

TALKIN'

TRASH

a periodic update from the
CAPE COD COMMISSION

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Legislative Follow-up

The Fiscal Year 2003–2004 Massachusetts Legislative session ended recently and the results are in regarding four pieces of legislation that pertain to the Cape's solid waste and recycling programs. A summary of each bill, and those actions undertaken by the various committees responsible for each bill, are listed below (refer to the General Court web site at www.state.ma.us/legis/legis.htm for more information).

- **House 1080 – An Act to Protect the Natural Resources of the Commonwealth:** This bill was voted on favorably by the Energy Committee. However, the committee ordered that a “study order” be issued on the bill due to the complex nature of the Bottle Bill and Clean Environment Fund. The bill was also folded into a parcel with two other similar bills (House 3940 and Senate 2020) and forwarded to the Committee of House Rules.
- **Senate 1213 – An Act Relative to Certain Municipal Costs:** The Committee on Natural Resources and Agriculture did not take a vote on the bill, and it is likely that the bill will be reevaluated during the formal session beginning in September.
- **Senate 376 – An Act Relative to the Waste to Energy Grant Program:** This bill was reported favorably out of the Energy Committee and was sent to the Senate Ways and Means Committee for further review. More action is likely this session.
- **House 523 – An Act Clarifying a Minimum Threshold for the Purchase of Existing Renewable Power for the Purposes of the Renewable Portfolio Standard Regulation:** This bill seeks to amend the Electric Utility Restructuring Act to include existing waste-to-energy (WTE) facilities in the Renewable Portfolio Standard, or RPS. This would enable the electricity generated at SEMASS to be sold to local utilities at a higher rate. The bill requires that the Department of Energy Resources (DOER) reestablish the baseline of electricity retail suppliers must purchase from “renewable” sources for sale to end-use customers from July 2003. This baseline increases each year.

This change would guarantee that WTE facilities would remain competitive with other, less expensive power generators (coal, natural gas). This would benefit the SEMASS facility as it renegotiates existing facilities contracts with energy suppliers when the current contract expires in 2005.

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This bill has not yet been reported out of the Energy Committee, as the committee has not yet fully evaluated the bill. More action will likely be undertaken in the fall during executive session. Chairman O'Leary favors inserting language into the bill that would return 100 percent of the Renewable Energy Credits (REC) to the contracted municipalities. SEMASS and the Council of SEMASS Communities (COSC) steering committee negotiated a 50-percent share of the net revenue from the sale of RECs for those cities and towns. American Ref-Fuel, the owner of the SEMASS facility, estimates that it would incur costs equivalent to about 30 percent of REC revenue in broker's fees, administration and legal costs, in anticipation of a lawsuit with the utilities over ownership of the RECs. This amount would

be deducted before the 50-percent share would be calculated. The remaining revenue would be divided between American Ref-Fuel and eligible cities and towns and would then be distributed according to each municipality's proportion of the collective annual minimum tonnages.

At the end of July, American Ref-Fuel sent out notices to its municipal contract administrators asking them to sign off on an offer for 50 percent of the REC should H523 become law. About half the towns that were sent the offer have agreed. SEMASS representatives have indicated that if H523 becomes law and requires American Ref-Fuel to turn all proceeds back to eligible municipalities (instead of sharing 50 percent of the revenues), it will

have no incentive to pursue the sale of the credits and may sell the RECs out of state.

If this bill is passed, communities under contract with WTE facilities may benefit, as electricity sales offset increases in tip fees. If the bill dies in committee, there will be no RECs to sell and, at that point, the issue will be moot.



Municipal Recycling Grant Program



The battle over the state's established recycling grant and support programs, (i.e., Municipal Recycling Grant Program) has temporarily been won, as one of the grant programs and associated technical support have survived. More importantly, the recycling staff and infrastructure at the Massachusetts Department of Environmental Protection (DEP) remain uncut.

This past summer, Governor Romney vetoed the funding for the state's entire recycling budget. This action threatened the DEP's Bureau of Waste Prevention and numerous municipal, nonprofit, and private waste-reduction programs. A variety of nonprofit and municipal recycling advocates petitioned the Legislature to overturn the veto and restore the \$3.5 million in the final Conference Committee proposal. (In the past, Clean Environment Fund monies paid for these, and other, recycling programs. However, in an effort to

balance the budget, the Clean Environment Fund was incorporated into the General Fund.)

Due to legislative efforts that restored \$3.5 million for recycling initiatives, the DEP is able to offer \$800,000 for Municipal Recycling Equipment Grants that may be used for consumer education mailings, various types of recycling containers, pay-as-you-throw assistance, and school chemical-management assistance. Applications for the grant program were due to DEP on October 16.



2002 Solid Waste and Recycling Report

The Cape Cod Commission has compiled the 2002 Solid Waste and Recycling Report (refer to www.capecodcommission.org/waste/2002SolidWasteRecyclingRept.pdf). The results of the report show that 53,771 tons of recycled material (including plastics, steel cans, glass, organic material, white goods and paper products) were generated, although only 12 of the 15 towns reported recycled tonnages to the DEP for 2002.

2003 Recycling Survey



In an effort to better understand what is going on throughout the Cape, the

Truro Recycling Committee recently completed a comprehensive recycling survey of all 15 Cape towns. The survey looks at the costs assessed by each town for the collection of a variety of recyclable items. The survey looks at the costs for transfer station stickers as well as the costs associated with the disposal of tires, bulky items, scrap metals, televisions, and other wastes. The Truro Recycling Committee included an analysis of the survey, and excerpts of that analysis are included below.

All Cape towns rely primarily on license or sticker fees to cover the costs of accepting and disposing of solid waste generated in domestic households. The range of the fees is strikingly large, from \$35 to \$110 per year. (It should

be added, however, that in the town with the highest fee, half-priced stickers are available for those with low incomes.) A few respondents also reported that increases are being planned or considered. Orleans, which charges year-round residents only \$35 for unlimited use of the dump and includes beach access in that minimal fee, raised the fee to \$75 for seasonal users. Most towns handled the problem of what to charge for briefer periods by setting per-visit fees, between \$2 and \$10, most commonly \$5 per entry. Fees for a second car range from \$2 to \$40, averaging \$13.50.

In Brewster, the fees are based on published data indicating that the national average for solid-waste disposed of by households is 1.25 tons/year. They multiplied that figure by the town's cost to get rid of the waste (\$68/ton). If those figures are generally applicable, most Cape transfer stations are not covering

costs for their disposal services to households.

■ Fees for Commercial Users

There is a great diversity in setting fees for businesses and refuse haulers. Seven towns sell annual stickers for trucks, charging from \$25 to \$190; one town allows no commercial users, and the remaining four towns rely on the tonnage charges. A small fee is often charged for the use of the scale. The average of the fees per ton is just over \$75. Four towns also supplied rates by the cubic yard (cy) in case the scale is not working; the range is from \$14 to \$30/cy, averaging \$20.25. (Truro has no scale and charges less for uncompacted trash.)

All but three towns were asked if they require trash haulers to be licensed by the local board of health; only two do not. Annual license fees were obtained

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from six towns, with such a surprisingly wide range (\$25–\$500) that an average would be meaningless.

Nine towns' dumps accept construction and demolition (C&D) waste, charging from \$100 to \$200/ton; the mean is \$140.78. All but Truro accepts bulky items (such as mattresses and furniture), usually charging \$10 per item, whether brought by businesses or by households to the transfer facilities. Seven towns accept old boats for disposal, the fee always being charged by the ton, from \$100 to \$200, averaging \$152.40. Because of a lack of systematic inquiry, it may well be that the charge more generally varies with the composition, as was volunteered by a few respondents. For example, it was said that cut-up metal boats would be charged at the scrap metal rate (usually less than wood or fiberglass).

■ Recycling Fees

Most towns do not charge a fee to enter their recycling centers and to drop off the most commonly recycled materials (e.g., bottles, cans, and newspapers). Traditionally, however, there are fees to accept a number of items, even when there is a net gain for the transfer station.

- **Tires:** Only Mashpee does not charge to accept tires of any size. Other towns generally take \$2 for a tire of up to 17 inches, and varying amounts for larger ones, from \$2 to \$20. Generally fees are at least double for tires with rims.

- **Car batteries:** Most of the 10 towns reporting do not charge. In three

towns the fee is \$2, and in one town the fee is \$5.

- **Tanks:** In most of the towns reporting, at least one of the four types asked about is accepted without charge, though it is sometimes specified that they must be empty and clean.

- **White goods:** These large appliances always cost the consumer to dispose of, an average of a little over \$11 each, plus \$8 if it contains freon. Notice, however, that seven towns do not ask for this extra amount.

- **Scrap metal:** The fees range from nothing to \$100 per ton. A number of towns charge less for light items that are readily shredded, or extract a fee only for the largest, heaviest metal

objects. Fifty-gallon steel drums are usually treated like scrap, though two towns mentioned a \$5 fee. (Probably half of the respondents did not mention them because they assumed it would be understood they are treated like other scrap metal.)

- **Brush and wood:** Though the six towns that do accept them probably chip these materials, only three mentioned a fee, from \$40 to \$70/ton.

- **CRTs:** Only one town charges nothing; the most popular fee is the highest, \$10, while in six towns it runs from \$2 to \$8. Five towns specified higher charges to accept large TVs, from \$10 to \$30.

Bourne ISWMF Notice of Project Change

The Town of Bourne's Integrated Solid Waste Management Facility (ISWMF) submitted a revised Notice of Project Change (NPC) to the Massachusetts Environmental Policy Act (MEPA) office on June 23, 2003. The revised NPC involves expanding the list of acceptable materials at the 78-acre landfill to include municipal solid waste (MSW). The Facility is currently permitted by both the Massachusetts Department of Environmental Protection (DEP) and the Cape Cod Commission to accept up to a total of 825 tons per day of variously managed non-hazardous, non-MSW materials, including C&D, difficult-to-manage (DTM) wastes, and non-hazardous special wastes. In its analysis of the NPC, Commission staff reviewed the project for hazardous and solid waste, water resources, and transportation impacts.

■ Hazardous and Solid Waste Management

Commission staff met with staff of the SEMASS Waste-to-Energy (WTE) facility on July 14, 2003 to discuss SEMASS's ash-handling procedures. Based on the

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information provided by SEMASS, ash from WTE facilities is not regulated as hazardous waste by the Massachusetts Hazardous Waste Regulations if the ash can pass a specific testing regimen. In Massachusetts, the DEP oversees implementation of this testing regimen using a methodology stipulated by the EPA. The method, known as the Toxicity Characteristic Leaching Procedure (TCLP), is designed to simulate conditions in a landfill. According to both the SEMASS representatives and an October 16, 2001 letter from SEMASS to the DEP, municipal combustor ash (MCA) from the SEMASS plant was characterized based on sampling done in the mid-1990s. Based on this data, the MCA from SEMASS passed the testing regimen and is therefore not regulated as a hazardous waste in Massachusetts.

Landfilling of MCA is currently allowed at the facility under the existing permit. However, the town seeks the options of significantly increasing the quantity of MCA it receives and to co-mingle MCA and MSW. The latter operational change will require a variance from the DEP, similar to the variance recently issued to the Carver landfill by the DEP, as it constitutes a change from how MCA has been traditionally landfilled in Massachusetts.

■ Transportation

The facility's manager has estimated that 150 daily trips are currently attributed to the acceptance of unprocessed C&D. In a letter from the facility manager dated July 23, 2003 it is estimated that acceptance of MSW and MCA will result in 105 daily trips. As a result, a net reduction in 45 daily trips will result from the proposed change in operations.

As a result of the analysis of the NPC, Commission staff concluded that an Environmental Impact Report should not be required, as no significant regional impacts would result from the proposed change in operations. However, as the town will be required to come before the Commission's Regulatory Committee to seek a modification of the February 2000 Development of Regional Impact permit, these issues will again be reviewed by the Cape Cod Commission.



Rail Planning Study



The 2003 Cape Cod Regional Transportation Plan recommends funding a rail study to determine potential use of existing rail lines and rights of way and appropriate service for the Cape (seasonal, passenger, or commuter). The study will identify the following:

- infrastructure needs including rail, signal and crossing protection, and additional maintenance needs for the service options;
- potential station locations, parking needs, and development of impacts and potential mitigation expected for a number of scenarios that address the various service options;
- potential for improved rail freight service, which should include the potential for a regional trash-transfer facility and service for any other major freight customers, existing or likely. The freight component of this study must also address any infrastructure needs, associated maintenance costs, and potential mitigation required; and
- potential funding sources and possible public/private partnerships.

Commission staff will develop background information regarding costs associated with driving solid waste to SEMASS versus shipping it by rail. Currently, the towns of Yarmouth, Barnstable, and Orleans (as well as

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the bulk of all commercial solid waste from the Upper Cape) utilize the Yarmouth rail facility (located off Station Avenue) for the disposal of municipal solid waste. This material is hauled by Bay Colony Rail, under contract with Massachusetts Executive Office of Transportation & Construction (EOTC), to the SEMASS facility in Rochester. The current contract between EOTC and Bay Colony is due to expire June 31, 2004, and it is hoped that the planning study can identify opportunities for expanding the use of the rail facility.



Redesign of the Eastham Transfer Station

"It's working very well," reports Steve Douglas, superintendent of the Eastham Department of Public Works, referring to the new Eastham Recycle and Transfer Station, which opened in early July 2003. The old facility has been completely changed and the new look includes the following:

- a new fabricated gate/scale house;
- a new scale;
- relocated and freshly constructed and paved travel lanes and work areas; and
- one-way traffic flow that provides several opportunities for residents to drop off recyclable and reusable materials (batteries, used oil, propane tanks, fluorescent bulbs, used clothing, television monitors and TVs, as well as miscellaneous reusables at the "Eastham Stock Exchange."

The area for recycling all major recyclable materials is equipped with compactors and is tied together by a green painted sidewalk with clear signage at each recycle location. After dropping off recyclables, residents turn and dispose of solid waste in the trash hoppers. Areas for scrap metal, tires, large appliances, mattresses, building debris, and ashes, and drop-off and pick-up of compost are still in the original locations and are accessed after MSW has been dropped off. Mr. Douglas says that users of the new transfer station are very complimentary about the new facility and stress how easy it is to use and how clean it is. It is his impression that more people are recycling and that some people who were throwing recyclable materials into the trash hoppers are now dropping them at the recycling area. A detailed analysis of the changes in activity is planned in the future.

And finally...

• Outer Cape Co-composting Study

The Outer Cape co-composting feasibility study undertaken by Wright-Pierce, Inc. has been submitted to Barnstable County in draft form. The consultants will be holding a final public meeting in the near future (location to be determined) to discuss the findings of the study. Contact your town administrator for more details.



Did You Know...

? ...You can trade in your thermometers for donuts!

In an effort to rid the environment of products that contain mercury, SEMASS's MSP coordinator and Dunkin' Donuts have teamed up to make this effort a bit more rewarding. Trade in your mercury-bearing thermostat and get two \$1.00 gift certificates good at any Dunkin' Donuts.

? ...National deposit law may be reintroduced.

Senator Jim Jeffords from Vermont has reintroduced the National Beverage Producer Responsibility Act (S2220) for beverage containers. A similar measure introduced in 2002 required beverage producers to attain an 80-percent recycling rate using any system(s) of their choice. A 10-cents-per-container deposit is required under the national deposit law (refer to www.grrn.org/beverage/jeffords/ for more information on this bill).

? ...Turkey guts can be turned into oil.

In what could prove to be a revolution for both waste disposal and energy production, the chairman of Changing Worlds Technology has declared his company has built a machine that can transform millions of tons of offal and other wastes into nothing other than oil. The process, known as thermal depolymerization process, can handle almost any kind of waste including offal, tires, plastics, paper pulp, old computers, municipal garbage, and even infectious medical wastes and biological weapons. The by-products of the process are high-quality oil, clean-burning gas, and purified minerals that can be used as fuels, fertilizers, or specialty chemicals for manufacturing. An industrial-sized installation has been constructed in Missouri adjacent to the massive Butterball Turkey plant, and Philadelphia is discussing the idea of using the technology to deal with the city's sewage (refer to www.discover.com/may_03/featoil.htm for more information).

? ...DEP is reorganizing its solid waste web pages.

DEP has presented a draft outline for the reorganization. The goal is to establish a framework for both existing and new information that will make it easy and convenient to locate. These solid waste web pages would be part of an umbrella "waste" web page that would incorporate solid waste, hazardous waste, and other waste categories in one central location. For more information, contact John Fischer, Branch Chief, Waste Planning at (617) 292-5632.

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