April 9, 2019

Senator John Fonfara
Representative Jason Rojas
Co-Chairs, Finance, Revenue and Bonding Committee
Connecticut General Assembly, Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

TESTIMONY – APRIL 10 PUBLIC HEARING
HB 7410

Senator Fonfara, Representative Rojas, and members of the Finance, Revenue and Bonding Committee, I write to you as Executive Director of the Bristol Facility Policy Board, successor organization to the Bristol Resource Recovery Facility Operating Committee (BRRFOC), a regional waste management agency comprised of fourteen cities and towns. These municipalities have collectively managed municipal solid waste disposal through contractual arrangements with Covanta Bristol, Inc. dating back to the mid 1980’s.

This letter is sent to oppose provisions of HB 7410 which have the potential to further strain the limited resources Connecticut’s cities and towns have to manage waste. It is essential the General Assembly preserve the sales & use tax exemption for resource recovery facilities [CGS §12-412(95)]. Cities and towns are faced with an avalanche of cost increases needed to manage solid waste and recycling in Connecticut. MIRA’s aging resource recovery facility recently experienced catastrophic failure of two turbines, which resulted in diversion of 6,000 tons per week of Connecticut trash hauled to distant landfills from upstate New York to Virginia. Recycling markets have collapsed to the point where only certain materials have value in the marketplace. For the Bristol Policy Board towns, eliminating the sales and use tax exemption has the potential to add millions of dollars in new fees. Connecticut’s taxpayers are already experiencing extraordinarily high costs for managing waste, and it is imperative that the Legislature and Executive Branch work to maintain and improve economically viable waste recovery and disposal infrastructure within Connecticut, and prevent long-term reliance upon out-of-state disposal facilities.

Sincerely,

Mark H. Bobman
Executive Director
Import bans imposed by China, Vietnam, Malaysia, Indonesia, India and Taiwan

Changing market conditions have impaired the ability of our communities to achieve sustainable waste management practices, and we are collectively focused on avoiding a catastrophe, as traditional curbside recycling is “under siege.”¹ The impact of recent trade restrictions and market conditions on municipalities throughout North America is truly unprecedented. Today’s market is volatile, with limited opportunity to make quality, useful products from materials routinely collected curbside. Tight municipal budgets have dramatically challenged cities and towns to maintain these programs, complicated by recent extended outages at Connecticut’s aging waste to energy facilities. In light of the recent crises related to Connecticut’s shortfall in disposal capacity and collapse of recycling markets, legislation is needed to direct the Department to revisit state policies and priorities, particularly with respect to how cities and towns provide important services to taxpayers. Includes provisions intended to address improved efficiencies in state government, eliminate duplicative steps with respect to reporting requirements established by the Department of Energy and Environmental Protection (“Department”), and acknowledge that the marketplace has changed for many materials we previously recognized as recyclable, a descriptive term which arguably has no clear definition in today’s global economy.

Initiatives proposed in HB 7298 take into account a more pragmatic approach to managing solid waste and recyclables in the absence of robust markets for many materials formerly exported to southeast Asia. With no viable markets in North America, our citizens and taxpayers now bear the brunt of paying for services we are no longer able to provide as before. We wish to establish a better working relationship with the Department to assist Connecticut cities and towns in maximizing recovery of useful products within current budget appropriations.

Cities and towns must budget with a high degree of certainty with respect to undertaking capital projects, thus we heartily support the ninety day turnaround time for permitting municipal environmental projects. The Executive branch and the Legislature recognized this in Public Act 17-2, and unfortunately, important and meaningful provisions of Section 561 of the Act were stripped upon adoption of Public Act 18-121. We believe firm deadlines will provide much needed certainty in maintaining the much needed infrastructure provided by our municipalities.

The bill proposes to facilitate reporting via internet, and to make the process transparent for public works officials, enabling those providing data to confirm it is properly recorded, a feature which is currently lacking.

Some items designated by statute to be recycled do not have viable markets, and are therefore being disposed of with municipal solid waste (or otherwise separated and disposed of), such that increased costs are borne by municipalities. DEEP should be encouraged to focus attention of enforcement on egregious violations which potentially have adverse impacts on the environmental and public health.

And in conclusion we note the proposed review of the Department’s implementation of the 2016 state solid waste management plan is a welcome opportunity to affirm whether the bold initiatives launched with passage of Public Act 14-94 have been fruitful.

TESTIMONY – MARCH 11 ENVIRONMENT COMMITTEE PUBLIC HEARING  
HB 7295

There has been no formal legislative adoption of the state solid waste management plan (Comprehensive Materials Management Strategy), and it remains unclear as to the Commissioner’s authority to implement the various strategies. Regardless of whether or not the Commissioner has such authority, the CMMS is a conceptual document which does not include mechanisms for the Department to respond immediately to present circumstances.

We are discouraged by language in HB 7295 which would grant the Commissioner of the Department increased authority to subjectively penalize cities and towns for “making insufficient progress in implementing a recycling and waste reduction program…” We believe such a determination could rely upon entirely subjective information without clear, measureable parameters. The cities and towns of Connecticut have done well at providing convenient and cost effective waste management services, especially when considering the age of our existing waste facilities. The possibility of enforcement against a municipality for failing to meet ambiguous goals is unlikely to contribute to the desperate need for infrastructure improvement.

HB 7295 proposes unfortunate reliance on metrics which involve substantial uncertainty, for example, pounds per capita. We do not have the ability to accurately measure all of the pounds of waste generated by the residents of the fourteen cities and towns. Further, several of our communities in the fourteen town regional agency experience substantial population fluctuations over time with a transient rental housing stock.

We simply do not understand the benefit of granting additional authority to the Commissioner to “enforce” provisions of the state solid waste plan. No clear argument has been presented to the cities and towns of Connecticut that enforcement will solve the state’s waste management dilemma. Rather, we need to understand this is a systemic problem deeply rooted in the absence of a robust infrastructure. Therefore, we strongly recommend the Legislature work with the Commissioner to emphasize that agency resources focus more attention on issuing permits and promoting a healthy, economically sustainable, practical approach which will not place additional burdens upon already stressed communities.

I thank you for the opportunity to present these comments, and would be grateful for the chance to continue a dialog with legislators and the Department with the goal of improving waste management and recycling activities in Connecticut.

Sincerely,

Mark H. Bobman

Mark H. Bobman  
Executive Director

cc: Bristol Policy Board Members & Alternates  
William Dickinson, Jr., Mayor of Wallingford  
Mike Freda, First Selectman, Town of North Haven