

**CORRECTED TESTIMONY
for the
CT Environment Committee
On
Multiple Measures Impacting CTs Waste
System and Programs**

**HB# 04530, SB# 00011, SB# 00298
SB# 00296, HB# 05342, SB# 00300**

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The Connecticut Chapter of the National Waste and Recycling Association is a trade association representing private sector recycling and waste companies. Our member companies operate in Connecticut and all other 49 states. Our industry is a mix of local, regional and national companies that compete vigorously in providing environmentally protective and cost effective services to our customers – the citizens, communities and businesses of the state. We are the industry that partners with you, the Department of Energy and Environmental Protection (DEEP), and all the citizens, communities and businesses of CT that helped get and has helped keep Connecticut as one of the country's top 10* state performers in recycling and waste diversion programs.

* <http://www.waste360.com/recycling/10-best-and-worst-states-waste-diversion-reduction/gallery?slide=4>

HB 05340 Container Deposit Law Expansion

<https://www.cga.ct.gov/2020/TOB/h/pdf/2020HB-05340-R00-HB.PDF>

As a matter of policy, the CT NWRA Chapter stands in opposition to any container deposit law and program expansion in CT; and we support ending the state's current container deposit law and program, except for currently covered glass bottles -- and wine and spirits glass bottles that we propose be also covered.

We believe the language in this bill that maintains coverage for existing container deposit law items of plastic and aluminum containers for carbonated beverages and the proposed language that will add new items like water, sports drinks and other non-carbonated beverage containers, should be eliminated and removed.

We believe all of these after useful life containers will best be kept out of the trash and will be recycled more in CT when they are no longer covered by a container deposit law and system. Without such a program, these containers will simply flow into the universally available recycling programs we operate around the state with our local government and business partners. Since these containers have positive values as recyclable commodities, their inclusion in curbside and business recycling bins will be helpful to all who recycle – including residents, municipalities and businesses.

We endorse and believe the language in HB# 05340 that keeps all the glass beverage containers currently covered by the state's container deposit law should remain on the books. Further, we also endorse and support the addition of new language to HB# 05340 that will extend coverage to all wine and spirits glass bottles going forward. Last, we also endorse and believe the language in the bill that increases container deposits from .05 per container to .10 per container -- for all glass containers noted above should become law. The proposed container deposit increase and keeping container deposits solely for all glass containers, those with existing and proposed coverage, will dramatically improve the recycling of glass containers in CT. Further we believe then that glass containers will then be in the best system available in CT for them -- as glass containers: 1) to actually be recycled; and 2) to be in the system that has the best life cycle assessment (LCA) kinds of environmental impacts possible for their after useful life management and reuse.

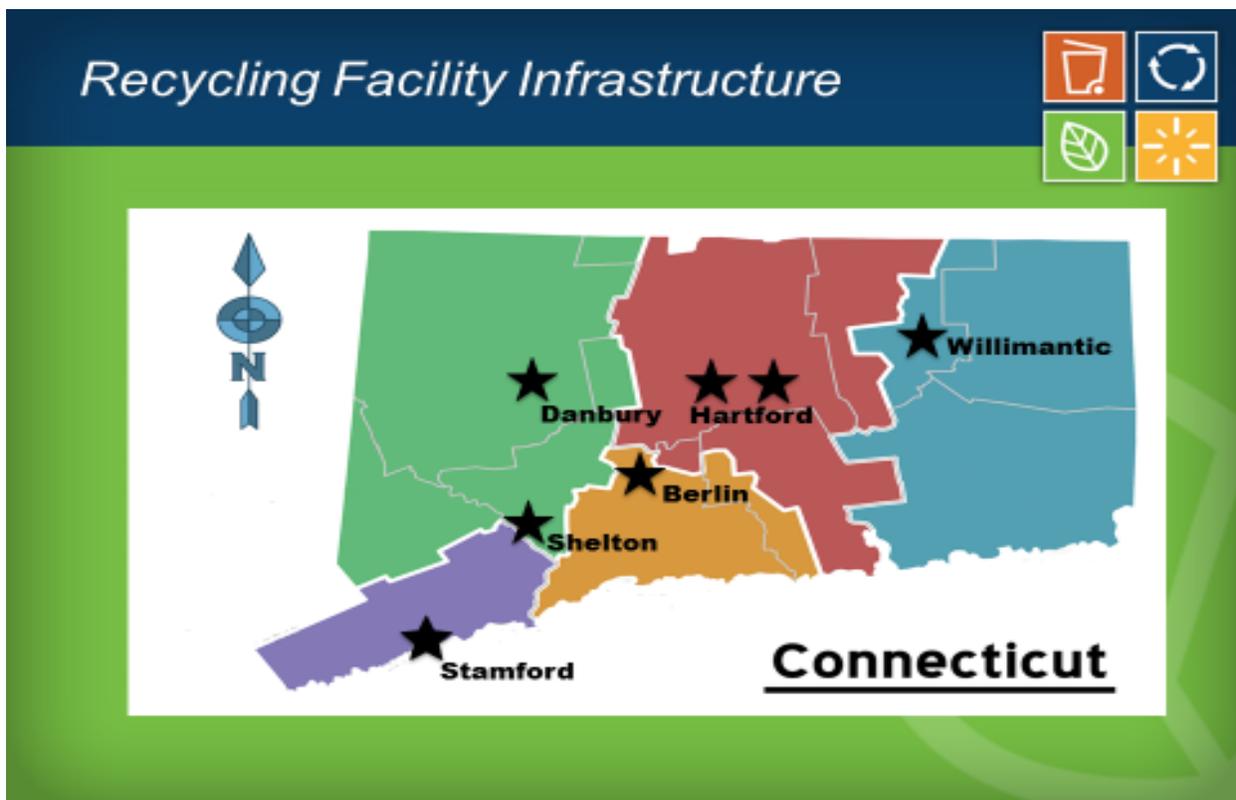
Please also know we suggest the Legislature seriously consider adding language to this legislation so that escheats from CTs new glass only container deposit law,

going forward, are used specifically for programs to support municipal recycling. This is a most appropriate policy for the state to pursue to help municipalities recycle in the state.

We have shared our position that a glass only container deposit law program is the best thing to do for glass recycling in CT; and, that the elimination of all other parts of the state's container deposit law and program is the best thing to do to get more material recycled in CT. Those things said, we need you to know also that the expansion of items to be covered by the state's current container deposit law as called for in HB# 05430, if passed, will be devastating to the municipal and business customers of the state's recycling facilities we run as industry. In the chart and graph that follow, we present information about the state's current recycling infrastructure. This infrastructure represents hundreds of millions of dollars of private investment and thousands of recycling jobs. It has all the capacity (and then some) to pick-up and manage increased material flows when CT sunsets its current container deposit law and replaces it with a glass only container deposit program. An expansion of covered items in CTs container deposit law, like the one proposed in HB# 05430, will take vast volumes of material currently handled away from this recycling infrastructure and will adversely impact their operational efficiencies which will in turn will have additional downstream impacts for all CT communities and businesses that make use of this essential environmental infrastructure when recycling to protect the environment, to be sustainable and to conserve resources.

Existing CT Recycling Infrastructure Chart and Graph

<u>Town</u>	<u>Company/Organization</u>	<u>Ownership</u>	<u>Capacity</u>
Berlin	Murphy Road Recycling	private	1,000tpd
Danbury	Oak Ridge	private	500tpd
Hartford	MIRA	public	560tpd
Hartford	Murphy Road Recycling	private	1,170tpd
Shelton	Oak Ridge	private	600tpd
Stamford	City Carting	private	450tpd
Willimantic	Willimantic Waste	private	815tpd
TOTAL:			5,095tpd



**Our position paper that more fully describes why we believe a glass only container law is an excellent way forward for Connecticut to improve its overall recycling programs to be sustainable, to protect the environment and to conserve resources is appended herewith.*

HB 05342 Multi-stream Recycling DEEP Commissioner Duties
<https://www.cga.ct.gov/2020/TOB/h/pdf/2020HB-05342-R00-HB.PDF>

One size does not fit all. We oppose this legislation for this kind of reasoning. Further, in all due deference, the authorities to be created and delegated to the Commissioner, we believe will only upset and cause more problems in the management of recyclables in CT.

Historically the state sets waste and recycling policy and its intergovernmental local government partners are directed to implement those policies. In turn CTs private sector recycling and waste industry has worked with both the state and local governments to get these various materials collected and managed appropriately, whether they be recycled, diverted into a reuse loop or disposed.

What has evolved in response are a set of unique local recycling and waste systems designed to accommodate local needs and circumstances with the larger uniform state policy. Specifically, with regards to recycling, there are different kinds of local programs at work around the state. The generic difference is between what we call dual stream and single stream recycling programs. Both programs are designed to get the items on the state's list of designated recyclables source separated by generators and into the containers we collect for processing to become aggregated or baled commodities to be marketed for reuse and recycling. Both programs work in CT and both produce high quality recyclable commodities that are readily consumed for use by markets. That is when, of course, when markets exist for the commodities we recover for recycling. Markets exist today

but are very soft; we believe the current market downcycle will improve in time and become robust once again.

The DEEP, CT communities and businesses have done a good job regarding the market downcycle we have experienced, and currently are experiencing with the recyclable commodities we manage. For years municipal and business recycling was supported/subsidized and grew based on the strong commodity values of many of the items collected in recycling bins. With the sustained and on-going loss of those revenues, due to the drop in recyclable commodity values, the cost of recycling can no longer be hidden or offset by them. For years communities and businesses benefited by recycling and saved money due to sustained, strong commodity markets.

In time we believe markets will improve for recyclable commodities; giving the Commissioner new authorities, by the way, will not improve markets. In the meantime, new arrangements are emerging to ensure recycling programs are financially sustainable. The cost of trucking to collect recyclables and the cost to process recyclables at material recovery centers must be paid. The splitting of the cost then to move recyclable material to market -- or the revenues derived from the market sale of recyclable materials -- should be worked out communities and businesses and recyclers. As this is addressed and recycling programs continue, all the environmental benefits of recycling will also continue forward on a new, sound sustainable financial footing.

We believe, by and large, the current inter-governmental, public-private solid waste system partnership that we have all worked to build and operate over the years should remain and these new authorities not be created or delegated to the Commissioner. As noted earlier the current system has not only produced and is producing positive results; but it is well positioned to meet the state's future recycling challenges and needs.

SB 00011 Solid Waste Management System reliability, sustainability and economic vitality

<https://www.cga.ct.gov/2020/TOB/s/pdf/2020SB-00011-R00-SB.PDF>

Regarding the self-sufficiency targets in this bill. The chapter recognizes the strong underpinning of the call for CT and our society to make less waste. Making less waste will ostensibly help reduce climate changing impacts; preserve energy and natural resources; and help us be a more sustainable and resilient world moving forward. All good things no doubt. The 700 to 500 pounds per year per capita waste reduction target is a laudable as an aspirational goal.

There are some good features of this kind of policy and some problematic features as well. How will the state have the communities do this? If the reduction targets are not met, how will the state hold the community for the missed targets? This uncertainty alone is cause for us to urge caution here. In addition, we also think it misses the bigger and more appropriate target for action – the waste generator.

We understand all too well why the focus is on communities since they are the state's partner for waste and recycling policy and programs. But we have to ask, "is it appropriate for the community be held to account for an individual generator's

failure to change his or her waste generation behaviors?; or his or her recycling habits?; or his or her otherwise improper management of after useful life items?

Waste generation is a vexing topic; vexing enough so that there are industry experts who can talk for hours about the “evolving ton” and how the characteristics of waste, recyclables and after useful life discards has changed; is changing; and will likely change even more so in the future. If one looked into a residential curbside recycling bin 10 years ago, there would be a slew of newspapers and magazines; much less so now and in the future as well with the advent of e-media. On the other hand 10 years ago there would not have been many corrugated fiber boxes in those bins; whereas today -- now with the advent and major acceptance of on-line shopping and shipping -- the presence of corrugated fiber boxes is most significant. This same kind of analysis will work for the trash pail regarding organics. Today approximately 30% +/- of material in the overall trash tonnage is organics, food scraps, etc. In ten years, it may be less than 5% as the state’s current food waste management law continues to ratchet down to lower quantity generators and changed behaviors and practices of generators as their source separation of food waste becomes more the norm than the exception.

Given the nature and evidence of the evolving ton and how we endeavor to manage after useful life of materials and items, we don’t think legislation based on an arbitrary reduction target is the best way forward. Targets to reduce waste generation are good in the aspirational space of policy. But rather than creating artificial waste reduction or recycling percentage targets we believe more in

education, incentives and other efforts are more appropriate to promote state waste policy and goals.

Efforts to lite weight packaging; to improving manufacturing processes to use less stuff and make less waste; to using the life cycle of consumer products and packaging to better understand their environmental impacts; designing for recyclability and the environment; to improving local recycling programs – at both raw participation levels as well as the quality of their recycling set-outs; to educating consumers (waste generators) about better purchasing behaviors and impacts of their buying behaviors; to new technological advances in recycling facilities and practices; to closing the loop to the maximum extent possible to create a circular, sustainable economy, are all afoot because of the waste management hierarchy policy established years ago by the USEPA and implemented around the country through the federal governmental with its intergovernmental state partners like CT.

The trend line is well established: we are doing more with less these days and we are becoming more efficient and better. We believe the laws, rules and policies in place today have done us all good and will continue to move the needle forward in positive ways. Further, we believe that arbitrary waste generation caps or recycling percentages are options to use in this mix and for the reasons above, not among the better ones.

Other sections in this bill propose exploring and finding new options for MIRA's future; establishing a recycled minimum content policy group for CT and the

northeast states; creating a target deadline for DEEP to report its future plans for MIRA to Legislature; *We support all these sections. However we do not support the other section of the bill proposing changes to the DEEP reporting requirements for recycling and waste haulers. We do not support this section since it creates and gives the DEEP added authorities to require new recycling and waste hauler reporting obligations. Haulers already report these kinds of activities to towns when requested. Inserting the DEEP at this level will be disruptive to current procedures; will be duplicative and confusing; and a paperwork burden to many small businesses.*

SB 00296 Minimum Content Regional Recycling Glass Management
<https://www.cga.ct.gov/2020/TOB/s/pdf/2020SB-00296-R00-SB.PDF>

We believe the key about what is recycled or otherwise diverted from disposal and what is disposed depends on many factors.

The one factor that is most appropriate to focus on now is whether “markets or alternative uses” exist for the after useful life material to be diverted from disposal. We know markets for post-consumer glass in the northeast are very limited, at best.

Without robust, redundant and competitive markets, no one and no program will be able to successfully close the recycling loop for any after useful life material and see to it that it is diverted from disposal. A lack of glass recycling in CT and the region is, unfortunately, a solid example of this. Accordingly, we believe the focus of this measure that requires minimum recyclable content in production of new glass items, or said differently, further focuses or re-focuses us on the demand side

of glass recycling, will drive the use of recycling commodities and help move us further towards completing the chasing arrows loop of sustainability and circular economy. We support this legislation.

SB 00298 AD and Food Waste Management

<https://www.cga.ct.gov/2020/TOB/s/pdf/2020SB-00298-R00-SB.PDF>

The proposed extension for this law to cover large quantity generators to source separate food wastes now within a larger 40 mile radius – as opposed to the current 20 mile radius of an organics management facility -- was expected at some time; once the state's initial organics management program was adopted a few years back. This kind of change represents a prudent build out of the state's original food waste management program and we therefore in support of it. We see the state food waste management program as one sub-set of many new alternative waste management programs that are evolving and coming into their own. We believe the build out today of the state's food waste source separation initiative is akin initiatives for paper, bottle and can recycling some 35+ years ago.

We will use this public hearing opportunity, in-spite of our earlier very positive and encouraging comments about this new law, to call for serious pause and reconsideration since critical issues have now emerged and been identified as missing as the state endeavors to continue its further food waste management program roll out. We continue to generally support efforts to divert food waste from disposal and we will bring to bear our expertise in working with generators (our customers) in collecting their food wastes and in getting those materials properly managed. Never-the-less we come forward today with the following concerns and challenges we see on the immediate horizon for the state -- and the

proposed growing universe of food waste generators -- that are to be regulated under the state's food waste source separation management laws, regulations and programs.

There are many successful traits of well-run solid waste programs, whether the programs are a commercial collection route for recyclables or routing for the collection of residential wastes. On the commercial food waste front, for the proposed expanded group of food waste generators, we continue to believe that in order for them to embrace this new program, that the DEEP will have to provide both an ample amount of informational and technical assistance to all of them; and, it will need also to allocate ample resources to support programs that will assist them in converting their internal "back of business" waste operations to be in compliance with the new proposed mileage threshold for food waste source separation. CT NWRA members will play an active role here and will work to competitively provide customers the service of collecting and transporting their food wastes. But, by any measure though, success going forward here will require this next group of businesses to be covered by the state's food waste program individually to step up and do the right thing. These businesses, as food waste material generators, will more likely best change their food waste management behaviors when a strong combination of information, technical assistance and enforcement are in play by DEEP.

We also believe the state should continue efforts to try and provide incentives and economic support programs for those companies interested in siting, building and operating organics management facilities within the state. The creation of

state economic development programs as well as continuing work with all in the state legislature and with the Governor to direct existing green funding resources into regional organics facilities or to the creation of new funding programs would certainly be on point. Working with “green and innovative” outside of traditional waste service programs too is a good thing; for example, helping springboard anaerobic digester capacity at local wastewater treatment plants as a market for source separated organic materials. A brief review will show that organics facilities in the region – the very facilities absolutely needed to make CTs new food waste diversion programs work -- have had a tough go of it being sustainable for many reasons. Economic support and incentives will be essential elements of the successful expansion of CTs food waste diversion program.

We continue to recommend that the food wastes to be managed under this law be “pre-consumer” material. We believe some of the facilities and businesses covered under these proposed regulations may well produce “post-consumer” food waste. The ability to manage source separated, ostensibly clean “pre-consumer” food waste is inherently less difficult than trying to “clean-up” what is often-times severely contaminated “post-consumer” food wastes. In simple words, for example, managing “clean” kitchen or back of business generated food wastes from a business will be more manageable than having to tackle “contaminated” organics from food wastes produced folks attending an event or dining out. The state’s continued roll-out and focus on the “pre-consumer” food waste streams and in time, as its food waste management systems evolve and stabilize, tuck-ins and add-ons of additional “post-consumer” streams makes sense to us as daily managers of these materials.

While it is most important to have good technical assistance and economic incentives to make the continued roll-out of the state's food waste program work, the state must have some new program, at some future time to effectively enforce this regulation. As time passes and program needs evolve and focus turns to compliance, any such enforcement protocol adopted by the state to achieve compliance should be primarily focused on the generator, not on the hauler. We believe this, since as service providers, that we cannot control all actions of generators (meaning what generators actually put in their food waste containers, etc) when it comes to waste or recycling or organics management behaviors.

We note this legislation also calls for the DEEP to work with community to a pilot residential program for the collection of source separated food wastes. We recognize this to be another dimension and evolutionary development of the state's adoption of its food waste source separation law. Getting this to work at the residential level will be challenging and difficult. We suggest that as the DEEP pursues this pilot that it should undertake a series of multiple meetings with all the various community stakeholders to be involved, as it scopes out the plan and actual implementation of the pilot. We believe, engagement of all stakeholders will only help improve what will be learned from any CT pilot for the collection and processing of residential curbside food waste.

SB 00300 Smoke Detector After Useful Management
<https://www.cga.ct.gov/2020/TOB/s/pdf/2020SB-00300-R00-SB.PDF>

The chapter supports this legislation. We believe current practices around how the after useful life of these devices are managed currently should be improved.

There are often materials and compounds in these devices that are not well suited for management in the bigger and general solid waste management system.

About the CT Chapter of NWRA:

In Connecticut, the recycling and waste industry employs nearly 6,000 state residents. Our annual economic impact is nearly \$1.8 billion. Our Connecticut chapter members provide waste and recycling collection and processing services throughout the state. Our member companies either collect or process the majority of both residential and commercial recyclable materials and wastes in Connecticut. We strongly support those efforts to increase recycling that make environmental and economic sense. We have participated in previous DEEP workgroups and task forces on solid waste management and recycling.

We look forward to continuing our collaborative work together to keep Connecticut on the nation's top ten leaders list in recycling and waste diversion programs.