE:
  - New combined trash rates were not as high as thought, some entities are saving money
  - Understand commercial recycling sector
  - Enforcement conducted by observation in field, public complaints, other hauler complaints, comparing reported tonnage data, has ability to fine as needed
  - State meets with haulers as well



## Universal Recycling

### Vermont

- Recently passed Universal Recycling law, to include new banned materials
- Requires solid waste haulers to collect banned materials
- Requires solid waste facilities to collect these materials
- Fee for residential traditional recyclable collection cannot be separate, but must be part of overall solid waste fee. Haulers can charge separately for yard waste, organic and/or food waste collections
- Requires PAYT to be implemented



USAVT

Combining Universal Recycling and Pay-As-You-Throw =  
Universal Save-As-You-Throw  
USAVT

Presented by Tim Gray, New Mexico Environment Department

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Delaware's Universal Recycling

+

Minnesota/ WA State PAYT

→

Universal Save-As-You-Throw

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## Universal Save-As-You-Throw

### State Level Variable Pricing Legislation

- Requires communities to use variable pricing (aka PAYT) as their solid waste billing structure
- PAYT affects all local solid waste haulers (public & private) as well as solid waste drop-off facilities
- Works in urban environments with carts, dumpsters with bag/tag options
- Works in rural environments with bags & tags, size of truck, punch card for each bag, etc.
- Require the cost of entire solid waste/diversion system evaluated when creating Save-As-You-Throw price structure

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## Universal Save-As-You-Throw

### Universal Recycling

- Essentially requires access to recycling in same way that trash is now required
- Requires all public/private solid waste haulers to offer recycling container and regular collections
- Could provide recycling access to commercial, household and multi-family
- Solid waste drop-offs must have recycling opportunities (define minimum recyclables)
- Trash + Recycling Collection is combined into one fee = Universal Access
- With Universal SAVT – the fees will vary on trash cart size, cost of bags or vehicle in drop-off environments
- Assumptions = single stream at curb, sorted/single stream at drop-off

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## Universal Save-As-You-Throw

- State provides technical assistance in rate structuring and compliance
- Significant grant program supports infrastructure expansion and state-level assistance and regulation/oversight
- Requires a high tiered-pricing differential between solid waste container sizes/# pick-ups
- Guidance on local dual enclosure ordinances
- **Allows voluntary participation but with financial incentive to divert and access availability**

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## Universal Save-As-You-Throw

- Why Save-As-You-Throw rather than PAYT?
- Save-As-You-Throw term seen in NH and NYC
- Acronym of U-PAY-IT, perhaps not the right message
- Universal SAVT – pronounced USAVE-IT
  - Insinuates possibility of saving money
  - Saving landfill space and resources
  - We all like to save rather than pay right?
- Could also be U-SMART or S-MART – Universal *Saving* Money and Reducing Trash (EPA term)

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# Construction and Demolition Waste Diversion

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## Strategies for Increasing the Diversion of Waste from Construction and Demolition Activities

Presented by Neal Denton,  
NMED

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## Construction and Demolition Waste



### Construction

Aggregate  
Cardboard  
Carpet  
Wallboard  
Metal  
Roofing  
Wood



### Demolition

Asphalt	Porcelain
Brick	Roofing
Carpet	Tile
Concrete	Wood
Metal	

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## C&D Waste Recycling



Lumber



Mulch



Shingles



Aggregate



Wallboard



Soil amendment



Brick

Landscaping material  
or fill

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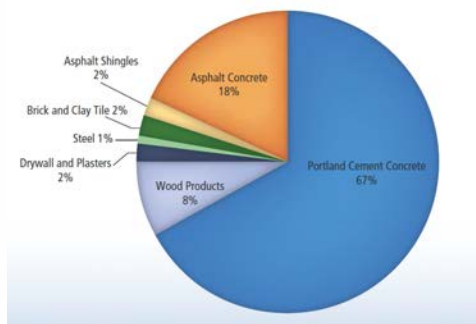


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## Construction and Demolition Waste

25% of 2014 New Mexico waste stream

Figure 10. C&D Generation Composition by Material, 2013  
530 Million Tons (before recycling)

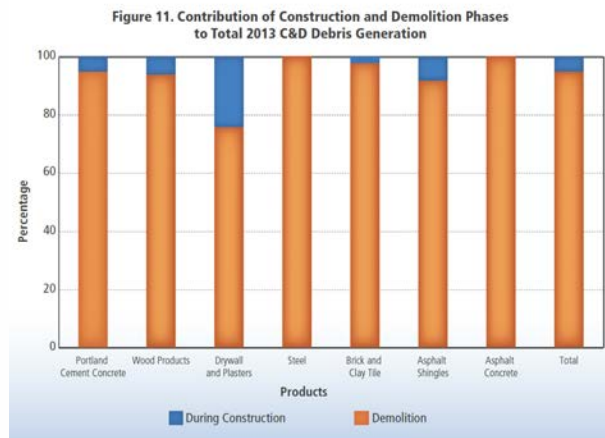


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## Construction and Demolition Waste



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## Options

1. Mandate 50% nonhazardous C&D waste diversion.
2. Ban disposal of nonhazardous C&D waste.
3. Require disposal surcharge for nonhazardous C&D waste to encourage reuse/recycling.



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## Option #1

### **Mandate 50% nonhazardous C&D waste diversion.**


- Apply to projects spending over a certain amount or over a certain square footage.
- Exempt small communities/rural areas.
- Building permit applicant submits to local permitting entity or NM Regulation and Licensing Dept:
  - Waste Management Plan
  - Post-Construction Compliance Form



## C&D Waste Management Plan

- Identifies the C&D waste to be diverted from disposal by
  - Efficient usage
  - Recycling
  - Reuse on the project site
  - Salvage for future use or sale
- Identifies disposal location(s)
- Subcontractors receive copy and complete acknowledgement form





**CONSTRUCTION & DEMOLITION REUSE AND RECYCLING PLAN**

The City of Brawley is requesting that all applicants prepare a waste management and recycling plan by completing the following form for construction and demolition materials produced as a result of work performed in the City of Brawley. The City requires that contractors recycle materials when there is a viable recycling company available.

The Imperial Valley Waste Management Task Force Staff will provide assistance to applicants in developing and implementing the waste management and recycling plan by calling (760) 337-4537.

COMPANY NAME: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 JOB SITE: \_\_\_\_\_ FAX #: \_\_\_\_\_

Please fill out the following form for submittal. This form will help to identify the types of materials, estimated quantities of materials and how the material will be transported and recycled or disposed. If you have any questions regarding the form or recycling and disposal, please call (760) 337-4537.

Circle the material that will be generated at the construction site, estimate the quantity, list how the materials will be transported and where the materials will be taken.

MATERIALS	ESTIMATE QUANTITY (in produced tons)	HULLER (list huller's name or not self-haul)	RECYCLING COMPANY OR DISPOSAL SITE (if self-haul)
Scrap and used building materials			
Wood			
Paint Debris			
Gypsum Wallboard			

Glass			
Soil			
Corrugated Cardboard			
Metals			
Masonry Tile			
Concrete / Asphalt			
Toilets (Porcelain)			
Carpet Padding (if foam)			
Others			
Mixed Loads (i.e. Trash, Plastic, Packaging, etc.)			

**FOR NWMTF USE ONLY**

Approval Status:

Approved: \_\_\_\_\_

Further explanation needed, see attached

Denied: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

## Option #1

- Compliance:
  - Require deposit or
  - Withhold certificate of occupancy
- Funding (if necessary):
  - Unredeemed deposits
  - Penalties from inspections
  - Increased building permit fee
- Local community enforces and reports numbers to NMED SWB.
- State provides incentives or enforces penalties to ensure compliance.



## Mandated C&D Diversion Precedent

### California

- Mandated recycling/reuse of 50% C&D waste
  - 2010 California Green Building Standards
- Waste management plan submitted with building permit application
- On-site inspections
- Certificate of occupancy is withheld until post construction compliance form submitted.
- Rural areas can negotiate lower diversion rate with local permitting entity.
- Disposal (overall) decreased by 100 lbs/per/yr.



## Mandated C&D Diversion Precedent

### Chicago, IL

- Same model as CA. Since 2004.
- 2013 – 90% of recyclable C&D diverted

### Plano, TX

- C&D deposit based on square footage
- Full deposit returned for 60% diversion
- ~3,000 tons diverted (2004) → 60,000 tons (2014)
- 100% compliance for new C&D and 90% for alterations



## Option #2

### **Ban disposal of nonhazardous C&D debris.**

- Target majority of C&D waste stream.
- Phase in to allow markets time to plan/adjust.
- Allow for grace period for education.
- Only apply to nonhazardous material
  - No painted materials
- Exempt material that's difficult to separate.
  - Styrofoam adhering to concrete
- Allow disposal of small quantities
  - Pick-up truck



## Option #2

- Compliance:
  - NMED inspections of landfills
  - Landfills work with local communities.
- Funding:
  - Load inspections already required
  - Make grants/loans available to help landfills transition to C&D sorters/processors.
  - Results in economic development as businesses react to build markets.



## C&D Waste Disposal Ban Precedent

### Massachusetts

- Brick, clean wood, C&D metal, concrete cannot exceed 20% of a load's volume.
  - Took effect in 2006.
- Solid waste facilities submit compliance plans.
- Exceptions for vehicles holding 5 yd<sup>3</sup> or less.
- Furniture or similar items not counted as wood
- State grants/loans for processing centers and end markets
- 66% of C&D waste recycled after ban

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## C&D Waste Disposal Ban Precedent

### Seattle, WA

- Set goal of recycling 70% C&D waste by 2030
- C&D landfill ban phased in over four years
  - 2012 – Asphalt paving, bricks, and concrete
  - 2014 – Metal, cardboard, and wallboard
  - 2015 – Clean wood
  - 2016 – Carpet, plastic film wrap, and asphalt shingles
- Flexible (delayed/removed if no market)
- Trade association preferred ban over mandate
- C&D diversion: 50% (2007)→72% (2014)

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## C&D Waste Disposal Ban Precedent

### Seattle, WA

- Private mixed waste processors came after ban.
- \$5 million carpet recycling plant to employ 40+ opening in response to ban
- Building permit applicants submit diversion plan.
- Demolition permit applicants submit salvage assessment.
- Post-construction reports required if projects exceed \$30,000 in value
- Conducts inspections and assesses penalties at jobsites, not landfills



## Option #3

### **Require disposal surcharge for nonhazardous C&D waste to encourage reuse/recycling.**

- Evaluate cost of recycling C&D waste in different regions.
- Determine appropriate surcharges to make disposal less affordable.
- Surcharges go to grant fund for C&D waste diversion infrastructure development or assisting developers with the cost of compliance
- "Sunsets" as C&D waste is no longer disposed.





## C&D Disposal Surcharge Precedent

### Wake County, NC

- Tipping fee doubled if load contains >10% C&D waste
- Took effect in 2000

### San Diego, CA

- Charges 1.5 times the tipping fee if a load contains >20% C&D waste for flat rate loads
  - 2.75 times the tipping fee for weighed load
- Took effect 2008
- 75% reduction of disposal after implementation
- Surcharge used to fund waste management



## C&D Disposal Surcharge Precedent

### Nashville/Davidson County, TN

- Charges haulers \$1/yd<sup>3</sup> for C&D waste disposal
- Reduced to 50¢/yd<sup>3</sup> if hauler demonstrates >50% C&D waste collected in prior year was or will be recycled
- Took effect in 2010



## Cleanfills & C&D Landfills

- Set up grant funding
  - Recommendations in “Funding Recycling Strategy” presentation this afternoon
  - Disposal surcharge grant fund
- NMED provides technical assistance for transition to C&D sorting and/or processing facilities
- Processed C&D provides revenue stream previously provided by tip fees



## Pros/Cons

Mechanism	Pros	Cons
50% Diversion Mandate	50% easy to achieve Not burdensome for existing building permit review staff Unredeemed deposits provide community funding Done at local level	Difficult to enforce (honor system, ppl doing C&D without building permits) Difficult to measure
Landfill Ban	Easy to enforce Results in highest diversion No documentation needed from builders	C&D can be hidden in loads Difficult transitional period for landfills Doesn't necessarily ensure recycling of C&D waste
Disposal Surcharge	Creates additional funding mechanism for development of C&D processing	C&D can be hidden in loads Difficult to determine appropriate surcharge to ensure diversion is more affordable



## Incidental Options

- Require **disaster debris management plans** that divert from landfills.
- Incentivize **deconstruction**
  - Systematically dismantling to salvage reusable material/recycle non-reusable materials
  - Education/outreach on cost savings from deconstruction auctions
  - Expedite deconstruction permit reviews
  - Charge lower deconstruction permit fee



## Disaster Debris Mgmt Case Study

- Northridge Earthquake
  - 1994 in Los Angeles
- City of LA negotiated with FEMA to designate recycling as preferred debris mgmt option
  - Worked with nine businesses to quickly develop capacity for mixed debris
- Contractors collected material separately and sent debris that couldn't be separated to mixed debris processors
- Recycled >86% debris (1.5 million tons)



## Deconstruction Success Story

### Austin, TX

- 1998 – Whole Foods Market corporate headquarters renovation involved removing all but frame and exterior wall on 15,500 ft<sup>2</sup>.
- Diverted 42% of material
  - 17% recycled
  - 15% donated
  - 10% reused
- **Saved \$32,820**
  - \$2.10/ft<sup>2</sup>

#### Materials Collected

**Recycled**  
structural steel, miscellaneous metals (metal studs, ceiling grid and support wires, conduit, strapping from lumber and deliveries, tubing, piping, and rebar), and cardboard

**Reused On-site**  
mop sink, fire-rated ceiling tiles, light fixtures, HVAC devices, and fire-rated doors and hardware sets

**Donated**  
carpeting, spotlights and track lights, wooden doors, plywood, medium density fiberboard (MDF), soundboard, accordion-folding wall, ceramic floor tile, ceiling fans, cabinets, mirrors, and structural wood and flooring

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## Deconstruction Incentive Precedent

### Seattle, WA

- Demolition and building permit required before starting demolition
  - Building permit review takes up to 1 yr & must be approved before demolition permit.
- Deconstruction permits reviewed in 2 days.
  - Allows project to get started (time=money!)
- Demolition permit 1.5x more expensive
- Must recycle/reuse 100% asphalt, brick, and concrete & 20% other materials

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# Extended Producer Responsibility

## Recommendations from NM EPR Taskforce

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### Extended Producer Responsibility

- Legislation that requires producers to create mechanism and funding to take back their product for proper recycling
- 84 EPR bills in 33 states (Dec 2014)
- Covered Items Include:
  - Electronics
  - Mercury-containing devices (e.g. thermostats)
  - CFLs
  - Phone Books
  - Paint
  - Mattresses
  - Carpet
  - Pharmaceuticals
  - Packaging (Proposed in US)
  - Smoke Detectors
  - Sharps
  - Batteries (Ni-Cad, Alkaline)
  - HHW
  - Tires (in Canada and Europe, proposed in VT)

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## Extended Producer Responsibility

- NM created a Product Stewardship Council that responded to 2013 memorial
- Task Force reviewed potential items and narrowed down to needs in NM and where industry supports the EPR legislation
- Set 3 EPR priorities as potential legislative action:

**Electronics & TVs**  
**Paint**  
**Mattresses**

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## EPR Precedent

### Paint

- Currently in place: CA, CT, OR, RI, VT, CO
- In development: ME, MN
- State PaintCare program manages covered paints, reimburses local collection programs for disposition or collects at retail and PaintCare drop-off sites
- PaintCare is a nonprofit created by the American Coatings Association
- Oregon PaintCare example:
  - Fee collected at point of sale
  - Logistics handled by PaintCare
  - OR DEQ oversees program and handles fees

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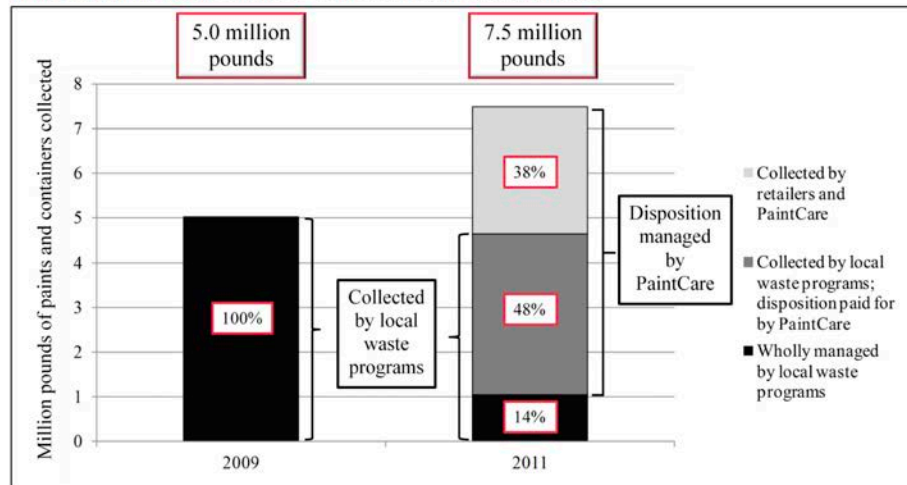


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## EPR Precedent

Figure 1. Paint and paint containers<sup>1</sup> collected in Oregon, 2009 and 2011



## EPR Precedent

### Electronics and Old TVs

- 25 states have a form of electronics EPR in place
- Variety of legislation in regard to covered devices, take back requirements, fees, penalties, etc.
- In the US, we throw away 400 million consumer electronics each year. Only 25% recycled.
- Electronics contain hazardous materials
- Monitors and old tube TVs have 4-8 pounds of lead
- Flat screen monitors and TVs contain lead & mercury
- About 40% of the heavy metals, including lead, mercury and cadmium, in landfills come from electronic discards

## EPR Precedent

### Electronics and Old TVs

- High performing state electronics EPR laws: Oregon, Washington, Minnesota
- Electronics EPR Best Management Practices:
  - Set HIGH performance goals with \$\$ penalties for not meeting
  - Very convenient: Towns 10,000+ must have collection site
  - Offer variety of collection partners: muni, private, retail, nonprofit
  - Ensure rural areas have collection requirements
  - Landfill bans assist – phased in 1-2 years later
  - Require e-waste to be recycled by certified entities and avoid prison labor
  - Include broad range of products, including monitors, printers and TVs
  - Encourage reuse with appropriate language
  - Clear reporting requirements

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## EPR – Mattress Example

### Mattresses

- Bulky material to manage, creates unsafe conditions
- Commonly found in illegal dump sites
- 80-90% of material is recyclable
- Industry supports EPR legislation, CT, CA and RI have laws
- Law requires mattress manufacturers (via the International Sleep Products Association to set up program for unwanted mattresses
- Fee assessed at point of sale – passed on to consumer

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# State Agency Waste Diversion

10/14/15

## Strategies for Increasing the Diversion of Waste by State Agencies

Presented by Neal Denton,  
NMED and English Bird

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### “City of State Employeeeland”

- 26,901 State Employees
  - Close to size of Carlsbad – 26,653 (2013)
- All state-owned buildings recycle.
- 67% surveyed NMED offices recycle.
- Recycling pickup available to most state offices
- State waste diversion would increase by
  - 0.25% at 2013 New Mexico recycling rate
  - 0.51% at 2013 national avg recycling rate
  - 0.76% at 50% recycling rate
- U-PAYT to address state agency recycling

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## Options

- 1. Conduct outreach/training about recycled content preference in state procurement code.**
- 2. Initiate cut-it-and-leave-it policy and/or require composting for yard/landscaping trimmings.**
- 3. Encourage universities to engage students in composting of food court and landscaping waste.**



## Option #1

**Conduct outreach/training about recycled content preference in state procurement code.**

- New Mexico Public Procurement Association Conferences
- Distribute announcement/short guide to chief procurement officer list available from General Services Department
- Green procurement already in CPO training



## Recycled Content Statutory Preference

- 2011 SB1
- 13-1-21 NMSA
- 1.4.25 NMAC
- Recycled content goods:
  - ≥25% recycled material
    - Must meet bid specifications
- 5% lower than nonrecycled content goods



## Purchasing Influence

- Largest employer
  - 2<sup>nd</sup> and 3<sup>rd</sup> = UNM and NMSU (2011 data)
- Most local communities either use state procurement code or use it as framework for "home rule" procurement code.
- Price agreements
  - Statewide
  - GSA
  - Western States



## Recycled Content Product Examples

- Office supplies
- Electronics
- Furniture
- Food/beverage containers
- Printer toner
- Rubberized asphalt
- Rubber mulch
- Crumb rubber
- Motor oil
- Compost



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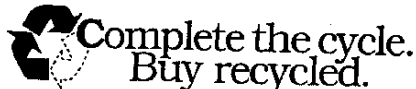


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## Local Community Action

- Update "home rule" procurement code.
- Include preference and life cycle cost in evaluation criteria in all invitations to bid or requests or proposals.
- Apply 5% reduction to quotes when determining best obtainable price.
- Use state price agreement for recycled-content office paper.



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## Local Community Action

- Best obtainable price – most advantageous to purchasing entity
- Quotes – Purchasing office issues determination as to why lowest price is not acceptable
  - Must not be “arbitrary or capricious”
- Ensure all purchasing agents are aware of preference.



## Option #2

**Initiate cut it and leave it policy and/or require composting of yard/landscaping trimmings.**

- Reach out to those responsible for landscaping to determine practicality/interest in doing this.
- Provide list/map of composting facilities.
- Solid Waste Bureau and New Mexico Organics Recycling Organization provide outreach/technical assistance.
- Evaluate infrastructure needs.



## Grass Clippings & Bulky Green Waste



Cut It and Leave It



Mulch or Compost It

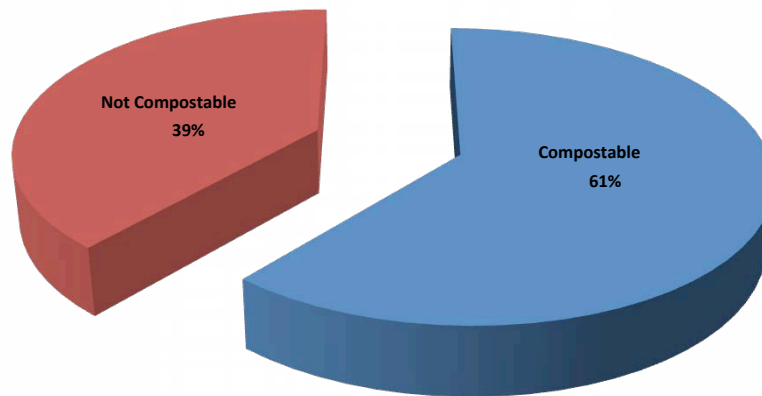
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## 2013 National Solid Waste Composition



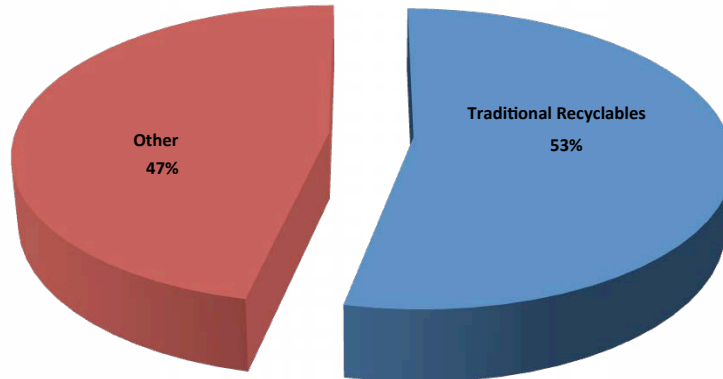
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### 2013 National Solid Waste Composition



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## Cut It and Leave It Precedent



### New Jersey 1991 Executive Order 34

- Directs each agency to comply with the NJ Department of Environmental Protection's "Grass: Cut It and Leave It" Policy where they have responsibility for maintaining public lands
- Still in effect



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### Option #3

**Encourage universities to engage students in composting of food court and landscaping waste.**

- Need one full time employee
- Food collection and composting done by students
- Compost used in university gardens
- Solid Waste Bureau and New Mexico Organics Recycling Organization provide assistance
- RAID Act funding if eligible entity partners

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### Current Practices



- Currently composting all pre and post consumer food waste
- 106,092 tons of food waste diverted in 2009



- Not composting food waste
- Composting or mulching 95% of landscaping waste

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## Incidental Options

- Work with state agencies to update leases to include recycling provisions.
- Solid Waste Bureau approaches Governor regarding executive order requiring leases to be updated to include recycling provisions.
  - Work with new Governors to encourage it being carried forward
- Provide outreach to state agencies for easy ways to reduce, reuse, and recycle.

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## 2015

### JANUARY

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### JUNE

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### DECEMBER

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### My Recycling & Waste Reduction Check List

- ☐ Make sure my Department has a recycling program and coordinator
- ☐ Double-side all printed and photocopied documents
- ☐ Print forms as needed rather than stockpiling hard copies
- ☐ Use e-mail to send official memos
- ☐ Use e-mail or scrap paper for internal memos
- ☐ Proof documents on screen
- ☐ Create routing slips to distribute information vs. giving each person a copy
- ☐ Use smaller margins and less white space in documents
- ☐ Use scrap paper for notes, drafts, and memo pads
- ☐ Print drafts on the back side of paper that has already been used
- ☐ Have a box or bin to collect copy/printing paper for reuse
- ☐ Separate recyclables—contaminated loads end up in landfill
- ☐ Promote and use recycled content paper
- ☐ Recycle soft-drink, water, and juice cans and bottles purchased from vending machines
- ☐ Use fax transmission stickers instead of a full-page coversheet
- ☐ Recycle newspapers generated in the office
- ☐ Reuse file folders, paper clips, rubber bands, etc.
- ☐ Print addresses directly onto envelopes instead of using labels
- ☐ Subscribe to online rather than print publications
- ☐ Obtain reference manuals on CD rather than in book form
- ☐ Use the Internet to distribute reports and catalogs
- ☐ Route mail in inter-office envelopes or in reusable mail pouches
- ☐ Share waste prevention ideas with your co-workers
- ☐ Reuse envelopes, boxes, and packaging materials
- ☐ Donate old magazines to hospitals, nursing homes, or non-profit groups
- ☐ Save old newspapers and reuse for packaging
- ☐ Use mechanical pencils and refillable pens and tape dispensers
- ☐ Ring personal mugs or cups for beverages
- ☐ Ring lunch in reusable containers or bags

IT'S A STATE OF MIND  
State Agency Recycling Team  
Reduction STARTs with You  
Reuse STARTs with You  
Recycling STARTs with You

## Procurement Reform Options

- New Mexico does have language about life-cycle analysis, 1.4.1.24(E)(5) NMAC
- “Award may be determined by total or life-cycle costing if so indicated in the IFB. Life-cycle cost evaluation may take into account operative, maintenance, and money costs, other costs of ownership and usage and resale or residual value, in addition to acquisition price, in determining the lowest bid cost over the period the item will be used.”

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## Procurement Reform Options

- Massachusetts has comprehensive initiatives
- Procurement is **required** to consider "total cost of ownership" (includes transportation, use, operation and disposal) in procurement procedures
- Implement supply chain management as part of state procurement
- Modify contracts so suppliers take back packaging/recyclable item (e.g. carpet, electronics)
- Supports purchase of recycled-content
- Ensure all state agencies recycle and compost
- Vermont and Wisconsin (purchase durable vs disposable products and life-cycle analysis) have similar reform measures

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## State Procurement and Purchasing Options

- Require NMDOT to use compost/mulch in road projects
- Require use of life-cycle analysis in procurement
- Consider option of adopting US Composting Council's seal of quality assurance
- Consider requirement for all new construction projects amend soil with compost for increased water retention

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## Landfill Bans

### Effects and Recommendations in Regard to Landfill Disposal Bans and Mandatory Recycling of Certain Items

Presented by Sarah  
Pierpont, NMRC

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## Landfill Disposal Ban

- NM Currently Bans Lead-Acid Batteries and Motor Oil
- Bans Can Be Economic Driver to Promote/Support Growth of Private Sector
- Usually Phased In To Ensure Infrastructure
  - Different scale of generators may ban material (e.g. Volume/pounds per month/week)
  - Can ban material over time affecting different sized-entities
  - Can include geographic ban
  - If there is a certified facility within 20 miles, then the material is banned

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## Landfill Disposal Ban

- Target Large Portion of Waste Stream, Toxics or Materials that Require Market Development
- Banning Food Waste – Vermont experience:
  - Ensures critical mass of material volume
  - Allows local enterprise to be sustainable
- **Enforcement Tactics with Penalties Essential**
- **Education About Ban Essential Also**
- **Must Have Infrastructure Plan**
- Yard Trimming/Green Waste Ban = 19 States
- Bans enforced locally at landfill and at pickup/drop-off
- Different roles for state, locality and haulers

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## Landfill Disposal Bans

### Commonly Banned Materials

- Historically: Lead-acid batteries, motor oil, tires, untreated infectious waste, CRTs, mercury-containing products, liquid wastes, yard/green wastes, computers, Ni-cad batteries
- Recent: Bans on traditional household recyclables (bottles, cans, fiber, food, organics)

### Mandatory Recycling For Certain Items

- Policy is set that certain items must be recycled
- Historically common state-level mandatory recycling laws: lead-acid batteries, cardboard, high-grade paper, aluminum and tin cans, waste oil, glass containers, newspaper

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## Landfill Disposal Ban Precedent

### Wisconsin

- Has 40% diversion rate
- Bans a wide variety of materials from 1991 - 2010
- Studied effectiveness of a set of landfill bans implemented in 1995
- Bans had higher-than-national average recycling rates for cardboard, glass containers, PET & HDPE containers and yard waste
- Communities report on tons of banned materials diverted

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## Landfill Disposal Ban Precedent

### Florida

- Year ban took effect = 27% diversion yard/green waste (up from 8%)
- 3 years later = 48% (without active enforcement and some exclusions)

### Vermont

- Bans traditional items (effective 2015) plus many toxics
- Bans yard/green waste (2016) and food waste added
- Food waste ban phased in
  - Generators of certain tonnages must 1<sup>st</sup> divert food waste
  - Tonnages affected decrease at different landmark years
  - If within 20 miles of certified facility, ban is in effect
  - 2020 all food waste banned

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**VERMONT STATE LAW**  

# DISPOSAL BANS

 <b>Paints &amp; Stains, Varnish, Thinner</b> 	<b>Tires</b> 	<b>Waste Oil &amp; Filters</b> 	<b>Recyclables</b> <p>Effective July 1, 2015</p>	<b>Mercury-Added Products</b> <p>CFLs, mercury switches, thermostats, lamps, thermometers, etc.</p>	<b>Electronics</b> <p>Computers and accessories, all phones, televisions, MP3 players, VCRs/DVDs, etc.</p>	<b>Organics (Compostable Material)</b> <p>Effective July 1, 2016</p> <p>Effective July 1, 2020</p>	<b>Certain Batteries</b> <p>Lead-acid      Rechargeable</p>	<b>Appliances (White Goods)</b> <p>Refrigerators, ranges, washers, dryers, dishwashers, freezers, etc.</p>	<b>Dangerous Wastes</b> <p><small>These items are regulated and extremely hazardous to persons handling solid waste:</small></p> <p><b>Explosives, Fireworks, Gasoline, Sharps, Medical Waste, Pool Chemicals, Propane Cylinders, Liquid Waste.</b></p> <p><small>Please use proper disposal methods or keep out of trash.</small></p>	<b>Keep these items out of the trash!</b> <p>Ask attendant for details on recycling and alternative disposal options.</p> <p>Waste Management &amp; Prevention Division (802) 828-1138   <a href="http://www.recycle.vermont.gov">www.recycle.vermont.gov</a></p> <p>2015 Edition. VERMONT</p>
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## Landfill Disposal Ban Precedent

### North Carolina

- Bans the following items: Aluminum Cans (UBCs), Computers, CRTs, Glass Containers (from Alcohol Beverage permit holders), Lead-Acid Batteries, Mercury-Containing Products, Plastic Bottle Containers, Waste Oil, White Goods, Yard Waste, Oil Filters, Wooden Pallets, Flat Panel TVs and Monitors, Keyboards and Mice
- **Many NC bans have been put in place to support existing state markets**
- **Ensures material flow**

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## Landfill Disposal Ban Precedent

- Bans can be linked when implementing Extended Producer Responsibility laws
- For example, if an Electronics EPR bill were passed, a phased-in ban on certain electronic materials could be implemented
- Bans can be linked to Universal Recycling laws (which requires haulers to provide recycling collection)

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## Disposal Ban Options for NM

Ban Options for High-Volume Materials	Ban Options for Toxic Materials To Be Coupled with EPR legislation
Yard/Green Waste	Electronics (coupled with EPR bill)
Targeted C&D Items	Mercury-Containing Devices (e.g. CFLs, thermostats, auto switches)
Food Waste	Ni-Cad Batteries
Cardboard/Paper	

- Bans should be used carefully and strategically, ensuring there is clear guidance and support for education, enforcement, roles and penalties
- Bans in NM could support end-market development
- Could couple EPR bills with material ban

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## Measuring Recycling

How Best To Measure Recycling in NM, Time Frame to Reach 50% Goal

Presented by Tim Gray, New Mexico Environment Department

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## NM Recycling Rate

Year	Recycling Rate	Diversion Rate
2004	5%	
2005	3%	
2006	9.74%	9.88%
2007	10.96%	13.71%
2008	12.4%	12.9%
2009	14.6%	20.64%
2010	16.2%	16.95%
2011	20.72%	20%
2012	15.7%	19.6%
2013	16.27%	21.9%

Source: NMED Annual Reports

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## Materials Included in Recycling Rate

Recyclables: Paper, Cardboard, Plastics, Aluminum, Tin, Glass, Lead-Acid Batteries, Scrap Metal/Appliances, Electronics, Textiles/Carpet, Wood, Tires, HHW, Oil Filters, CFLs, Mattresses

Organics: Yard Trimmings, Plant Debris, Soiled Papers, Waxed Cardboard, Food Waste, Mortality (whole animal)

Recycling Rate Calculation:  
DIVISIBLE BY IN-STATE MSW  
TRASH ONLY

NOT COUNTED: Construction Materials, Wood from C&D Debris, Special Wastes (Offal/Sludge), Ceramics, Used Motor Oil, Reuse and Repair.

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## Materials Added for Diversion Rate

Items That Were Kept  
Out of the Landfill  
and Were Beneficially  
Used (Plus Items  
Recycled)

Divisible by MSW  
Plus C&D, Cleanfill  
and Beneficially  
Used Special Waste

Includes C&D,  
Cleanfill, Motor Oil  
and Beneficially Used  
Special Wastes (Offal/  
Sludge)

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## NM Daily Per Capita Waste DISPOSAL

Year	A. In-state MSW Waste Disposed in Tons*	B. In-State MSW Baseline with Cleanfill and C&D in Tons	NM Population (Source: UNM Bureau of Business and Economic Research)	Daily Per Capita Waste Disposed A/B in Lbs	National MSW Per Capita Disposed in Lbs (Sources Noted)
2005	1,981,795	2,963,511	1,932,274	5.62 & 8.4	
2006	1,966,566	3,143,589	1,962,137	5.59 & 8.8	
2007	2,082,463	2,889,157	1,990,070	5.73 & 8.0	
2008	2,082,078	3,054,339	2,010,662	5.67 & 8.3	
2009	1,953,643	2,781,415	2,036,802	5.26 & 7.5	
2010	2,034,390	2,846,555	2,059,183	5.41 & 7.6	
2011	1,981,884	2,734,847	2,078,674	5.22 & 7.0	4.36 Biocycle
2012	1,872,331	2,675,830	2,085,538	4.92 & 7.0	2.36 EPA
2013	1,871,245	2,673,756	2,085,287	4.92 & 7.0	

\*Excludes C&D, special wastes, cleanfill and out of state wastes

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## Recommendation Option

### Option 1: Use EPA Diversion Rate Method and Calculation

- With all policies recommended to meet 50% diversion goal as counted now
- Solid Waste Act references diversion as measure as does HM51
- Possible Phased-In Diversion Goals:
  - 21% - Current Diversion Rate 2013
  - 30% - 2025
  - 40% - 2030
  - 50% - 2035

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## Recommendation Option

### Option 2: Expand NM Definition of Diversion Rate and Calculation

- Consider Adding to Diversion Rate Allowable Items: Auto-bodies, industrial scrap recyclers and material, tires-to-fuel, NMDOT/local roads recycling, recycling from retailers that haul material out of state, food donation/composting/animal feed, demolition. Would need required reporting mechanism.
- Possible Phased-In Diversion Goals:
  - 21% - Current Diversion Rate 2013
  - 30% - 2025
  - 40% - 2030
  - 50% - 2035

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## Recommendation Option

### Option 3: Set A Per Capita or General Waste Reduction Goal

- Still record recyclable/beneficially diverted items for tracking and reporting purposes
- Per capita can be misleading due to tourism and construction industry fluctuations
- North Carolina tracks per capita disposal to include MSW, C&D and tire-derived fuel
- Massachusetts: Goal to reduce disposal by 30% by 2020, compared to year law made (2008) and 80% by 2050 and eliminate toxics from disposal.
- California: Set a 75% disposal reduction goal = 8 Pounds Per Person Per Day Recycled as Goal (currently at 10.7 PPD) with 2.7 PPD disposed goal

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## Recommendation Options

### Option 3: Set A Per Capita or General Waste Reduction Goal

- Set an overall waste disposal goal, e.g. "Reduce overall disposal of MSW, Construction and Cleanfill Materials by 30% by 2020, compared to 2008 and 50% by 2035."
- Set a per capita waste disposal goal, e.g. "Reduce per capita waste disposal rate to 4 lbs on MSW, Construction and Cleanfill Materials by 2025"
- Measurement that gives empowerment to every resident – they can contribute by generating less
- Have good grasp of how much solid waste is disposed, harder to quantify all diversion activities

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## NM Per Capita Waste DISPOSAL - Predictions

Baseline			
Year	In-State MSW Baseline with Cleanfill and C&D in Tons	NM Population	Daily Per Capita Waste Disposed in Lbs
2013	2,673,756 tons	2,085,287	7.0 lbs/person/day

Goal Setting Examples			
Year	Per Capita Disposal Goal	NM Population	Total Disposal
2025	4 lbs/person/day (C&D, MSW, & Cleanfill)	2,500,000 (World Population Review)	1,825,000 tons per year (31% reduction from 2013 #)
2050	2 lbs/person/day (C&D, MSW, & Cleanfill)	3,000,000 (estimate)	1,095,000 tons per year (~60% reduction from 2013 #)

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# Infrastructure Needs

## Identifying Capacity Needs and Cost Estimates

Presented by Sarah Pierpont and Tim Gray

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## Business Recycling

- One truck can process 90 tons of material per month (Balcones Resources in Austin)
- Therefore, one truck can service approximately 300 businesses per month\*



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City	# of Businesses (US Census)
Albuquerque	13,000*
Rio Rancho	5,222
Las Cruces	2,000*
Santa Fe	2,400*
Entire State	109,159



OR



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Amount Needed for Trucks and Carts to service  
ALL of New Mexico's businesses

Trucks

- \$80 million

Containers (carts & Dumpsters)

- \$16 million

Bottom Line - \$96 Million

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## C & D RECYCLING



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Location	Cost
ABQ/Rio Rancho Regional Sorting Facility	\$ 2,000,000.00
Santa Fe Regional Facility	\$ 1,000,000.00
Las Cruces Regional Facility	\$ 1,000,000.00



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## Small Scale C&D Diversion Management

- 10 Regional Concrete Grinding Hubs
- **BOTTOM LINE EXPENSE - \$2.5 million**



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# Expanded Residential Recycling



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## Residential Expansion Possibilities

- **TOTAL \$27.8 million to convert larger communities in the state to PAYT to include recycling carts**



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## Infrastructure Updates Needed for Increased Processing

Assumptions

- Improvements & Expanded Capacity Needed at most of 22 hubs
- Expanded spoke collection equipment
- 4 New Recycling Hubs needed in the State (proposed Clovis, Rio Arriba, Socorro, Gallup)

Bottom Line Needs

- \$7.1 Million

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## Ballpark Estimate = \$133 million

NM implements residential and commercial PAYT, expanded residential capacity and C&D recycling to achieve a 50% diversion rate

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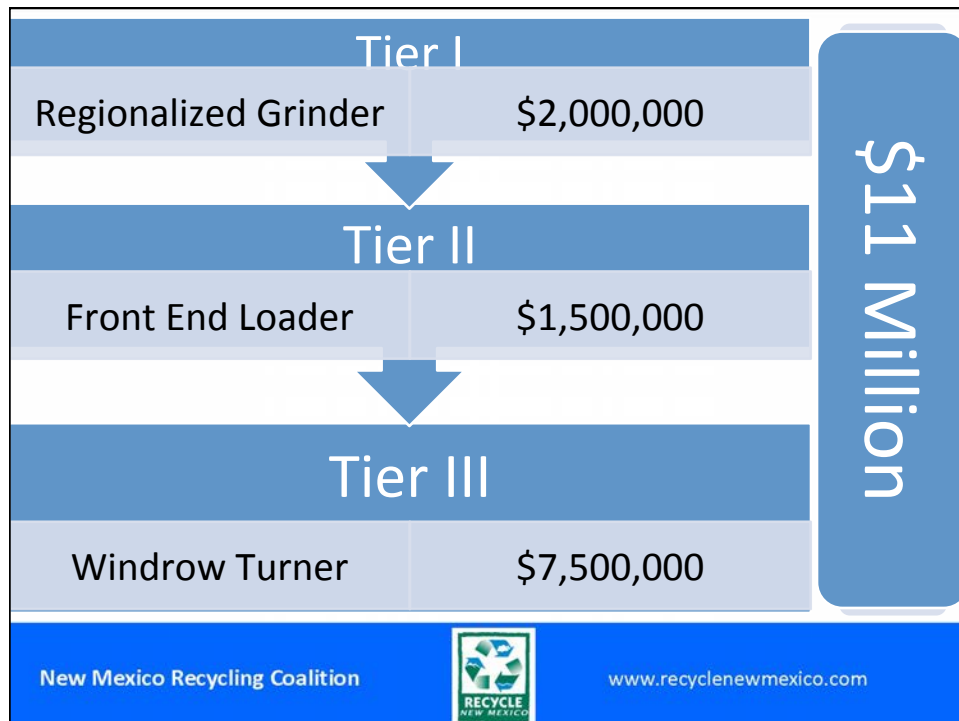
# Organics Diversion



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## Food Scrap Collections for entire state of NM

### Trucks

- \$20 million

### Containers (carts & Dumpsters)

- \$5.5 million

**Bottom Line - \$25.5 Million**

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## Ballpark Estimate = \$170 million

NM implements residential and commercial PAYT, expanded residential capacity, organics and food waste diversion, and C&D recycling to achieve a 50% diversion rate

CREATES 5,555 new direct jobs of which 3,515 are local and 17,358 new total jobs (direct, indirect and induced) of which 9,074 are local

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# Funding Recycling

Presented by English Bird

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## Funding Recycling in New Mexico

Mechanism	Pros	Cons
RAID Act Adjustments	Existing funding mechanism	Not good timing politically, tied to road/motor vehicle funding
Landfill Tip Fee/ Disposal Surcharge	Direct relation to solid waste management, generates enough \$	Hard to enact new fee, some resistance within industry based on past experience
Just A Penny Or Other Retail Transaction Fee	Direct relation to product/ solid waste generation, likely will generate enough \$, well liked by stakeholders, fee collection system in place	Hard to enact new fee, no precedent, Michigan developed concept
Consumption Fee	Direct relation to product/ solid waste generation, can be scaled to generate enough \$	Hard to enact new fee

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## Funding Recycling in New Mexico

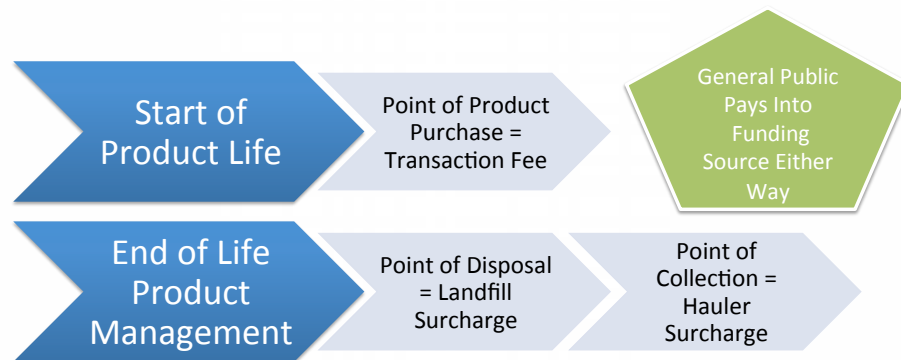
Mechanism	Pros	Cons
Vanity License Plate	Well liked by stakeholders	Will not generate enough \$, Spay/Neuter plate generates \$25k annually, not directly linked to solid waste, 14 Organization and Causes license plate offerings in place already (plus many other types!)
Cardboard Redemption Fee	Creative solution, targets a valuable/highly recyclable item, no direct cost to taxpayers	No precedent besides bottle bill, collection system is challenging, targets only one material, funding quantities unknown, creating infrastructure/program complicated
NM Income Tax Check Box	Palatable to stakeholders	Unsure \$ generation, \$124k donated to all existing 12 options in 2011, 2014 FIR on a proposal estimated income of \$5k – 20k in first year, not directly linked to solid waste, 13 offerings currently

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## Funding Stream Sources and Links to Solid Waste



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## Funding Options

### Option: Just A Penny Retail Transaction Fee

- Concept: \$.01 per any purchase of \$2+ of good, will be remitted to state for recycling funding (proposal Michigan)
- Thus far, cannot attain number of transactions in NM, may not be tracked
- Cannot find data on average amount of US/NM of retail transaction
- Fee submittal infrastructure already in place via NM Tax and Rev
- Direct link to products and their end-of-life management
- Michigan calls it a “Sustainability Fee”

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## Funding Options

### Option: “Recycling Fee”

- Impose a very small percentage on all eligible NM retail transactions
- Make it something a citizen understands is going towards improving recycling
- Links product consumption to responsible end-of-life management
- In NM: \$12 Billion conducted in retail sales (FY2014)

Percent Fee on Retail Sales	Projected Revenue
.00025%	\$3 million
.0005%	\$6 million
.001%	\$12 million

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**The Sustainability Fee has several positive attributes:**

- It has a direct nexus to the purchase and use of goods that create waste and assigns the cost of properly managing that waste generally across the consuming public.
- The approach doesn't create a disproportional cost burden to any one particular group or entity. It can be passed on to consumers (as are all taxes and fees) without harming local governments, businesses, or other organizations.
- Retailers that collect the fee can use existing administrative infrastructure and be compensated for their additional administrative burden.
- It would raise revenue from the consumptive behavior of visitors to the state without adversely affecting in-state spending by such visitors.
- Previous public opinion polling has shown that the approach is viewed positively.

## Funding Options

### **Option: Variable Disposal Surcharge Fee**

- Utilize variable state landfill disposal surcharge depending on level of compliance with state diversion goals (Iowa)
  - Iowa Example: If community is not meeting 25% diversion goal, it pays \$3.30/ton.
  - If it meets 25% goal, but has not met 50% goal, then pays \$2.10/ton
  - If it has met the 50% goal, then \$1.95/ton fee
- Questions/Considerations: Include cleanfill, slash, special wastes and C&D. Out of state waste? After certain time period, funding scales back to focus on solid waste permitting/regulation?



## Disposal Surcharge Fee

### Possible NM Revenue Generation

	Tons Disposed MSW & C&D Generated (2013)	Range of Possible Disposal Tip Fees		
		\$1.00	\$2.00	\$3.00
Landfilled	2,088,412	\$2 million	\$4 million	\$6 million
Avg Cost Per Person/Yr		\$1.00	\$2.00	\$3.00

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## Funding Options - Local

### A Local Option: Environmental Gross Receipts Tax

- Allows local municipal entities to adopt ordinance to impose an EGRT
- Used for acquisition, construction, operation and maintenance of solid waste facilities, water facilities, wastewater facilities, sewer systems and related facilities
- Rate of the tax shall be one-half to one-sixteenth of one percent of the gross receipts of the person engaging in business (depending on local population)
- 81 municipalities charge 1/16 tax (2010)
- Locally managed. No \$ go to support state efforts

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## Proposed Funding Distribution

### Appropriate Funding Towards Recycling & Solid Waste

Percent	Distribution
25%	Direct to govt entities responsible for recycling and solid waste management for their regions. Possibilities: Proportional to what community put in, have third-party hold and re-distribute funds, only provide distributions once landmarks are met
25%	NMED: SWB permitting, enforcement support
20%	5-7 FTE at NMED: Solid Waste Bureau for recycling/diversion activities
5%	Public Outreach Fund via NMED
25%	Recycling Infrastructure and Opportunity Grant Fund

*Percentages are for example purposes only to give perspective of how funding could be used and may be subject to adjustment.*

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## Pros and Cons of Two State Options

Mechanism	Pros	Cons
Just A Penny Or Other Retail Transaction "Recycling Fee"	Direct relation to product/solid waste generation, likely will generate enough \$, well liked by stakeholders, fee collection system in place, very small percentage will be effective and not noticed	Hard to enact new fee, no precedent in recycling sector, Michigan developed concept
Landfill Tip Fee/ Disposal Surcharge	Direct relation to solid waste management, likely generates enough \$	Hard to enact new fee, some resistance within industry based on past experience

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# Increasing Recycling

## Recommendations for Implementation

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### Top Policies With Potential to Lead To Increased Recycling Rate

Policy	Impact
Funding Recycling	Supports communities in their efforts to comply with state legislation and supports their diversion/solid waste programs
Universal Statewide Requirement for PAYT = USAVT	Provides financial incentive for all to waste less and divert more. Access to recycling increased. High impact on both residential and commercial sectors
C&D Recycling Requirements	Affects 25% of the waste stream
Yard Waste Ban, Phased In Food Waste	Affects up to 25% of the waste stream

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## Supportive Policies

Policy	Impact
Local Level Planning Requirements	Ensure local communities have strong planning in place to meet state-level requirements. Can be tied to funding access.
State Agency Procurement/ Purchasing Reform	Ensures state agency is buying recycled, considering life-cycle and total cost of ownership and able to serve as a potential large end-market of organic/recycled materials
Extended Producer Responsibility of Hard-to-Manage and Toxic Materials	Reduces cost of management burden on local communities for these items to the producers. Can add ban for these materials.
Bans on Toxic Materials	Removing toxics from landfills, responsibly manage, supportive to EPR legislation

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## Oregon Opportunity to Recycle Act

- Recycling Legislation that Provides Local Communities with Menu of Options (1983-2015)
- Government entities must provide recycling containers at a convenient location and do education/outreach.
  - Cities of  $\geq 4,000$ : Monthly curbside collection
  - Cities  $< 4,000$  & Counties: Provide/collect containers
- Requirements to pick from menu options (higher number for cities within 150 mi. of Portland):
  - Cities of 4,000-10,000: Pick 3-4 options
  - Cities of 10,000-50,000: Pick 5-6
  - Cities of 50,000+: Pick 6-7
  - Varying requirements for counties responsible for areas between city limits and urban growth boundaries

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## Oregon's "Menu Options"

Oregon Communities Must Select Certain # of Items From This Menu Based on Population Size:

- Collect residential recyclables curbside weekly
- Expand education and promotion program
- Provide a recycling container to each customer
- Collect recyclables from multi-family complexes
- Collect yard debris
- Collect commercial recycling
- Expand recycling drop off locations
- Establish pay-as-you-throw to incentivize diversion
- Collect residential compostables
- Collect commercial compostables
- Establish a recovery program for C&D debris

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## Option 1: State Law Recommendation

State Level Policy	Local Policy
Required	<ol style="list-style-type: none"> <li>1. U-SAVT</li> <li>2. Integrated Solid Waste Plan, Every 5-10 Years State Review and Update</li> <li>3. Requirement to reach 50% by _____</li> <li>4. EPR for Designated Items</li> <li>5. State Agency Procurement/Purchasing Reform</li> <li>6. Yard/Green Waste Ban with Shorter Phase-In*</li> <li>7. Food Waste Ban with Longer Phase-In*</li> <li>8. C&amp;D Requirement to Divert 50% with Waste Plan**</li> </ol>

\* Bans can consider how to address which communities participate, either based on population size, geographic distance to an existing facility, size of generating entity, targeted generating sector, etc.

\*\* Will likely target larger communities based on population size

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## Option 2: Menu for Communities to Choose From

Tier	Local Policy
State Law Requirements	<ol style="list-style-type: none"> <li>1. U-SAVT</li> <li>2. Integrated Solid Waste Plan, Every 5-10 Years State Review and Update</li> <li>3. Requirement to reach 50% by _____</li> <li>4. EPR for Designated Items</li> <li>5. State Agency Procurement/Purchasing Reform</li> <li>6. Yard/Green Waste Ban</li> </ol>
Communities Can Choose From These Menu Items	<ol style="list-style-type: none"> <li>1. Expanded Education and Outreach Program</li> <li>2. Construction and Demolition Diversion</li> <li>3. Universal Yard/Green Waste Collections</li> <li>4. Universal Food Collections</li> </ol>

**TO BE DETERMINED: FOR EXAMPLE ONLY**  
**Communities/counties with less than 10,000 need to choose at least 1 item**  
**Communities/counties with 10,000 – 40,000 choose 2 items**  
**Communities/counties with 40,000+ must choose 3 items (depending on population density)**  
*Special Note: Pennsylvania proposing bill with language for their curbside collection requirements to be set at communities with 10,000+ people and a population density of at least 500 residents per square mile*

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## Pros and Cons of Two Overall Options

Mechanism	Pros	Cons
All Legislation Takes Place on State Level	Consistent requirements throughout state, state level assistance to communities is uniform	Increased effort to pass numerous state-level laws
Local Communities Have Some Choice in Addition to State Policy	Provides opportunities to select programs that may best fit local community, some local-level flexibility provided	Options outlined may not provide best fit for local community, may not provide strong enough local program to increase diversion

## Incentives and Penalties

- Current NM SWA has 50% goal by year 2000, but lacks incentives and penalties
- ESSENTIAL: Technical support to build and expand programs
- ESSENTIAL: Incentives and penalties to stimulate compliance
- ESSENTIAL: Significant state-level funding source
- Incentives for communities/solid waste facilities could include:
  - Grant funding availability
  - Funding distribution availability
  - Expedited registration
  - Assisted community planning development
- Penalties for communities and solid waste facilities could include:
  - Inability to apply for grants
  - Inability to receive funding distributions
  - Daily or annual penalties
  - Notice of Violation

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## What Next?

**Compile survey input**

**Create Executive Summary  
of Top Options for NM**

**Work with key partners to  
outline next steps**

**Thank you!**

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