Northeast Waste Management Officials' Association

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Cheryl Coleman, Acting Director
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Dear Ms. Coleman:

EPA's Resource Conservation and Sustainability Division has invited Northeast states to participate in the State Measurement Project (SMP) developed by EPA Region 4, which uses a data gathering tool developed by ReTRAC. This invitation was extended by Sustainable Materials Management colleagues from EPA Regions 1 and 2 to the Northeast states through the Northeast Waste Management Officials' Association (NEWMOA). I am writing to let you know that, while we have appreciated the opportunity to review the SMP, the Solid Waste Program Directors in the Northeast states are declining to fully participate at this time due to concerns about the lack of clearly differentiated waste categories and terms. NEWMOA would, however, be interested in working with EPA to address the concerns outlined in this letter.

We understand that EPA developed the SMP to accomplish several goals:

- Demonstrate the economic value of recycling
- Provide a single national system to collect consistent solid waste management data
- Compare solid waste management among states and regions
- Identify best practices for diverting valuable materials from waste and for managing residuals.

Since solid waste is a commodity that is managed by a wide variety of entities, NEWMOA has long recognized the value of having data that describes how it is being handled and has devoted significant resources to collecting and analyzing information about the management and disposal of municipal solid waste (MSW) as well as construction and demolition (C&D) materials. However, as the SMP is currently configured, we do not believe that it is gathering data that will support the SMP's goals or NEWMOA's on-going data gathering and analysis.

We understand that the SMP was designed to provide states with flexibility about what data they choose to enter, recognizing that state solid waste programs vary widely in terms of the data that they collect from regulated entities and voluntary reporters. While we appreciate the recognition of the varying capacities of state programs, we believe that

this flexibility works against the SMP in terms of its ability to provide credible and useful data that can be analyzed. Several specific problems arise from this flexibility:

1. As currently configured, the SMP's data definitions are not useful for understanding how MSW and other solid waste streams are managed. NEWMOA believes that, to be successful, the SMP must clearly define waste categories and terms that will be used by all of the state solid waste programs that contribute data. Flexibility in these definitions only results in numbers that cannot be compared from one state to another.

2. The SMP must consistently differentiate MSW from other solid waste materials that are accepted by MSW disposal facilities. For example, disposal facilities in the northeast that accept MSW frequently also accept a variety of other non-hazardous wastes, some in large quantities. Generally, each facility in the region reports to state authorities on the waste it receives in at least three categories: MSW, C&D materials, and "other". "Other" can include contaminated soil, asbestos-containing wastes, biosolids from wastewater treatment plants, non-hazardous industrial process waste, municipal waste combustor ash, and other RCRA "Subtitle D" wastes. The way the SMP is currently designed, only the total quantity of solid waste disposed in an MSW landfill is collected, and therefore there is no way to know how much of the various types of waste are being disposed. A further complexity is that C&D waste disposal frequently occurs at landfills that also accept MSW in addition to "C&D-only" landfills. In order to understand the quantity of C&D waste that is disposed in a state, data on C&D waste must be obtained from both types of facilities.

   Without more specific definitions of key terms, the SMP is not collecting data that supports "apples to apples" comparisons and analysis, and is not sufficiently detailed to support the development of policies and strategies designed to encourage diversion of valuable materials. At a minimum, the SMP must clearly distinguish among MSW, C&D materials, and other RCRA "Subtitle D" wastes at MSW landfill and waste-to-energy facilities, to be useful for tracking solid waste management in the U.S.

3. To quantify how waste is managed at a state or regional level, it is also important to know how much solid waste is imported into each state for disposal and how much waste is exported to other states for disposal. In the Northeast, solid waste facilities report on waste that is generated in-state and waste that is imported from other states. At least some of the waste generated within most northeast states is exported to other states for disposal. Therefore, to effectively understand the fate of particular waste streams, data on imports and exports by waste type (e.g., MSW or C & D materials) is necessary. Import data needs to be obtained for each type of disposal, including those that convert waste to energy. Generally, the Northeast states gather export data from transfer stations. To understand the generation and management of solid waste materials and for effective quality control, we believe that import and export tonnages should be obtained from every participating state broken down by waste type. If this data is not obtained, EPA will be unable to understand how waste is managed at a state or regional level. We note that the SMP allows states to enter data on waste imports to and exports from landfills, but does not allow the entry of this data for waste-to-energy facilities or C&D landfills. The lack of consistent data for all types of facilities creates a barrier to obtaining a full understanding of waste management.

The resources available to state agencies for gathering, reviewing, and aggregating data on solid waste vary widely among northeast states. Since the information that EPA is requesting for the SMP largely originates with waste management facilities and haulers (at least in northeast states), agencies have to conduct quality assurance reviews before they can use reported data for their own summaries and share it with EPA, NEWMOA, and others. We believe that the SMP should only accept solid waste data that has been subject to these reviews. Recent funding reductions have slowed this review process in a number of states; a few of the NEWMOA states are currently reviewing data submitted for the 2011 reporting year. These constraints will also affect the SMP's ability to summarize data across states, as it will be important to select a year for analysis for which all of the states have provided data.

NEWMOA started publishing periodic analyses of data on MSW disposal in Northeast states in 1999 and on management of C & D materials in 2005. These analyses are available at www.newmoa.org/solidwaste/pubs.cfm. These efforts have required participating states to agree on common definitions of key terms, so that data can be aggregated and compared. We recently shared the key data definitions we have been using for these analyses with our EPA Region 1 and 2 colleagues to help support EPA's development of the SMP.

To date, NEWMOA has not invested in gathering and analyzing state data on MSW re-use and recycling for a number of reasons. Because state reuse/recycling programs have been developed independently, each state has unique definitions for key recycling terms and gathers data from different sources, and may not capture data on all of the re-use and recycling that is occurring. In some cases, state recycling terms are defined in statute, and some states are therefore limited in the types of recycling information they gather. This wide variability makes it challenging to gather and aggregate valid MSW recycling data across states, although NEWMOA's recent success in defining common terms for C&D materials could possibly provide a model for resolving the larger definitional questions surrounding MSW re-use and recycling data.

If EPA intends for the SMP to become a national repository for solid waste data, we suggest that EPA engage state solid waste programs in developing a common set of terms that would be used by the reporting system. NEWMOA's members would also be interested in participating in discussions on recycling data definitions and aggregation. For either (or both) of these efforts to be successful, we believe that EPA will need to provide resources to enable states to participate in discussions. We offer the following suggestions for specific improvements:

- Build a more detailed data system to track MSW disposal at landfills and waste-to-energy facilities (including inter-state flows) that would, at a minimum, support NEWMOA's existing analysis (which would include the development of common terms that describe the SMP's data elements so that states are reporting consistent information);
- Build a module for tracking management of C&D material based at least in part on the data definitions that NEWMOA has already developed (i.e., for disposal, processing, and recycling);
- Support a discussion of common terminology for describing MSW recycling activities that could be used to support a SMP element; and
- Support a discussion of accounting for non-MSW, non-C&D solid waste streams destined for either disposal or recycling.

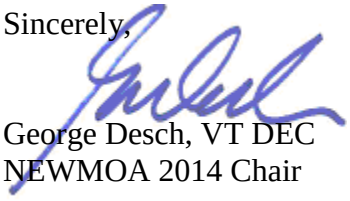
NEWMOA is a non-profit, non-partisan interstate association whose membership is composed of the state environmental agency directors of the hazardous waste, solid waste, waste site cleanup, emergency response, pollution prevention, and underground storage tank programs in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA's mission is to develop, lead, and sustain an effective partnership of states that helps achieve a clean, healthy, and sustainable environment by exploring, developing, promoting, and implementing environmentally sound solutions for:

- Reducing materials use and preventing pollution and waste;
- Properly reusing and recycling discarded materials that have value;
- Safely managing solid and hazardous wastes; and
- Remediating contaminated sites.

For more information on NEWMOA, visit www.newmoa.org.

We appreciate your consideration of the concerns and suggestions outlined in this letter. Terri Goldberg, NEWMOA's Executive Director, will be happy to discuss these issues with you and assist you in identifying some next steps. She can be reached by email (tgoldberg@newmoa.org) or by telephone (617-367-8558 x302). We look forward to working with you on this important effort.

Sincerely,



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