

1 CONNECTICUT DEPARTMENT OF
2 ENERGY & ENVIRONMENTAL PROTECTION
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4
5 PUBLIC HEARING FOR THE ADOPTION OF THE
6 COMPREHENSIVE MATERIALS MANAGEMENT STRATEGY

7
8
9 HELD AT: CONNECTICUT DEPARTMENT OF
10 ENERGY & ENVIRONMENTAL PROTECTION
11 79 ELM STREET
12 HARTFORD, CONNECTICUT
13 SESSION I

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APPEARANCES :

HEARING OFFICER AND ATTORNEY FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF ADJUDICATIONS :

BRENDAN SCHAIN, ESQUIRE

DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE PANEL :

LEE SAWYER, PROJECT MANAGER

YVONNE BOLTON, BUREAU CHIEF

GABRIELLE FRIGON, PERMITTING SUPERVISOR

1 (Whereupon, the hearing commenced at
2 2:01 p.m.)

3 MR. SCHAIN: Good afternoon,
4 everyone. My name is Brendan Schain. I'm an attorney
5 and Hearing Officer with the Department's Office of
6 Adjudications, and I have been asked to moderate
7 today's hearing.

8 For the record today is April 13,
9 2016. It is now 2 o'clock. We are here in the Gina
10 McCarthy Auditorium at DEEP headquarters, 79 Elm
11 Street, Hartford, Connecticut for the first of two
12 hearing sessions to receive public comment on proposed
13 Comprehensive Materials Management Strategy. Please
14 note that Senate Bill #233, which concerns packaging,
15 is not the subject of this hearing, and comments on
16 that bill should be directed to the General Assembly.

17 Today's hearing will begin with a
18 brief presentation from staff of the Department of
19 Bureau of Materials Management & Compliance Assurance.
20 We will then take a brief recess to set up for public
21 comments. If you'd like to speak today, there are
22 signup sheets located on the table to my left. There
23 is a separate sheet there for public and elected
24 officials.

25 Before we begin I'd like to

1 introduce representatives of the Department who are
2 involved in drafting the Comprehensive Materials
3 Management Strategy. Yvonne Bolton, Bureau Chief for
4 Materials Management and Compliance, Gabrielle Frigon,
5 Permitting Supervisor, and Lee Sawyer, Project Manager
6 for Materials Management.

7 MR. SAWYER: Hi, and thank you.
8 Thank you, Brendan. Thank you for -- thanks for those
9 of you who are here today. My name is Lee Sawyer.
10 Along with Bureau Chief Yvonne Bolton, Permitting
11 Supervisor Gabrielle Frigon, and all of the rest of
12 here at DEEP, we want to welcome you to Hartford for
13 this public hearing for the adoption or in the matter
14 of the Adoption of the Comprehensive Materials
15 Management Strategy, which is an update to the State's
16 Solid Waste Management Plan.

17 This strategy, which is called for
18 by Public Act 14-94, hopes to present a clear,
19 actionable roadmap to achieve the state's ambitious
20 but attainable goal of 60 percent diversion from
21 disposal. It's the product of numerous working
22 groups, meetings with the municipal officials,
23 recyclers, haulers, and others who are in the business
24 of stewarding materials to their highest and best
25 uses. It includes the state's most detailed studies

1 of waste composition to date, and it draws heavily on
2 data reported to the Department by the state's
3 haulers, facilities and towns.

4 This strategy calls for the
5 focussing of resources around three key pillars.
6 First, supporting improvements at the municipal level
7 including the implementation of unit-based pricing;
8 second, creating a climate and regulatory environment
9 which welcomes, rather than discourages, the
10 development and enhancement of the facilities need to
11 manage materials in the state; and third, calls upon
12 the producers of certain materials to share more of
13 the responsibility for end-of-life management.

14 Today is our formal opportunity to
15 hear from you. This draft is truly a work in
16 progress, and we are listening with open ears and open
17 hearts to your comments and will consider them as we
18 make changes to the final version, which by statute
19 requires that we adopt by July 1, 2016.

20 Following the formal hearing portion
21 we will stay for informal discussion and questions.
22 Written comments are also welcome through April 22,
23 2016. Whether before or after the adoption of the
24 strategy, we also invite you to be a part of a
25 continuing dialogue with us and others to help make

1 sure that our materials management system is more
2 environmentally and economically sustainable.

3 You may send your written comments
4 to DEEP.CMMS@ct.gov, and for the draft plan and other
5 information please visit www.ct.gov/deep/cmms. Once
6 again, thank you for taking the time to share your
7 comments with us, and we look forward to listening.

8 MR. SCHAIN: We're just going to
9 take a brief two-minute recess to collect the signup
10 sheets and set up for comment, and then we'll move
11 right into comment.

12 (Whereupon, there was a recess from
13 2:08 to 2:09.)

14 MR. SCHAIN: Okay. All speakers
15 this afternoon will have five minutes to speak.
16 There's a light bar timing system. The light will
17 flash green when you have two minutes remaining, turn
18 yellow when you have one minute remaining, and turn
19 red when your time is expired. There are many people
20 here who would like to speak today so please respect
21 the time limit.

22 The purpose of this hearing is to
23 accept public comments. Representatives of the
24 Department will not answer questions during the
25 hearing. However, your questions will be noted for

1 the record, and responses will be made in writing in a
2 written comment response document. The Department
3 staff has also indicated they will be available for
4 informal questions after the hearing.

5 You may also submit written comments
6 either as a supplement to your comments this afternoon
7 or as a substitute to your comments comments may be
8 submitted until the close of business on April 22 and
9 should be directed to DEEP.CMMS@ct.gov or by mail to
10 the attention of Lee Sawyer. So the first speaker
11 this evening or this afternoon is Will Flower.

12 MR. FLOWER: Good afternoon, and
13 thank you for the opportunity to be here today. I
14 represent Winters Brothers Waste Systems, a company
15 that's headquartered in Danbury, Connecticut. We are
16 certainly in support of the state's efforts to develop
17 long-range solid waste plans, and in concept we
18 believe that the solid waste management planning
19 effort should be market based and allow for
20 flexibility to adjust for changing market conditions
21 that will occur over time.

22 Further, we stress that the
23 management of solid waste is a shared responsibility
24 involving a host of stakeholders including the waste
25 generators themselves, service providers such as waste

1 collection firms, recyclers, regulators, legislators
2 at all the local, state and federal level, local
3 government officials, manufacturers, and developers.

4 As a company, we have invested
5 millions of dollars in creation and strengthening of
6 the solid waste and recycling infrastructure here
7 within the state. We've developed transfer stations,
8 C&D recycling centers, and one of the state's largest
9 single-stream recycling facilities down in Shelton.

10 We offer today six comments on the
11 Solid Waste Management Plan. The first is that we
12 believe the state should increase efforts to develop
13 markets for recyclables. If the state wants to
14 encourage the development of a strong solid waste and
15 cycling program, the DEEP should enhance its efforts
16 to develop markets for recyclable materials.

17 Some of the opportunities for the
18 state to promote more waste reduction and increased
19 recycling would include requiring the State of
20 Connecticut's Procurement Program to purchase goods
21 such as paper with a high recycling content, work to
22 create markets for hard recycling such glass.

23 The state should require the DOT to
24 mandate the use of recycled content in road-based
25 materials. They should require newspapers that are

1 published and sold in the state to be printed on
2 recycled paper. They should require durable goods in
3 the state to be manufactured with at least 20 percent
4 recycled material and increase that amount over time.
5 They should also expand and increase the effectiveness
6 of the state's mandatory bottle bill to include more
7 glass containers and increase the deposit to .25 per
8 container to drive the recovery of hard-to-recycle
9 materials again such as glass.

10 Our second comment is that the state
11 should work to maintain the current disposal options
12 for waste that has no economic or redeeming value.
13 Despite society's best efforts to reduce, reuse and
14 recycle, there will always be some amount of waste
15 that is left over that simply has no economic value
16 and needs to be discarded. The state should ensure
17 that there are ample outlets that exist for waste
18 materials and not limit any of those options for
19 disposable waste that cannot be reduced reused or
20 recycled.

21 The goal should be to ensure in a
22 municipalities and commercial establishments have
23 access to environmentally sound and cost effective
24 outlets for waste including local transfer stations,
25 waste-to-energy plants and out-of-state Subtitle D

1 landfills. This is especially important for
2 municipalities and solid waste districts within the
3 state that do not have burn plants in their areas and
4 instead rely on out-of-state facilities for the
5 disposal of waste.

6 Our third comment today addresses
7 that the state should promote and protect investments
8 that developers and municipalities have made in the
9 creation of the recycling of or, I'm sorry, for the
10 infrastructure for recycling. The state should
11 also -- another comment is that the state should also
12 focus on improving technologies and carefully review
13 those alternative technologies. We're going to
14 present some testimony or we're going to turn in some
15 written comments that actually give you some of the
16 questions to ask when reviewing alternative
17 technologies.

18 Comment number 5 talks about how
19 important it is to study and report on the economic
20 impacts of the Comprehensive Materials Management
21 Strategy. The costs associated with solid waste
22 management needs to be calculated and carefully
23 considered in the planning process. Questions that
24 need to be addressed include how much is this going to
25 cost municipalities? How much is this going to cost

1 residents? How much more will contractors need to pay
2 to get rid of construction waste? How much is this
3 going to cost product manufacturers and therefore
4 raise the cost of products, and how is that going to
5 affect areas of Connecticut, on-the-border areas where
6 people will just go across the state line and purchase
7 products across the state line?

8 Importantly, too, the state needs to
9 study, calculate and report on the economic, I'm
10 sorry, on the environmental impact of the
11 Comprehensive Materials Management Strategy. In
12 addition to just the economic cost, the state really
13 needs to understand the environmental costs associated
14 with the plan. Specifically what are the carbon
15 footprint impacts that are associated with some of the
16 initiatives that are inside of the plan.

17 Our sixth comment deals with the
18 state's need to account for changes that are occurring
19 in the waste stream itself. We refer to this as the
20 evolving ton, and simply stated what we mean there is
21 that the waste stream is changing over time.
22 Containers are becoming lighter and just continuing to
23 look at that waste on a per ton basis may not actually
24 reflect what's going on in the marketplace.

25 In conclusion, we do appreciate the

1 efforts of the DEEP and the state to address the
2 long-term management of solid waste, and we look
3 forward to being part of the conversation as time
4 moves forward. Thank you.

5 MR. SAWYER: Thank you.

6 MR. SCHAIN: Thank you. Is it Wayne
7 Pesce? I apologize in advance if I mangle your names.

8 MR. PESCE: That's okay. I'd just
9 like to make one comment regarding the glass comment.
10 We do know that there are glass sorters on the front
11 end of recycling mechanisms in certain areas, not
12 anywhere with deposit laws, but I'm going to talk a
13 little bit about our plan from a grocery perspective
14 as we now currently reclaim all of those deposits
15 today, and I'm not going to specifically touch on
16 glass, but we believe there is a solution for the
17 glass at some point, but that's an infrastructure
18 cost. That's probably part of my testimony.

19 So our plan calls for creation of a
20 sustainable path to broad based improvements in
21 recycling programs, raising new funds for cycling and
22 litter control, and simplifying recycling for
23 Connecticut residents. What would a proposed
24 Connecticut bill look like? It provides the resources
25 and direction to bring more and better cycling to

1 Connecticut.

2 It's not enough to simply provide
3 the opportunity to recycle. The programs themselves
4 need to be well designed and operated so they are
5 efficient and effective. It focuses on improving
6 residential recycling, the backbone of our cycling
7 infrastructure, expanding access to cycling outside
8 the home, upgrading litter prevention and control
9 programs. It eliminates forced deposits on beverage
10 containers after a transition period simplifying
11 recycling for consumers.

12 Everything is recycled in one place
13 and eliminates the time and expense associated with
14 the redemption system, and it creates a dedicated
15 multimillion dollar fund to improve access and upgrade
16 recycling and litter programs.

17 Why change? The last comprehensive
18 recycling legislation act enacted in Connecticut was
19 the Municipal Solid Waste Law in the late 1980s. At
20 that time curbside recycling was virtually
21 nonexistent. Recycling was pretty much limited to
22 commercial, for-profit recycling, and some drop off
23 programs in a small number of communities.

24 The recycling world has changed
25 dramatically since then. Recycling technology has

1 evolved, collection systems have changed multiple
2 times, the material in the waste stream has changed,
3 the markets have changed. Today after implementing
4 thousands of recycling programs across the country and
5 investing hundreds of millions of dollars, there is a
6 broad consensus around best practices in recycling to
7 raise participation and recovery rates to higher
8 levels.

9 The barriers to implementing these
10 best practices really boil down to money and
11 expertise. Any new plan must layout the goals for
12 recycling access at home and provide significant
13 funding to upgrade existing recycling infrastructure
14 to implement them, and it should provide resources to
15 expand recycling outside the home while enhancing
16 litter prevention and cleanup efforts.

17 And, finally, the forced deposit law
18 has outlasted its usefulness. Creating comprehensive
19 recycling forced deposits, taught Connecticut
20 Residents about recycling, but today duplicates an
21 infrastructure built to collect and process all the
22 rest of recyclables in the waste stream.

23 Redeeming containers takes times,
24 it's inconvenient, and does not make sense for most
25 consumers who instead donate their containers or

1 simply recycle them at home and forfeit the deposit to
2 the tune of approximately \$20 million in lost deposit,
3 which currently goes into the state's general fund.

4 With expanded access to recycling at
5 home and away from home the cost and hassle of forced
6 deposits can be eliminated. In November of 2014, by a
7 nearly 3 to 1 margin, voters in neighboring
8 Massachusetts soundly rejected battle question number
9 2, which would have expanded bottle laws to more
10 products. That vote was just -- that vote was just as
11 much a vote for simpler, better recycling as it was a
12 sign that forced deposits no longer make sense for
13 consumers.

14 So how would this plan affect my
15 city or town? A working plan would contain no
16 mandates or deadlines for communities. A container
17 fund that contains a sunset clause would provide
18 assistance to communities seeking to improve their
19 recycling and litter programs. Specifically it would
20 provide resources to upgrade or expand recycling
21 programs according to the guidelines in the
22 prospective bill.

23 For example, the fund would provide
24 single-stream carts, often a principle barrier to
25 adopting single-stream collection, retrofitting

1 trucks, acquiring public space, recycling bins, and
2 receiving assistance with pay-as-you-throw programs
3 and outreach and education programs.

4 In addition to the direct funding
5 the proposed plan would also free up almost \$7 to \$10
6 million per year in revenues for recyclers around the
7 state, the approximate value to recyclers of the
8 forced deposits that would now be recycled into the
9 comprehensive system. Because the aluminum cans and
10 PTT bottles are relatively valuable, they would
11 generate more revenue for recycling programs while
12 adding little or no new cost. Extra revenue means
13 that recycling fees can be kept down or more services
14 provided for the same fee.

15 What are the benefits? For cities
16 and towns more recycling means less waste going to
17 landfills and incinerators at an average cost of about
18 \$80 per ton. Given the recycling increases expected
19 from a more robust recycling law, we would experience
20 an annual savings of \$15 to \$30 million for
21 municipalities throughout the state. The avoided
22 disposal also extends the life of the remaining
23 Connecticut landfills.

24 MR. SCHAIN: Sir, I'm going to ask
25 you to conclude your remarks.

1 MR. PESCE: Yep. So I'll just close
2 by saying there are laws and bills and proposals
3 underway in other states. In Massachusetts I have
4 submitted this testimony along with the Massachusetts
5 bill. I would hope that you folks would look at that.
6 They are moving forward. They are inching closer to a
7 more comprehensive plan, and I would urge that we look
8 at our neighboring states in the Northeast for some of
9 the solutions potentially. I thank you for your time.

10 MR. SCHAIN: Thank you, sir. Al
11 Kovalik?

12 MR. KOVALIK: I'm going to need 20
13 minutes, if that's all right? Hi. My name is Al
14 Kovalik. I appreciate this timely opportunity to come
15 in before the Department of Energy & Environmental
16 Protection to contribute to the strategy and
17 development for sustainability policy regarding sound
18 materials management.

19 I represent Green Earth Capital, a
20 Connecticut business that works in the environmental
21 remediation and restoration space that supports the
22 application of beneficial use and regards what is
23 perceived as waste to be a resource.

24 As an environmental engineer,
25 environmental professional, and Connecticut business

1 owner, we support the efforts by the Department to
2 develop a comprehensive and multifaceted view to
3 address this challenge.

4 Materials management beyond the
5 typical dig, haul and disposal at landfills as a
6 solution is no longer an added value luxury or
7 sustainable pollution prevention strategy, but a vital
8 and necessary applied program used by the both private
9 and public sector to address strained resources,
10 execute and implement important development of
11 environmental projects in the state of Connecticut.

12 The 2016 plan is an action-oriented
13 roadmap to achieve the state's vision for 60 percent
14 diversion materials. It's the intention of presenting
15 these comments to support and emphasize the inclusion
16 of dredge materials and contaminated soils to this
17 strategy. This is based on the years of extensive
18 program development and understanding surrounding the
19 beneficial use of these media that supports brownfield
20 redevelopment and economic revitalization of impacted
21 communities including job creation.

22 Two of the objective, fundamental
23 objectives to achieve the state's goals are that
24 "Connecticut must develop and improve recycling and
25 waste conversion technologies; and (2) corporations

1 that design, produce and market products must share
2 responsibility for stewarding the end of life of those
3 materials in an environmentally sustainable manner."

4 I submit to you today that the
5 technologies and markets exist to achieve these goals
6 in the dredge materials and contaminated soil space.
7 Long Island Sound's shoreline sediment, countless
8 inland waterway sediments, much of the impacted soil
9 being generated in the state is disposed of as waste
10 under the current regulatory paradigm.

11 In my role as an LEP, I've seen the
12 benefit of managing these materials as a resource, not
13 as a waste, to the betterment of the environment and
14 the economy. I am here to emphasize the importance of
15 connecting these resources to positive reuse and
16 opportunities at blighted brownfields and business
17 incubators via sustainable resource management.

18 Section 5C of the plan, current
19 state of materials management in Connecticut, aptly
20 classifies as dredge materials as street sweeping,
21 catch basin cleaning and contaminated sediments as
22 materials being generated in the state in significant
23 quantity. The current state of management is either
24 open water dumping or landfills. The report correctly
25 notes that there is not a treatment facility in

1 Connecticut designed to treat dredge materials with
2 the goal of reusing the material.

3 As for contaminated soils, options
4 are simply directed to being in compliance RSRs. The
5 plan should clearly and unequivocally support the
6 further development of these solutions.

7 My time is marching long so I'm
8 going to cut to the chase, and I have a copy of these
9 comments, and I will provide extra comments as well.
10 So just to cut to the chase, there's an awful lot of
11 material that today is being shipped out of state that
12 is not really bad material at all, and it's simply the
13 way things have been done.

14 So I think the plan should include
15 an acknowledgment that those are resources that we
16 could keep in the state, not dump in the middle of
17 Long Island Sound where, you know, that money just
18 would disappear and not be used. There's an
19 opportunity to reuse this material, treat it if it
20 needs to be treated, but then reuse it productively at
21 brownfields and other opportunities in terms of
22 transportation projects and the like.

23 So I'll be providing written
24 comments and details of the plan. I appreciate your
25 time.

1 MR. SAWYER: Thank you.

2 MR. SCHAIN: Thank you, sir. Tom
3 Sheridan.

4 MR. SHERIDAN: Good afternoon. I
5 represent a company called Best Tech Clean Energy.
6 What we'd like to see is gasification included as part
7 of the solution for this solid waste system. Based on
8 our experience overseas, in-state, we firmly believe
9 that DEEP should adopt the renewable energy standards
10 for gasification related to Connecticut's solid waste.

11 The state's ambitious 60 percent
12 diversion goal will require creative ways to move
13 waste-to-energy facilities, remain competitive with
14 tipping fees to municipalities to have an incentive to
15 bring their trash.

16 Some of the benefits of gasification
17 is there's no pollutants in our process, because the
18 technology has come up. There are no effluents coming
19 out of the building. There is no pollution. The
20 gasification uses the trash as the fuel. No
21 additional fuel, no fossil fuels, no coal or anything.
22 It'll run right on the trash. It also results in a
23 savings in cost over using fossil fuels, and it
24 replaces fossil fuels that would have to be burned to
25 generate the same electricity.

1 It's more efficient than the current
2 incinerator practices. Those -- it's about 18 to 20
3 percent more efficient by burning the syngas that
4 comes off the trash rather than the trash itself.
5 What we'd like to see is it also considered as a
6 renewable energy source in Connecticut, follow the EPA
7 guidelines from the federal government so that the
8 state is in line with them, and that will give us
9 incentive to build the plants in Connecticut. What we
10 would need is power agreements and trash tipping fees,
11 but not only that, we'd have to be eligible for the
12 credit program that's in Connecticut to be feasible.

13 One of the main reasons that these
14 plants have not been built in Connecticut before is
15 they are very expensive to build. But once they are
16 built, they're very efficient, and they run around the
17 clock, and they'll run on the trash. I guess that's
18 all I have. Thank you.

19 MR. SAWYER: Thank you.

20 MR. SCHAIN: Thank you, sir. Kevin
21 Messner.

22 MR. MESSNER: Thank you. Kevin
23 Messner. I represent the Association of Home
24 Appliance Manufacturers. We have major appliances,
25 small appliances, everything from razors, hair dryers,

1 coffee makers, toaster ovens, and vacuums so we run
2 the gamut.

3 I wanted to start off first with
4 thanks for having this hearing. We want to be part of
5 this discussion as well. I'm going to focus on just
6 two specific areas. One is on organics, and we can
7 offer a solution on organics, which is, I think,
8 really the elephant in the room, and if you have a
9 goal to try to divert organics and food waste from
10 landfills, garbage disposals can help in that area.

11 There's a real world example.
12 Philadelphia has a pilot program that some other
13 cities have, and they have now taken that on just
14 probably a few months ago to require garbage disposals
15 in their building codes to really reduce the food
16 scraps in landfills. So that's a positive solution we
17 bring. The rest I wanted to focus on purely just one
18 area, and that's packing, the packaging EPR area.

19 For us packaging is everything that
20 you can think of, and there's consumer packaging, and
21 there's shipping, and there's warehouses. For us we
22 have major appliances, which are generally delivered
23 to the home, and then the packaging is removed. These
24 are all for-profit companies. They're not trying to
25 provide excess packaging. They provide the packaging

1 that's needed to protect the unit so there's no
2 returns, and that the consumer gets what they need,
3 and to also make them as recyclable as possible,
4 because when they get them on the back end, they want
5 to be recyclable.

6 So the consumer never generally sees
7 packaging on major appliances. When you have small
8 appliances, which in Connecticut with the
9 single-stream potential and the access, those are by
10 and large put into the recycling program and dealt
11 with, and so in the CMMS it talks about packaging EPR.
12 EPR, our view and it's the view across the country so
13 far, that, for packaging, certainly is a flawed
14 program. The concept by and large is flawed. It
15 doesn't work.

16 There are some examples for
17 appliances and for packaging, there are some real
18 world examples that people have experimented with this
19 idea which I can get into a lot more detail but not in
20 five minutes. So one example is raised in Canada
21 they've tried this. They bring in newspapers, but
22 their newspapers aren't part of the program so it
23 inflates their numbers.

24 They also -- it's \$400 per ton.
25 That's Canadian so 3 whatever, \$380 per ton. Very,

1 very expensive. It doesn't change anybody's -- you
2 have recycling opportunities, and if someone's in a
3 home, and they take a small package, and they're
4 supposed to put in the recycling bin, and they put in
5 in the trash can, having a drop off center, they are
6 not more likely to drive it to a drop off center than
7 to put it in the recycling bin. So that's why it
8 doesn't have any impact on these whatsoever.

9 We really feel that packaging is so
10 important, and there's already cost-cutting measures
11 there. Trying to bootstrap something that's been
12 tried and doesn't work should not be included as part
13 of this plan. There are discussions, people talked in
14 other states, about trying to deal with this. No one
15 has come up with an idea, and it's tough, and we do
16 have examples, like I said in Canada where it just
17 doesn't work.

18 Also generally when you have these
19 EPR programs, the other point that sometimes I hear is
20 this will help improve the design for environment or
21 it'll provide a financial incentive to manufacturers
22 to make their packaging more recyclable or whatever,
23 and then when I ask so what is a good package is it
24 lighter? Is it lighter? Is it more recyclable
25 material, because those could conflict, and I have yet

1 to hear anyone say this is what a good package is. We
2 want it lighter. We want it less volume. We want it
3 more recyclable. Well, those can be conflicting, and
4 we don't know what a good package is.

5 So our company spent a lot of time
6 on packaging engineering to minimize. They don't want
7 to put costs into a package. They want to put it into
8 a product. So they try to make sure it's protected,
9 and the other thing we hear is that it improves
10 recycling.

11 EPR creates a stewardship
12 organization with administrative costs of trying to
13 figure out how you -- and this flawed concept of
14 inserting manufacturers that have no, are not part of
15 the end-of-life waste stream to try to charge them
16 money based on either products that are sold, which is
17 inconsistent with products that are collected and
18 doesn't account for orphan products, and so you have
19 this huge administrative stewardship organization
20 that's sole money going into it.

21 In British Columbia they're
22 packaging \$80 million, this is not a little, \$80
23 million just for the stewardship organization to try
24 to figure out how to charge people essentially, and
25 \$30 million is in reserves and then -- and so this

1 whole idea is really difficult to really figure out
2 how to make work.

3 And so we would encourage you
4 strongly to remove that from the CMMS draft. We're
5 happy to talk through other ideas, garbage disposals,
6 and other ideas that are out there. We want to be
7 part of the discussion, but this doesn't work so thank
8 you.

9 MR. SAWYER: Thank you.

10 MR. SCHAIN: Thank you. Allison
11 Schumacher?

12 MS. SCHUMACHER: Good afternoon. My
13 name is Allison Schumacher, and I'm the director of
14 Environmental Policy and Sustainability at the
15 Consumer Technology Association formerly the Consumer
16 Electronics Association. We really appreciate the
17 opportunity to be here today to express concerns over
18 the draft strategy, in particular, the proposal for
19 the Extended Producer Responsibility Program for
20 packaging.

21 For those who don't know us, we
22 represent the U.S. consumer technology industry. 80
23 percent of our members, and there are more than 2,200
24 companies, are small businesses and startups and
25 others are among the world's best-recognized

1 manufacturing retail brands.

2 Our member companies have long been
3 recognized for their commitment in leadership and
4 innovation and sustainability often taking measures to
5 exceed regulatory requirements on environmental
6 design, energy efficiency, and product and packaging
7 stewardship. In fact, according to EPA's most recent
8 MMS, report consumer electronics is now the fastest
9 declining portion of the municipal solid waste stream.

10 We support Connecticut's interest in
11 identifying and evaluating additional opportunities
12 for the sustainable management of materials in its
13 waste streams. Our comments today focus on our
14 lessons learned from the EPR program for electronics
15 recycling here and from the perspective of the
16 affected industry and concerns with the Strategy's
17 proposed EPR program for packaging. We are also a
18 member of the Product Management Alliance, and we
19 support their testimony, which will be following ours.

20 First, EPR in the U.S. is highly
21 problematic. The strategy relies heavily on the
22 principle of EPR, which in theory shifts some or all
23 of the end-of-life costs from municipalities and
24 collectors to product manufacturers. Also in theory
25 the cost to recycle the given product or its packaging

1 is then transferred from the municipality or the
2 county, which are programs supported by taxpayers by
3 the local taxes or waste disposal fees, and shifts to
4 the producer via either a visible fee or a cost
5 internalization which is paid for by the consumer. In
6 all cases the cost is ultimately borne by the
7 consumer.

8 So it's inaccurate to say that a EPR
9 program has no cost to the taxpayer. Basically any
10 products that are widely sold the cost is going to be
11 paid for by the very same individual just via a
12 different method.

13 As proposed in Connecticut's
14 strategy, EPR for packaging would shift the cost from
15 the packaging that's being paid for by municipalities
16 to producers. But the draft strategy fails to
17 acknowledge that not all packaging has a cost to
18 recycle. In fact, much packaging, as we have already
19 heard, can be seen as a resource. It has intrinsic
20 value in the recycling stream, and you can see
21 relatively high recycling rates for packaging by
22 retailers and consumers when they have the opportunity
23 to do this as a proven point.

24 The consumer electronics industry
25 has more than a decade of experience with state-level

1 EPR electronics recycling laws in the U.S. It's an
2 experiment spread across Connecticut and 24 other
3 states plus now the District of Columbia and Puerto
4 Rico. There's a patchwork of laws that's proven very,
5 very costly and very inefficient across jurisdictions.

6 So problems that we have directly
7 experienced from EPR and some of the unintended
8 consequences of EPR include inherent unfairness of
9 allocating costs across products and materials that
10 have very different recycling values and environmental
11 concerns; the volatility of the commodities market
12 which affect prices and demand for recycled metals,
13 plastics, glass, etcetera; inability of state laws to
14 accommodate rapid changes in product technologies and
15 materials; the inability to internalize the cost of
16 recycling heavy legacy electronic devices such as
17 cathode ray tubes whose production predates the U.S.
18 EPR laws but whose prominence dominates the weight of
19 incoming products for recycling.

20 I can go on and on. There are
21 several more bullet points here. One I would like to
22 highlight is there's a significant unintended
23 consequence on what happens to the pressure put on
24 local recycling markets. In our case in order to try
25 to achieve some economies of scale our members often

1 prefer to work with larger national recyclers that are
2 third-party certified in the case of electronics, and
3 this has had a detrimental effect on more local
4 recycling industries, and this is seen around the
5 country.

6 So also when we've seen mandates
7 that are coupled with rates and dates or disposal and
8 restriction, local governments have been
9 unintentionally signed up as players in the global
10 commodities market. So what is seen in the strategy,
11 I think particularly on page 36, these are theories
12 that are related to EPR, not any real world analysis
13 of the practice.

14 Particularly when it comes to the
15 statement that says EPR does not simply shift costs
16 from the public sector to the private sector. It
17 seeks to minimize costs through economies of scale,
18 product design, and other market forces. This, in our
19 opinion when it comes to electronics, is magical
20 thinking. Our members and our experience here in this
21 state indicates otherwise. We have no economies of
22 scale. We have seen no effect on product design --

23 MR. SCHAIN: I'm going to ask you to
24 finish up.

25 MS. SCHUMACHER: -- okay, and there

1 are no market forces here. So we are open to sharing
2 this experience in more detail on what the real world
3 practicalities are.

4 We would like to you to take note
5 that many consumer technology manufacturers and
6 retailers are already using
7 environmentally-responsible packaging, and there are
8 many strategies out there to better educate consumers
9 to operate them from perhaps recycling bins to
10 recycling carts, making it more convenient for them,
11 working with municipalities to match them, plans to do
12 that, and to provide extra assistance to participating
13 groups that offer such support.

14 So thank you very much for the
15 opportunity to talk with you today, and we are here to
16 learn and listen and to work with you. Thank you.

17 MR. SAWYER: Thank you.

18 MR. SCHAIN: Luke Harms?

19 MR. HARMS: Thank you very much.

20 I'm Luke Harms with Whirlpool Corporation, and
21 Whirlpool's the world's largest manufacturer of home
22 appliances, and we sell products under many different
23 brand names including Whirlpool, Maytag, Amana,
24 KitchenAid and Jenn-Air here in the United States.

25 I just want to, first of all, thank

1 the Department for having this process. This is a
2 very complicated issue, and it's really important to
3 hear from all stakeholders to make sure you come to
4 the right conclusions. My remarks are going to be
5 focused mostly on extended producer responsibility and
6 a little bit on the packaging aspects of the
7 conversation today.

8 We have a lot of experience with EPR
9 programs both in Europe and in Canada, and what's
10 consistent with all of them is that they haven't had a
11 whole lot of impact on the diversionary recycling
12 rate, but the cost of those programs have been
13 dramatically increasing, and the reason for that is
14 the programs generally do not give manufacturers the
15 ability to select collectors or recyclers or have any
16 impact on the efficiency or productivity of the
17 programs, and then you add on top of that the need to
18 figure out how to allocate all of the costs of those
19 programs among all of the different industries and all
20 of the different companies in the system.

21 That's not an easy task, and it
22 takes lots of people and resources to do so. So what
23 you end up with is a system that is less efficient,
24 more costly, and all of those costs ultimately get
25 passed onto the end consumer. So we're opposed to the

1 policy, but we are supportive of recycling. Our
2 industry has a very strong record in terms of both
3 product and packaging recycling.

4 The reason for that is because when
5 most appliances are delivered, as Kevin mentioned, the
6 old product and the packaging for the new product is
7 typically returned and recycled when aggregated. So
8 most of our packaging materials don't end up in the
9 municipal waste stream in the first place. So those
10 are my comments on EPR.

11 With regard to packaging design. We
12 have very, very heavy products that we produce 200,
13 30, 400 pounds in some cases, and there's a lot of
14 engineering that goes into that product packaging
15 design to ensure that we can stack them five
16 appliances high in a warehouse or we can put them in a
17 railcar and ship them across the country and make sure
18 they get to their end destination without damage.

19 So we don't put extra packaging
20 materials in our, on our products for no reason.
21 Everything that's there is there for a reason. It's
22 to make sure the product is protected and gets to its
23 destination. So with that said, you know, we want to
24 be a part of this process. We want to be a
25 constructive partner to the Department as you move

1 forward with the plan, and if any questions come up or
2 we can be helpful in this that process, let me know.
3 Thank you very much.

4 MR. SAWYER: Thank you.

5 MR. SCHAIN: Thank you. Kevin
6 Canan.

7 MR. CANAN: Thank you very much for
8 the opportunity to speak in front of you today. On
9 behalf of the members of the Product Management
10 Alliance, again, we appreciate the opportunity to
11 express our position on DEEP's draft Comprehensive
12 Materials Management Strategy. I'll submit more
13 comprehensive written testimony. Obviously we only
14 have five minutes here, and sort of get to the heart
15 of what that will be.

16 Again, my name is Kevin Canan, and I
17 serve as the executive director of the PMA. The PMA
18 is a coalition comprised of trade associations and
19 corporations including the Home Appliance
20 Manufacturers as well as the Consumer Technology
21 Association who are here today, and we represent a
22 broad array of consumer products.

23 Our mission is to support
24 market-based extended producer responsibility as well
25 as volunteering incentives for increased recovery and

1 sustainable products and package design. Our members
2 have long strived to voluntarily recover the product
3 that they manufacture, and certainly the PMA
4 understands and appreciates Connecticut's desire to
5 seek ways to improve the recovery rate, the recovery
6 rates of goods.

7 However, we believe that
8 implementing EPR programs, and specifically on the
9 carpet industry and paper and packaging which were
10 enumerated in the draft CMMS, would simply add costly
11 and unnecessary mandates for both the state government
12 to implement and run this program as well as for
13 retailers and manufacturers in the state of
14 Connecticut.

15 These costs will ultimately be borne
16 by taxpayers and consumers, and we don't believe will
17 achieve the goals that they set out to achieve. While
18 goals of reducing waste is obviously laudable, this
19 EPR program specifically for paper and packaging would
20 set up a first-in-the-nation program that would be
21 confusing and bureaucratic for the residents of the
22 state with similar types of products having very
23 different end-of-life recovery schemes.

24 In addition, these types of
25 restrictive programs would likely have chilling effect

1 on manufacturers and retailers doing business in
2 Connecticut, and as a result, business could very well
3 be lost to neighboring states.

4 The members of the PMA and the
5 industries that we represent recognize it is there for
6 the public and policymakers for
7 environmentally-responsible business practices.
8 That's why our members are voluntarily involved in
9 waste recovery programs and support recycling where
10 it's economically and logically feasible.

11 Thus, we urge the Department to
12 strongly examine voluntary market-based recovery
13 efforts for increased recovery of products and oppose
14 any EPR provisions or product stewardship provisions
15 in the CMMSS.

16 Thank you very much, and I really
17 appreciate you guys having this public forum. I look
18 forward to participating in the process going forward.
19 Thank you.

20 MR. SAWYER: Thank you.

21 MR. SCHAIN: Bonnie Wallinger?

22 MS. WALLINGER: I didn't sign up to
23 speak.

24 MR. SCHAIN: Oh, okay. Mike Paine?

25 MR. PAINE: Thank you very much.

1 I'm Mike Paine. I've only got five minutes so we're
2 going so submit written testimony. You have probably
3 already heard most of this. Sorry. I got five
4 minutes, guy, but we're going to submit some written
5 testimony.

6 In no particular order, in reading
7 through the draft CMMS, and my emphasis is on the word
8 draft, this is a living, breathing document, and I
9 know it's going to evolve and get us to the right
10 place just like the other solid waste management plans
11 have over the past several decades.

12 One of the -- one of the things that
13 I feel is a very significant part of that is that
14 waste to energy is not mentioned as much as I think it
15 is, because that is one of the lynchpins of what we're
16 going to do with all the stuff we don't have a home
17 for, and if we can use that industry to continue to be
18 the final depository of all the material we do not
19 have a home for, that's significant and very, very
20 important.

21 Organics are a big piece of that
22 puzzle, and I feel potentially they have the
23 opportunity to do that, but from the private industry
24 we pick up stuff to move it from A to B, and typically
25 there is a cost to provide the service, the equipment

1 to move it, and also dispose of it.

2 If those fees end up hitting a
3 threshold where it is not cost effective to do that,
4 everybody needs to know that going in, and if that tip
5 fee were to be higher than the tip fee at the
6 waste-to-energy plant, there's a problem. Not that
7 it's not a good idea. Not that it's not something we
8 should do. We need to know that going in and to amend
9 that.

10 Pay as you throw is a way to charge
11 volume-based fees. Many of the homes in Connecticut
12 that is already happening on some level, but very
13 honestly almost every single business is doing that,
14 because everything they do is based on cubic yards or
15 frequency and everything else for whatever the
16 materials that they have.

17 You also have the non-processable
18 and C&D waste, which is probably the single biggest
19 piece of the puzzle that can have the single biggest
20 impact on where your material goes and how it gets
21 handled. That material has a potential to also
22 significantly get us to, if not all the way to, or
23 over our 60 percent goal.

24 The material philosophically will
25 need to be mined to get the value out of it, whether

1 it's the shingles or the metal or any of the other
2 products that you get out of that material, and that's
3 going to need to be done, and that's going to continue
4 to evolve just as you've heard previous speakers talk
5 about the packaging and all the different materials
6 have changed over time.

7 You know, newspapers are smaller.
8 There's a lot more cardboard coming out of the home.
9 Personally I think it's all Amazon's fault, but -- I
10 may be wrong on that. I'm kidding. But the point is
11 things are going to continue to evolve and move along.

12 We also have the EPR, and I think
13 that's a piece of the puzzle, but I think we really
14 need to think through so that we don't either build
15 walls around Connecticut or build walls around other
16 areas to keep materials from coming in.

17 I neglected to mention when I got
18 up, I'm the president of Paine Incorporated Recycling
19 Rubbish Removal located in Farmington Valley, and
20 we've got 50 odd trucks, and I'm also the chapter
21 chairman for the National Waste & Recycling
22 Association, which I probably should have done in the
23 beginning, but I beat my 5-minute goal. So thank you
24 guys very much for your time.

25 MR. SAWYER: Thanks.

1 MR. SCHAIN: Andrew Kinlock? Mark
2 Bobman?

3 MR. BOBMAN: Good afternoon. Thank
4 you for the opportunity to present these comments to
5 the DEEP. Thank you for your collaboration in
6 presenting the materials in the CMMS and meeting with
7 stakeholders. My name is Mark Bobman. I'm the
8 executive director of the Bristol Facility Policy
9 board and BRROC, and my comments are intended to
10 reflect concerns of the 14 cities and towns which make
11 up the organization which collectively managed waste
12 through contractual agreements with Covanta Bristol
13 dating back to the mid 1980s.

14 Most of these same communities also
15 belonged to the Tunxis Recycling Operating Community,
16 which was awarded grant funds in 1990 by the
17 Department to initiate a regional program for
18 developing a material recovery facility and curbside
19 collection of residential paper products and
20 recyclable containers.

21 Of utmost importance to these cities
22 and towns, objective 1 in the CMMS action plan
23 represents DEEP's planned oversight of municipal
24 recycling efforts and falls squarely in the unfunded
25 mandate category, and I'll just briefly quote from the

1 CMMS. "Using the authority of the commissioner to
2 issue orders DEEP will enforce minimum performance
3 standards for local systems. Municipalities are
4 responsible to make progress toward the state's 60
5 percent diversion goal."

6 And then my comments. DEEP has not
7 defined recycling rate nor does the CMMS provide
8 instructions on how percent recycling will be
9 determined, and this is based on conversations I have
10 had with DEEP staff, which I think are ongoing in
11 terms of trying to assess how we will measure the
12 progress toward the 60 percent goal.

13 Misguided emphasis on uncertain
14 recycling rates may obligate cities and towns to
15 participate in a series of steps to demonstrate to
16 DEEP's satisfaction that it, a municipality, has
17 achieved the recycling rate greater than 25 percent.

18 The objective 1 goes on to describe
19 a series of prescriptive steps for municipalities and
20 the Department starting with if DEEP determines a
21 municipality is making insufficient progress and
22 then -- that's one step, and then within 30 days a
23 municipality may provide information to DEEP about
24 impediments to its progress. After considering this
25 information DEEP may determine whether deficiencies

1 still exist and so forth.

2 Evidence of sufficient progress in
3 implementing a recycling program to meet the recycling
4 goal is proposed and it says -- the CMMS says, "The
5 municipality demonstrates to DEEP's satisfaction that
6 it has achieved a recycling rate greater than 25
7 percent," and there is more on this topic in the
8 objective 1 action plan.

9 So my comments continue that the
10 CMMS proscribes that for municipal programs determined
11 to be deficient, and this is a quotation, "remedies
12 will be determined based on the nature of the
13 deficiency." These steps are clearly punitive. Urban
14 areas with a high concentration of multi-family
15 dwellings will be disadvantaged in this process due to
16 the inherent challenge encountered in these settings.
17 Rural areas may report arbitrarily low recycling rates
18 without taking into account leaves and brush which
19 residents compost in adjacent woods.

20 DEEP proposes a burdensome series of
21 resource-intensive steps for deficient municipal
22 programs. No mention is made of rewarding communities
23 which excel in developing innovative strategies and
24 advanced capture rates nor is there reason to focus on
25 the performance of any individual city or town when

1 better results may be achieved at lower cost by
2 examining generation and recovery by sector, not by
3 municipality.

4 So my recommendation is that DEEP
5 reconsider its recommendations regarding how
6 municipalities are encouraged to reach the 60 percent
7 goal and meet with stakeholders to define those
8 recommendations, and thank you again for the
9 opportunity to present these comments.

10 MR. SAWYER: Thank you.

11 MR. SCHAIN: Thank you. Is there
12 anyone who signed up to speak who I did not call? Is
13 there anyone who did not sign up to speak but would
14 like to speak at this time?

15 MR. DEVIVO: I'll speak. Tom
16 Devivo, president of Willimantic Waste, and we're a
17 recycling company in eastern Connecticut.

18 MR. SCHAIN: Sir, your last name?

19 MR. DEVIVIO: I'm sorry, Devivo,
20 D-E-V-I-V-O.

21 MR. SCHAIN: Thank you.

22 MR. DEVIVO: One of the things about
23 this plan, and we've been to a lot of meetings, is
24 that it really ignores the role of private industry in
25 the state of Connecticut. There's only one publically

1 funded and developed facility in Connecticut. We're
2 concerned that you're ignoring the role of private
3 industry.

4 We think we have a significant role
5 to play in the state of Connecticut in the recycling
6 and the trash hauling business. I think that we're
7 also concerned about product stewardship and
8 packaging. It's untried in the U.S., and in the
9 places that you have mentioned that it is used,
10 actually recycling rates have dropped. It's extremely
11 costly. I think there's other ways to increase
12 recycling rate.

13 You also -- in the plan you discuss
14 contamination as being a big problem in single stream.
15 The main problem with single stream is glass disposal.
16 I think that the plan should address increased
17 something with glass. Where was I? I wasn't thinking
18 until you threw it out there, but glass you need more
19 focus and work.

20 You really do need to expand your
21 deposit system. I think that low-performing cities
22 need help. I think punitive actions on low-performing
23 urban systems is punitive and not a great idea.
24 Industry and government should work together, but I
25 think the government is actually coming down hard on

1 industry. This plan really doesn't create jobs. It
2 doesn't create economic stability for Connecticut. It
3 sends the wrong message to industry that wants to come
4 into Connecticut. You need to have a plan that
5 creates jobs, creates opportunity. This plan really
6 isn't addressing those needs that Connecticut has.

7 Also there's no discussion of
8 demand. You can collect all the products you want for
9 recycling, but you're not discussing for any demand.
10 There's no demand. You can have all the facilities,
11 but if you don't create demand for more dirt, what are
12 we going to do with all of it? You're just going to
13 create more products? Sure, you create electricity,
14 but you need to create demand for many products such
15 as plastics, paper, fiber. There's no discussion of
16 that.

17 I think you also should -- also in
18 the plan I think you should add in and update your
19 permitting processes. I think you need to stop
20 mandating that facilities that actually sort and
21 process recyclables out of C&D. We recover it, that's
22 our goal. That we create jobs by doing that. We have
23 to be requesting that we go and tell our customers,
24 hey, put recyclables in our cans. We bring it to a
25 facility that sorts it. We cite them for putting

1 recyclables in it. It takes away from job
2 opportunities in Connecticut.

3 It's really backwards. The state
4 needs job, we need economic opportunity, and I think
5 you should work on the plan to think of it as an
6 engine to create economic opportunity for folks in
7 Connecticut that want it best, and I think that's an
8 important part of the plan. Thank you very much for
9 your time.

10 MR. SCHAIN: Is there anyone else
11 who did not sign up to speak but would like to speak
12 at this time? So then that will conclude this
13 afternoon's hearing session. Thank you all for your
14 comments and for your attendance.

15 (Whereupon, this hearing was
16 concluded at 3:01 p.m.)

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CERTIFICATE OF REPORTER

I, Jacqueline V. McCauley, a Notary Public duly commissioned and qualified in and for the State of Connecticut, do hereby certify that the Connecticut Department of Energy & Environmental Protection Notice of Oral Argument was taken on April 13, 2016 at 2:01 p.m., and reduced to writing under my supervision; that this Public Hearing is a true record of the hearing.

I further certify that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which this hearing is taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 15th day of April, 2016.

Jacqueline V. McCauley

Jacqueline V. McCauley
Notary Public

My Commission expires: 12/31/2017

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