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FAX (860) 757-7745

Testimony of

THOMAS D. KIRK

President, CONNECTICUT RESOURCES RECOVERY AUTHORITY

Before the

CONNECTICUT GENERAL ASSEMBLY'S ENVIRONMENT COMMITTEE

RE: HB 6550 AN ACT ALLOWING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO INSPECT SOLID WASTE FACILITIES AND INTERMEDIATE PROCESSING FACILITIES

Monday, March 16, 2009

Good morning, Senator Meyer, Representative Roy, Senator McKinney, Representative Chapin, and the other members of the Environment Committee. My name is Tom Kirk and I am President of the Connecticut Resources Recovery Authority. I am here today to speak in support of House Bill No. 6550, AN ACT ALLOWING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO INSPECT SOLID WASTE FACILITIES AND INTERMEDIATE PROCESSING FACILITIES.

This proposed legislation would allow the DEP Commissioner or the Commissioner's duly authorized agent, such as CRRA, to enter the grounds of a solid waste facility or an intermediate processing facility to verify that haulers and towns are in compliance with their contracts with the Connecticut Resources Recovery Authority and its facilities. CRRA believes that other public solid waste authorities, such as the Bristol Resources Recovery Facility Operating Committee and the Housatonic Resources Recovery Authority, also ought to have the same capabilities and protections this legislation would provide. To the extent that DEP does not have the resources to do this inspection work, CRRA is seeking this authorization to assist DEP to perform this important solid waste function.

Over the past year, CRRA has determined that certain waste haulers have been taking municipal solid waste (MSW or trash), which is under contract to be delivered to CRRA facilities, and disposing of it elsewhere in violation of our contracts. As a result of this trash diversion to non-CRRA facilities, CRRA's member towns are being financially harmed. It results in towns and citizens paying higher tipping fees at the publicly-owned trash-to-energy facility. Ultimately, cities, towns and citizens are subsidizing private haulers' disposal expenses and paying for services they are not receiving. CRRA's contracts with haulers and towns require that trash from CRRA member municipalities be delivered to and disposed of at CRRA's designated facilities.

For example, trash deliveries to the Mid-Connecticut Project by member towns have declined substantially – through November 30, deliveries were down nearly 15% compared to last year and we believe much of that decline is due to trash leaving the CRRA system in violation of our

contracts. When trash is diverted the Project loses the revenue necessary to cover its costs of operation, which is the basis for setting its tipping fees. Through November 30, the Mid-Connecticut Project had already lost an estimated \$3.6 million this fiscal year due to these diversions. The lost revenue may force increases in the tipping fees paid by member municipalities and their taxpayers.

CRRA has alerted DEP and its member towns to this serious issue. However, due to staff and budgetary constraints, DEP does not have the resources to perform the inspection and enforcement activities needed to try to correct this problem. While CRRA and the other public solid waste authorities have the authority to inspect and enforce compliance at their own facilities, they do not have the authority to access privately-owned DEP-permitted waste facilities.

This legislation would potentially allow the DEP or its agents, such as CRRA to inspect non-CRRA facilities for the purpose of protecting the municipalities' and the public's rights.

Thank you for the opportunity to testify and for your consideration of this important solid waste issue. I will be happy to try to answer any questions you may have.