

Mr. Changaris:

Thank you for your email submitted on March 19, 2020 on behalf of the members of the CT Chapter of the National Waste and Recycling Association (NWRA) which identifies waiver and suspension actions needed to ensure the provision of waste services during the COVID-19 emergency. We appreciate NWRA and its members identifying actions which it feels are necessary to maintain services and protect the health and welfare of its staff during these extraordinary circumstances.

DEEP has reviewed the recommended actions and we are providing below a response on each action. We are open to providing the industry greater flexibility during this emergency but our authority does not extend to all of the concerns NWRA raises. Where DEEP authority does not exist, we are discussing and coordinating with the Office of the Governor and/ or other governmental agencies to determine the appropriate response or action.

1. Declare the solid waste industry functions an essential service during this emergency:

Subsequent to our conference call on March 18, 2020, DEEP worked with the Office of the Governor to identify solid waste haulers and facilities, including Resources Recovery Facility (RRF) support functions (such as lime, urea and carbon deliveries, ash transport vehicles) as well as contractor and vendor functions which are integral to such operations, as critical services.

On March 20, 2020, Governor Ned Lamont issued [Executive Order No. 7H](#) (EO7H) which restricts nonessential business activity and specifically identifies "essential services including trash and recycling collection, hauling, and processing". EO7H addresses NWRA's primary concern since there is no ambiguity that waste services fall under the Governor's accounting of essential services that are needed to keep critical services running.

2. Priority for personal protection equipment (PPE) for solid waste industry staff:

DEEP has consulted with epidemiology and occupational experts at the CT Department of Public Health and OSHA for guidance. OSHA offers the following guidance: <https://www.osha.gov/SLTC/covid-19/controlprevention.html>. Specifically, the guidance notes:

"Generally, management of waste that is suspected or known to contain or be contaminated with COVID-19 does not require special precautions beyond those already used to protect workers from the hazards they encounter during their routine job tasks in solid waste and wastewater management. Workers and employers should manage municipal (e.g., household, business) solid waste with potential or known COVID-19 contamination like any other non-contaminated municipal waste.

Use typical engineering and administrative controls, safe work practices, and PPE, such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to the waste streams (or types of wastes), including any contaminants in the materials, they manage. Such measures can help protect workers from sharps and other items that can cause injuries or exposures to infectious materials."

DEEP shares your concerns for protecting the safety of your employees, particularly in light of current PPE shortages. At this time, the Governor's Unified Command Center (Unified Command), the state's emergency management network consisting of state agencies and municipal management personnel, are considering and prioritizing the PPE needs of the most essential personnel – the medical service providers who are on the front lines of this crisis such as hospitals, health care providers and first responders.

Given current limitations on PPE supply, it will be helpful to stay in communication about current levels of PPE supply and utilization rates within the solid waste industry; specific types of PPE that may be needed and expected timeframes of need; and the specific types of state assistance that may be requested to ensure continued worker safety in the solid waste industry.

3. Truck weight and hours of service waivers:

While DEEP lacks jurisdiction over this issue, we have shared your request through Unified Command to the CT Department of Transportation for its review. Please note at this time, approval for a waiver for weight limit and times of operation can be sought. Please refer to: <https://portal.ct.gov/DOT/Permits/Highways/New-Oversize-Overweight-Permits> or contact the Oversize / Overweight (OS/OW) Permit Office at dot.osowpermits@ct.gov for additional information.

4. Solid waste facility operation waivers (for various state and local permit and regulatory/statutory requirements):

As you know, solid waste haulers are not regulated by DEEP but rather are required to be registered in the municipalities in which they operate. Solid waste facilities (such as transfer stations, volume reduction facilities, and RRFs) are regulated by DEEP and authorized by permits which specify conditions for operation. DEEP is willing to employ flexibility by relieving certain permit conditions as noted below. With regard to local requirements, DEEP has no jurisdiction over municipal requirements but can advocate for flexibility through the Unified Command network.

a. Facility Days and Hours of Operation:

DEEP's solid waste facility permits (permits) are site specific and identify specific days and hours for receipt and processing of authorized waste types. DEEP understands that hours and days may need to be extended to ensure operations in the face of such factors as a reduced workforce, changes in collection routes, and an increase in municipal solid waste (MSW) as the state's workforce has shifted to telecommuting. In lieu of individually-issued permit modifications or through letter exchanges (commonly known as A6 approvals), DEEP is willing to consider authorizing extended hours and days of operation through statewide or sector based temporary and emergency authorizations. However, we will need to better understand the scope and extent of such need to move forward. Please discuss with your members what common needs exist and provide the additional information to DEEP. Requests which are unique to facilities should be submitted to DEEP to Nisha Patel at nisha.patel@ct.gov [with copies to permitting supervisors Frank Gagliardo (frank.g.gagliardo@ct.gov) and Kevin Barrett (kevin.barrett@ct.gov)]. Once received, DEEP will evaluate such need on a case-by-case basis to determine the best approach.

b. Waste receipt and storage limits/conditions:

DEEP is willing to consider modifying as necessary permitted tonnage and volume limits associated with the receipt and storage of waste for waste types impacted by this health crisis (MSW and biomedical waste). DEEP might authorize such changes (using appropriate tools such as approvals, temporary and emergency authorizations) to allow flexibility as appropriate on a state-wide, sector-wide, or individual facility basis. Similar to above, please discuss with your members what common needs exist and provide additional information; requests which are unique to the a facility should be submitted to Nisha Patel at nisha.patel@ct.gov [with copies to permitting supervisors Frank Gagaliardo (frank.g.gagliardo@ct.gov) and Kevin Barrett (kevin.barrett@ct.gov)].

c. Relief from filing all DEEP reports, permit compliance audits, renewals and load inspections

In light of the social distancing and non-essential workers staying at home, DEEP is providing flexibility from permit requirements related to compliance audits, audit reports, and load inspections as follows:

- 1) For solid waste facilities that are required by their permits to conduct quarterly compliance audits, DEEP will accept the performance of one semi-annual compliance audit (in lieu of an audit in each of the first two quarters of 2020) on or before June 30, 2020.
- 2) The results of the semi-annual compliance audit noted in subsection 1) above shall be summarized in one Compliance Audit Report in accordance with terms and conditions of the facility permit; and
- 3) The semi-annual compliance audit noted in subsection 1) above shall be submitted by August 30, 2020.

d. Renewal of facility permits

DEEP is assuming the relief sought is related to permit renewal applications which are required to be submitted to DEEP 120 days prior to the permit expiration date. Pursuant to CT General Statute Section 22a-6j, applications submitted later than the 120 day renewal due date are subject to a late fee and can be continued in effect so long as such applications are complete and received prior to the expiration date of the permit. DEEP will work with the Office of the Governor to waive the statutory late fee in the event that permittees and their consultants need additional time to submit a permit renewal application. Please note such applications must be submitted prior to the expiration date of the permit to maintain coverage. The number of solid waste facilities with permits that expire in the coming months is small and we encourage facilities to contact DEEP if there are any questions about their renewal.

e. Load Inspections

During the conference call on March 18, 2020, several NWRA members raised potential exposure concerns regarding subjecting facility staff to on-the-floor load inspections. CT General Statutes Section 22a-220c(b) establishes visual inspection as a minimum standard. The facility permits specify more comprehensive inspection requirements to assure compliance. In light of potential workforce reductions, and as a matter of enforcement discretion, facilities may use equipment operators or other staff to conduct visual inspections for significant cross contamination.

5. Request for DEEP guidance:

We recognize the evolving nature and speed of changes with respect to responses to the COVID-19 emergency and, like you, want to be nimble enough to adjust and respond to those changes. DEEP cannot support or recommend the commingling of MSW and designated recyclable items at the point of generation and/or collection, or the combustion of designated recyclables items. We agree that having clear channels between the waste industry and DEEP to identify and raise issues is key if we want to work quickly and efficiently on solutions. To that end, we encourage you to stay in close contact and continue to bring matters of substantial concern to the attention of Nisha Patel at Nisha.Patel@ct.gov and Gabrielle Frigon at Gabrielle.Frigon@ct.gov.

Thank you for bringing your concerns to our attention and we invite the industry to offer best practices and viable options as it develops and refines its contingency plans so that we can proactively work together during this health crisis.

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