



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 4, 2016
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

**House Bill No. 5385 – AAC THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION'S
MATERIALS MANAGEMENT PROGRAMS**

Thank you for the opportunity to present testimony regarding **House Bill No. 5385 – AAC THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION'S MATERIALS MANAGEMENT PROGRAMS**. The Department of Energy and Environmental Protection (DEEP) supports this bill.

Meeting the state's goal to divert 60 percent of materials from disposal by 2024 requires reducing waste, increasing reuse and recycling, and embracing technologies that maximize the value and minimize the environmental impacts of managing the remaining materials.

For over 30 years, the state has relied heavily on six (currently five active) waste-to-energy facilities to manage Municipal Solid Waste (MSW). This approach has enabled Connecticut to become a national and world leader in minimizing landfilling. However, combustion of waste for energy, although environmentally preferable to landfilling, is not without negative impacts to human health and the environment, and newer technologies offer the potential for cleaner energy production and other benefits.

There is well-founded concern about the economic viability of some of the state's waste-to-energy facilities in the future. The state has studied this issue extensively, including through the 2010 Legislative Program Review and Investigations Committee study of solid waste management practices, and the 2014 Resource Recovery Task Force. These inquiries have concluded that the state must diversify its approach to waste management by developing new technologies to replace the aging technology and infrastructure. Failure to do so, according to the draft *Comprehensive Materials Management Strategy (CMMS)* recently submitted to the Environment Committee, will result in a massive shortfall in disposal capacity in the state as existing waste-to-energy facilities close. In turn, this capacity shortfall will significantly increase landfilling, transportation distances, costs, and potential liability (CERCLA) to municipalities for many years to come.

Newer technologies, including anaerobic digestion, gasification, plasma arc gasification, pyrolysis, hydrolysis/fermentation and waste to fuel, provide potential options for the state which may maximize the value of waste while reducing environmental impacts. DEEP envisions that the state can actively study these technologies and promote their development as part of a comprehensive approach to materials

management. However, to do so, statutory changes are needed to streamline and facilitate the permitting of these technologies for both DEEP and the applicants.

This bill establishes a new definition for “waste conversion facilities” as technologies that are separate and distinct from recycling and resource recovery facilities categorizations established decades ago. The practical impact of this change is to clarify that these technologies are not resource recovery facilities and therefore are not subject to the Determination of Need process. The time, cost, and ambiguity of the Determination of Need process may act as an unnecessary barrier to innovative and new technology evaluation, investment and construction. DEEP’s multi-media permitting processes already ensure a comprehensive review of the potential impacts to public health and the environment of proposed technologies, as well as a public notice and comment process for facilities that will supplement and/or replace the aging infrastructure. The language of the definition is modeled after language used by the Environmental Protection Agency and other states.

This bill also seeks to streamline the Determination of Need process for both DEEP and applicants without undermining the intent and function of the process, which is essentially to avoid the excessive import of waste for disposal in Connecticut.

Together, these changes are a significant step in providing the state the dexterity to plan ahead in modernizing the materials management system, and are responsive to the recommendations of the 2010 Legislative Program Review and Investigations Committee’s Study on Municipal Solid Waste Management Services in Connecticut, the 2012 Governor’s Modernizing Recycling Working Group, the 2014 Resource Recovery Task Force, and the draft *CMMS*.

DEEP notes concerns expressed over the bill’s proposed change to the recycling definition found in Section 22a-207 of the general statutes (bill line 34). The purpose of the proposed change was to distinguish recycling from the new waste conversion category, and to clarify that a facility cannot be classified as both a recycling and waste conversion facility for the purposes of permitting. However, upon further review, we have determined that this proposed change is not necessary to meet the objectives of the bill. We suggest that the change at line 34 could be stricken, or alternatively, we would be happy to work with this Committee and stakeholders to develop a definition.

In summary, DEEP supports **House Bill No. 5385 – AAC THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION'S MATERIALS MANAGEMENT PROGRAMS** as a step in achieving the state’s materials management goals.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP’s Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov.