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ZERO WASTE CAUCUS

March 17, 2021

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Draft Clean Energy and Climate Plan (CECP) for 2030

Dear Secretary Theoharides:

Thank you for the opportunity to comment on the Draft CECP. We write in our capacity as the co-chairs of the legislature's Zero Waste Caucus, which was formed early last year with the goal of advancing policies to reduce solid waste disposal. Our caucus is a bipartisan, bicameral group comprised of over 40 legislators who share the belief that aggressive actions must be taken to curtail the amount of waste generated by the Commonwealth. Mitigating the harmful impacts of incineration on public health and reducing the toxic chemicals that are released into the environment as a result are essential policy objectives, especially in the context of concern for our residents who live in environmental justice communities.

The CECP is a thoughtful and comprehensive plan, and we appreciate the effort EOE and its staff have put into developing strategies to advance sound environmental policies to help move the Commonwealth to a net-zero future. In Section 5.2 of the CECP entitled "Getting to 45% in 2030: Stabilizing emissions," the plan calls for holding steady in the non-energy emissions category. While this might at first seem reasonable, we believe that the Commonwealth can and should do better than merely holding steady over this time period given that Massachusetts' population is expected to grow over this decade. With the MassDEP's soon to be finalized Solid Waste Master Plan (SWMP), there are many strategies that can be deployed to reduce waste and, in so doing, reduce emissions from this sector.

Strategy N2 in the CECP calls on MassDEP to increase standards on the municipal waste combustors (MWCs) at the time these facilities are seeking to expand or rebuild. Given that six out of seven of the MWCs are in or adjacent to environmental justice communities, we feel this approach fails to recognize the urgency of reducing toxic chemicals from being released into our

air by incineration. We believe the CECP can be greatly improved by implementing the following strategies relative to reducing emissions from solid waste:

- Adopt policies to completely phase out incineration and other high heat facilities over time and require MWCs to meet existing emissions standards by 2030.
- Prohibit any new high heat facilities from being built in the Commonwealth.
- Require EEA and DOER to amend the renewable portfolio standard to end market subsidies of energy produced by MWCs, since waste is not a renewable source.
- Support waste reduction and diversion policies proactively.

Adopting Zero Waste policies would have a far more beneficial impact on the environment than continuing with the present course. Pursuing zero waste alternatives, such as composting and recycling, could divert the majority of materials from going to landfills or MWCs.¹ With better recycling, nearly 70% of the municipal solid waste that is presently being incinerated could be eliminated.² Moreover, the MWCs are not an efficient use of energy and the research suggests that practices that pursue reduction of waste, coupled with recycling and composting, actually conserve three to five times more energy, per ton of waste, than incineration can generate.³ This is also why we believe subsidies for energy generated from MWCs should be eliminated.

MassDEP has set itself a goal in the Draft 2030 SWMP to reduce solid waste by 90% between now and 2050. The CECP also acknowledges that if and when this occurs, the projected waste that would be produced by the Commonwealth will not need the full capacity of all seven MWCs to remain on-line. By pursuing a more aggressive waste reduction strategy that delivers a 90% reduction before the year 2050, it would then be possible to phase out more of our incinerators on a shorter timeline.

Relative to supporting waste reduction and diversion, we offer the following suggestions we made to MassDEP during the drafting of its plan:

- *Pay-As-You-Throw*
MassDEP has the power to require unit-based pricing for trash throughout the state and should implement it as soon as possible. These Pay-As-You-Throw (PAYT) or Save-Money-And-Reduce-Trash (SMART) programs reduce trash by 42-54%, according to a 2018 study from the University of New Hampshire and would save municipalities tremendous amounts of money. Further, there is no evidence that Pay-As-You-Throw programs increase illegal dumping.⁴

¹ See Massachusetts DEP, Overall Waste Composition By Primary Material Category—Winter and Fall 2016 Sampling, <https://www.mass.gov/doc/summary-of-waste-combustor-class-ii-recycling-program-waste-characterization-studies-includes/download>; See Tellus Institute, *supra* note [1], at 1.

² See Massachusetts DEP, Overall Waste Composition By Primary Material Category—Spring and Summer 2019 Sampling, <https://www.mass.gov/doc/summary-of-waste-combustor-class-ii-recycling-program-waste-characterization-studies-includes/download>.

³ Marie Donahue, Institute for Local Self-Reliance, Waste Incineration: A Dirty Secret in How States Define Renewable Energy 11 (2018), <https://ilsr.org/wp-content/uploads/2018/12/ILSRIncinerationFinalDraft-6.pdf>.

⁴ The Recycling Foundation, (Accessed August 8, 2020), payasyouthrow.org, <http://payasyouthrow.org/faqs/#toggle-id-1>

- Enforce Existing Waste Bans
According to MassDEP, 40% of the 5.7 million tons of waste Massachusetts disposes of every year are Waste Ban items under 310 CMR 19.00. In other words, they are prohibited from being burned or buried, yet they are. MassDEP should commit to improving enforcement and eliminating this disposal. In other words, improving enforcement to block 90% of these materials from landfills and incinerators would decrease disposal by more than *two million tons a year*. Given that enforcement takes place at a few dozen facilities, this is a straightforward and achievable goal.
- Composting
Lastly, organic waste makes up almost one-third of the entire waste stream. As the heaviest component of our waste stream, it also costs the most to dispose of in a landfill or incinerator. Thanks to MassDEP's Commercial Food Waste Ban, the Commonwealth diverts about 280,000 tons of food waste a year through donation, compost, and anaerobic digestion. However, that still leaves approximately 80% of organic waste that we then must pay to dispose of. Massachusetts should set the reasonable and achievable goal of 100% organic waste diversion by 2030.

We thank you again for the opportunity to comment on this plan, and we implore you to act aggressively in reducing non-energy emissions from incineration and high heat facilities.

Sincerely,



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Zero Waste Caucus



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