



For a thriving New England

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Via email

Cape Cod Regional Policy Plan
3225 Main Street
Barnstable Village, MA 02630

Re: Comments to the Cape Cod Regional Policy Plan

To Whom It May Concern:

Conservation Law Foundation (“CLF”) would like to submit the following comments after reviewing the Draft Cape Cod Regional Policy Plan. CLF is a nonprofit, member-supported, regional environmental organization working to conserve natural resources, protect public health, and promote thriving communities in the New England region. Through the Zero Waste Project, CLF aims to protect New England communities from the dangers posed by unsustainable waste management practices.

Unbeknownst to many, Cape Cod has served as a regional leader and incubator on waste issues. Many Cape towns were among the first to adopt Pay-As-You-Throw programs, much of the Cape still practices dual or multi-stream recycling, and/or have passed plastic bag bans, and Provincetown was the first town in the Commonwealth to pass a plastic straw ban. In fact, the previous Cape Cod Regional Policy Plan set an aggressive, yet reasonable, goal of diverting 60% of the Cape’s waste from disposal.

The current draft Plan sets no Zero Waste goals, and recommends no specific Zero Waste policies, however. This is not the time for the Cape to be abandoning these goals – in fact, due to sharp increases in waste disposal and recycling cost, if anything this is time for the Cape to be doubling down. Within the last year many town’s contracts have been re-negotiated, and Cape wide, tipping fees and transportation costs have risen about \$38-\$68/ton on the Cape according to the region’s Department of Environmental Protection (“MassDEP”) coordinator. Most of the Cape’s municipal solid waste heads through the Falmouth Upper Cape Regional Transfer Station, where it is either sent by train to the SEMASS incinerator or to the Lafarge landfill in Ohio, both dangerous, polluting, and expensive facilities.

Recycling costs have pretty much doubled in any towns that practice single stream. For instance, the Town of Barnstable was not paying anything for its single stream container recycling, and now it is paying \$95/ton. Towns like Dennis that pre-sort their recycling have faced less cost increases – their cardboard and newspaper prices are still good. However, their plastic is selling for much less, and any mixed paper now has a fee. Wellfleet glass recycling fees increased from \$30-40/ton to over \$100/ton with a \$300/ton processing fee.

Given this fiscal crisis, CLF recommends that the Regional Plan adopt a Zero Waste goal in accordance with the Zero Waste International Alliance (“ZWIA”), and commit to reducing or diverting its disposal 60% in the next five years, 90% by 2030, and require towns to adopt Pay As You Throw policies. Furthermore, CLF welcomes the CCC to encourage the MassDEP and Commonwealth’s legislature to adopt policies that would support the Cape’s efforts, save money, and protect the health of the citizens of the Cape.

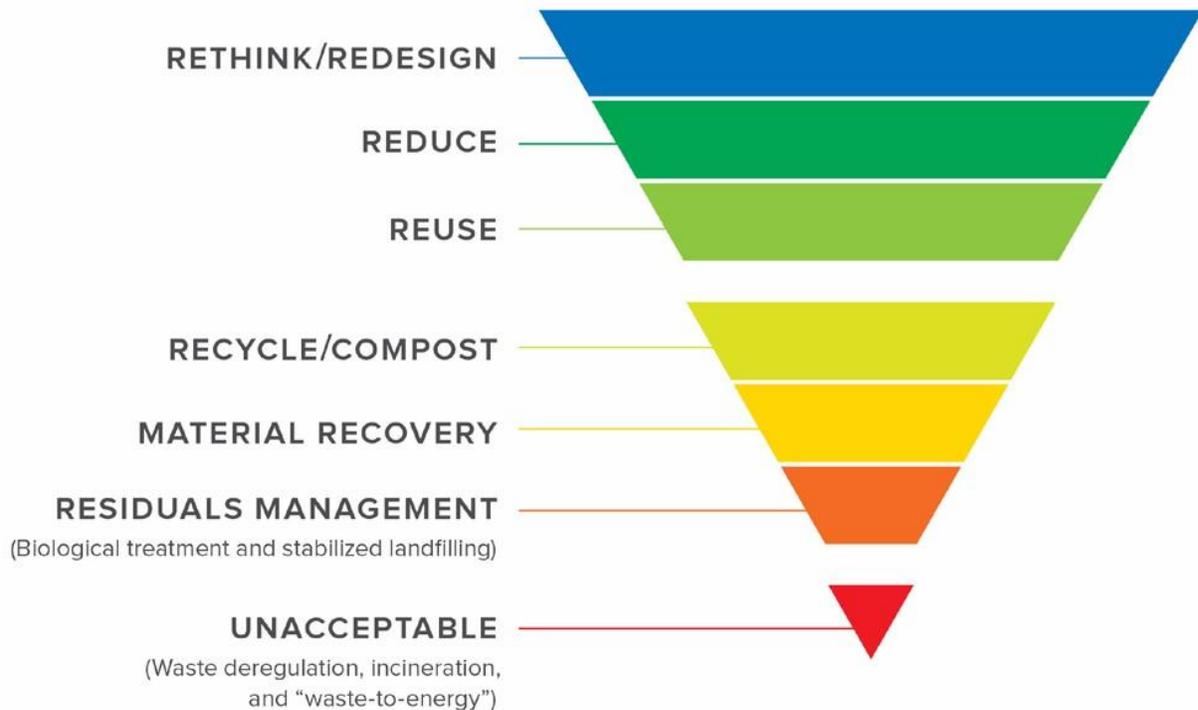
1. Adopt a Zero Waste Standard, and Zero Waste goals

The Regional Plan should adopt the following, peer-reviewed, definition of Zero Waste:

“The conservation of all resources by means of responsible production, consumption, reuse, and recovery of all products, packaging, and materials, without burning them, and without discharges to land, water, or air that threaten the environment or human health.”
(ZWIA, www.zwia.org/standards/zw-definition/)

The Regional Plan should also commit to reducing or diverting 60% of its waste from disposal in five years, and reach Zero Waste, or 90% reduction or diversion, by 2030.

THE ZERO WASTE HIERARCHY



Please find more specific Zero Waste policies that comprise Zero Waste and should be adopted by the CCC [here](#).

2. Pay As You Throw (“PAYT”)

Programs like Pay-As-You-Throw and Save Money and Reduce Trash (SMART) would continue to decrease waste volumes on the Cape. Many municipalities around the region have adopted these schemes, and have seen 20-50% reductions of their trash volume within a few years. A Waste Zero report on a study of southern Maine towns with and without PAYT showed that on average towns with PAYT generated 44.8% less trash per capita.¹ When Worcester adopted their PAYT program in 1993, their trash was cut in half within one year, they saved \$10 million dollars over 20 years, and their recycling rate increased to 44%.² Recently researchers in New Hampshire found towns there decreased their waste by 40-50% using PAYT, as compared to municipalities without similar incentive programs.³ Not incentivizing the reduction of waste is leaving money on the table.

The Regional Plan should require all Towns on the Cape to institute an effective PAYT program.

3. 80% of what is being burned at SEMASS or landfilled is recyclable or compostable.

In Massachusetts, the following are Waste Ban Items, meaning that they are not allowed to be buried in a landfill or burned in an incinerator (310 CMR 19.00):

- Asphalt pavement, brick and concrete
- Cathode ray tubes
- Clean gypsum wallboard
- Commercial food material
- Ferrous and non-ferrous metals
- Glass and metal containers
- Lead acid batteries
- Leaves and yard waste
- Recyclable paper, cardboard and paperboard
- Single-resin narrow-necked plastic containers
- Treated and untreated wood and wood waste (banned from landfills only)
- White goods (large appliances)
- Whole tires (banned from landfills only; shredded tires acceptable)

¹ Waste Zero. (2018). *Per Capita Residential Trash in Southern Maine: Head-to-head comparison of municipalities with PAYT and those with no PAYT*. <http://wastezero.com/wp-content/uploads/2018/06/ecomaine-report-06-01-18.pdf>

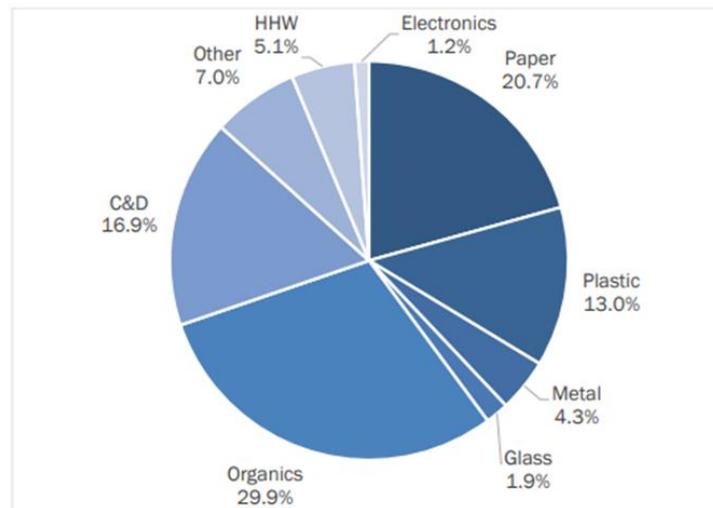
² Kolling-Perin, J. (Nov. 22, 2013). Worcester, Mass. Marks 20th Anniversary of Pay-As-You-Throw Program, Celebrates Waste Diversion and Recycling Success. WasteZero. <http://wastezero.com/news/worcester-mass-marks-20th-anniversary-of-pay-as-you-throw-program-celebrates-waste-diversion-and-recycling-success/>

³ <http://www.nhpr.org/post/unh-study-pay-you-throw-can-cut-trash-generation-half#stream/0>

These materials are banned from disposal because it has been determined that: (a) disposal of the material presents a potential adverse impact to human health, safety or the environment; (b) a restriction or prohibition will result in the extension of the useful life or capacity of a facility or class of facilities or reduce its environmental impact; or (c) a restriction or prohibition will promote reuse, waste reduction, or recycling.⁴ Unfortunately, according to MassDEP, almost 40%, or over 2 million tons, of disposed items in Massachusetts are Waste Ban Items⁵. There are no longer dedicated Waste Ban inspectors at MassDEP, and enforcement has been spotty at best. **No disposal facility should be expanded in Massachusetts until MassDEP reduces disposal by enforcing existing Waste Ban regulations.**

SEMASS burned over 1.1 million tons of waste in 2016, producing more than 250,000 tons of ash.⁶ As can be seen from the chart below, which SEMASS submitted as part of a report to MassDEP in February of 2017, almost 80% of what SEMASS is burning could be recycled and composted.⁷ Rather than needing to bury 250,000 tons of ash, SEMASS would then only need to dispose of 50,000 tons of ash each year.

Figure 3-1 Overall Waste Composition by Material Group



⁴ Section 19.017, 310 CMR 19.000

⁵ Massachusetts Waste Bans as a Tool to Drive Waste Reduction, June 2016, MassDEP <https://uszwbc.org/wpcontent/uploads/2016/06/Fischer-waste-ban-presentation-USZWBC-June-2016.pdf> This excludes the commercial organics Waste Ban.

⁶ <http://www.mass.gov/eea/docs/dep/recycle/solid/wcs16sem.pdf>, page 2-1.

⁷ Id. at 3-1.

Much of the waste burned at SEMASS – paper/cardboard, metal, glass, some plastic, some construction and demolition material, and some organics, are also Waste Ban Items. If the Waste Ban materials alone were diverted from the incinerator, SEMASS could burn at least 40% less, again, extending the life of the landfills where it buries its ash. See MSW Consultants, Covanta SEMASS 2016 Waste Characterization Study in Support of Class II Recycling Program (Feb. 13, 2017), <http://www.mass.gov/eea/docs/dep/recycle/solid/wcs16sem.pdf>. **The Cape Cod Commission should demand that MassDEP hire dedicated waste ban inspectors to monitor the waste that SEMASS accepts. A small investment in enforcement could extend the life of this landfill and make its expansion unnecessary.**

The waste from the Cape can be recycled and composted, which would save the region significant funds. **For this reason, the Regional Plan should also commit to reducing or diverting 60% of its waste from disposal in five years, and reach Zero Waste, or 90% reduction or diversion, by 2030.**

In conclusion, CLF recommends that the Regional Plan adopt a Zero Waste goal in accordance with the Zero Waste International Alliance (“ZWIA”), and commit to reducing or diverting its disposal 60% in the next five years, 90% by 2030, and require towns to adopt Pay As You Throw policies. Furthermore, CLF welcomes the CCC to encourage the MassDEP and Commonwealth’s legislature to adopt policies that would support the Cape’s efforts, save money, and protect the health of the citizens of the Cape.

We would be happy to sit down with you and discuss any of the above, or provide more resources and information to you. Thank you for your work on these important issues, and thank you for your attention to these comments. Please contact me if you have any questions or need any further information.

Very truly yours,



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