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January 5, 2009

Mr. James C. Colman
Assistant Commissioner
Bureau of Waste Prevention
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

RE: 2010 Solid Waste Master Plan

Dear Mr. Colman,

As the largest statewide coalition of individuals, governments, businesses, institutions and non-profit organizations dedicated to promoting and realizing the vital environmental, social and economic benefits created by reducing, reusing, recycling, and composting waste materials, MassRecycle has a strong interest in the development of MassDEP's 2010 Solid Waste Master Plan (the Plan).

Massachusetts currently landfills, combusts, or sends out of state for disposal over 6.5 million tons of waste each year, much of which is reusable, recyclable or compostable. The Plan must continue to support the development of policies and programs that increase the amount of materials reused, recycled, composted and diverted from landfills and combustion facilities.

To this end, MassRecycle encourages the MassDEP to take the following recommendations:

ZERO WASTE

MassRecycle believes that Massachusetts should set new waste diversion targets and make a long-term plan for incremental waste reduction based on Zero Waste strategies that have been successful elsewhere.

The ultimate goal of any waste policy should be to reduce waste rather than to simply manage it. The "zero" in the international movement called Zero Waste is a goal, as in "zero accidents," or "zero defects." This approach goes beyond recycling. It outlines roles and responsibilities for the consumer, the government, and for industry (brand owners). Through legislation and regulation, Zero Waste reduces waste by planning and through changes in product design.

While actual Zero Waste plans vary, Zero Waste strategies include:

- Waste reduction, including the reduction of industrial waste;
- Reuse (and refill, and repair);
- Full recycling;
- Composting, including, diversion of all organic material (food, yard materials, and soiled paper) from MSW disposal sites;

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- EPR (Extended Producer Responsibility),¹ which reduces both the volume and toxicity of discards and residual waste after recycling.

COMBUSTION AND LANDFILLING

MassRecycle supports a goal of zero reusable, recyclable or compostable materials sent to landfills or combustion facilities.

Combustion Moratorium

The 2000 and 2006 Solid Waste Master Plans retained a moratorium on new municipal waste combustion capacity but permitted additional landfill disposal capacity in an effort to meet MassDEP's policy goal of achieving no net import or export of solid waste. With 1.8 million tons of Massachusetts' waste still being exported out of state, the 2010 Plan will undoubtedly consider lifting the waste combustion moratorium as a means to achieve the no net export goal.

MassRecycle does not take a position on how residual that cannot be reused, reduced, recycled, or composted should be managed. However, MassRecycle does not support the development of new combustion technology or landfill capacity that will in any way compete with recycling for resources. Should the MassDEP lift the combustion moratorium, safeguards should be put in place to guarantee that any new technology does not compromise existing markets or interfere with the development of new markets or technologies aimed at increasing the amount and variety of discarded materials that can be reduced, reused, recycled or composted.

Disposal Capacity

Arguments that additional disposal capacity is necessary because recycling and diversion rates have leveled off and cannot fill the export gap are questionable, as substantial funding cuts for recycling and diversion programs since 2002 have severely impacted the success of many programs. Massachusetts' recycling and diversion rate of 53% is lower than that of a number of other states and countries that allocate greater resources to recycling and diversion programs.

Additional funding for recycling and diversion programs, either through disposal fees or the reestablishment of the Clean Environment Fund, coupled with an aggressive new plan, such as Zero Waste and Extended Producer Responsibility, and a commitment to changing the way we manage our waste, could go a long way towards helping achieve no net export through increased recycling and diversion rather than increasing disposal capacity.

Organics

Organics represent over 20% of the municipal waste stream. MassRecycle supports increased diversion of organics such as yard waste, residential and commercial food waste, and non-recyclable paper products. During decomposition in landfills these resources create methane, a serious greenhouse gas twenty-one times more potent than CO₂ and difficult to capture even with methane collection systems in place. Organics should be separated out and managed properly through recycling or composting programs that enable the reuse of resources and substantially reduce the creation of methane.

REGIONAL ENTITIES

The Plan should examine developing an inclusive system of regional municipal partnerships.

Massachusetts currently maintains a variety of regional municipal partnerships that are designed to leverage economies of scale to the benefit of participating cities and towns. Existing partnerships include Franklin County Solid Waste Management District, Springfield Materials Recycling Facility (MRF), Minuteman Regional Household Hazardous Waste Facility, North Central Regional Solid Waste Cooperative, EcoStar, South Shore Recycling Cooperative, Greater New Bedford Regional Refuse Management District, and Merrimack Valley Regional Recycling Partnership.

MassRecycle recognizes the value and effectiveness of regional partnerships in the following ways:

- Division of costs for shared resources, resulting in the expansion of program availability/access to a wider audience;

¹ Extended Producer Responsibility shifts the costs of waste from taxpayers to brand owners, and creates a powerful economic incentive to design waste out of the system and substantially reduce the use of toxic materials.

- Better pricing for goods and services (e.g. solid waste/recycling contracts) due to larger service base;
- Improved focus on addressing regionally specific issues (e.g. seasonal populations) and providing regionally appropriate education.

MassDEP's existing Municipal Assistance Coordinator (MAC) program could be used as a template for an inclusive regional partnership system. Because the MAC program is already statewide and municipalities are accustomed to using this resource, expanding this program into a system of regional partnerships would improve assistance available to municipalities without duplicating the utility of existing MassDEP programs.

EDUCATION AND OUTREACH

MassRecycle supports a more tool-based, user-friendly upgrade of MassDEP's website with respect to recycling education. Recycling education should be enhanced and expanded for use by municipalities, schools and businesses.

Considering the "green climate" right now, tool kits for municipalities, businesses and schools need to be designed and made readily available to generators and recycling coordinators. While MassDEP has developed educational materials for school programs by designing a K-12 educational program focused on waste reduction, reuse, recycling and composting, there is no similarly developed program for the business sector. In today's electronic media world, MassDEP's website needs to provide more and better information. Whether it is patterned after the South Carolina's website (www.scdhec.net/environment/lwm/recycle) or a completely new website is designed and managed by a separate entity (such as an existing non-profit or private company), the educational materials need to be updated and need to be presented in an easy to use fashion so that teachers, students, business managers and the general public can easily access and utilize the information.

PAY-AS-YOU-THROW

MassRecycle strongly supports Pay-As-You-Throw programs in Massachusetts due to their ability to dramatically reduce waste and recycle more materials.

Pay-As-You-Throw (PAYT) programs have proven to be one of the most effective methods to increase recycling, reduce unnecessary waste, and save money. MassRecycle strongly encourages MassDEP to expand efforts to assist municipalities in implementing comprehensive PAYT programs.

WASTE BANS

Waste bans have proven to be an extremely effective way to prevent the disposal of recyclable materials in landfills and combustion facilities. However, the effectiveness of the bans is greatly limited when the bans are not enforced. MassRecycle strongly encourages the allocation of additional resources to ensure increased enforcement of the existing bans, and supports the creation of additional waste bans for a wider variety of recyclable/compostable materials.

ELECTRONIC WASTE

Massachusetts needs to develop a permitting process or certification program which will enable generators to determine which e-waste processors manage materials appropriately.

MassRecycle is very concerned with the current situation in which the average program manager responsible for e-waste disposal is unable to determine which e-waste processors are managing e-waste in environmentally appropriate methods and which are not. MassRecycle believes that implementing regulations that ban e-waste from Massachusetts' landfills and incinerators, only to have it create greater harm to people and the environment in other countries, is unacceptable. MassDEP should develop either a certification program or a permitting process that requires e-waste processors to demonstrate that all materials are being managed appropriately and in accordance with state, national, and international laws.

MERCURY

MassRecycle strongly urges MassDEP to work with our Legislature to pass an even more comprehensive mercury products ban, including certain federally exempt products, but temporarily excluding fluorescent lighting.

To the maximum extent feasible, where there is no mercury-free alternative available, MassRecycle supports the elimination of non-essential mercury-bearing household, institutional and industrial products and processes.

Existing mercury-bearing products must be managed through source reduction, segregation, and safe waste management, including recycling.

Recommendations:

- Reduce/eliminate the use of mercury in medical and consumer products to the extent feasible;
- Identify and implement source reduction programs and develop model legislation;
- Draft model legislation implementing coordinated labeling and manufacturer take-back programs to help consumers identify products containing mercury and how to properly dispose of them;
- Eliminate the use of mercury in school science programs through initiation of programs and/or legislation; and
- Adopt measures to curtail the sale of elemental mercury.

PRODUCT STEWARDSHIP AND EXTENDED PRODUCER RESPONSIBILITY

MassRecycle believes that one of the next important steps in developing a more responsible waste management system is to increase product stewardship.

Product stewardship is a principle that directs all participants involved in the life cycle of a product to assume some responsibility for the impacts that result from the production, use, and end-of-life management of the product.

By placing responsibility on the manufacturer for their products' end-of-life management, the product stewardship approach motivates manufacturers to consider the entire life-cycle impact of a product and its packaging in their products' design.

The objective of product stewardship is to encourage manufacturers to design products with fewer toxics; to make them more durable, reusable, and recyclable; to develop infrastructures for the management of difficult to manage wastes; and to incorporate the cost for appropriate disposal into the production costs.

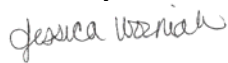
Examples of products that are good candidates for extended producer responsibility programs, or are already managed this way include:

Carpets	Fluorescent lighting	Motor oil	Phone books
Batteries	Gas cylinders	Paint	Radioactive devices
Deposit beverage containers	Medical sharps	Pesticides	Thermostats
Electronics	Mercury products	Pharmaceuticals	Tires

CONSTRUCTION AND DEMOLITION MATERIALS

Construction and demolition materials represent approximately 40% of the waste generated in Massachusetts. MassRecycle supports the current waste bans that require the recycling of asphalt, brick, cement, wood, and metal and encourages the MassDEP to expand the bans to include additional materials such as asphalt shingles, ceiling tiles, and gypsum wallboard. Dirty wood waste that cannot be safely composted (primarily painted and stained wood products) poses a serious problem and alternative end uses for this product should be explored further.

Sincerely,



Jessica Wozniak
Executive Director

About MassRecycle: MassRecycle is a statewide coalition of individuals, governments, businesses, institutions and non-profits dedicated to promoting the environmental, social and economic benefits created by reducing, reusing, and recycling waste materials, and by purchasing recycled products. We have a 20-year history of advocating for and educating the public, policy makers, and legislators about recycling. We strengthen local recycling programs by educating municipal staff and volunteer recycling committees, maintaining a recycling listserv and organizing bulk purchases of recycling hardware.