



**State of Vermont**  
**Department of Environmental Conservation**  
**Waste Management & Prevention Division**  
**1 National Life Drive – Davis 1**  
**Montpelier, VT 05620-3704**

## **MESSAGE RE: SOLID WASTE MANAGEMENT DURING COVID-19 PANDEMIC**

For the reasons set forth below, the following message will be provided to solid waste operators, relating to the Department of Environmental Conservation's exercise of enforcement discretion during the COVID-19 pandemic:

As you know, under the terms and conditions of your facility certification the operating hours are limited to certain days and hours during the day. Because of the COVID-19 pandemic, the Department of Environmental Conservation (DEC) recognizes that solid waste facilities may face staff shortages and/or scheduling difficulties which will make safe operation during these hours difficult. In recognition of this situation, DEC will exercise its discretion and forego enforcement of the certification hours provided:

- The facility operator will keep records of those hours of operation available for inspection;
- In no event shall a facility operate between the hours of 11:00 p.m. to 5:00 a.m. unless already certified to do so.

DEC reserves its right to enforce the certification if the facility fails to adhere to these conditions, causes harm to human health or the environment or causes nuisance conditions. DEC will require strict adherence to the hours of operation in the facilities' certifications once the state of emergency is lifted or earlier as it deems appropriate.

For the facilities that have tipping floors, the maximum storage time on the tipping floor is limited to the operating hours, and MSW is expected to be removed from the tipping floor at the end of each operating day. Because of the COVID-19 pandemic, the Department of Environmental Conservation (DEC) recognizes that Facilities may face staff shortages and/or scheduling and other logistical difficulties which will make safe operation during these hours difficult. In recognition of this situation, DEC will exercise its discretion and forego enforcement of the storage hours provided:

- The maximum storage time on the tipping floor will be as short in duration as possible based on staff and trucking availability but not to exceed 72 hours.
- The facility operator shall keep records of storage times available for inspection.

DEC reserves its right to enforce the condition found in all certifications for facilities with tipping floors, including, but not limited to, the removal of waste from the tipping floor by the end of the operating day, if the facility operator fails to adhere to these conditions or causes harm to human health or the environment or nuisance conditions. DEC will require strict adherence to removing

waste from the tipping floor at the end of the operating day once the state of emergency is lifted or earlier as it deems appropriate.

All certified solid waste management transfer stations and landfills have maximum daily tonnage for limits. Because of the COVID-19 pandemic, the Department of Environmental Conservation (DEC) recognizes that permitted facilities may face staff shortages and/or scheduling and other logistical difficulties which will make efficient operation difficult. In recognition of this situation, DEC will exercise its discretion and forego enforcement of the daily tonnage requirement provided:

- the facility operator will keep records of the tonnage managed on a daily basis available for inspection, and the annual tonnage limit contained in the certification will not be exceeded.
- Daily tonnage shall not exceed 120% of the certified daily tonnage limitation

DEC reserves its right to enforce if the facility operator fails to adhere to these conditions or causes harm to human health or the environment or nuisance conditions. DEC will require strict adherence to daily tonnage limitations listed in facility certifications once the state of emergency is lifted or earlier as it deems appropriate.

Signed at Montpelier, VT this 25th day of March, 2020  
Peter Walke, Commissioner

Department of Environmental Conservation



By:  
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