

Hearing Officer's Report on the Hearings and Testimony Submitted on the Proposed
Comprehensive Materials Management Strategy

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Submitted to: Robert J. Klee, Commissioner, Department of Energy and Environmental
Protection

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In accordance with Section 22a-241a of the Connecticut General Statutes, the Department of Energy and Environmental Protection (DEEP) has proposed an update to the State Solid Waste Management Plan adopted pursuant to CGS § 22a-228 to include a strategy for diverting, through source reduction, reuse and recycling, not less than sixty percent (60%) of the solid waste generated in the state after January 1, 2024. This update Solid Waste Management Plan is referred to as the *Comprehensive Materials Management Strategy*, or *CMMS*.

In accordance with CGS § 22a-228 and the regulations adopted thereunder, notice of this revision was published in the *Connecticut Law Journal* on March 8, 2016. DEEP held two public hearings on April 13, 2016 at 2 p.m. and at 6 p.m., and also received written comments on the draft during the period ending April 22, 2016.

In addition to the formal process, public informational meetings were held at locations throughout the state prior to the comment period. As a result, the draft *CMMS* that was the subject of the public hearings already reflected a great deal of public input.

After a full review of the record of public hearings and comments submitted on the *CMMS*, I present the following Report. In accordance with Section 22a-228-1 of the Regulations of Connecticut State Agencies (RCSA), this Report includes:

- The principal considerations raised in opposition to the draft *CMMS*, and DEEP's responses.
- A summary of the major differences between the proposed and final *CMMS*, the reasons for any changes.

Please note that all written comments, as well as transcripts of the public hearings, will be posted on the DEEP website along with the final *CMMS* at www.ct.gov/DEEP/CMMS.

Principal Considerations Raised in Opposition to the Proposed Plan, and DEEP’s Responses

The following table provides a summary of comments received in writing or at the public hearings. It focuses only on comments that were critical or recommended changes to the draft *CMMS*, and excludes comments in support.

Commenter	Comment Summary	DEEP Response
Comments from Recycling/Waste Facility Owners & Collectors		
Best Tech Clean Energy (Comments by Tom Sheriden at 4/13/16 Public Hearing)	Gasification technology should be considered as part of meeting the diversion goal.	The final <i>CMMS</i> emphasizes the need to study and promote the development of new waste conversion technologies including gasification.
Paine’s Inc. (Comments by Michael R. Paine, Sr., at 4/13/16 Public Hearing, also speaking on behalf of NWRA)	WtE capacity / sustainability needs greater focus.	The final <i>CMMS</i> includes greater focus on support for WtE sustainability.
	Economic viability of organics collection will depend on tipping fees at organics facilities.	The final <i>CMMS</i> includes discussion of programs to provide economic support for anaerobic digestion facilities.
	Most businesses are already participating in a “pay-as-you-throw” pricing because they generally pay by volume.	The final <i>CMMS</i> focuses on unit-based-pricing for residential collection.
	EPR programs must be carefully thought through to ensure that CT businesses and economy is not disadvantaged.	The final <i>CMMS</i> calls for further study of EPR, including economic impacts.
Willimantic Waste Paper	The draft should provide greater support for utilization and optimization of private facilities.	The final <i>CMMS</i> calls for the optimization of facilities as well as increasing the quality of the recycling stream.
	The state should focus on expansion and development of new markets to drive increased recovery of materials.	The final <i>CMMS</i> comments that the state has limited ability to influence regional and global markets through state government procurements.
	State should recognize the efficiency of existing infrastructure rather than mandate burdensome new programs.	Neither the draft nor the final <i>CMMS</i> call for burdensome new mandates.
Winters Brothers Waste Systems	The state should increase efforts to develop markets for	The final <i>CMMS</i> comments that the state has limited ability to influence regional

	recyclables (including through state procurement programs).	and global markets through state government procurements.
	The state should work to maintain current disposal options.	The final CMMS includes greater focus on support for WtE sustainability.
	The state should promote and protect private investment in recycling infrastructure.	The final CMMS stresses the importance of private innovation and seeks to relieve regulatory barriers.
	State should focus on proven technologies and carefully review alternative technologies.	The final CMMS calls for this evaluation.
	The state should study and report on the economic impacts of the CMMS.	The annual scorecard called for by the final CMMS should include economic indicators to the extent they can be determined.
	The state should study, calculate and report on the environmental impact of the CMMS.	The annual scorecard called for by the final CMMS should include environmental indicators, including GHG reductions.
Comments from Trade / Industry Associations and Other Representatives		
CT Food Association (Wayne Pesce)	The state should phase out the bottle redemption program and provide funds to municipalities to make improvements to recycling collection systems.	The final CMMS does not directly address the redemption system. DEEP will continue discussion on issues related to the bottle bill.
American Chemistry Council	Consider adopting a holistic sustainable materials management approach that incorporates life cycle analysis and accounts for source reduction and energy recovery along with recycling.	The diversion goal as articulated in the final CMMS takes this approach.
	Fully enforce existing mandatory recycling provisions before implementing new schemes.	Enforcement of existing recycling provisions is a central goal of the final CMMS.
	Maximize opportunities to increase the quality and quantity of recycled material through programs like the	The final CMMS urges that voluntary partnerships with industry be pursued, as well as exploration of potential EPR programs. DEEP is pleased to be a partner with ACC in the WRAP program

	ACC’s Wrap Recycling Action Program (WRAP), The Plastics Recycling Terms and Tools, The Recycling Partnership and the Grocery Rigid Plastic Recycling Program.	and looks forward to exploring other voluntary partnerships with industries.
	Update Connecticut’s regulations to encourage the growth of facilities that convert post-use, non-recycled plastics and other materials into valuable fuels and chemical feedstocks, while also recognizing overall “diversion” from landfill.	The final CMMS focuses on the development of waste conversion technologies.
Association of Home Appliance Manufacturers	EPR is not a proven solution to waste management challenges.	The final CMMS documents successes of CT’s own programs for e-waste, paint, and mattresses and calls for the state to examine all perspectives on these programs.
	Appliances and their packaging should not be included in any EPR program.	Though not specifically addressed in the final CMMS, DEEP will consider this issue if/when such a program is developed.
	Food waste need not be a waste or recycling problem (promotes in-sink food disposal).	The final CMMS focuses on promoting food recovery, composting, and conversion for energy.
AMERIPEN	The CMMS must move beyond discard management should it wish to adopt a comprehensive materials management approach.	The final CMMS strongly promotes waste reduction through the adoption of unit-based-pricing across the state.
	Consider and identify goals for all levels of the waste hierarchy and tie incentives to these goals.	The final CMMS identifies targets for waste reduction, recycling, and waste conversion.
	Further evaluate the impact of producer responsibility programs on stated goals.	The final CMMS calls for further study of EPR.
	Evaluate and identify existing industry-funded voluntary measures as tools to reach DEEP’s goals.	The final CMMS urges that voluntary partnerships with industry be pursued, as well as exploration of potential EPR programs.

Carton Council	The draft CMMS does not address the critical need for stable, consistent state funding to support DEEP's efforts.	The final CMMS calls for the creation of such a funding source.
Corporation for Battery Recycling	CBR favors a comprehensive recycling program for primary and rechargeable batteries (not EPR).	The final CMMS recommends continued work toward an EPR program, however DEEP welcomes discussion on alternate approaches.
The Carpet and Rug Institute	Carpet stewardship legislation will be costly and unnecessary.	The final CMMS recommends continued work toward an EPR program, however DEEP welcomes discussion on alternate approaches.
American Forest and Paper Association	Imposing a state-specific EPR scheme for a globally traded commodity like paper and paper-based packaging is impractical, and would put Connecticut manufacturers and brand owners who do business in the state at a competitive disadvantage.	The final CMMS calls for further study of EPR, including economic impacts.
Consumer Technology Association	CTA strongly encourages the Department to investigate the range of potential economic impact of EPR for packaging to consumers, the state, producers and retailers in Connecticut, as well as a more thorough analysis of possible unintended consequences from EPR for packaging.	The final CMMS calls for further study of EPR, including economic impacts.
Energy Recovery Council	The draft CMMS fails to propose any policies or programs to support the continued viability of the existing waste-to-energy facilities.	The final CMMS calls for DEEP to consider new supports for existing waste-to-energy.
	There is no proven basis on which to favor some energy recovery technologies over others. We believe that all	The final CMMS states that GHG and other environmental impacts should drive technological preferences.

	energy recovery technologies can play a vital role in the future of solid waste management and that there is no justification for choosing one technology over another.	
Green Earth Capitol	The CMMS should recommend development of policy on beneficial uses of soils and dredged sediments, including through better integration and harmonization of regulatory programs and policies.	Although the final CMMS does not contain great detail on this issue, DEEP agrees that more work is needed on policies on beneficial uses of soils and dredged sediments and anticipates increased focus on this area.
Local Search Association	Rather than imposing producer responsibility regulation on a highly recyclable product with robust recovery systems in place, other solutions focused on affecting consumer behavior would likely see better results. Pay-as-you-throw regulation or disposal bans would take advantage of and maximize existing infrastructure and collection.	The final CMMS calls for further study of EPR. The final CMMS also promotes unit-based-pricing and other measures to increase recycling.
Institute for Local Self-Reliance	The draft CMMS 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 final CMMS calls for further study of EPR.
National Waste and Recycling Association	The draft CMMS expanded DEEP’s authority to regulate the waste system beyond what is authorized by statute.	Neither the draft nor the final CMMS expanded DEEP’s authority beyond what is authorized in statute.
	NWRA opposes EPR for packaging – it is likely to lead to higher costs, as well as monopoly of a single producer-	The final CMMS calls for further study of EPR.

	responsibility organization. Also, a statewide EPR program may not be responsive to local needs.	
	The draft CMMS overstates the potential for organics diversion because the infrastructure is so early in development and the economics are yet unknown.	The final CMMS focuses on increasing the diversion of organics because it accounts for over one third of disposed waste.
	The CMMS should affirm the role of WtE and offer supports.	The final document calls for DEEP to consider new supports for existing waste-to-energy.
	The draft CMMS overstates the value and future role of PAYT.	The final CMMS recommends that municipalities adopt unit-based-pricing because of it is demonstrated as an effective waste reduction strategy.
	The CMMS should promote market development for C&D materials rather than focusing resources on source-separation and the operations of facilities.	The final CMMS is primarily focused on areas DEEP has statutory authority to regulate.
Product Management Alliance	DEEP should strongly examine voluntary, market-based recovery efforts for increased recovery of products and oppose any further expansion of EPR in the state.	The final CMMS calls for further study of both EPR and voluntary programs.
Plastics Industry Trade Association	Food waste and organics are the most prevalent part of the waste stream and should receive greater focus.	The final CMMS places strong emphasis on organics diversion.
	DEEP should look at how to bolster recycling by the commercial sector.	The final CMMS emphasizes greater enforcement to increase recycling by the commercial sector.
	Paper and packaging is not as prevalent in the waste stream as organics, yet is the focus of a potential EPR program. EPR programs may not achieve stated goals.	The final CMMS calls for further study of EPR and increased diversion of organics.

Whirlpool Corporation (Comments by Luke Harms at 4/13/16 Public Hearing)	EPR programs for packaging are less efficient than existing systems and do not achieve stated goals.	The final CMMS calls for further study of EPR.
Municipal and Regional Officials		
Bristol Resource Recovery Facility Operating Committee	The draft CMMS states that the DEEP may issue orders if municipalities do not meet a certain recycling rate. Yet, how the recycling rate will be measured is poorly defined.	The final CMMS (1) eliminates reliance on recycling rates as an indicator of local performance, and (2) recommends several changes to DEEP’s data collection programs.
	No mention is made of rewarding communities which excel in developing innovative strategies and advanced capture rates.	The final CMMS urges the development of a funding sources that could be used for grants and other programs to reward success.
	Better results may be achieved at lower cost by examining generation and recovery by sector, not by municipality.	The final CMMS is based upon the statutory framework that assigns responsibilities to state and local governments. Both the state and local governments must take actions to increase diversion.
CT Council of Small Towns	DEEP should outline steps in the plan that it will take to help develop and permit new uses for recycled materials in Connecticut.	The final CMMS states that DEEP has limited ability to influence regional and global markets through state government procurements.
	Achieving the 60% diversion goal in the plan is reliant on new and emerging technologies that are not yet in place. It is unfair to include an aggressive goal of this nature in the plan until such technologies are available.	The final CMMS is required by statute to provide a roadmap to meet the 60% diversion goal. In doing so, it seeks to promote policies which will accelerate the development of new technologies.
	Connecticut’s municipalities, particularly the smaller municipalities, simply do not have the resources to implement yet another costly	The final CMMS emphasizes municipal actions that are either (a) existing statutory requirements, or (b) may be achieved at minimal new expense. It also seeks to relieve certain municipal

	program without any financial assistance from the state.	burdens through the study and potential development of new EPR programs.
Town of Enfield Department of Public Works	Consider funding regional recycling coordinators.	The final CMMS urges the development of funding sources that could be used for grants and other programs, including this proposal.
	DEEP should consider the location and number of local transfer stations and look for opportunities to reduce the cost and GHG impacts of transportation.	Although this is not an action listed in the final CMMS, DEEP would welcome opportunities to promote increased regionalism, while ensuring convenient recycling and disposal options for residents.
	CMMS should have greater focus on commercial sector diversion, something towns have little control over.	The final CMMS calls for increased DEEP leadership on commercial sector enforcement, in partnership with municipalities.
	There are too few options for disposal of catch basin cleanings and street sweepings.	Although this is not an action listed in the final CMMS, DEEP has taken this comment into consideration and looks forward to further study and discussion.
	CMMS should acknowledge the important role of municipally-run collection programs and DEEP should facilitate a working group of these municipalities to share best practices and efficiencies.	Although this is not an action listed in the final CMMS, DEEP would welcome further discussion on convening such a group.
Housatonic Resources Recovery Authority	If municipalities are going to be held to a recycling metric, then they must have real time access to data to determine what is working in their recycling program and what is not. Data that is not available for years after collection will not work. Data must be available monthly or at least quarterly. And finally, the plan to have a new state web portal for e-reporting for 2018 is too late. Data collection and accessibility need to be improved now.	The final CMMS gives specific actions to address this comment, including increased transparency of data.

	<p>If a municipality is engaging in best practices but still does not meet the 25% or 45% rate by 2018 or 2024, the municipality should be allowed to try whatever additional option(s) will work best for them to increase recycling rather than mandated to enact unit-based-pricing.</p>	<p>The final CMMS allows greater flexibility to implement best practices. While focus remains on promoting unit-based-pricing, municipalities may adopt other approaches to waste-reduction if they can demonstrate potential to reduce MSW disposal by 10% by 2024.</p>
	<p>To provide the most options possible at that time we urge that the CMMS consider allowing for MSW rail transfer to out of state WTE facilities and to out of state landfills if facilities higher on the hierarchy are unavailable or priced beyond reasonable market levels.</p>	<p>The final CMMS anticipates the potential for increased rail transfer out of state if options up the hierarchy are unavailable. The final CMMS seeks to avoid this scenario by providing actions to maintain system capacity.</p>
	<p>The CMMS should consider whether to add glass to the product stewardship priority list in the state in order to recycle the most possible, to encourage manufacturers to use non-glass packaging when appropriate and to save municipalities the cost of disposing of or recycling glass.</p>	<p>The final CMMS states that glass will be a key area for DEEP's focus over the next few years.</p>
	<p>HHW collection is a burden to towns, should be considered for an EPR program.</p>	<p>The final CMMS incorporates this recommendation by calling for efforts to address cost of HHW collection.</p>
Lower Connecticut River Valley Council of Governments	<p>The CMMS should recognize and help sustain the present Trash to Energy model which continues to serve our residents well in a cost effective fashion providing an environmentally palatable alternative to landfilling.</p>	<p>The final CMMS recommends DEEP consider new supports for waste-to-energy.</p>
	<p>The CMMS should investigate and propose steps to</p>	<p>The final CMMS promotes innovation in recycling, including the identification /</p>

	reenergize markets, including finding and DEEP permitting new uses of recycled materials in the state.	approval of beneficial uses for recovered materials.
	Recycling of construction and demolition waste would appear to provide the greatest opportunity to make gains toward achieving the minimum 45% goal and save municipalities money. Siting and permitting of such facilities for this purpose should also be given more attention.	The final CMMS advocates working to optimize existing C&D recycling processes and develop new sorting lines. It also recommends the creation of a new agency or office to assist with siting facilities of all types.
	River COG also has concerns about the enforcement language in the Strategy. At this stage in its development, enforcement methods and penalties are not clearly outlined. It also seems that a significant amount of responsibility for success of the plan will fall to the state's cities and towns and we are concerned that achieving these new goals will be more "stick" than "carrot" driven.	The final CMMS provides more flexibility to municipalities than the earlier draft language to implement best practices. DEEP anticipates working in a supportive fashion to assist municipalities in fulfilling their role.
Towns of Salisbury & Sharon Transfer Station Recycling Advisory Committee (TRAC)	The Torrington Transfer Station, which serves our MSW disposal and Single Stream Recycling needs, should remain under public or quasi-public ownership.	This issue is not specifically addressed in the final CMMS because it may be resolved in the context of an ongoing RFP issued by DEEP.
	A solution for on-farm composting should be a priority.	Although it is not a specific action in the final CMMS, DEEP is actively exploring the promotion of on-farm composting.
	Voluntary corporate responsibility for end of life recycling or disposal of their products should be a precursor to mandated programs.	The final CMMS calls for consideration of both voluntary and mandatory stewardship initiatives.

	Mandated programs must not result in a net cost increase for managing the products.	
Town of Thomaston Edmond V. Mone First Selectman	If unit-based-pricing is interpreted to mean a program that requires individual households to pay for their own disposal costs, then I object. We at the municipal level have been able to control costs through regional partnerships (MIRA), by the bid process and savvy negotiations with contractors. Residents have come to expect that this service will be provided by local government.	The final CMMS strongly urges the adoption of unit-based-pricing as an effective strategy but provides for flexibility for municipalities to structure according to their individual circumstances to achieve the diversion goal.
Town of Storrs Virginia Walton Recycling Coordinator	Small and medium sized compost systems should be given as much value as large systems.	The final CMMS focuses on the development of larger scale facilities, but acknowledges the important role of smaller, community-based programs.
Other Individuals		
Julie Cammerata	The state should ensure that clean energy programs can benefit anaerobic digestion facilities.	The final CMMS incorporates this recommendation.
Mike Harder	The CMMS should specifically address the challenges caused by glass in single stream.	The final CMMS prioritizes this issue.
	Greater enforcement of existing requirements is needed, as well as prioritized permitting for projects that advance the diversion goal.	The final CMMS strongly emphasizes the need for increased enforcement.
	A source of dedicated funding is needed to make grants to support system improvement.	The final CMMS calls for a source of dedicated funding.
Richard Pease	DEEP should re-examine the intent of the original General Permit and the regulatory burden and economic impact that the new Commercial	This recommendation is not reflected in the final CMMS but is being taken into consideration for further discussion.

	General Permit will have on Connecticut businesses and the state’s economic health and overall competitiveness.	
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Summary of Major Differences between the Proposed and Final Plans, and Reasons for Changes

Topic	Summary of Change	Reason for Change
Defining 60% Diversion	Uses 2005 baseline to calculate for source-reduction.	The 2005 baseline is selected to fully account for progress made since the adoption of the 2006 Solid Waste Management Plan, which established a goal of 58% diversion by 2024.
	Expanded discussion of integrating climate, energy, air and materials management planning.	After review across various areas of DEEP, additional detail was added on integrated planning.
Product Stewardship	Language on packaging EPR was changed to include consideration of impacts to existing industries.	Any potential program must account for impacts to industry (positive and negative).
	Recommendation for development of EPR framework.	A framework for EPR would clarify program implementation for stakeholders and policymakers.
	Recommendation to explore regional approaches to EPR.	Concerns raised over disadvantaging CT businesses (level playing field).
Put-or-pay Contracts	DEEP’s opposition to put-or-pay contracts made explicit.	Explicit language needed to inform contract review.
Mixed Waste Recovery	DEEP clarifies openness to sorting of “post-recycled” MSW.	Such sorting has potential to divert additional recoverable materials from disposal provided source separation has occurred.
Maintaining Existing WtE	CMMS states that DEEP will be examining this issue as part of the upcoming 2016 Comprehensive Energy Strategy (2016 CES).	While the CMMS prioritizes the actions needed to develop new infrastructure, it is also important to ensure that existing waste-to-energy

		infrastructure remains operational for as long as it is needed.
Improving performance of municipal programs	The final CMMS moves away from the quantitative targets present in the draft and focuses on statutory compliance and best practices for all municipalities.	Improvements are needed to data collection before quantitative targets will be effective.

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