

**REVISED TESTIMONY OF CONSERVATION LAW FOUNDATION
REGARDING: HB-5118, AN ACT CONCERNING THE RECLASSIFICATION OF TRASH-TO -ENERGY
FACILITIES AS CLASS I RENEWABLE ENERGY SOURCES**

Environment Public Hearing
March 2, 2012

Good morning Senator Meyer, Representative Roy, Senator Roraback, Representative Chapin and members of the Environment Committee. Thank you for the opportunity to provide testimony in opposition to **House Bill 5118, "An Act Concerning the Reclassification of Trash-To-Energy Facilities as Class I Renewable Energy Sources."**

My name is Amy Kullenberg. I am a Staff Attorney for the Conservation Law Foundation, which is also known throughout New England as "CLF." I am here today because CLF is New England's leading environmental organization, with specific expertise in building and implementing renewable energy portfolios and standards throughout the Northeast region. In recent years, CLF has established a solid record as a leader in planning for the responsible retirement of outdated coal-fired power plants; developing legislative frameworks for the responsible creation of renewable energy markets and infrastructure; and implementing truly renewable energy projects which do not compromise local, state, or regional environmental resources.

CLF is strongly opposed to House Bill 5118, for three reasons.

First, this bill would compromise the health of Connecticut's citizens.

Second, this bill would compromise the integrity of Connecticut's environmental resources.

Third, this bill would compromise Connecticut's ability to develop a truly renewable energy platform, which, in turn, could jeopardize Connecticut's ability to remain economically competitive into the next decade.

Data published by the National Institute of Health, *The Lancet*, the United States Environmental Protection Agency, and the *British Journal of Cancer*, to name a few, have established that even the most technologically advanced incinerators emit thousands of pollutants which contaminate air, soil, and water. Incinerator emissions include heavy metals such as lead, cadmium, arsenic, chromium, and mercury, as well as halogenated hydrocarbons, acid gases, particulate matter, and dioxins. Dioxins are particularly dangerous and have been linked to cancer in both Great Britain and the United States.

Even so-called "clean-burning" materials, such as "clean" wood waste are not necessarily safe for incineration. Wood waste may contain pesticides, preservatives, lead paint, copper, creosote, or chlorine, which, when burned, can create emissions containing dioxins, furans, lead, and mercury. Incinerator pollutants are difficult to "capture" once they have been released into the environment – they can travel long distances and affect people living many miles from the site of the incinerator itself.

In addition to these human health risks, incineration poses additional direct risks to the environment, and perpetuates a cycle of solid waste disposal and management that creates more and more greenhouse gas, with just a different form of waste to manage. Incineration does not escape the laws of physics -- incineration itself produces its own forms of waste – ash, liquid discharge, scrubber waste, and slag, to name but a few. These by-products of incineration must, in turn, go *Somewhere*, and that *Somewhere* is usually the landfill, which is unfortunate, because it



has been demonstrated that incinerators only reduce the “intake” waste to about 45% of its original volume, and the incineration by-product is often more toxic to the environment than were the original component materials. Which brings us back again to the subject of human health – because the people living in proximity to the landfills where the slag and ash are deposited, are at risk for breathing the dust from the landfill, and, where communities are on well-systems, drinking water that has been contaminated by landfill leachate.

Now, let’s address the money. The purpose of developing a “Class” or “Tier” system in a renewable energy portfolio platform is to provide a meaningful economic incentive which provides the ability to develop truly renewable energy that otherwise would not be developed because it – at this moment in time, like Alexander Bell and the iPhone before us – is so novel that it is *expensive*. CLF directs this Committee’s attention to the case of Harrisburg, Pennsylvania, which has been widely reported about in the Wall Street Journal and other business newspapers. Incinerator companies’ promises of waste reduction and cost reduction too often come with contracts that require the host community to “put or pay.” Incinerators can bankrupt communities, like Harrisburg, which cannot generate enough waste to satisfy the contract provisions. Incinerators need a lot of waste in order to make money, which negatively affects incentives to reduce, reuse, and recycle.

The designation of “Class I” was meant to be reserved for the most environmentally beneficial forms of renewable energy – wind, solar, and hydropower. By inviting rogue cousins like incineration into the preferred “Class I” category, we denigrate the entire Class, and compromise the ability to ever achieve meaningful development of these truly renewable energy resources.

Finally, Connecticut has been a leader in recognizing the need for developing adaptive strategies in the face of Climate Change – Connecticut was a party to the landmark decision in *Massachusetts v. EPA*, and was the lead party in *American Electric Power Co v Connecticut et al*, decided by the United States Supreme Court in June of 2011. Additionally, the University of Connecticut Law School recently hosted the *Legal Solutions to Coastal Climate Change Adaptation in Connecticut* conference, at which representatives from Harvard University Law School, University of Connecticut Law School, Georgetown University Law School, and Brown University joined Senator Richard Blumenthal in addressing the critical need for an intelligent response to the very real fact of climate change. Adding incineration to Connecticut’s renewable energy platform now sends the wrong policy message from a state that has been leading the way on climate change policy, and does not make good sense – either from an environmental, economic, or political perspective. On the contrary, approving House Bill 5118 would constitute a very disappointing departure from the key role that Connecticut has taken to date.

Carbon-emitting incineration is not renewable energy, and Connecticut should not pretend that it is.

For these reasons, CLF respectfully urges you to defeat House Bill 5118.

Thank you.