

Comments to CCSMM

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To:DEEP RecyclingProgram

CCSMM Comments.pdf
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Please accept the comments of the CT Zero Waste Coalition and others, in response to DEEP's CCSMM Public Engagement Questionnaire.

Sincerely,
Susan Eastwood

To: DEEP.RecyclingProgram@ct.gov

From:

- Connecticut Zero Waste Coalition
- Energy Justice Network
- CT Coalition for Environmental and Economic Justice
- Clean Water Action, CT
- CT League of Conservation Voters
- Citizens Campaign for the Environment
- Sierra Club CT
- Environment and Human Health, Inc. (EHHI)
- Conservation Law Foundation
- Save The Sound

RE: Comments on Public Engagement Questions https://portal.ct.gov/-/media/DEEP/waste_management_and_disposal/CCSMM/CCSMM-Public-Engagement-Questions.pdf

The Connecticut Zero Waste Coalition believes that commitment to equity starts by recognizing that disparities in health outcomes, inequities in living conditions, and lack of political power place many communities of color, including Black, Indigenous, and other People of Color (“BIPOC”), low-income communities, people with disabilities, and other historically disadvantaged people at greater risk and limit the capacity of their communities to adapt to environmental challenges.

Equitable planning considers existing disparities and provides communities with meaningful opportunities to participate in the policy processes meant to further [environmental] justice and mitigate environmental racism. It requires that community perspectives and viewpoints be considered in adaptation and mitigation decision-making and planning.

Connecticut’s efforts toward Zero Waste should start with an acceptance of the internationally peer-reviewed definition of Zero Waste¹ and the accompanying Zero Waste Hierarchy.² These standards, developed by the Zero Waste International Alliance, are used internationally to guide green facility certification through the GBCI’s TRUE Zero Waste standard.³ Zero Waste is defined as follows:

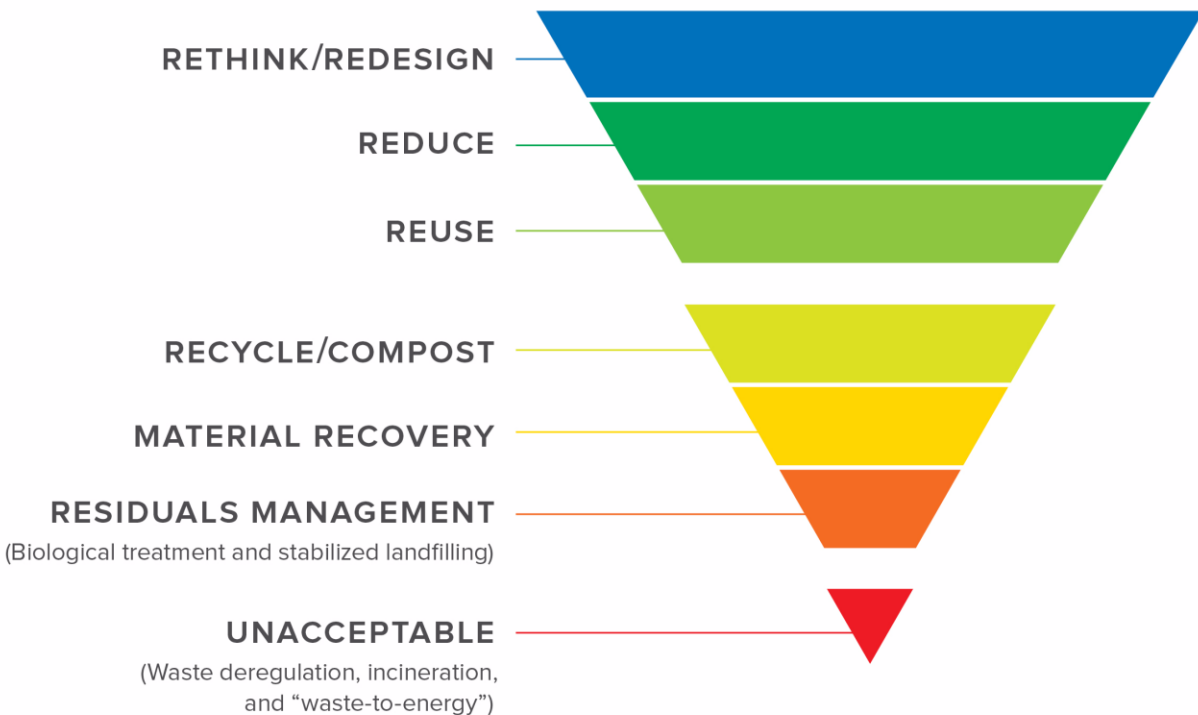
¹ <http://zwia.org/zero-waste-definition/>

² <http://zwia.org/zwh>

³ <https://true.gbci.org>

“Zero Waste: The conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health.”

THE ZERO WASTE HIERARCHY



The Zero Waste Hierarchy is a roadmap to recapturing valuable materials and their economic value, maximizing jobs while minimizing health and environmental impacts. Incineration in Connecticut is a serious issue of environmental racism, with the two largest waste incinerators in highly populated, low-income communities of color. At the same time, exporting trash to out of state landfills is not a suitable long-term waste management solution. Out-of-state landfilling should only be viewed as a temporary, short-term necessity, while a comprehensive in-state waste management strategy that does not rely on high-heat waste incineration is developed. The Zero Waste emphasis on prohibiting incineration will accomplish the state’s environmental justice goals.

- 1. Are there any model programs, best practices, or innovative concepts that the Coalition should consider, that could provide a scalable solution in any of the Focus Areas, listed above? The Coalition is interested in hearing about approaches that are conceptual, implemented on a pilot basis, or**

implemented at scale, whether here in Connecticut or in other jurisdictions in the United States or other countries.

Halifax, Nova Scotia has the best system in North America which closely follows the Zero Waste Hierarchy. Their local government has sought to undermine it, so it is best to learn from those who designed the program. Energy Justice Network can arrange a presentation on their programs.

San Francisco is possibly the best system in the U.S., also with much to learn from on many fronts.

Austin, Texas has a Zero Waste plan that might also be a model.⁴

- 2. For any solution identified in Question 1, what are the barriers that need to be addressed in order to advance any of these solutions at scale in Connecticut?**
 - a. Are there different implementation considerations for full or partial “subscription” towns versus towns that provide for curbside collection of trash & recyclables?**
 - b. Is it necessary or beneficial for the solution to be implemented on a statewide, multi-town, or other regional basis, or can it be implemented successfully town-by-town?**

Extended Producer Responsibility is important to implement correctly. Producers should be made *fiscally* responsible, but not necessarily *physically* responsible for their materials unless they can demonstrate that the discarded materials are going to the highest and best use on the Zero Waste Hierarchy. “Highest and best use” is an important principle.

Just as planned obsolescence reinforces a company's profit motive by making it necessary for products to be replaced as frequently as possible, when producers are in charge of an EPR program, they're unlikely to prioritize reuse over recycling because they prefer to sell a new product and prevent the extended life of existing products. For example, in an electronic waste program older computers or cell phones could be donated to non-profit organizations, schools, differently abled people, formerly incarcerated people, and others who can still make use of them. A state-run, municipal, or non-profit program to reuse, refurbish/repair, and train people to use them would be better than destroying the devices and smelting them down to recycle the metals inside.

⁴ http://austintexas.gov/sites/default/files/files/Trash_and_Recycling/MasterPlan_Final_12.30.pdf

It is necessary to continually seek out safe, environmentally friendly methods of waste disposal, especially for hazardous and/or controlled substances. DEEP should recommend increasing public participation in safe pharmaceutical disposal programs by expanding the voluntary pharmaceutical collection program for retail pharmacists administered by DCP, as well as expanding the drop box program to include all state and local police barracks in the State.

Safe pharmaceutical waste disposal is critical to protect water resources and aquatic wildlife. Today, much of this waste is disposed of via incineration. DEEP should evaluate the viability of alternative disposal techniques, such as supercritical water oxidation for pharmaceutical destruction. (Note that any pharmaceutical disposal method must meet the DEA non-retrievable standard for destruction of unused pharmaceuticals). Further, administration of these programs should be funded by the manufacturer. Safe collection/disposal of such waste materials is not true “EPR” unless the manufacturer is required to pay their share of the funds needed to conduct this safe disposal.

- 3. For any solution identified in Question 1, please describe the types of implications or benefits that the solution provides with respect to:**
 - a. Sustainability-environmental benefits,**
 - b. Reducing costs**

Zero Waste practices and policies save money.⁵

⁵ <https://www.clf.org/blog/zero-waste-saves-money/>



Unit-Based Pricing is the most effective and cost-effective way to quickly reduce waste, with a near-immediate effect on behavior that reduces waste by an average of 44% with about half of that coming from source reduction and reuse, saving municipalities money on collection, recycling, and waste disposal.

Combined with curbside composting collection, reduction of waste by about 70% is typical. Every ton composted instead of landfilled or incinerated saves an average of \$33 that the municipality need not pay. DEEP should recommend a pilot program working through regional solid waste authorities and Councils of Government to establish unit based pricing models in strategic communities. Note that public engagement has been a barrier to establishing these programs in Connecticut and ensure ample public education as a key component to the roll out.

4. Would you be interested or willing to present to the Coalition or a Coalition working group on solutions you've highlighted, or is there another speaker or organization that would be helpful for the Coalition to hear from on this topic?

Yes. The Connecticut Zero Waste Coalition, Connecticut Coalition for Environmental Justice, and Energy Justice Network can present, and Energy Justice Network can also

connect DEEP and CCSMM with several of North America's top specialists in each area.

- 5. DEEP can play an important role in advancing sustainable materials management solutions, including: issuing RFPs for long-term energy contracts to support anaerobic digestion facilities; providing grants for collection trucks powered by compressed natural gas (CNG) or electricity through the Volkswagen settlement; employing different approaches to permitting innovative technologies; and streamlining permitting processes. Are there things that DEEP should do differently in its approach to any of the above roles/functions, that would better support sustainable materials management in Connecticut?**

In addition to following the Zero Waste Hierarchy, any waste policies must support the appropriate clean energy hierarchies where there is an energy nexus. This includes:

- Prioritizing aerobic composting over anaerobic digestion for source separated organics (food scraps and yard waste).⁶
- Prioritizing electric collection trucks over CNG, to avoid methane leaks and air pollution from gas burning.⁷ Electricity powering electric vehicles should be procured from wind, solar, or ocean-based power.
- Increased recycling: streamline the rules to create consistency between single-family and multifamily units, residential and commercial properties. DEEP should additionally step up enforcement activities around recycling, both as a way to increase compliance and to generate much needed revenue.

- 6. Are there any solutions that you would like the Coalition to know about that do not fit within the Focus Areas above?**

Deconstruction:

Construction and demolition waste is one of the largest waste streams. The best way to tackle this and create many jobs in the process is to mandate deconstruction rather than allow demolition of buildings. Build Reuse (formerly the Building Materials Reuse

⁶ <http://zwia.org/composting-and-anaerobic-digestion-policy/> and <http://www.energyjustice.net/digesters>

⁷ <https://www.fastcompany.com/90556334/new-york-city-is-testing-electric-garbage-trucks>

Association)⁸ is a good resource, as is this page with links to policies in states, cities and counties that encourage building material reuse and recycling:

<http://www.reclamationadministration.com/construction-and-demolition-recycling-and-reuse-policies-by-city-or-county-state/>

Material Recovery and Biological Treatment to Landfill:

The most comprehensive life cycle assessment has shown that the best back-end system for what to do with the “leftovers” on the path to Zero Waste is “MRBT to Landfill.” Better than any “thermal treatment” or so-called “waste-to-energy” incineration schemes, this method reduces waste volumes going into landfills while stabilizing the residuals to avoid a gassy and stinky landfill without the increased toxicity associated with using incineration for volume reduction. Material recovery involves mechanically removing additional recyclables in the waste stream *after* source separation. Note that this is a backup to source separation, as failing to source separate just leads to less being recycled due to contamination and unmarketable materials. After material recovery, a biological treatment step like anaerobic digestion for the organic fraction of municipal waste helps capture the methane that would form in a landfill, but in an enclosed environment where nearly all can be captured, avoiding the widespread methane leakage common in landfills. See the report on “What is the best disposal option for the ‘Leftovers’ on the way to Zero Waste?”⁹ and the report on Mechanical and Biological Treatment describing the common pitfalls to avoid (failing to source separate, burning the processed trash, or land applying organic materials separated from mixed trash).¹⁰

Cleaning up the Renewable Portfolio Standard:

The RPS law is a subsidy for incinerators and landfills, without any comparable subsidy for Zero Waste efforts. This distorts the waste hierarchy, supporting the two dirtiest options, while also distorting the energy hierarchy supporting the most polluting way to produce energy. Trash incineration is the most expensive and polluting way to manage waste or to produce energy -- dirtier than burning coal, and more polluting than landfills.¹¹ New York, second only to Florida in the number of trash incinerators, has ten of them, but refused to allow trash incineration to qualify as renewable energy in their renewable portfolio standard law. In advising against this in 2011, New York’s Department of Environmental Conservation documented that their ten trash incinerators

⁸ <http://buildreuse.org>

⁹ <https://www.ecocycle.org/specialreports/leftovers>

¹⁰ https://www.foe.cymru/sites/default/files/mchnical_biolo_treatmnt.pdf

¹¹ <http://www.energyjustice.net/incineration>

were far more polluting than the state's eight coal power plants that were still operating at the time, including a mercury emissions rate 14 times that of coal power plants, even though trash incinerators are equipped with more pollution control devices than coal power plants are.¹² More recently, the NYISO is working on a Carbon Pricing Policy that, if put into effect, may price trash incinerators out of existence, since their greenhouse gas emissions are 2.5 times more than coal power plants, according to EPA data.¹³ Maryland, after making the mistake of bumping trash incineration into Tier I in their state renewable portfolio standard has come close for the past few years in a row to passing a state law to strip their renewable energy designation away altogether. After elevating trash incineration from Tier II to Tier I status (the only state to have done so, and after extensive industry lobbying), the state's two trash incinerators went from making \$15,000 to \$20,000 per year to raking in \$3-7 million per year, sucking up ratepayer dollars than ought to be going to wind and solar.

Here in Connecticut, trash incinerators, or waste-to-energy facilities, are classified as Class II renewables¹⁴ and are eligible for REC credits which can be sold for a rising market price. In May 2020, the market price for Class II renewables was \$19.25/KWh, up from \$17.00/KWh in 2019.¹⁵ As profits have decreased from recycling and trash management, RECs have helped to keep these dirty facilities afloat. Renewable Energy Credits were never intended to support technologies that are more damaging to the environment than coal plants. This classification should be re-considered.

The use of “compostable” bioplastics:

With respect to curbside organics composting, clear, consistent guidance is needed regarding the use of compostable food packaging. Without proper management practices in place, so-called “bio-based” plastics may create more problems than they solve. Any organics program should ensure the following -

- **Provide effective end-of-life management of bioplastics:** Bioplastics designed for recycling must be segregated for processing, to ensure that they do not contaminate the municipal solid waste stream in communities that are ill-equipped to process them.

¹² New York State Department of Environmental Conservation, “Matter of the Application of Covanta Energy Corporation for Inclusion of Energy from Waste Facilities as an Eligible Technology in the Main Tier of the Renewable Portfolio Standard Program. Case No. 03-E-0188,” Aug. 19, 2011. <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={DEEA097E-A9A6-4E53-898C-0BC2F4C60CC4}>

¹³ <http://www.energyjustice.net/incineration/worsethancoal>

¹⁴ <https://portal.ct.gov/PURA/RPS/Renewable-Portfolio-Standards-Overview>

¹⁵ [Northeast class I renewable energy credit prices spike more than \\$13](#)

- **Allow the use of compostable bioplastics only for applications *specifically intended for appropriate end-of-life management*:** Best management practices should be developed to ensure certified compostable plastics are processed in the appropriate manner (i.e. commercial compost facility or anaerobic digester). The use of unapproved plastics and other “compostable” materials in products that might not end up in such a facility should not be promoted.
- **Prohibit the use of misleading marketing claims:** Claims of “biodegradable” and “compostable” plastics can be inaccurate and mislead consumers. Labeling as such should only be permitted when products meet appropriate ASTM standards.
- **Ensure compostable materials do not contaminate the waste stream with toxic PFAS chemicals:** PFAS chemicals are commonly found in food service packaging such as takeout containers, pizza boxes, fast food containers and many others. PFAS can contaminate ground and surface water resources and contribute to human health problems. Any organics composting program must include assurances that compost amendments will not be contaminated by materials containing PFAS.

Modern standards for trash incinerators:

The Baltimore Clean Air Act is a model that the state should use to bring existing trash incinerators up to modern standards. It requires the use of continuous emissions monitoring for 20 pollutants (not just the standard three) and real-time public disclosure of emissions on a website. It also requires that incinerators upgrade to meet the modern emissions limits already being met by new trash incinerators in the U.S. and Canada. See www.cleanairbmore.org/cleanairact for the bill, factsheets, and related details.

Bottle bill:

Connecticut’s refundable container deposit program has not been updated in recent years to keep up with changing market trends and inflation. As a result, Connecticut’s redemption rate is now the lowest of any bottle bill state in the U.S. (around 50%). As a result, every year Connecticut incinerates more than 20,000 tons of PET plastic bottles, more than 5,000 tons of aluminum beverage containers, and more than 36,000 tons of glass containers.

Opportunities for modernization include:

- Expanding the program to cover all beverage container categories including juices, teas, coffees, sports drinks, wine, and liquor;

- Increasing the deposit value on covered containers from 5 to 10 cents, to better incentivize container recycling;
- Establishing a process to determine appropriate incentives and fee structures for covered containers over time; and
- Establishing an independent stewardship model with an independent stewardship organization for beverage container recycling.

7. Are there any aspects of the Focus Areas, listed above, that the Coalition should not consider (and if so, why)?

For the reasons stated in the previous answers, incineration in all forms (including all “waste-to-energy,” “waste-to-fuel,” and “thermal treatment” technologies), mixed waste processing, land application of organic residuals in municipal waste, anaerobic digestion for source separated organics, and CNG collection vehicles should not be considered.

Respectfully submitted,

Connecticut Zero Waste Coalition
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