

SWAC C&D Subcommittee Meeting
MassDEP – Bureau of Air & Waste
November 18, 2021; 10:00 AM to 12:00 PM

Meeting Notes:

Recorded by: MassDEP and Recycling Works staff, edited by Mike Elliott (MassDEP)

NOTE: Copies of the meeting notes and presentation slides are available on the MassDEP C&D Subcommittee webpage. The MassDEP C&D Subcommittee webpage can be found at the following link: <http://www.mass.gov/eea/agencies/massdep/news/advisory-committees/cd-subcommittee.html>. Comments can be submitted via email to Mike Elliott at michael.elliott@mass.gov.

Agenda

- Welcome/Safety/Introductions
- Publication of 2030 Solid Waste Master Plan
- C&D Facility MPS Status
- Summary of CY2020 C&D Annual Reports
- C&D Industry Updates
- Announcements/Open Discussion

Welcome/Safety/Introductions

MassDEP welcomed participants to the webinar.

- Participants on webinar: 36 (as recorded on webinar attendee report).
- Participants reflected a cross-section of stakeholders representing: C&D Material Processors and Transfer Stations; Material Recycling Processors; Recycling/Re-use End-Markets; Construction Management Firms; Waste Haulers; Trade Association Representatives; Attorneys and Consultants; and State/Municipal Officials.

Publication of 2030 Solid Waste Master Plan

- MassDEP reported that the 2030 Solid Waste Master Plan (2030 SWMP) was published on 10/29/2021.
 - The 2030 SWMP can be found at the following link: <https://www.mass.gov/doc/final-massachusetts-2030-solid-waste-master-plan-working-together-toward-zero-waste-october-2021/download>
 - SWMP major short-term initiatives include:
 - Implement new waste disposal bans
 - Issue next round of Recycling Business Development Grants (RBDG)
 - Continue to implement C&D Minimum Performance Standard (MPS)
- New Waste Disposal Bans were promulgated on 10/29/2021
 - The new waste disposal bans can be found at the following link: <https://www.mass.gov/guides/massdep-waste-disposal-bans>
 - **Revised Waste Ban Compliance Plans are due 8/01/2022**, 90-days prior to the date the new waste bans take effect (11/01/2022)
 - The newly added waste ban materials include:
 - Textiles

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- Mattresses
 - Reduced food waste threshold (from 1 ton to ½ ton per week)
- 2021 Recycling Business Development Grant Cycle announced
 - Target Materials include C&D Materials that will increase the process separation rate at C&D Handling Facilities
 - Application and eligibility requirements can be found at the following link:
<https://www.mass.gov/how-to/apply-for-a-recycling-reuse-business-development-grant>

C&D Facility MPS Status

MassDEP provided a summary of the C&D Facility Minimum Performance Standard (MPS) Status as of 8/31/2021:

- The MPS status report is based on CY2020 C&D Facility annual report operating data and the July/August 2021 MPS compliance plan submittals.
- The status report can be found on the MassDEP webpage at the following link:
<https://www.mass.gov/doc/status-of-facility-compliance-with-cd-minimum-performance-standard-august-2021/download>
- For more information on the MassDEP C&D MPS and Waste Ban Regs, please refer to the following links on the MassDEP webpage:
 - MPS Statement (Oct 2021): <https://www.mass.gov/doc/minimum-performance-standard-for-construction-demolition-handling-facilities/download>
 - MPS FAQs (Oct 2021): <https://www.mass.gov/doc/frequently-asked-questions-faq-minimum-performance-standard-for-cd-handling-facilities/download>
 - C&D Materials Waste Ban FAQs (Jun 2020): <https://www.mass.gov/doc/frequently-asked-questions-construction-demolition-materials-waste-ban/download>
 - MassDEP Waste Ban Regulations and Guidance: <https://www.mass.gov/guides/massdep-waste-disposal-bans>

Summary of CY2020 C&D Annual Reports

- MassDEP summarized the CY2020 C&D Facility Annual Performance data with the following slides:
 - Tons of C&D Accepted and Handled by Facility (bar graph)
 - Trend Chart of Inbound Material Accepted Over Time
 - C&D Annual Recycling Rate Trend Chart
 - Wood Product Trend Chart
 - Clean Gypsum Wallboard Separation Trend Chart
- The CY2020 C&D Facility annual report summary data can be found on the MassDEP website at the following link: <https://www.mass.gov/doc/2020-annual-cd-report-data-summary/download>
 - The inbound and outbound tonnages for CY2020 are summarized below:
 - Total material accepted: 2,157,214 tons
 - Inbound Mixed C&D Waste: 1,229,898 tons
 - Inbound Bulky Waste: 383,060 tons
 - Total Recycled-Reused: 221,630 tons

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- Total Landfill Dependent Use Applications (i.e., ADC, Roadbase, Shaping & Grading): 162,077 tons
- Total disposed via landfill/combustion: 1,046,079 tons

C&D Industry Updates

- Tafisa Director of Wood Supply Chain, Mr. Sylvain Martel, provided a detailed explanation of the events leading up to the temporary pause in the pickup of processed wood chip experienced during the 2nd week of November.
- Mr. Martel provided assurances that the situation had been resolved, and that operational changes have been implemented to prevent any future recurrence.
- Mr. Martel also offered brief remarks on the following topics:
 - Importance of conformance with Tafisa wood supply quality specifications
 - Other modes of packaging and transportation under evaluation (e.g. baling and transport on flatbed truck or by rail)

Announcements/Open Discussion

- CDRA National Perspective (<https://cdrecycling.org/>): CDRA Executive Director, Mr. William Turley, offered the following brief updates
 - C&D Fines Processing: SANEXAN plant in Quebec is reclaiming C&D Fines for beneficial use of separated constituent fractions
 - Robotics: AMP coming out with robotics for B-line processing
 - Gypsum Wallboard: CDRA started gypsum recycling committee focused on developing end-markets
 - Susan Hines of the Gypsum Association (GA) commented that GA would be interested in participating on this committee
 - GA agrees with focus on developing end-markets
 - GA is following research and development into new uses:
 - Concrete masonry units
 - Additive to polymer materials to enhance fire prevention
 - Shingles recycling: EPR is a motivating renewed activity to developed markets for shingles; CDRA will host a shingles recycling forum in Spring 2022
 - OSHA Emergency Temporary Standard: CDRA is advocating to have C&D industry recognized as an essential service provider
 - Infrastructure Bill: Recycling Act will fund education to improve recycling; heart of bill addresses building structure and roadway materials
- Recycling Works Resources for Construction & Demolition Materials: Ms. Abbey Massaro provided overview of services available to C&D Industry through Recycling Works in Massachusetts (<https://recyclingworksma.com/>):
 - Technical Assistance
 - Find a Recycler Tool
 - C&D Best Management Practices
 - New case study added for Home City Development in Springfield
 - Recycled/reused 33 tons of C&D materials

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- Environmental Business Council of New England (<https://ebcne.org/>) 16th Annual C&D Materials Regional Summit will be held on Friday, January 28, 2022.

Discussion

Public stakeholders brought up the following subjects for discussion:

Q. The VP of the Northeast Region of the National Waste & Recycling Association (NWRA), Mr. Steve Changaris, inquired “if MassDEP has considered excluding Bulky Waste from the definition of C&D for the purpose of the MPS Process Separation Rate (PSR) compliance.” Mr. Changaris explained that “bulky wastes are not ideal for recycling: like metal to metal recycling; or wood to press board at Tafisa... a couch is not recycled into a couch...etc.... bulky waste should not be in the calculus of determining MPS PSR compliance.”

A. MassDEP responded that it does not intend to exclude Bulky Waste from the calculus of compliance with the PSR minimum threshold. This issue is addressed in Q10 of the FAQs published on the MassDEP website referenced above: *“MassDEP set the 15% PSR minimum threshold criteria based on combined C&D waste and Bulky Waste considerations. If bulky waste were excluded, we would have set the criteria higher. We believe there actually is a considerable amount of recoverable material in bulky waste loads – materials such as cardboard, metal, appliances, electronics, wood, brush, textiles, mattresses. In addition, C&D Handling Facilities are required under the Waste Ban Regulation and their site-specific Waste Ban Compliance Plan to identify and separate any Waste Ban materials or other recoverable materials contained in any waste load (including Bulky Waste) that comes through the gate.”*

Q. Mr. Steve Changaris (NWRA), inquired “if facilities accept loads from sites that have kick sorted readily recyclable materials (wood, fiber, etc)... will the DEP consider giving the secondary receiving facilities credit... 10% +/- for the first facility ‘pre-processing’ of materials?”

A. MassDEP responded that it does not intend to give partial credit for upstream separation. This issue is addressed in Q5 of the FAQs published on the MassDEP website referenced above: *“One of the fundamental tenets of the C&D MPS is that all C&D material needs to pass through an MPS-compliant facility for processing. Each permitted C&D Handling Facility will be viewed as a stand-alone entity. Each facility will have to demonstrate compliance with the C&D MPS on the basis of its individual performance. If it fails to meet the MPS, then it will need to adopt one of the options outlined above in response to Question No. 1.”* (Q1 outlines the three primary pathways to achieve MPS compliance: 1. Meet both MPS performance criteria; 2. Transfer all unprocessed or partially processed C&D materials to an MPS-compliant facility; or 3. Only dispose of C&D Residuals received from MPS-compliant facilities.)

Q. Mr. Dan Peters (Covanta) asked the following question: “The past Waste Ban Guidance allowed for wood to be disposed at Waste-to-Energy facilities. But now wood is C&D material and solid waste facilities are restricted to less than 50 TPD of incidental C&D. Does the new Waste Ban guidance eliminate the wood to WTE plant allowance?”

A. MassDEP clarified that the Waste Ban regulation has not changed with respect to wood. Wood is still allowed to be disposed via combustion at a WTE solid waste combustion facility. It is banned from disposal at a solid waste landfill.

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Q. The NEWMOA representative, Jennifer Griffith, posed the following question: “A 2,000 tons per day C&D rail haul transfer facility will soon open just across the border in RI - how will MassDEP ensure that loads are not direct hauled to RI where they will NOT be processed - just rail hauled to Ohio?”

A. MassDEP cannot prevent direct shipments from jobsites in Massachusetts to the new rail haul transfer station in RI. That said, MassDEP believes that most C&D Waste generated in Massachusetts goes through a MassDEP permitted C&D Handling Facility. All MassDEP permitted Solid Waste Handling facilities are subject to the Waste Ban requirements and by extension the MPS. Therefore, MassDEP is hopeful that direct shipments of C&D waste out-of-state will not become a significant source of “leakage”, but we will monitor the situation when the new facility comes online and take actions to address the situation as our authority allows.

Q. Mr. Jonathan Murray (Western Recycling) inquired about the following: “Are you aware that some facilities are no longer accepting bulky waste in order to make the MPS? Are you aware some facilities are not taking loads from Transfer Stations that kick sort in order to make the MPS? Where will this material go if all processors decide to do the same?” Later, Mr. Murray suggested that MassDEP needs to conduct an analysis of operational processing capacity as compared to generation of C&D Waste and Bulky Waste combined to be sure there is sufficient processing capacity available in the system.

A. MassDEP is aware of at least one C&D Handling Facility in the Western Region that has elected to stop accepting Bulky Waste through the end of the year in order to comply with the MPS. MassDEP expects, in part, that market forces will dictate which facilities choose to limit acceptance of certain materials, and what price to charge for problematic materials. In this way, the market will “self-regulate” what is generated, and who is processing the material to recover the value of the recyclable content. That said, MassDEP will consider Mr. Murray’s request to analyze the processing capacity in the system, and MassDEP is not opposed to working with a small group of stakeholders to explore this issue and report back at a future meeting.

Q. Continuing on the theme of processing capacity, Mr. Rick Mazurek (New England Recycling) suggested that upstream kick-sort facilities that are not meeting the MPS should be allowed to dispose of a certain percentage of inbound materials that they receive. According to Mr. Mazurek, the easily identifiable low value materials with no recycling content that used to be sent directly for disposal are now being transferred to MPS-compliant facilities and using up valuable limited daily tonnage capacity at the processors. Mr. Mazurek opines this is contrary to the desired goals of the MPS. Later, Mr. Mazurek asked if the available capacity of the 7 processors and 2 transfer stations that are currently MPS-compliant is sufficient to handle the total tonnage of materials that need to pass through MPS-compliant facilities.

A. Similar to the above response, MassDEP will consider Mr. Mazurek’s request. Concerning the number of MPS-compliant facilities, MassDEP pointed out that in addition to the 9 facilities that were MPS-compliant in 2020, there are another 10 facilities that are Conditionally MPS-compliant and expected to be fully compliant by year-end. That will bring the total- number of MPS-compliant facilities in Massachusetts to 19, which is in line with the number we normally have had in recent years. Plus, MassDEP is aware of 4 out-of-state facilities that are currently MPS compliant as well (2 in NH, 1 in RI and 1 in CT). (Note: The out-of-state facilities do not all remove clean gypsum wallboard, so to comply with the MPS, the originating facility in Massachusetts must first separate clean gypsum wallboard and any other “Zero-tolerance” Waste Ban items prior to transfer.)

C. MassDEP Deputy Division Director of Solid Waste, John Fischer, explained that there are two principal ways in which Waste Ban Regulation compliance works. In the case of MSW Transfer Stations, Landfills and WTE combustors, such facilities are not equipped to separate Waste Ban materials, so they rely on generator compliance. If a failed load is discovered, the corrective action response is borne by the generating facility. In the other case, that of C&D Handling Facilities, such facilities are allowed to accept waste loads containing Waste Ban materials because they are designed to be capable of separating the Waste Ban materials or expected to transfer such loads to a facility that can process the waste. So in the case of a C&D Handling Facility, there is a higher expectation to separate all Waste Ban materials to the greatest extent possible, and the obligation to achieve compliance with Waste Ban regulations is borne by the handling facility rather than the generator. It doesn't matter whether the inbound material is received as mixed C&D waste, Bulky Waste, source separated material, or any other waste category, if a C&D Handling Facility accepts the material, then it must ensure that all Waste Ban materials are separated to the greatest extent possible either through onsite separation, or transfer to another facility for further processing.

C. MassDEP Division Director of Solid and Hazardous Waste, Greg Cooper, emphasized that the core focus of the MPS is to 'level the playing field'. Prior to the MPS, there was wide variation in the performance of C&D Handling Facilities. The facilities that had invested in mechanical processing equipment and fully staffed sorting lines tended to achieve high levels of performance. While at the other end of the spectrum, the facilities that had not made such investments were often recovering very little material from the same type of inbound loads. MassDEP had to narrow the gap and ensure that all facilities would either achieve a minimum level of performance or transfer materials to a facility that does. Already, we have seen a number of facilities achieving process separation rates (i.e., diversion rates) well above 20%. We expect that all facilities will either be able to meet the 15% PSR minimum threshold or transfer to a facility that does.