

# Executive Summary

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## Municipal Solid Waste Services in Connecticut

What were nascent efforts by the state two to three decades ago to create and nurture an alternative and more environmentally sound waste management infrastructure have fully matured. Connecticut has a waste management system that has been and largely remains self-sufficient and environmentally sensitive. New challenges, however, face Connecticut as the in-state disposal capacity for municipal solid waste is now constrained, and the Department of Environmental Protection (DEP) has created an ambitious vision and proposal to significantly increase diversion efforts and alter the state's disposal habits by 2024.

At the same time, the conclusion of a number of contractual obligations and the release from particular methods of handling waste in the state are underway. Transitions in ownership of key disposal facilities from the public sector to the private sector have occurred and will continue to occur over the next several years.<sup>1</sup> Long-term contracts that bound municipalities to these disposal facilities are also expiring. Concerns about the impact of these changes on the state's solid waste management system have been raised by the legislature and the Legislative Program Review and Investigations Committee began an examination of certain aspects in May 2008, expanding its inquiry in December 2008.

**Study focus.** In May 2008, the committee initially approved a study focused on the ownership options and implications of the four resources recovery facilities (RRF) operating at the time in connection with the Connecticut Resources Recovery Authority (CRRA). During a staff briefing in September 2008, the committee expressed interest in other areas of solid waste management policy.

Subsequently, at a December 9, 2008 meeting, the Legislative Program Review and Investigations Committee approved an expanded scope of study to review the full range of municipal solid waste management services -- from trash haulers and transfer stations, through recycling facilities, trash-to-energy facilities, municipal solid waste (MSW) landfills, and ash landfills -- in order to assess whether the services were: 1) adequate; 2) available at a reasonable cost; 3) sustainable; and 4) compatible with state policies and goals. The study was to also explore alternatives to the state's current disposal technologies and the potential uses of ash residue.

**Main findings.** The findings are summarized below based on the three main questions of the study regarding overall system adequacy, system sustainability, and availability of collection and disposal services at a reasonable cost.

***Is the overall municipal solid waste system adequate?*** The program review committee found that significant progress has been made in achieving certain aspects of the state's waste management goals, especially in reducing the state's reliance on landfills, and in creating and

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<sup>1</sup> Agreements made at least 20 years ago about who would own many of the RRFs after their long-term debts were retired have started to be operationalized.

promoting a viable network of resources recovery and recycling facilities. On the other hand, efforts aimed at reducing the amount of solid waste generated within the state (i.e., source reduction), as well as those efforts intended to increase recycling, are not sufficient. In addition, increasing amounts of waste have been exported to out-of-state landfills, which conflicts with state policies.

*Are the solid waste management services provided in Connecticut sustainable as currently structured?* Answers to this question involve an examination of how the municipal solid waste system may continue as currently structured over the next 20 years, given the projections of increasing waste generation levels of solid waste.

The program review committee found that while in-state disposal capacity would likely exist (through the use of resources recovery facilities), 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 for the next 20 years. In-state ash disposal capacity is also insufficient to handle the ash produced in state over that timeframe, while out-of-state landfill capacity for MSW and ash is abundantly available. However, the sorting facilities for the most commonly accepted recyclable materials are currently operating far below capacity and infrastructure for other diversion methods is undeveloped.

*Are municipal solid waste collection and disposal services available at a reasonable cost?* Answers to this question are analyzed in terms of the existence of a competitive market for solid waste collection and disposal services.

The program review committee found that with regard to collection services, the potential exists for improper pricing of those services due to a lack of competition. However, comprehensive data do not exist to properly analyze the MSW collection market.

While competition for in-state disposal services is limited, though, the RRFs that have recently changed ownership have offered contract terms to municipalities that are comparable to, if not less than, out-of-state disposal options and regional tip fees. The long-term trend in market competitiveness is unclear because the disposal market in Connecticut appears to rely on the nearest out-of-state disposal sites and the short-term spot market to provide competition to the only two operators of RRF disposal services in Connecticut. Both of those disposal alternatives, though, carry risks.

**Recommendations.** The committee approved recommendations intended to address deficiencies in the areas cited above on January 12, 2010, which are listed below. Various options were also developed that the state may want to pursue that are much larger in scope and intended to have a broader impact; these are provided in Chapter X.

- 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 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. **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.**
4. **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.**

5. **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.**
  
6. **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.**

7. **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;**
  - **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.**
8. **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.**
  9. **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.**
  10. **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.**
  11. **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 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.**

12. **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.**