

[DEEP.CMMS@ct.gov](mailto:DEEP.CMMS@ct.gov)

Attn: Mr. Lee Sawyer

From: Michael Harder  
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Hebron, CT 06248

April 12, 2016

## Comments on the Draft Comprehensive Materials Management Strategy

Dear Lee,

First, congratulations on completing the draft of the Comprehensive Materials Management Strategy and bringing it to this point in the process. I know very well that it is a difficult undertaking, one of those where it often seems that no one is satisfied with the outcome. However, the draft CMMS does a good job of continuing to focus everyone on the steps that are needed to meet our waste diversion goals and keep Connecticut in the forefront of solid waste management nationally.

Unfortunately the budget problems facing Connecticut will make it that much more difficult to achieve meaningful progress toward those goals. It is therefore critical that the Department continue to educate all stakeholders on what needs to be done, and make implementation of the CMMS Action Plan a top priority.

One of the important features of the CMMS is that it highlights requirements or expectations of the 2006 Plan that were not met. While we can be rightfully disappointed at some of those past failures, a significant part of what we have to accomplish involves compliance with those existing requirements, not creation of new requirements. Department actions will be made somewhat easier knowing that there are many municipalities, generators and others that are already taking the required steps to achieve our goals. In many cases, doing what is necessary is not rocket science, which is why I'm glad to see an emphasis placed on enforcement as an identified priority going forward. For example, those commercial or industrial generators, or multi-unit residential facilities, that are not recycling as required by law, should be priorities for limited assistance and follow-up enforcement if necessary. The comparison of residential and ICI profiles in Section V (Current State of Materials Management in Connecticut) highlights the need for a graduated system of inspections, assistance and enforcement if non-compliance persists in these areas.

Another important provision of the CMMS is its emphasis on organics, the most significant recoverable component of the disposed waste stream. Connecticut has made a major effort

over the last few years to establish a model organics diversion program. The CMMS recommends appropriately that the Department continue to build on that program through aggressive action. Since these requirements and diversion opportunities are relatively new, Department outreach must be an important feature of these efforts. However, reasonable and effective enforcement should not be ignored if steps are not taken to comply.

I was also pleased to see a continued emphasis on development of additional Product Stewardship or Extended Producer Responsibility programs. The success of the existing EPR programs in Connecticut demonstrates that they can make a significant difference in reducing waste generation, often for problematic or difficult to handle materials. Identifying packaging as a priority is a bold step that will require the involvement and cooperation of many parties. However, the problems caused by this category, and the fact that fiber represents the largest component of recyclable materials still in the waste stream, demand that it be dealt with in a meaningful way. I also hope that the Department continues its efforts to establish EPR programs for tires, batteries and carpet, as noted in the CMMS.

I have the following miscellaneous comments on other provisions of the draft plan:

1. The recommendation to include per capita disposal rates as part of the key data is good. Tracking this indicator will help keep a focus on the basic goal of reducing overall waste disposal.
2. Establishing an eGov reporting tool for haulers would be a helpful step, as would the streamlining of municipal reporting requirements. If an online reporting system is created for haulers, why not do the same for municipalities?
3. I like the idea of an annual scorecard. It should include not only overall statewide statistics, but also data on all municipalities' compliance rates and summaries of enforcement actions taken. Publicizing the names of violators can be very helpful in convincing people to comply with the law.
4. The discussion of single stream recycling is very good. While it is probably realistic to focus on optimizing single stream technology rather than reversing course, the contamination issue must be addressed. Since it seems that glass is the main issue (both as a contaminant and a contaminated material), we should look at any step that can be taken to keep glass out of the waste stream. Possible examples: consider including additional types of glass containers in the bottle bill, and focus enforcement on commercial generators such as restaurants. If there is a strong demand for color sorted glass, should we work to educate the public on that and possibly facilitate collection programs for this material?
5. The statement rejecting any future development of MSW landfill capacity is excellent.

6. While some of the identified challenges are relatively recent, too many of them are issues that have existed for far too long (gaps in enforcement; lack of access to recycling in public places, work places, or multi-unit housing; lack of awareness; regulatory barriers). This points to the obvious need to step up enforcement of existing requirements and prioritize action on permitting proposals that are directly supportive of the diversion goals. Why have these requirements if we aren't going to enforce or support them?
7. DEEP should work with the Department of Revenue Services and other appropriate agencies to develop economic and/or tax incentives to encourage progress. Consider the creation of dedicated funds, including with private donations, as a source of grants to help defray the cost of compliance, especially for municipalities.
8. Last, the Department has always pointed out that unit based pricing collection systems, such as pay as you throw, represent the single most effective step that towns could take to increase their recycling rates. We hear that many elected officials are reluctant to implement these systems for fear of a backlash from the public, even though the vast majority of towns that have taken this step report general acceptance fairly quickly. I'm therefore glad to see that the CMMS recommends that requiring unit based systems is an option available when municipalities have not met their recycling obligations.

Congratulations again on the work you have done to draft the CMMS. While the next few years will present major challenges to the successful implementation of this plan, your work puts Connecticut in a strong position to overcome those challenges. Please let me know if you have any questions regarding these comments, or if I can help in any way.

Sincerely,

Michael Harder

**From:** [Pease, Rich](#)  
**To:** [DEEP CMMS](#)  
**Subject:** Comments on the Draft CMMS  
**Date:** Friday, April 22, 2016 3:41:27 PM  
**Attachments:** [image003.png](#)

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Good afternoon: In order to help achieve the state-wide goal of 60% diversion of solid waste by 2024 required pursuant to PA14-94, regulatory barriers to recycling have to be broken down. With regard to the recently issued General Permit to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes (GP):

- The GP includes a new definition of solid waste which appears to conflict with the CGS Section 22a-207 definition of solid waste;
- DEEP specified that the GP would take the place of the old General Permit to Construct and Operate Certain Recycling Facilities. Because of this many businesses initially assumed that the activities contemplated to be regulated under the draft GP were the same as those regulated under the old General Permit to Construct and Operate Certain Recycling Facilities. The intent of the old General Permit was to regulate commercial businesses solely or principally intended to operate as collection and processing centers for recyclable wastes; and
- The GP includes a definition of Commercial Facility that does not limit itself to those facilities whose primary business activity is the management of recyclable materials. The GP expands the universe of regulated entities to include retailers, service providers, utilities, industries, institutions, and many small businesses.

I would request that the Department re-examine the intent of the original GP and the regulatory burden and economic impact that the new Commercial GP will have on Connecticut businesses and the state's economic health and overall competitiveness. The exact role of how the Commercial GP will help to facilitate recycling and achieve the goals of the CMMS should be clearly documented. As we work towards job growth and new technologies to keep more of our solid waste in-state, we must create incentives and a better, faster, cheaper, more efficient process. Thank you for the opportunity to comment and I hope this is helpful.

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[DOC Logo](#)



**Testimony in Opposition to SB233  
Before Members of the Connecticut General Assembly**

April 11, 2016

From Neil Seldman, PhD,  
Institute for Local Self-Reliance,  
Washington, DC.

Dear Elected Officials,

Thank you for this opportunity to express my comments on this bill.

My name is Neil Seldman and I am senior staff to the Institute for Local Self-Reliance's (ILSR) Waste to Wealth Initiative. With 40 years of experience working with states, cities and counties on solid waste and recycling issues, I focus on helping local governments recover increasing amounts of materials from the waste stream in order to add value to local economies through processing and manufacturing.

I am opposed to SB233 because it directs the Department of Energy & Environmental Protection (DEEP) to adopt regulations based on a yet-to-be finalized strategy. The current draft of DEEP's strategy seeks to assign responsibility for recycling paper and packaging materials in the state to corporate-controlled stewardship bureaucracies rather than to local government.

Proper recycling *must* be nurtured by new rules and practices; not hobbled by a corporate structure dedicated to profits and poor public policy and governance.

While we are opposed to this bill, we also can provide solutions to help shape policy in a positive manner, while promoting economic development, creating jobs, and empowering communities. I will outline these opportunities below.

The state of Connecticut has a 35% recycling rate, which is the national average. But, through active and organized citizens and local business owners, cities and counties across the US have reached much higher levels (50%, 60% and even exceeding 70%.) Over the last 30 years, these groups mobilized at the local level to stop garbage incinerators and change the rules favoring recycling. These changes allowed recycling to expand its *economic* impact by yielding one million jobs, 65,000 companies, 40,000 government programs and \$300 billion in annual sales.

Connecticut has a long history of heavily investing in incineration. The recent draft report, [Comprehensive Materials Management Strategy \(CMMS\)](#), February 2016, indicates that state policy is taking steps away from reliance on incineration as its predominant disposal option. Incineration is simply too expensive and polluting to be maintained as the primary solid waste management option.

Recent US history shows how cities, counties and states have made progress after incineration of garbage has been rejected.

Below are known techniques that have helped cities and counties achieve the highest levels of recycling in the US. *(Items marked with \* can be accomplished at both state and city/county level.)*

## **State Policies**

- Minimum content legislation to spur use of recycled materials

- \* Container deposit legislation
- \* Removing Organics from landfills to spur the composting sector (backyard, community scale enterprises, city and regional scale, soil preservation, master training and watershed protection.) Food waste disposers can also divert food scraps from landfills for composting and anaerobic digestion.
- \* Purchasing preferences for reusable, compostable and recyclable products
- Extended Producer Responsibility for materials that do not have ready markets, such as paper and packaging.
- Resource Recovery Parks and incentives for recycling, composting and reuse companies to locate in target cities
- Reduce taxes based on a company's recycling performance
- Mandate construction and demolition waste recycling ordinance with rebates for compliance
- Implement volume based pricing (Pay As You Throw)

## **City Policies**

- Limits to local air emissions that are stronger than federal or state permit levels
- Mandatory commercial and household recycling and composting

- \* Tax reductions for recycling, composting and reuse enterprises
- Apartment house programs
- Commercial sector franchising
- In school education and programs --- food discards, internship programs with recycling businesses

## **Local processing of materials**

- Incentives from companies such as Recycle Bank and Rewards for Recycling
- Construction and demolition recycling mandate with target goals rebates for companies that comply
- Add film plastic, textiles, and books to collection programs
- Expand recycling to all multi-family apartments
- Franchising selected commercial routes with incentives to recycle and compost
- Establish a reuse component to bulky waste collections to reduce bulky waste by over 50%
- \*Take Back programs for hazardous and toxic materials and hard to recycle products (sharps, batteries, lights, carpets, mercury switches, paint, and pharmaceuticals) including neighborhood drop off programs.
- \*Zero waste goals and timeline

The [CMMS report](#) is a step in the right direction toward these environmental and economic goals for the state with the exception of their focus on a printed paper and packaging EPR program. It could be strengthened however, by **more emphasis on composting**. The most promising rules and programs gradually ban organics from landfills to eliminate the generation of methane from these facilities.

They also:

- create top soil for urban food production and jobs;
- stymie the impact of urban food deserts in the state;
- **encourage dual stream systems** to produce high quality materials for local markets;
- attract new companies to local and regional markets;
- **form resource recovery parks** for recycling, composting and reuse companies.

The history of the US recycling movement makes clear that local government decision making with grass roots support makes recycling successful. Innovation, peer to peer information sharing and small business expansion are the keys to this movement.

Bill 233 takes the state in the wrong direction as it simply exchanges one 'magic bullet' (incineration of garbage), for another: overreaching EPR that would remove cities and citizens from the decision making process with no corresponding achievement in the stated objectives. Mega corporations with concern only for their bottom lines would be in charge of public resources.

The beneficial claims from such over-expanded EPR have not materialized:

**There has been no meaningful redesign of products and packages.** Plastic bottle caps in the ocean are decimating the Albatross and other ocean life.

Caps need to be lashed to bottles to prevent ocean plastic pollution. Bills have been drafted to this effect. Yet, manufacturers are resisting this essential change.

**The costs to the public are not reduced.** Electronic scrap EPR laws have led to the increased costs to local governments to aggregate materials for private companies.

**Electronic Scrap EPR laws reduce productive reuse of computers and tablets.** Refurbishing enterprises cannot get access to machines gathered under the laws that are shredded by OEM and their subsidiary companies. Thus, preventing the invaluable economic, social, education and environmental benefits of reuse.

**Corporate stewardship bureaucracies in Canada have suppressed reuse,** small business recycling through monopoly pricing, and lack of representation of small business on decision-making boards while sequestering more than \$75 million for corporate reserves. One British Columbia government official called this, "a shocking" development.

**EPR programs in Europe are changing** because monopoly controls by corporations faced no competition and therefore the costs of recycling have soared out of control.

**Paper and packaging EPR programs interfere** with established business-to-business activities and threaten municipal public service jobs.

**EPR provisions will not have meaningful legislative oversight.** The Bill presents confusing and therefore not easily enforceable oversight provisions.

EPR is an excellent concept and plays a significant role in the panoply of tools available to manage discarded items that have no markets, are hard to recycle and have toxic components that threaten public safety and health. Paper and packaging does not fit into any of these categories.

However, stewardship organizations, their consultants, or corporate sponsors who want to expand EPR to cover materials that have markets have no public benefit. These sponsors, Coca Cola, Pepsi Cola, Nestles, aligned non-profit environmental think tanks and organizations and academic departments have ideological and business interests, not public purpose. They are striving to stop new and repeal bottle bills. The great irony in all this is that the very first and very effective EPR strategy is the same container legislation that these advocates are religiously opposed to.

Thus, you are hearing that "the recycling markets have collapsed" and that a city or state "cannot get to 60% recycling without EPR for packaging and paper". The facts belie these claims. *Markets have not collapsed; they are within the same market range that has existed for 50 years.* Cities such as Los Angeles, San Francisco, Berkeley and Oceanside have already surpassed 60% recycling with no EPR regulations.

### ***Recycling in the US is stagnating only in cities that are stagnant!***

By following the tried and true methods of locally determined recycling, with adequate state infrastructure investments that can be raised from surcharges and restructuring the bottle bill, provide incentives and education, the state and its jurisdictions can reach the new state 60% goal and beyond within a 5-7 year span. Avoided cost of replacement landfills is essential to the economics of recycling. Cities and counties can avoid problems with proper

ownership, scaling of facilities, quality control of materials handling and contracting with local haulers and processors.

By abdicating and turning local resources over to mega corporate bureaucracies, the state puts itself in danger of another failed "magic bullet" that has proven unnecessary throughout the US, Canada and Europe.

The EPR approach to packaging and paper is a major barrier to local recycling that maximizes the use of local infrastructure and businesses to achieve its goal. Connecticut does not need national stewardship groups representing Pepsi Cola, Coca Cola, Nestles or other mega corporations dictating the terms of recycling.

**As noted by politician and theorist Edmund Burke:**

It is best to do today what constituents, ten years hence, will have wanted you to do. Invest in locally controlled recycling and economic development not more incineration and corporate controlled EPR for paper and packaging.

The legislature should reject SB 233. It is not needed. EPR for paper and packaging is another 'fast food' for recycling. The state needs a balanced diet. Allow cities and counties in the state to apply best existing practices.

Thank you for your time.

Neil Seldman, PhD

Co-founder, [Institute for Local Self-Reliance](http://www.ilsr.org)

