

Managing Environmental Compliance in Connecticut



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Gina McCarthy
Commissioner

<http://www.ct.gov/dep>

Connecticut Department of Environmental Protection
Office of Enforcement Policy and Coordination

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Department Sets New Goals for Solid Waste Management

In December 2006, the Department adopted an amended State Solid Waste Management Plan ("Plan") (www.ct.gov/dep/swmp). The Plan provides the basis for Connecticut's solid waste management planning and decision making for the next 17 years.

This issue of *Managing Environmental Compliance in Connecticut* focuses on the Department's efforts to achieve the goals set forth in the Plan.

Advisory Committee Established

The Department has established a State Solid Waste Management Advisory Committee to assist the Department in: (1) implementing the Plan; (2) identifying emerging issues and solutions; and (3) revising the Plan as necessary.

The Advisory Committee will play a critical advisory role in the implementation of the Plan; membership is open to all and meetings take the form of open stakeholder forums. The first meeting took place on March 27, 2007 and the Committee meets regularly on the fourth Tuesday of every month from 9:30 a.m. to 11:30 a.m. in the Phoenix Auditorium on the 5th floor of DEP's Offices at 79 Elm Street, Hartford. Five subcommittees to the Advisory Committee have been formed to address specific solid waste management issues as follows:

- Construction and Demolition Waste;
- The Solid Waste Database Management System;
- Increasing Source Reduction and Recycling Rates;
- Organics Recycling and Composting; and

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Connecticut Adopts Electronic Waste ("E-Waste") Recycling Law

One of the fastest growing segments of the solid waste stream is computers, televisions and other types of "e-waste". As technology advances and the cost of electronic devices continues to go down, consumers replace their televisions and computers at an accelerated rate. People want to upgrade and have the latest technology. As a result, attics, basements, garages and waste facilities across the state are filling up with unwanted e-waste.

Connecticut joined a growing list of states finding an innovative solution to this problem. This legislative session, Governor Rell signed into law Public Act 07-189 which established a collection infrastructure for computers, televisions and monitors. Several different variations on how to best finance the collection of e-waste were considered before finally deciding on a "producer responsibility" model. Connecticut's e-waste law is similar to a successful program implemented in Maine in 2006.

This unique law places the financial burden for recycling e-waste on the manufacturers. Registered recyclers will collect the e-waste from municipal transfer stations and other locations and submit the bill to the manufacturers.

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Department Promotes Beneficial Reuse

The Department is in the process of developing two general permits to promote the beneficial use of waste materials. The general permits are for the beneficial use of coal ash combustion products and of soils and sediments. The Department expects to issue public notices for both general permits in the fall.

Beneficial Use of Coal Ash Combustion Products

This general permit proposes to authorize the reuse of coal combustion products ("CCPs"), also known as coal fly ash and slag. CCPs have been successfully reused in the industry for several decades. The addition of coal fly ash to concrete increases its strength and durability. CCPs have also been successfully used as a raw feed in the manufacturing of cement mixtures, as structural fill within building foundations when placed above the seasonal high groundwater table, as an ingredient to produce light weight block or aggregate, as a mineral filler in asphalt pavement and several other encapsulated/unencapsulated uses.

This general permit will allow CCPs to be transported to local aggregate facilities where these facilities may substitute CCPs for traditional aggregate materials in the manufacturing of asphalt, concrete and concrete products.

Some of the environmental benefits of reusing CCPs include: (1) Reduction in solid waste quantities and conservation of landfill space by using CCPs in concrete, cement and asphalt products; (2) Improvement of the strength and durability in manufactured products; (3) Reduction in long-distance hauling of materials out of state and, (4) Consistency with the U. S. Green Building Council's Leadership in Energy and Environmental Design ("LEED") green building rating system.

Beneficial Use of Soils and Sediments

This general permit proposes to authorize the use of slightly contaminated soil and/or sediment in the following reuse options: 1) Reuse as sub-base aggregate material under asphalt; 2) Reuse in the manufacturing of asphalt; 3) Utilize as alternative daily or weekly landfill cover; and 4) Reuse as manufactured/blended soil.

This general permit will provide guidance to the generators, contractors and receiving sites of contaminated soil and sediments as well as provide the Department with oversight and enforcement protocols to ensure protection of the environment. Benefits of reusing contaminated soil and sediments include conservation of landfill space, reduction of the quantity of contaminated soils and sediments currently staged in areas across the state and the reduction of air emissions associated with the transportation of these materials.

Connecticut Adopts Electronic Waste Recycling Law *(continued from page 1)*

Towns currently recycling e-waste from their residents pay about \$300 per ton. Under the new program, the towns will have their e-waste picked up and recycled at no expense.

Recyclers can begin billing manufacturers on January 1, 2009. By 2011 the e-waste identified in PA 07-189 will be banned from solid waste facilities in Connecticut. The Department will investigate adding other types of e-waste to the law such as VCRs, printers, and DVD players.

Over the next year, the Department, with the assistance of stakeholders, will develop regulations for the implementation of the e-waste recycling law.

Department Establishes Advisory Committee for Implementing Solid Waste Management Plan *(continued from page 1)*

■ Solid Waste Statutes and Regulation Reform

To keep abreast of Advisory Committee and Subcommittee discussions and meeting schedules, either (1) visit the DEP website at www.ct.gov/dep/swmp and click on the hyperlink: "State Solid Waste Management Advisory Committee" or (2) become a Committee member and stay informed of the Advisory Committee activities by subscribing to the DEP-SWAdvComm list serve (follow the steps outlined below). As a member of the list serve you will receive e-mail notification of meetings and related postings.

The Solid Waste Management Plan calls for (1) A statewide reinvigoration of source reduction, reuse, recycling, and composting efforts to achieve (a) an MSW recycling rate of 58% by FY2024 and (b) a significant reduction in the amount of C&D waste and other solid waste disposed; (2) Managing the solid waste that ultimately must be disposed in an efficient, equitable, and environmentally protective manner, consistent with the statutory solid waste hierarchy; and (3) Adoption of stable, long-term funding mechanisms that provide sufficient revenue for state, regional, and local programs while providing incentives for increased waste reduction and diversion.

Any questions, comments, suggestion, etc. regarding the Advisory Committee can be addressed to Tessa Gutowski at tessa.gutowski@po.state.ct.us.

Recycling General Permit Re-Issued

The Department re-issued the *General Permit to Construct and Operate Certain Recycling Facilities* (the Recycling GP) with no significant changes on August 15, 2007. It is a three-year permit, expiring on August 15, 2010. It authorizes five types of recycling facilities (Satellite Drop Site, Drop Site, Recyclables Transfer, Limited Processing, and Single Item Processing). Sixteen types of recyclable materials are regulated under the GP, such as paper, scrap metal, used oil, glass/metal/plastic containers, brush, and used electronics.

This re-issuance will have no impact upon those whose registration has been approved under the prior General Permit. Such persons need not re-register or reapply but may continue their activities under the terms and conditions of the reissued General Permit, provided the information in the existing registration has not changed. Any person without an approved registration will need to submit a registration and have that registration approved by the Commissioner before undertaking any activities authorized by the General Permit.

The *General Permit to Construct and Operate Certain Recycling Facilities* will undergo significant revision during the next three years and will eventually apply only to commercial businesses. This is primarily because the Department expects to issue a new GP by the end of the year for municipalities. This new GP will be entitled *General Permit for Municipal Transfer Stations* and will provide for expanded recycling activities and materials currently covered under the existing recycling general permit, as well as provide for the transfer of municipal solid waste.

If you are a business, be advised that three years from now, or at such time the new GP for commercial recycling is issued, you will be required to register under that general permit when it becomes available, or apply for an individual solid waste permit in order to continue operating.

The General Permit, registration forms and related documents are available on the DEP's website at www.ct.gov/dep/permits&licenses.

Recycling Means Business

Recycling has been mandatory in Connecticut since 1991. Recycling reduces not only disposal costs but reduces significant air, waste and land pollution. Recycling efforts have saved millions in energy and are responsible for conserving our natural resources. Increasing recycling state-wide from its current 30% level to the new target of 58% is one of the many priorities in the 2006 CT Solid Waste Management Plan.

Many of the items recycled by individuals at home are not recycled at the workplace. One way to increase the state's recycling rate is for businesses to establish recycling protocols for mandatory recyclables. The items required to be recycled by businesses include:

High Grade White Office Paper - High grade white office paper such as copy paper, computer paper, office stationery, and memo paper.

Corrugated Cardboard - Old or discarded corrugated boxes - unwaxed (corrugated has an upper and lower liner with a fluted medium in between).

Newspapers - Used or discarded newspapers.

Glass & Metal Food Containers - Includes non-deposit as well as deposit bottles and cans and used foil trays, etc. used to package beverages or food products suitable for human or animal consumption.

Leaves - Foliage which has fallen from trees (must be composted).

Waste Oil - Used crankcase oil (from internal combustion engines)

Lead Acid Storage Batteries - used in cars, automobiles, airplanes, boats, tractors, etc.

Scrap Metal - Used or discarded items which consist predominantly of metals such as iron, aluminum, brass, copper, lead, chromium, tin, nickel, etc. or alloys of these metals, including but not limited to white goods (appliances).

NiCd Rechargeable Batteries - Nickel-cadmium rechargeable batteries, both those contained within appliances and those sold individually are required to be recycled after they no longer are usable.

Grass - Grass may not be disposed at CT landfills and resource recovery facilities. The best way to manage grass is to practice grasscycling by leaving grass clippings on the lawn.

In addition to the state mandated recyclables listed above, local ordinances may designate other items required to be recycled. These can include: paper beverage containers (such as milk cartons and aseptic juice packages); old magazines (OMG); plastic containers [usually PET (#1) and HDPE (#2)]; and telephone books.

Office Paper - Just over 48% of office papers are recovered for recycling. These become raw material for paperboard, tissue, and printing and writing papers

Corrugated Cardboard - Nearly 76% of boxes, or corrugated containers, are recycled. A little more than 61% are recycled into new boxes. Another 16.3% are used for paperboard packaging, like cookie and cracker boxes.

Newspapers - Over 73% of all newspapers are recovered for recycling. Almost a third goes back into making more newsprint. The remainder is used to make paperboard, tissue, and insulation, or exported.

Enforcing Solid Waste Management Laws

A. J. Waste Systems, LLC

On April 13, 2007 the Department entered into an administrative consent order with A. J. Waste Systems, LLC. In 1999, the Department had authorized A. J. Waste Systems, LLC to operate a Limited Processing Recycling Facility in Cheshire. However, in 2002, the Department discovered that A. J. Waste Systems, LLC was also operating a construction and demolition debris volume reduction facility without the necessary authorization.

In addition to requiring A. J. Waste Systems, LLC to cease the receipt of all solid waste at the facility and maintain compliance with all solid waste statutes and regulations, the consent order also required the payment of a \$27,500 civil penalty and a \$27,500 payment to the ReCONNstruction Center as a Supplemental Environmental Project.

Associated Carting, Inc. and D.C. Waste Management, Inc.

Associated Carting, Inc, operates an unpermitted solid waste transfer facility at 990 Naugatuck Avenue in Milford. On January 3, 2007, staff of the Department of Environmental Protection's Waste Engineering and Enforcement Division inspected the site and found a large scale commercial operation transferring and storing construction and demolition debris. As a result of that inspection the Department issued a Notice of Violation to Associated Carting on January 16, 2007.

The site was re-inspected on July 2, 2007 after it had come to the Division's attention that the Respondents had resumed their activities. As a result the Department has sought to have the Office of the Attorney General seek a temporary injunction to compel Associated Carting, Inc., D.C. Waste Management, Inc. and any other responsible parties to cease the receipt of all solid waste and to come into compliance with the Regulations.

The ReCONNstruction Center is a non-profit organization that functions similarly to a Salvation Army Thrift Store, except that instead of accepting clothing and household goods, the Center accepts tax deductible donations of unwanted, but perfectly usable building materials. These materials, such as doors, fixtures, cabinets, lumber, flooring, etc., are inventoried, priced and displayed in a warehouse retail store. The store, which is visited by over 1,800 paying customers per year, is open to the general public and staffed by paid employees and volunteers.

The ReCONNstruction Center offers environmental benefits by providing a convenient, local, and environmentally responsible opportunity for property owners and contractors to recycle reusable construction materials at no cost while reducing their overall cost of waste disposal. Since September 2005, ReCONN has diverted an estimated 248 tons of building materials that would otherwise be disposed in landfills or incinerators. It offers community benefits by educating customers and donors about the environmental and societal benefits of waste reduction, recycling, and reuse, and contributes to the local economy. And finally, it serves as a model for other municipalities/organizations that would like to start their own reuse facilities.

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