

Subcommittee: Solid Waste Statutes and Regulation Reforms

(Abstracted from State Solid Waste Management Plan, amended December 2006; Objective 7 - Permitting and Enforcement)

Ensure that permitting and enforcement decisions promote the goals of the Plan and are made in a manner that is fully protective of human health and the environment; promote continuous improvement of the environmental permit application review and decision making process; achieve the highest level of environmental compliance through predictable, timely, and consistent enforcement and effective compliance assistance where appropriate; and improve communication with municipalities, business, industry, and the public on the regulatory process in order to assure compliance with environmental requirements.

Overview of Permitting and Enforcement

The CT DEP must: (1) improve the solid waste permit application review and decision making process to support the waste management goals of this Plan, especially those relating to increased waste diversion through increased source reduction, recycling, and composting., and (2) achieve the highest level of environmental compliance, especially for recycling and composting requirements, through predictable, timely and consistent enforcement and effective compliance assistance where appropriate.

Most of the solution to the solid waste problem in Connecticut will be found in efforts to increase the amount of waste diverted from the waste disposal stream through increased source reduction, recycling, and composting. CT DEP's permitting and enforcement policies will play important roles in helping to maximize effective recycling and composting. The traditional areas of permitting and enforcement will need to be assessed and, if necessary, amended so that they support the goals of the Plan while ensuring that solid waste is managed in a lawful manner that is protective of public health and the environment. Recognizing this, the Department must devote additional resources and give higher priority to permitting of recycling and composting facilities and beneficial uses of wastes and enforcement that support increased recycling and other waste diversion activities. Steps must be taken to streamline the procedures for permitting facilities that are needed to increase the diversion of waste. Overall, more resources must be devoted to enforcement to send the message that compliance with recycling laws and diversion requirements is a critical component of waste reduction, thereby eliminating any business advantage that could stem from non-compliance

Current Practices and Barriers in Permitting and Enforcement

Permitting

There are approximately 200 solid waste handling and disposal facilities under individual permits and 81 recycling facilities under general permits in Connecticut.

One of the most significant problems of the solid waste permitting and enforcement program is that its legal underpinnings are old and in need of updating. The core solid waste statutes date from the 1960s, when the predominant means of disposal was by landfilling. Most towns had their own landfills, and waste from each town was trucked directly from the generator to the landfill and there was little or no need for transfer stations or volume reduction facilities. Statutory and regulatory amendments over the years were focused on resolving specific issues, and there were limited attempts to make comprehensive improvements to the statutes and regulations. This has resulted in statutes and regulations that are difficult to comprehend,

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interpret, and enforce, and that are contradictory in places. A major rewrite of the solid waste statutes and regulations is needed.

Enforcement

The enforcement methods employed by the Department have not changed much over several years. The tools available for enforcement include warning notices and letters, notices of violation (NOVs), consent orders with or without penalties, unilateral orders, civil action through the Attorney General's Office, and criminal action through the State's Attorney's Office and/or EPA. NOVs are issued fairly quickly and have resulted in meaningful return to compliance in many cases, however, if penalties are needed, the options for assessing them are time consuming.

Strategies for Improving the Solid Waste Permitting and Enforcement Programs

Strategies and policies that once supported a sound program for managing solid waste can no longer be relied upon to address current and future challenges. Although there has been increased productivity in solid waste permitting recently, additional changes must be made to streamline the permit process for traditional facilities and to assure that permit requirements for those traditional facilities promote the State goal of reducing the amount of waste disposed by increasing recycling. Efforts must also be made to expedite approvals for recycling and other beneficial use activities, including review and adoption of alternative methods for authorizing certain beneficial uses, such as exemptions from traditional permitting for reuse of eligible solid wastes.

Permitting Strategies:

- Strategy 7-1. CT DEP will make the permitting of solid waste facilities that increase waste diversion from disposal a priority.**
- Strategy 7-2. CT DEP will designate a permitting team whose responsibility is to review all solid waste diversion applications and to make determinations in a timely manner.**
- Strategy 7-3. CT DEP will facilitate the permitting process by developing model permits and fact sheets for applicants and interested parties, so that the process and the applicant's obligations are well defined and readily comprehensible.**
- Strategy 7-4. CT DEP will establish target time frames for acting on solid waste diversion and beneficial use applications.**
- Strategy 7-5. CT DEP will conduct a comprehensive assessment of the state statutes and regulations as they relate to solid waste management and to the implementation of the State Solid Waste Management Plan. In its review, the CT DEP should take into account broader environmental concerns, such as air and water issues.**
- Strategy 7-6. CT DEP will streamline the beneficial use process, with consideration given to an exemption from permitting for certain types of materials.**
- Strategy 7-7. CT DEP will establish a streamlined method of regulating waste haulers in order to incorporate reporting and other substantive requirements, along with a simple means of assessing the solid waste fee. Any action taken by the CT DEP will be consistent with the**

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- Governor's Task Force Report recommendations that are carried forward.
- Strategy 7-8.** CT DEP will seek authority to establish categories of demonstration projects that would not require traditional permitting.
- Strategy 7-9.** CT DEP will continue to identify activities appropriate for approval by general permit, and devote staff resources to this effort.
- Strategy 7-10.** CT DEP will develop a procedure to allow the modification of existing permit approvals in order to facilitate improved or modified business operations and enhanced protection of the environment that are needed due to evolving technologies, markets conditions, and environmental concerns.
- Strategy 7-11.** CT DEP will seek amendments to CGS Section 22a-208a(d) to allow municipal transfer stations to accept and do minimal separation of residentially generated construction and demolition waste without requiring full permit modifications and fees.
- Strategy 7-12.** CT DEP will establish criteria for C&D waste Volume Reduction Facilities to help ensure that more of this waste stream is diverted from disposal.
- Strategy 7-13.** CT DEP will seek and encourage public input at the appropriate steps with regard to the development of General Permits for certain activities and Beneficial Use General Permits.
- Strategy 7-14.** CT DEP will consider host community agreements as part of the re-writing of the solid waste regulations. Until such time regulations are adopted, host community agreements shall be encouraged on a case-by-case basis.
- Strategy 7-15.** CT DEP will continue to evaluate the environmental impacts of the alternatives for solid waste disposal and will examine its authority to require an applicant for new capacity and disposal to provide detailed information on such impacts.
- Enforcement Strategies
- Strategy 7-16.** CT DEP will increase its compliance outreach efforts to develop a more comprehensive and mutually supportive network of communications with land use, public works, and other municipal officials who are directly involved in solid waste activities. CT DEP will take appropriate actions to ensure compliance.
- Strategy 7-17.** CT DEP will take enforcement actions against recycling law violators as necessary to ensure compliance.
- Strategy 7-18.** CT DEP will evaluate incentives that would encourage municipalities to take on enforcement responsibilities they are already authorized to do.
- Strategy 7-19.** CT DEP will establish civil penalty regulations for violations of recycling laws.
- Strategy 7-20.** CT DEP will evaluate additional tools for taking enforcement actions against violators of the solid waste statutes, regulations and permits.

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Strategy 7-21. CT DEP will ensure that RRF's and other solid waste facilities including landfills and transfer stations comply with CGS Section 22a-220c(b) which requires solid waste facilities periodically to inspect loads delivered to them for significant quantities of recyclables and report such violation back to the municipalities.