

Solid Waste Advisory Committee (SWAC) Meeting Summary
January 22, 2009

Massachusetts Department of Environmental Protection (MassDEP) Updates

Commissioner Laurie Burt provided an overview of the Massachusetts Department of Environmental Protection's (MassDEP) work to revise the Commonwealth's Solid Waste Master Plan. As part of this effort, the Department recently held six public meetings across the state, starting in December and ending on January 15th. The Department wanted to hear from everyone – citizens, businesses, municipal officials and other stakeholders ---- to collect their best ideas for strategies to advance a new approach to solid waste.

MassDEP was pleased to receive great turnout and active participation at our meetings - we had over 300 attendees across the six meetings enabling us to engage in thought provoking discussions about how to best manage our “waste” materials. These discussions focused on four sets of issues:

- 1) reducing the amount of waste generated
- 2) increasing the supply of recyclable materials
- 3) building markets for recyclables
- 4) how to best manage residual materials

Through these meetings, we have identified specific topics that we believe require more in-depth discussions and development of a common set of information on which to base our policy decisions. During February and March, MassDEP plans to hold several additional meetings to flesh out remaining issues and areas of uncertainty.

Based on the input and information from the public meetings and upcoming workgroups, MassDEP will write a draft Solid Waste Master Plan this spring, which we plan to have available to share this summer. We expect to hold public hearings and a formal comment period in September of 2009 with the goal of issuing the final plan by the end of 2009. MassDEP looks forward to your continued active participation today and throughout the process.

2007 Massachusetts Construction and Demolition Industry Study

Ted Siegler, DSM Environmental, gave a presentation summarizing the Massachusetts Construction and Demolition Industry Study that was completed by DSM Environmental for MassDEP in May 2008. This presentation is posted on MassDEP's web site along with these meeting notes. The full study can be found at <http://www.mass.gov/dep/recycle/reduce/managing.htm#data>. It is important to note that this data is now more than one year old and precedes the recent economic downturn. Therefore, some of the tonnage data may have changed significantly since the data in the report was obtained. Another important overall point is that the report focuses on building debris only and generally does not include debris from road and bridge construction and repairs or land-clearing.

Participants raised several questions and comments about the report, which Mr. Siegler responded to:

How confident are you that markets for C&D wood are sustainable?

Generally, markets for C&D wood as biomass or particleboard appear to be strong and growing, although operational issues may limit the overall percentage of wood that can be pulled out from mixed debris at Massachusetts C&D processors and diverted to these markets.

Have we looked at the greenhouse gas/carbon footprint impacts of transporting C&D materials long distances to markets?

Although there are some greenhouse gas impacts of transporting material over long distances, the greenhouse gas reductions achieved by substituting C&D wood for fossil fuels as an energy source greatly outweighs the

greenhouse gas impacts of transporting this material. However, it would make more sense to use C&D wood as a fuel in Massachusetts rather than transporting it to other states.

A participant raised concerns and questions about both the environmental and economic impacts of the waste ban on wood, including whether the ban has raised costs for managing C&D materials and whether the ban has driven more material to be disposed of out of state.

Landfills are difficult for C&D processors to compete with economically and sending material to in-state processors costs more than sending it to out-of-state landfills for disposal. Because of the cheap cost of landfills, the ban has helped support C&D processors that already existed at the time of the ban. Other processors that began operations later based primarily on the ban have not fared as well and relying primarily on a waste ban does not seem to be a good business model. The ban also has been effective at stimulating markets for using C&D wood as boiler fuel.

A participant raised concerns about hydrogen sulfide impacts of C&D fines and residuals used for landfill cover and grading and shaping materials.

Some amount of C&D fines is inevitable for C&D processors, and it is critical to be able to address fines management from a technical and regulatory perspective to enable C&D processors to continue to operate. A SWAC participant mentioned that gypsum in the waste stream is also problematic for waste-to-energy facilities, as the sulfur creates issues for their pollution control equipment and requires them to use more lime for treatment.

Mass DEP should work with the Green Building Council to stimulate markets for C&D materials.

John Fischer and Jim McQuade mentioned that the Environmental Business Council recently held a C&D Summit on January 16, 2009 that MassDEP co-sponsored. The focus of this Summit was to define specific action items that the C&D industry, MassDEP, other state agencies, and other players can take to improve C&D management over the coming year. More information on these action items will be posted on the MassDEP website.

Green Communities Act Provision for Class II Renewable Energy Facilities and Recycling Resources

Greg Cooper, MassDEP, gave an overview of a section of Chapter 169 of the Acts of 2008 - An Act Relative to Green Communities, which established certain Class II renewable energy credits for waste-to-energy facilities that were in operation as of December 31, 1997. The relevant language from this statute is in Section 32 of the Act, which establishes Section 11F(d) in Chapter 25A:

“(d) Every retail electric supplier providing service under contracts executed or extended on or after January 1, 2009, shall provide a minimum percentage of kilowatt-hour sales to end-use customers in the commonwealth from Class II renewable energy generating sources. For the purposes of this section, a Class II renewable energy generating source is one that began commercial operation before December 31, 1997 and generates electricity using any of the following: [(1)-(6)] (7) waste-to-energy which is a component of conventional municipal solid waste plant technology in commercial use; ...A facility in clause (7) shall not be a Class II renewable generating source unless it operates or contracts for one or more recycling programs approved by the department of environmental protection. At least 50 per cent of any revenue received by the facility through the sale of Massachusetts RPS-eligible renewable energy certificates shall be allocated to such recycling programs.”

Next steps:

- MassDEP and the Department of Energy Resources (DOER) are working collaboratively to develop the regulations to implement this requirement, including criteria for recycling programs to be approved by MassDEP. The goal is to have regulations promulgated in spring/summer.

- Once regulations are in place, Waste-to-Energy (WTE) facilities would submit qualifying documentation to DOER demonstrating eligibility for the renewable energy certificates; this would need to include approval from MassDEP of the recycling programs. DOER regulations (225 CMR 15) establish how renewable energy certificates are sold. Once they are sold, the appropriate percent of the revenue generated would be directed to the recycling program.
- MassDEP anticipates that a statewide solicitation would be issued to obtain funding proposals targeting waste diversion and recycling to which the Class II REC revenue would be directed. The solicitation would target key initiatives and support the goals of the Solid Waste Master Plan. Ideally, eligible entities would include municipalities, non-profits, institutions and businesses.

Participants raised the following questions:

Will there be an annual solicitation?

MassDEP expects that this will most likely be an annual solicitation that would be similar to MassDEP's existing municipal grant applications, though broader and potentially open to public entities, non-profits, and private entities. The program would prioritize uses of the funding consistent with the priorities of the Solid Waste Master Plan.

What will be the overall value of these RECs and the portion available for recycling programs?

MassDEP does not yet know what the value of these RECs will be. It may be driven in large part by the level at which MassDOER sets the alternative compliance payment for these credits.

Do the grant funds have to be used in the same fiscal year in which they are generated?

This has not been determined yet, but MassDEP expects that the funds will be able to be used across fiscal years.

How many megawatt hours are generated annually by WTE facilities in MA?

A participant from a waste to energy facility stated that the six WTE facilities eligible for these credits generate approximately 2.5 million megawatt hours per year.

Is there a definition of "recycling" in the statute?

No, recycling is not defined in the statute.

Will a separate alternative compliance payment be set for this category of RECs?

We do not yet know. This issue will be decided by DOER in its regulations.

MassDEP will provide an update on this issue at the April SWAC meeting. For questions on this issue, please contact Greg Cooper at MassDEP at greg.cooper@state.ma.us.

Solid Waste Master Plan Development

John Fischer, MassDEP, reviewed the Solid Waste Master Plan (SWMP) development process to date and summarized the input and comments that MassDEP received at Stakeholder Meetings in December 2008 and January 2009. This summary is available on the MassDEP web site at <http://www.mass.gov/dep/recycle/priorities/dswmpu01.htm>.

MassDEP has grouped the comments received at these meetings into seven primary topics, and would like to set up external workgroups to further discuss these topics in more detail, gather additional information, and develop options for MassDEP to consider in developing the draft Solid Waste Master Plan. These groups would not be charged with making overall Solid Waste Master Plan recommendations to MassDEP, but

rather would focus on developing information on the topics to better inform and support MassDEP's development of the Draft Solid Waste Master Plan. The proposed workgroup topics are:

- **Reducing Waste Generation:** This workgroup would discuss different ways of reducing waste, including appropriate roles for manufacturers, retailers, government entities, and consumers, and also would look at what has worked well in other jurisdictions.
- **Education:** This workgroup would explore effective ways of providing information and getting the “reduce/reuse/recycle” message out in ways that lead to behavior change, for the general public, businesses, and at schools.
- **Local Capacity Building/Regionalization:** This workgroup would look at ways to replicate and further expand local capacity for waste reduction through regionalization, increased efficiency, technical assistance, etc.
- **Waste Bans/Business Recycling:** This group would evaluate current waste ban efforts and ways to use this tool to further recycling goals, and identify other strategies to increase business and institutional recycling.
- **Market Development/State Purchasing:** This group would look at ways to strengthen and develop markets, including how the state as a consumer can contribute to demand for products that are easier to reuse/recycle and generate less “end of life” waste.
- **Siting Issues:** This group would focus on how siting issues may be a barrier to increasing in-state capacity (even for facilities that many stakeholders agree are positive, such as composting), and will identify potential approaches for dealing with these barriers.
- **Technologies/Options for Residual Waste:** This group would seek to reach a common understanding about the performance data of various technologies (e.g., anaerobic digestion, gasification, etc.). Different stakeholders have made conflicting claims about the performance/viability of these technologies, so this group would provide an opportunity to sort through the existing data with all sides in the room. This workgroup also would compare new technologies with existing technologies (e.g., existing waste-to-energy facilities, landfills).

Participants raised the following comments and questions:

Several participants expressed interest in the overarching vision of the Master Plan and what the vision or goals will be for each of these workgroups. The participants in the workgroups need to have a clearer sense of how MassDEP expects these issues to fit into the broader Plan. Where and how will funding and legislative strategies fit into these workgroups?

MassDEP responded that these workgroups are not intended to focus on the overall vision and goals, but rather are designed to examine key issues more deeply than was possible at the six public meetings that were held. These workgroups would consider funding and legislative options where appropriate, but would not be charged with developing policy or funding recommendations. Instead, MassDEP would ask these groups to work collaboratively to develop information and options that MassDEP can consider in developing the draft Solid Waste Master Plan. The broader vision of the Master Plan already has been presented and discussed at the six public meetings and will be discussed more in other stages of developing the Plan, including later Solid Waste Advisory Committee meetings.

Some of the titles of the workgroups should be changed or may need clarification. It is unclear where extended producer responsibility fits among these workgroups.

MassDEP expects that extended producer responsibility would primarily fall under the first group on reducing waste generation. When MassDEP establishes the workgroups, we will provide a brief description of each group and provide more specific requests for what issues and questions we would like each group to focus on.

Several participants commented that the “Reducing Waste Generation” workgroup covers too many high priority issues compared to other groups and should be sub-divided into multiple smaller workgroups.

These groups should address broad issues like how Massachusetts is planning for overall solid waste management capacity given decreasing landfill capacity and how we will approach the issue of net export for disposal. The Plan also should determine when a waste is defined as a waste, a policy issue that the US EPA is addressing at a federal level in terms of reclassifying certain materials as materials or fuel rather than waste.

Participants made several suggestions regarding the workgroup meetings, including:

- MassDEP program staff familiar with the workgroup issues should participate in each group as resources.*
- MassDEP should provide background materials that participants should read prior to attending meetings.*
- MassDEP should try to schedule the different workgroup meetings so that they do not conflict and that people can participate in multiple workgroups if they choose.*

John Fischer agreed with these suggestions and stated that MassDEP will take these suggestions into account in planning the workgroup meetings.

Next Meeting

The next SWAC meeting is scheduled for Thursday, April 22, 2009, from 1:00 to 3:30 PM.