

Massachusetts Department of Environmental Protection (MassDEP)
Solid Waste Advisory Committee
October 27, 2022, 10:00 am to Noon
Meeting Summary

Presentations covered implementation and next steps for the new Waste Bans, as well as the 2020 Solid Waste Data Update. The meeting also featured updates from two MassDEP working groups: Recycling Market Development and Deconstruction, in addition to the C&D Subcommittee.

Q: The status of the promulgation for 310 CMR 16 and 19 is of enormous interest to many folks. Can MassDEP provide an update on what stakeholders can expect?

A: Rather than trying to launch new draft regulations at the end of an outgoing administration, MassDEP decided it would make more sense to try to launch those at the beginning of a new administration in January. So, we'll be working on getting that package together and ready to move it forward, but don't anticipate activity prior to 2023.

Q: Are bed linens subject to the textile ban?

A: Yes.

Q: Do facilities have to report (or demonstrate justification for) textiles that are disposed because they are moldy, wet, etc.? I wonder if folks will dispose of good textiles if it is more convenient to do so.

A: The most likely scenario would be a textile recovery organization that has contaminated materials they can't use. If an inspector saw this material, they would follow up with the organization to better understand if the material could have been diverted from disposal or not. We don't want to see material that *should* be disposed getting lumped in with material that can be recycled. Wet/moldy material is better off going in the trash.

Q: Are there procedures in place (either BMPs or requirements) for facilities to inspect incoming mattresses for bedbugs/mold before combining with the clean mattresses stored on site?

A: MassDEP's mattress guidance document for municipalities does touch somewhat on bed bug inspection: <https://www.mass.gov/doc/mattress-waste-disposal-ban-recycling-guidance-for-municipalities/download> Your mattress recycler can provide more information on their own requirements.

Q: Are generators subject to the textile ban? Are haulers subject to ban? How are haulers and facilities currently managing these materials and how are they expected to change operations to comply?

A: Both generators and haulers are subject to the ban. Generally speaking, 90 percent of enforcement is directed to generators. When directed to a waste hauler, there is evidence the hauler is specifically at fault – a recycling truck went to a disposal facility, for instance, after materials had already been separated. Facilities need to update their waste ban compliance plans. Often, facilities pull bulky items

out. Textiles are not readily separated from mixed loads of trash. Contaminated mattresses would also have to be tipped for disposal. The facility would notify the hauler and, if possible, the waste generator that a failed load was delivered.

Q: Franklin County's mattress disposal fee recently went from \$35 per mattress to \$75 per mattress and the Northern Berkshires got quoted \$175/mattress. Clearly, transfer stations don't want to be responsible for deciding which mattresses are truly able to be disposed. This is a potential disposal crisis for Western MA as communities are not inclined to charge residents that much for a mattress. While we can separate dry, clean recyclable mattresses, I anticipate an increase in roadside mattresses and those that don't have a place to go.

A: This (mattresses) is a market and fees get charged in line with market conditions. Solid waste facilities could charge those fees with or without a ban. Some solid waste facilities would prefer not to receive mattresses and this is a reflection of that. It's positive to see facilities implementing the Waste Ban. MassDEP wants to keep the lines of communication open so this information is out there for discussion. There are more options than ever to recycle mattresses and minimize those that go to disposal. We think the infrastructure will continue to grow, be more efficient and become more cost-effective.

Q: Can stores shred mattresses and recycle the metal to comply? They usually take old mattresses when delivering new ones.

A: Some solid waste facilities have considered shredding mattresses. That's generally not compliant with the Waste Ban. Mattress recyclers are held to a standard where they need to recycle upwards of 75 percent of components (metal, wood, fabric, padding). The exception would be if mattresses were contaminated and cannot be fully recycled – then it would be acceptable to shred those and partially recover some of the components. It would be surprising to see a store install a mattress shredder.

Q: Food waste is the largest portion of MSW (20 percent). Can you define MSW?

A: MSW stand for municipal solid waste – regular trash from households and businesses. MassDEP's waste characterization data comes from that stream.

Q: Food in glass containers can be subject to a waste ban waiver. But glass is recyclable and so is food.

A: If depackaging facilities are developed that can effectively process food in glass containers, we would typically not issue a waiver and require material to go to that facility. This isn't about a single jar of tomato sauce – this would apply to pallets of food, perhaps subject to a safety recall, or damaged product. MassDEP only issues a waiver for disposal if there is no other option available.

C: Vanguard Renewables runs a de-packaging facility in Agawam, MA with the ability to accept food packaged in glass if it is a separate load (not integrated with other packaged goods).

<https://www.vanguardrenewables.com/portfolio-items/organics-recycling-facility-agawam-ma/>

Q: If a food waste generator normally generates less than ½ ton/week but has an event-driven

circumstance (power outage) that exceeds the threshold, are they still subject to the ban?

A: Yes. If the half-ton threshold is exceeded at any point, the generator is subject to the ban during that time period. One-off scenarios can apply for a waiver if there is no outlet for recycling.

Q: Are combustion facilities exempt from the mattress ban? What challenges exist for a mattress recycler, for instance, with foam mattresses vs. traditional mattresses?

A: Combustion facilities are not exempt. There is a process for recycling foam mattresses, though a mattress recycler may do a better job explaining it. Different materials get separated and go to different outlets.

Q: Goodwill of Berkshires and Southern Vermont have noticed there is lots of education needed re: textiles. For instance, any clean shirt can be recycled even if it can't be resold (it has missing buttons, etc.) We cannot recycle wet or moldy materials. What happens if the community brings non-recyclable clothes to us? We also don't accept mattresses, and our dumpsters are locked, but community members leave mattresses by the dumpsters every night. It turns out that we have to budget for mattress disposal. What happens if this activity continues or increases?

A: MassDEP would not consider wet/moldy materials subject to the ban. For the second part, there are many materials that have management fees (for instance, TVs with cathode ray tubes). We need to continue to make the overall system better and, on a parallel track, consider programs and strategies to address illegal dumping. For instance, MassDEP works with a number of communities through a Candid Camera surveillance program to identify illegal dumping and take enforcement action.

C: At all of our Goodwill stores, we also have cameras facing the dumpsters and we call the police if we are able to read cars license plates.

Q: Does a company need to have an LLC to receive a Recycling & Reuse Business Development grant?

A: A company needs to be registered as a business with the Massachusetts Secretary of State's Office. For more information on RBDG, see <https://www.mass.gov/how-to/apply-for-a-recycling-reuse-business-development-grant>.

Q: Does the non-MSW figure in the Solid Waste Data Update include soils?

A: It includes soils disposed at solid waste facilities. It does not include soils managed at other facilities, or soils used for grading and shaping, or road cover material. The report does feature a chart that shows the amount of daily cover used at different facilities.

Q: How does a 7.4 percent increase in disposal between 2019 and 2020 support using a 0 percent increase in baseline disposal in the capacity projection?

A: The two scenarios don't necessarily show what's going to happen. One could run a scenario where disposal increases. The MassDEP goal is to reduce disposal and, therefore, we have not shown a

scenario of increased disposal. If disposal were to continue to increase, that would continue to increase our net export for disposal. Some have asked why disposal increased in 2020. MassDEP does not know the answer to this question, but we expect that it was in part related to COVID. There were changes in consumption practices, with businesses having operations disrupted and generating unexpected waste, lots of cleanout activity, renovation projects, and waste shifting to the home instead of offices.

Q: Do you consider any macro-trends while doing projections - e.g. population or economic conditions like a recession?

A: MassDEP has not done that in the past. The better term may be “scenario” rather than “projection” – potential outcomes given projected available disposal capacity.

Q: Does Massachusetts consider Alternate Daily Cover as diversion and not disposal?

A: It is not counted as disposal because it is not part of a landfill’s permitted disposal capacity. However, there is a need for cover material at landfills.

Q: Lots of wood goes to a wood biomass facility in Connecticut. How is that facility different than a waste-to-energy (WTE) combustion facility?

A: Wood is not subject to the Waste Ban at a WTE facility because market alternatives also involve combustion. But it is still wood going to solid waste disposal, so it is not counted differently from any other waste that is sent to a disposal facility. The difference with a biomass facility is they’re not taking waste; they’re burning wood fuel that has to meet certain specifications.