Public Hearing – March 11, 2019
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

HB 7298 – An Act Concerning the Permitting for Certain Solid Waste Facilities and the Designation of Recyclable Items

Thank you for the opportunity to present testimony regarding HB 7298 – An Act Concerning the Permitting for Certain Solid Waste Facilities and the Designation of Recyclable Items. The purposes of this bill are to (1) require final determinations on certain permits of the Department of Energy and Environmental Protection within ninety days of the submission of such permit applications, including certain solid waste management facilities and publicly owned treatment works, (2) redesignate recyclable items, (3) reallocate department staff resources concerning solid waste management, and (4) revise certain reporting requirements of resources recovery facilities.

The Department of Energy and Environmental Protection (DEEP) opposes this bill, but looks forward to constructively engaging with the proponent of this bill to see how we might work together to address the underlying concerns.

Section 1 of the proposal returns to language mandating approval of permits within 90 days that was repealed on a bi-partisan basis in 2018. This language adds complex and environmentally sensitive facilities to this requirement that could never be sufficiently reviewed in a 90 day timeframe. DEEP is engaged in an ongoing review of its permitting processes to strive for greater efficiency, but this language would have the unintended consequence of risking environmental protection if permit review overlooks significant areas of concern, or alternatively, could lead to rejection of permits that could not be reviewed in time, which is contrary to the goal of facilitating project development.

Sections 2 and 5 of the proposal repeal the longstanding designation of recyclables, in effect abrogating any obligation to recycle anything until and if DEEP adopts regulations – and only if recycling is economically favorable, notwithstanding the environmental importance.

Municipalities and businesses are understandably concerned with the rapidly escalating cost of recycling, which is being driven by the divestiture by China from global recycled commodities markets (the so-called “Chinese-Sword” initiative) and other market fluctuations. These costs place significant strain on already tight budgets, and compete with other necessary priorities. However, recycling is necessary for environmental sustainability, including greenhouse gas reduction and reduction in the extraction of resources, is a driver for hundreds of jobs in the state, and is embraced by most residents as an important part of our quality of life. DEEP believes the issue of cost is best addressed by shifting a portion or the entirety of system costs to the producers of the materials that must be managed. HB 7295, proposed by DEEP and raised by this Committee, offers a pathway to such a program.
Section 3 would suspend the requirement for waste-to-energy facilities to report basic information to DEEP (such as the amount and origin of waste received at the facility) until DEEP creates and electronic reporting system. Migration to electronic reporting is an important priority, but need not be legislated in this manner. DEEP would welcome a dialogue with facility operators about the current reporting requirements and will seek to make improvements where they are warranted.

Section 4 strikes language authorizing DEEP to provide recommendations for the development of municipal or regional recycling programs and options for local compliance of municipalities with recycling requirements. This section would undermine the 2016 Comprehensive Materials Management Strategy (CMMS), which went into effect after extensive public involvement. Municipalities may request waivers from provisions of the Strategy (also referred to in statute as the state Solid Waste Management Plan), and it is utilized as guidance for how municipalities can meet their statutory responsibilities in service of the statewide goal of diversion and waste reduction. This section also “suspends” DEEP’s ability to conduct studies or outreach related to the CMMS until an examination of the costs of such work is provided to the General Assembly. DEEP believes that the costs of inefficient waste management are significant, and the recommendations of the CMMS are aimed at long-term sustainable solutions that will provide significant economic benefits to the state in terms of stable tipping fees, increased private investment in new waste infrastructure, and jobs in materials management industry.

In summary, DEEP looks forward to constructively engaging with the proponent of this bill to see how we might work together to address the underlying concerns, but we oppose all elements of this proposal.

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact Mandi Careathers, the Department’s legislative liaison, at Mandi.Careathers@ct.gov.