

Public Hearing – March 6, 2020  
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

**Senate Bill No. 11 – AN ACT CONCERNING THE RELIABILITY, SUSTAINABILITY AND ECONOMIC VITALITY OF THE STATE'S WASTE MANAGEMENT SYSTEM.**

Thank you for the opportunity to present testimony in strong support of Senate Bill No. 11 – An Act Concerning the Reliability, Sustainability and Economic Vitality of the State's Waste Management System. The purpose of this bill is to address the condition of the State's aging solid waste management infrastructure, to promote innovation and investment in Connecticut-based waste management and waste reduction solutions, and provide greater certainty, operational and fiscal predictability regarding the future of solid waste management in Connecticut. We thank Governor Lamont for introducing this legislation and for his leadership on waste management issues. Governor Lamont has adopted a long-term perspective on addressing the state's critical needs, and this legislation reflects his view that our state must take proactive action on waste management in order to protect the environment in a cost-effective manner.

The Department of Energy and Environmental Protection (DEEP) supports this bill because Connecticut is at a critical moment regarding the condition of its in-state solid waste management infrastructure. Connecticut generates approximately 3.5 million tons per year of municipal solid waste (MSW), of which approximately 1.2 million tons per year is recycled or composted, leaving 2.3 million tons per year, or 6,300 tons per day, to be disposed of. Approximately 80% of this waste is managed by five in-state Waste-to-Energy (WTE) facilities. In 2018, 1.9 million tons were disposed at these WTE facilities including approximately 480,000 tons (25%), down from its usual approximately 650,000 tons per year that is processed at the Materials Innovation and Recycling Authority (MIRA) Hartford WTE facility. In 2018, approximately 400,000 tons were transferred to out-of-state disposal facilities, which for the most part, means landfills. In 2014, approximately 200,000 tons of MSW was disposed at out-of-state landfills. Over the past few years we have seen increases in the tonnage of MSW disposed out-of-state as a result of lost WTE capacity from more frequent repair outages at the WTEs and the shutdown of one WTE.

This upward trend in out-of-state disposal will continue without focused efforts to reduce solid waste generation and targeting Connecticut's aging infrastructure through investment in new infrastructure and technologies such as anaerobic digestion and capital improvements. Reliance on out-of-state landfilling creates vulnerabilities for towns such as potential long-term liability associated with having no control over how such out-of-state facilities are operated and what environmental harm may result from the mismanagement of wastes resulting in these landfills being a source of pollution in the future such as landfill leachate discharges and methane emissions. The transportation of MSW over long distances increases the greenhouse gas impacts of waste management. With fewer disposal options in Connecticut and the northeast, we can expect tipping fees at the remaining out-of-state landfills as well as the transportation costs to

increase, thus exposing Connecticut towns and business to unpredictable cost increases for waste disposal.

It is imperative to the future of Connecticut's waste management needs that it not rely on out-of-state options to ensure that its residents have access to safe, stable, and reliable options for the disposal and recycling of wastes at a reasonable cost – a real and acute possibility should the State fail to take the steps now to address the issue. This bill enables the State to invite and identify best practices and best industry/technology options for investment in solid waste management solutions, including programs such as “pay as you throw” or unit-based pricing, through a competitive process; promote markets for recycled materials that will help alleviate recycling costs for municipalities; and support data collection and goal-setting focused on per capita MSW generation that better enables municipalities and policymakers to identify strategies that reduce environmental impacts *and* taxpayer costs associated with disposal. Given the critical nature of the MIRA facility, authorized to handle 1/3 of the state's MSW, the bill also ensures information is available about plans for reliable operation of the facility. DEEP believes that these measures, taken together, will support actions to reduce the amount of waste generated, manage disposal costs, and promote the development of advanced technology that is sustainable in managing solid waste materials.

Section 1 of the bill sets attainable and effective short-term, definitive goals that municipalities must make their best efforts to achieve and promote waste reduction actions. These goals will allow most municipalities to realize economic savings through a reduction in their waste management costs. The success of these collective efforts will significantly mitigate the sizeable shortfall of waste processing capacity that Connecticut municipalities and businesses will suffer in the absence of the actions laid out in this bill. The statutorily required state-wide solid waste management plan identifies waste reduction as a primary element to maintaining the state's solid waste disposal capacity and achieving the required 60% diversion from disposal rate set by PA 14-94 (section 22a-241a).

Section 2 of the bill allows DEEP to use competitive procurements to leverage public and private sector solutions for innovative waste management infrastructure and technology, as well as for service providers to propose protocols and processes for waste diversion programs. This section encourages DEEP to find opportunities to partner with municipalities and their representative associations and councils to provide more efficient, impactful, and cost-reducing strategies for waste management services. To succeed in attracting innovative solutions and technologies, DEEP proposes that solicitations include access to bonds or other identified funding, power purchase agreements for anaerobic digestion, and the identification of appropriate property sites for potential new facilities.

Section 3 of this bill requires DEEP to develop recommendations for standards for the minimum content of recycled materials in products sold in the state. Minimum recycled content standards increase the value of recycled materials by growing market demand, thereby providing additional opportunities for recycling businesses to operate in the state and region. Minimum recycled content standards will lead to decreased costs of recycling for Connecticut municipalities and businesses, and reduce our reliance on natural resources. In-state or regional recycling businesses that use recyclable materials will also benefit the state by reducing greenhouse gas (GHG) emissions that result from the transportation of materials. Targeting this economic development will serve to raise Connecticut nationally as a “green” state with substantial opportunities for green businesses and jobs.

Section 4 of the bill requires that MIRA develop a five-year reliability and cost-effectiveness plan and submit it to DEEP and the Office of Policy and Management. The plan must outline the actions it will take to ensure that municipalities under contract with MIRA will continue to receive services for waste disposal and recycling through to the end of their municipal services agreements, which terminate in 2027. Additionally, the plan may establish tipping cost stabilization for the 52 municipalities currently under the municipal services agreements.

Section 5 of the bill modifies the existing reporting requirements for solid waste haulers and collectors. Today, haulers are not required to provide these reports to DEEP. These standardized and comprehensive reports from the haulers will simplify the collection of data and provide more accurate data regarding the waste generation by municipalities. In assessing their per capita waste generation, municipalities will rely on this data to improve accuracy and to measure success in their efforts pursuant to Section 1 of the bill. Additionally, the reliability of consistent data will better inform the state's decision-making regarding capital improvements to in-state solid waste infrastructure.

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](mailto:Mandi.Careathers@ct.gov).