

# Key Points

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## MUNICIPAL SOLID WASTE MANAGEMENT SERVICES IN CONNECTICUT

### ADEQUACY OF THE SOLID WASTE MANAGEMENT SYSTEM

- The adequacy of the solid waste management system as a whole is analyzed by examining system-wide activities and broad measures of outcomes compared to state policies and goals.
- Significant progress has been made by the state of Connecticut in reducing its dependence on permitted in-state landfills; the picture is less clear on the trend in the number of unpermitted landfills.
- The environmental impacts of reducing reliance on landfills as a disposal option have not been systematically measured.
- Efforts aimed at reducing the amount of solid waste generated within the state (source reduction) are not sufficient, according to the waste hierarchy established in statute.
- Although the initial legislatively mandated recycling rate goal appears to have been met in the 1990s, the recycling rate goal established by the legislature for the year 2000, a decade ago, has never been met.
- Waste stream analysis shows much of the MSW that is being disposed of at resources recovery facilities contains materials that are already required to be recycled or are a type of plastic that generally has a readily available market.
- Most of Connecticut's solid waste is disposed of at in-state resource recovery facilities and those facilities are at their maximum useable capacity.
- While MSW landfill capacity in Connecticut has purposely declined, the amount of waste being exported, mostly to out-of-state landfills, has increased, which conflicts with state policy.
- Without the use of out-of-state disposal facilities, Connecticut's disposal system would not be sufficient to process the waste generated in the state.

### SUSTAINABILITY

- Sustainability of the system is judged on whether it is capable of processing all of the state's waste while maintaining the status quo for 20 years in regard to

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infrastructure, waste generation growth, and diversion rates. A key issue regarding sustainability is the concept of self-sufficiency.

- Existing RRF capacity is likely to continue to be available for at least the next 20 years but in-state RRFs do not now have the processing capability to handle the entire state's disposed MSW.
- The determination of need process for siting additional disposal capacity prevents the development of excess disposal capacity, which is at odds with the creation of a self-sufficient system.
- In-state ash disposal capacity is insufficient to handle the ash produced in-state in the next 20 years.
- Out-of-state landfill capacity for MSW and ash is abundantly available and will likely continue to be for at least the 20 years contemplated in this report.
- The waste services system is incapable of self-sufficiency as currently constructed.
- A primary barrier to self-sufficiency is lack of in-state landfill capacity for MSW or ash.
- The sorting facilities for the most commonly accepted recyclable materials (e.g., bottles, cans, paper) are currently operating far below capacity.

### REASONABLE COST

- Reasonable cost is evaluated in this report in terms of the existence of a competitive market for solid waste collection and disposal services.
- Though there is an absence of comprehensive data to analyze the MSW collection market in Connecticut, the potential exists for improper pricing of collection services due to a lack of competition in certain areas.
- Illegal anti-competitive practices by haulers have been uncovered recently in Connecticut and various legislative proposals to address this issue have failed.
- Landfills are a less expensive MSW disposal option than RRFs, but Connecticut has no appreciable MSW in-state landfill space to compete with RRF disposal.
- Competition for in-state disposal services is limited. Competition for disposal services may be found in exploring out-of-state landfill options for certain municipalities or through the use of short-term, in-state spot market contracts, but both options carry risks.

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- Privately owned and operated in-state RRFs, though, have offered contract terms that are comparable to, if not less than, those offered by out-of-state disposal options and regional RRF tip fees.
- Most of the towns that were part of the Bridgeport and Wallingford projects preferred reentering into contracts with the previous disposal facility over requesting competitive bids.
- Comparing average tip fees paid by municipalities before and after CRRA affiliation with the Bridgeport and Wallingford RRFs is complex. Generally speaking, new tip fees charged by privately-owned RRFs are not significantly different from the prices charged under CRRA agreements for comparable disposal services to municipalities.
- Without access to the private vendors' costs of services it is unclear if the fees paid for disposal by CRRA to these same operators, while the plants were affiliated with CRRA, represented reasonable and competitive costs.
- It is unknown what the longer-term trend in market competitiveness will be like because the Connecticut disposal market appears to rely on the nearest out-of-state disposal sites to provide competition to the only two operators of RRF disposal services in Connecticut.

### RECOMMENDATIONS

- 1. C.G.S. Sec. 22a-241b shall be amended to include provisions for the commissioner of DEP to review the regulations designating items that are required to be recycled at least every ten years beginning January 1, 2011. Should it be determined there is a demonstrated market for the reuse of additional material(s), the commissioner shall adopt by regulation the material to be added to the designated recyclable list.**
- 2. DEP shall : 1) review the state's diversion and recycling policies and strategies and 2) develop specific flexible incentive programs after consultation with various stakeholders to assist the state and its municipalities in achieving the state solid waste management plan's recycling and diversion goals. These incentive programs can include incentives for implementation of pay as you throw programs, development of single stream recycling, and development of incentives for improved commercial recycling.**

**The programs shall be developed by January 1, 2011, and submitted for review to the committee having cognizance over environmental matters. The incentive programs shall begin on December 31, 2011, and end on December 31, 2016, and contain specific program goals and measures. The department shall provide updates to the committee having cognizance over environmental matters on the impact of the incentive programs**

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and recommend any other strategies to improve recycling and diversion on an annual basis beginning on December 1, 2012 until the programs are terminated.

3. Program review staff recommend that C.G.S. Sec. 22a-232 be amended to increase the solid waste assessment fee by 50 cents (\$0.50) per ton to two dollars (\$2.00) beginning June 1, 2011, and be reduced by 50 cents (\$0.50) to one dollar and fifty cents (\$1.50) on June 1, 2016. The additional revenue shall be deposited in the Environmental Quality Fund and used to fund the recycling and diversion incentive programs.
4. DEP shall examine the potential costs and benefits to the state, municipalities, and waste generators of the various methods of removing food waste from the waste stream, identify any incentives or guidance the state could provide to develop the necessary composting infrastructure, and report the results to the committee having cognizance over environmental matters by June 1, 2011.
5. The current municipal registration requirements for collectors shall be enhanced to include, but not be limited to, the following:
  - name and address of applicant/owner, principal partners, and of any manager or other person who has policy or financial decision-making authority in the business;
  - identification of any and all subsidiaries;
  - names of other towns and states in which collector is doing business;
  - type of collection performed (residential, commercial, other);
  - type of waste collected (solid waste, recyclables, construction and demolition, yard waste, other);
  - location of current and expected disposal areas of all solid waste; and
  - any other information required by municipalities to ensure the health and safety of its citizens.

Each municipality shall provide an updated list of registered collectors and the required information to DEP on at least an annual basis in a format and timeframe prescribed by the commissioner of the Department of Environmental Protection. DEP shall collate the data and provide on-line public access to the information collected. Municipalities not providing the data in a timely manner shall not be eligible for any recycling incentive grants from DEP.

6. The determination of need process outlined in C.G.S. Sec. 22a-208d for resources recovery facilities, ash landfills, and MSW landfills shall be eliminated.

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7. The PRI co-chairs shall request that legislative leadership consider requesting the Connecticut Academy of Science and Engineering (CASE) to evaluate the potential beneficial use of ash residue. Specifically, a CASE evaluation should:
  - a. Determine how many states allow the beneficial reuse of ash residue and for what purposes;
  - b. Compare how much residue is actually reused in those states that permit ash residue reuse and for what purposes;
  - c. Evaluate the potential for the beneficial reuse of ash residue in Connecticut;
  - d. Examine barriers to the beneficial reuse of ash residue in Connecticut, including barriers to possible adoption by Connecticut state agencies of ash residue as a roadbed material or component in asphalt used in various state-funded infrastructure projects; and
  - e. Propose cost-effective solutions for the reuse or disposal of ash residue.
  
8. DEP shall study the economic feasibility of a state purchase and hold of potential disposal sites. The study itself should include a discussion and recommendations regarding:
  - the entities that are most appropriate to acquire and maintain the sites;
  - the costs of acquiring, maintaining, and permitting the sites without use; and
  - the conditions necessary that would call for the development and use of the disposal site, including:
    - the presence of uncompetitive disposal practices or other unreasonably high disposal costs; and
    - the minimum and maximum time frame the land should be held before either use or sale.

The study shall be completed by July 1, 2011, and the results shall be reported to the committees of cognizance over environmental matters.

9. DEP should allow and encourage electronic submission of waste tonnage data by solid waste facilities, with a goal of eliminating paper-based submission by FY 2012. DEP should take the following steps to allow electronic submission of data:
  - notify solid waste facilities of the option to submit data electronically for the remainder of FY 2010 and of the goal to switch by FY 2012;
  - notify solid waste facilities of the range of electronic formats that are acceptable;
  - require that electronically submitted data be organized using basic labels for the information to be submitted;

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- **develop an electronic verification system to replace the current need for signed hard copies; and**
  - **reassign staff responsibilities from manual entry of paper-based data to temporarily assisting solid waste facility operators in complying with electronic data submission.**
- 10. C.G.S. Sec. 22a-208e shall be amended to include a requirement that solid waste facilities shall report to DEP the collector or transporter of all loads of waste received, except those loads weighing less than one ton.**
- 11. DEP should adopt the following data publishing policy:**
- **Submitted waste tonnage data should be aggregated and made publicly available online in its unaudited form within one month of the deadline for data submission.**
  - **Verified data should be made publicly available online on an annual basis.**
- 12. C.G.S. Sec. 22a-228 shall be amended to require the commissioner of DEP to prepare a solid waste management plan revision at least once every 10 years with the next revision to be adopted on or before July 1, 2016. Additionally, the statute should be amended to require that by July 1, 2011 and within five years of submission of a plan, DEP prepare and publish an adjustment to the most recently published plan that includes a comparison of the state's performance to the projections in the plan, revised projections for the remaining duration of the plan, and the status of accomplishment of goals outlined in the plan.**
- 13. A task force shall be created to examine if any changes or refinements need to be made to the statutory role and purpose of CRRA. The task force shall examine: 1) how changes in RFF ownership and affiliation have affected CRRA operations and its influence over waste management compared to its statutory responsibilities; 2) if CRRA is the best mechanism to be the primary contributor to the accomplishment of the goals of SWMP; 3) if so, what type of changes, if any, should be made to CRRA's structure and funding to better address the goals of SWMP; 4) how other waste management authorities contribute to state waste management goals and if any statutory changes are necessary to ensure greater support and promotion of state goals by these entities; and 5) the impact of CRRA's structure and ownership of key solid waste facilities on disposal prices.**

**The task force shall consist of 14 members and be appointed by the governor (1 appointee) and the six legislative leaders (2 appointees each) from among various stakeholders from local, regional, and state government entities, industry experts, and**

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environmental organizations. The DEP commissioner or designee shall be an ex officio, non-voting member. The task force shall report its results to the committee of cognizance over environmental matters by June 1, 2011.

14. DEP should review its current landfill monitoring practices. DEP should evaluate if the monitoring is performed adequately to protect the public health and environment, and if the monitoring requirements should be reduced, performed in a different manner by the department, or performed by an independent third party that provides results to DEP. The department should estimate any costs of any changes and report its results to the committee of cognizance over environmental matters by January 1, 2011.