

Massachusetts Solid Waste Advisory Committee (SWAC)
October 1, 2020, 10:00 am – 12:00 pm
Meeting Summary

The presentation slides are posted along with this meeting summary here:

<https://www.mass.gov/lists/solid-waste-advisory-committee-archive>

Questions and comments from attendees:

Q: Is there a reason on-site organic materials consolidation is limited to five days? Some towns do collection once a week.

A: The reason is to limit the amount of time food material would be sitting around. It's certainly open to discussion. We figured anything in a leak-proof, covered container would be OK to stay on site for a period of five days. In this general permit category, we want to address businesses picking up individual buckets from residents and consolidating the material before hauling it to a compost site. It's usually small amounts, but we want to identify where it is happening and limiting the amount of material that can pile up. Note that municipal collection centers are regulated under a separate provision in 16.03 and the time period for those centers is one week.

Q: Is there a little more to the description of "enclosed handling area?" For it to enclose a leak-proof, covered container, what type of structure is this?

A: We haven't gone into that level of detail. MassDEP has historically interpreted enclosed area for handling activities to be inside of a building. Food materials would need to be stored in covered, leak proof containers.

Q: What's the extent of the handling - is it just consolidation to a larger storage container, or does it include processing?

A: This would not include processing, it would be limited to consolidating materials on a short-term basis to deliver them to a compost operation or similar facility.

Q: On the definition of "speculative accumulation," I don't understand why it would be set at 90 days, given recycling markets. We need to give the facility operators time to hold the materials to support the business. EPA gives hazardous waste operators - for instance, with more volatile materials - a year before it is considered "speculative accumulation." I think MassDEP could give more leeway.

A: "Speculative accumulation," in this sense, would only be for sites with no permit or other regulatory oversight. For example, 16.04 does have a one-year provision for recycling facilities. Any RCC permit would have its own limit. This is basically for someone who claims they are "recycling" something when they're just holding on to it. If necessary, MassDEP could step in at after 90 days before the situation gets out of control.

Q: There's a section in 16.04 about materials shipped out or transferred as residuals. Is there a report on these available to the public?

A: We have not posted these, but they are public information and can be provided. The regulations ask for the amount and types of recyclable materials received, transferred and recycled, and the amount of residuals managed during the previous calendar year. Some facilities are managed under 16.05 and their reporting is set by their permit.

C: We would like to see more transparency about what's going in and out of facilities by commodity. Municipalities don't feel they're receiving accurate information on capture rates, etc. We'd like to see the outbound weight of each commodity type and annual audits on how well facilities are sorting products.

R: Reporting can be negotiated in the contracts between the municipalities and the recycler. MassDEP can require facilities to provide information that is valuable to ensure compliance, however, there may be limitations on requiring information on pricing – that may be considered to be confidential business information.

C: We're looking for tonnage. That doesn't seem like a big ask and I think it would be valuable for the municipalities and the state. And, in particular would like data on residuals. How can municipalities protect themselves from facilities throwing out their recycling as trash?

A: MassDEP does receive information about material going out for recycling vs. residuals. We can provide that.

C: None of these recycling facilities want contaminants in their stream. After all the work that has been done via RecycleSmart, no one wants a drag on their operations and overall goals. Most of the residue has a lot less to do with the MRF and more to do with what the generator is putting in the bin.

Q: There are very few RCC permits outside of the composting realm. If the purpose of these permits is to incentivize recycling facilities, they don't seem to be working. I'm wondering if the Department can look to expand the criteria for facilities to apply for these permits so it can be a more viable pathway?

A: Before addressing this, we would need to understand whether these permit requirements actually pose a barrier now. The fact that there are relatively few RCC permits for recycling facilities may be because most fall within the general permit requirements. Any recycling, composting or conversion operation that doesn't fit under 16.04 should be under 16.05 - so MassDEP can set specific conditions.

Q: If this is supposed to be a more flexible pathway to incentive recycling and the development of infrastructure, could MassDEP revisit that target to see if there are groups of facilities that should fit under 16.04 that instead have to go through a more costly or time-intensive pathway?

A: The operations that typically do not fit within the general permit parameters and require an RCC permit include anaerobic digestion operations (not tank to tank), larger composting operations, and asphalt, brick and concrete operations that are not at a quarry - outdoors, operations that don't meet residue limits.

Q: Could you describe what is required for permit transfer - does it only apply to RCC and general permits or also to site assignments?

A: The intent is that this would only apply to RCC permits and general permits would need to be re-submitted.

Q: Environmental Justice notice requirements - are we going to make those the same as MEPA?

A: The overall Environmental Justice approach will apply to all regulations, not just solid waste. Hopefully we will have more specific language - but we're working on this policy.

C: The MEPA trigger for Environmental Justice and enhanced review requirements differs from MassDEP. If I'm in an EJ Community, I'm wondering why I don't hear about site assignment - most of the small non-English speaking publications are weekly or monthly so there's a problem getting a hearing notice out in time.

Q: On waste diversion criteria - is that statutory? Is it already built into the integrated waste management provision?

A: It's admittedly difficult to measure what degree of waste diversion would be necessary. The goal of including it here is for facilities to think about diversion of materials at the site assignment stage.

C: Site assignment criteria typically deal with the municipality and type of facility. It's hard to know what commitments a facility can make over 20-30 years. It used to be 25 percent minimum recycling for a new recycling permit - but that went away.

A: We agree; this may be better addressed in the permitting regulations.

C: One of our requests is to cancel use of the term "waste to energy" and use "incineration" in the Solid Waste Master Plan.

R: This activity is referred to as "combustion" in the regulations.

C: There's an inconsistency in the site assignment regulations - notice of the application goes to abutters, however, notice of the hearing doesn't - it just goes in the newspaper.