

**Massachusetts Solid Waste Advisory Committee (SWAC)**  
**October 28, 2021, 10:00 am – 12:00 pm**  
**Meeting Summary**

Q: Who is eligible for MassDEP grants?

A: The list of target materials for the Reuse & Recycling Business Development Grant is available [on our website](#). The criteria for the newly announced Innovations Grant Program are still under consideration.

Q: If a business expects to be impacted by the mattress disposal ban, what steps should they take?

A: With a business or institution, we'd encourage them to reach out to mattress recycling companies in Massachusetts or neighboring states. RecyclingWorks in Massachusetts is ramping up technical assistance and has a searchable service provider database on their website. We're not asking for municipalities to get a waiver every time they receive a wet mattress – we do want municipalities to have protocols for the handling and storage of mattresses that would keep them clean. MassDEP will be providing more information on these issues in the coming months. Most businesses and institutions that have many mattresses should be able to manage them.

Q: What should site operators do if they see new Waste Ban materials coming in? Should they refuse the load, write up a Waste Ban violation, etc.?

A: That comes down to facility's Waste Ban plan that is reviewed by MassDEP as part of the facility's operating permit. Facilities do not need to take any action prior to the effective date of the new bans – only after the new regulations take effect on November 1, 2022.

Q: On page 13 of the Solid Waste Master Plan, "Legislative strategies," there is a mention of advancing Extended Producer Responsibility. Can you be more specific?

A: We're open to comments on specific initiatives you think we should support. We have communicated with the Zero Waste Caucus and typically communicate via our Legislative Liaison.

Q: When and how does MassDEP plan to inform the public about new Waste Bans? Will new materials be enforced similarly to existing Waste Ban materials?

A: We work through an outreach network including solid waste facilities, haulers, municipalities, businesses and institutions, RecyclingWorks, and the media. We'll accept further suggestions. We plan to conduct outreach and provide technical assistance to increase compliance initially before pursuing enforcement of the new bans.

Q: How do we know if an existing mattress recycling program is compliant (for instance, a healthcare facility)?

A: It is best to ask for documentation from the vendor. How are they handling the mattresses? This should be similar documentation you would request from any vendor,

for example a recycling vendor and how they're recycling cardboard. Vendors on state contract are required to meet certain standards as part of the contract.

Q: Not everybody who gets into the business of handling Waste Ban materials is "legitimate." What authority does MassDEP have to regulate existing companies that handle materials, as well as any new batch of companies who may not be doing it right? Is MassDEP planning to work with OSD to get these businesses on contract? We would feel more confident going through state contracted vendors.

A: OSD currently has a [statewide contract for mattress recycling](#) up for renewal in Summer 2022. Any other vendors would need an RCC or General Permit. Permit categories have specified residual limits and they have to report residuals to us.

C: The more MassDEP and OSD can do to vet recycling vendors would be great – sometimes they distribute shiny flyers to municipalities and it's difficult to tell if it's a legitimate operation.

Q: On the first slide of the C&D presentation – processors need to meet a 15 percent standard. What do they do with the other 85 percent of material?

A: If the other 85 percent contains no Waste Ban materials, then it can be disposed as a C&D Residual. That said, C&D processors are required to separate Waste Ban materials to the greatest extent possible. So, if a MassDEP inspector visited a processing facility and observed Waste Ban materials in the residual stream, that could be a violation of the Waste Ban regulation and the site-specific waste ban compliance plan. At the same time, we need to be aware that the C&D Handling Facilities are receiving mixed C&D waste and debris, not recyclable materials. So although the 15 percent process separation rate may seem like an unusually low bar to meet, we need to keep in mind that the C&D waste loads have varying degrees of recoverable material. The 15 percent process separation rate is a minimum threshold, not an endpoint. This is just the initial starting point for the minimum threshold in 2020, and it may be increased over time to promote continual operational improvement at the processing facilities. The aim of the threshold is to level the playing field. Whereas C&D processors have historically demonstrated a wide range of operational efficiencies, some above the minimum threshold and some below, the MPS sets a minimum level of acceptable performance below which C&D materials cannot be sent for disposal, but rather must be transferred for further processing.

Q: Will MassDEP use this model for other waste ban products, i.e. CRTs, food waste, textiles or mattresses. To avoid potential downstream issues.

A: C&D facilities are permitted solid waste facilities. MRFs and mattress recyclers operate under RCC or general permit. The general permit has a 10 percent residue limit. The amount of residue to an RCC facility is negotiated in the permit. This is a start. Our expectations are that processing capacity and ability to divert materials over time will increase. We've already seen a lot of infrastructure investment by processors. We're also trying to tighten up on speculative accumulation of materials.

C: It has been difficult for C&D processors in the state to meet the 15 percent Minimum Performance Standard. We have made investments into our processing infrastructure and fine-tuned everything possible and meeting the MPS continues to be a difficult bar to meet. The biggest challenge does not come from the actual processing but stems from having to count Category 3 waste (house cleanouts) against the percentage. As we push to meet the Q4 numbers, we are turning away house cleanouts on a daily basis because it counts negatively against the MPS calculation and provides no C&D recycling content. We would ask the Department to consider recategorizing Category 3 waste. This material still needs to be collected and managed, but it should not be considered recyclable C&D material.

R: We've heard that criticism. While Category-3 bulky waste may not have as rich a stream of C&D, there is still material of value there, including some waste ban materials. A facility with the privilege of accepting C&D waste and charging a fee to do so also has responsibility to manage all material coming across the tipping floor in compliance with its site-specific waste ban compliance plan. It doesn't matter the type of waste received, the waste ban regulation applies to all waste streams accepted. The 15 percent process separation rate minimum threshold was set to account for all of the material that these facilities are receiving, inclusive of bulky waste loads. If we had excluded bulky waste from the process separation rate calculation, we would have set the minimum threshold much higher. MassDEP believes that a 15 percent PSR minimum threshold is an achievable standard for C&D processors operating in Massachusetts. This is supported by empirical evidence of actual process separation rates achieved by the majority of existing C&D processors. Furthermore, the 2016 C&D Debris Market Study by NERC/DSM reported the incoming material composition at C&D Handling Facilities consists of approximately 53 percent by weight of banned materials, including some 38 percent that was considered to have good market potential for recycling or reuse. From a level playing field perspective we believe that every facility should either be able to meet the 15 percent PSR standard or transfer to another facility that does.

Q: We've had some processors go out of business because they can't meet the Standard. Where does the Department see the other 85 percent material going if landfills or waste-to-energy facilities can't take it?

A: This is part of the reason why we're pushing the MPS – because of tight disposal capacity in Massachusetts and the Northeast. Sending less material for disposal – the more we divert to alternative outlets - those are tons that don't need to go to a disposal facility. There are no new landfill projects coming in; most of the activity is based around rail-based transfer stations. That material is most likely going out of state via rail. That seems to be where the industry is going.

C: The Department is aware that decreased transportation on both road and rail have created a substantial bottleneck for waste disposal. Casella has presented the Department with a weight limit study, conducted by NWRA and Sanborn Head, to determine the feasibility of gaining additional volume on our trucks as a way of increasing efficiency. Does the Department have any feedback on supporting a look at

this as a way to help ease the bottleneck?

R: We have met with MassDOT and intend to have a future meeting on the topic. It's a decision that needs to be made by MassDOT based on impacts to roadways.

Q: C&D facilities accept all materials with no prior separation. Once materials of value get mixed in, they lose their value. Should we have facilities reject loads that have high-value content?

A: These facilities are designed and built to be able to separate materials from a mixed C&D stream. But at the same time, MassDEP is not favoring any one business model over another. Our goal is to reduce disposal of C&D materials and maximize recycling/reuse of recoverable materials. We favor an "all-of-the-above" approach where market conditions and jobsite specifics dictate how the waste reduction and reuse/recycling goals are achieved. We've been running some pilots and encouraging separation at the job site. We've also encouraged C&D processors to do split loads. When you accept 100 percent clean loads, that goes right to your process separation rate. Again, we want the industry to try to innovate.

Q: Is 15 percent a rolling rate, for the whole year, etc.?

A: This is an annual rate. We receive annual reporting data on February 15. We've committed to analyzing and validating that data by June of each year and publishing a status statement indicating where each facility stands with respect to MPS. Facilities that are not meeting the MPS may want to modify its status by submitting monthly reports and demonstrate that they're meeting the MPS in the interim. They will need to work with the regional Solid Waste Section Chief to develop an acceptable "return-to-compliance" plan.

C: Some of these goals can be achieved if we handle in-state MSW differently. The technology does exist to employ mechanical and biological processes to divert material and get energy out of it. Would free up tonnage that has to be sent out-of-state via rail.

Q: Relative to the Recycling Dividends Program, if a municipality is at 10 points, but files late, do they both lose the point and get reduced to 70 percent?

A: Yes. It is important that these applications are submitted on time.

Q: Will there be SMRP grants this year?

A: Yes. We expect the next application to be announced in April of 2022.

Q: Is Boston among the 26 Environmental Justice municipalities?

A: Yes.