



September 30, 2011

**Terri L. Goldberg**  
Executive Director

---

RCRA Docket (2822IT)  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001  
Sent by Email to [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov)

129 Portland Street  
6<sup>th</sup> Floor  
Boston, MA 02114

Tel 617-367-8558  
Fax 617-367-0449  
[www.newmoa.org](http://www.newmoa.org)

**RE: Docket ID No. EPA-HQ-RCRA-2011-0178 – Comments on MSW Characterization Study**

The Northeast Waste Management Officials' Association (NEWMOA) is pleased to have the opportunity to offer comments on EPA's MSW Characterization Study Protocol.

NEWMOA is a nonprofit, nonpartisan interstate association that has a membership composed of the hazardous waste, solid waste, waste site cleanup, and pollution prevention program directors for the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA was established by the Governors of the New England states as an official regional organization to coordinate interstate hazardous and solid waste, pollution prevention, and waste site cleanup activities, and was formally recognized by the U.S. Environmental Protection Agency (EPA) in 1986. NEWMOA's mission is to develop 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.

The group fulfills this mission by providing a variety of support services that:

- facilitate communication and cooperation among member states, between the states and the U.S. EPA, and between the states and other stakeholders;
- provide research on and evaluation of emerging issues, best practices, and data to help state programs maximize efficiency and effectiveness; and
- facilitate development of regional approaches to solving critical environmental problems.

NEWMOA's sister organization, NERC and at least one of its members have submitted comments to EPA addressing the Agency's specific questions and requests concerning the MSW Characterization Study.

NEWMOA is interested in making the Agency aware of its efforts to date with gathering and analyzing available solid waste data so that the Agency can benefit from this experience. NEWMOA's members have been collaborating to share and analyze available data on municipal solid waste (MSW) disposal, construction and demolition (C&D) materials management, and beneficial use of industrial by-products for a number of years. The Association has extensive knowledge of the data on these waste materials available

from its members' programs. We would be interested in sharing the lessons learned from our data gathering and analysis with the Agency and working with EPA to continue to encourage improvements in the available information on MSW, C&D materials, and beneficial use of industrial by-products in the U.S.

### **Disposal of Municipal Solid Waste**

For more than 10 years, NEWMOA has gathered and analyzed available data on MSW disposal. NEWMOA's members undertook this effort because they are interested in characterizing the flow of solid wastes among the NEWMOA states in order to better validate the information they collect. All of the NEWMOA states gather data on solid waste imports and most collect data on exports from solid waste handlers in order to assess disposal capacity and to measure the impacts of recycling and other waste diversion activities. NEWMOA's reports and presentations on this initiative are available at [www.newmoa.org/solidwaste/flow.cfm](http://www.newmoa.org/solidwaste/flow.cfm).

NEWMOA's efforts have directly resulted in the increased accuracy of the available data. The data collection and interpretation that has occurred has proven useful to the members, particularly those states that are addressing increased waste generation and/or the import issues often associated with large commercially-owned disposal facilities. The Reports have also assisted regional, state, and local planning efforts by detailing the tonnages that cross state borders and by illustrating the pros and cons of existing facility reporting systems.

Another important outcome of this effort has been the identification of gaps in data collection and other sources of potential data inaccuracies. Through the effort, state programs have shared the limitations of their data and have learned what information is needed to more accurately characterize MSW flow and what reporting changes might be beneficial. Several states have subsequently modified their facility report forms. State programs have also used the NEWMOA reports and data analysis to help encourage and strengthen recycling and other waste diversion efforts in their jurisdictions and region-wide.

### **Construction & Demolition Waste & Materials**

Historically, C&D wastes have been disposed in landfills in the Northeast. However, landfill space is becoming increasingly limited, and public opposition has severely restricted the siting of new landfills. As a result, state programs are placing an increased emphasis on the processing and reuse of C&D material. To understand the available data on generation, processing, recycling, and disposal of C & D materials in the Northeast, NEWMOA prepared *Construction and Demolition Waste Management in the Northeast in 2006* ([www.newmoa.org/solidwaste/cd.cfm](http://www.newmoa.org/solidwaste/cd.cfm)). The Report provides an overview of 2006 C&D waste data, including discussions of waste generation, disposal, processing, and markets for recycled materials.

The Report describes the quantity of C&D material that was generated, processed, recovered, and disposed in the Northeast. It also discusses the definitions of C&D materials used by the state programs and NEWMOA's data gathering and analysis methodology. Understanding the state waste definitions is critical to any effort to summarize and aggregate their data. The Report had the following primary findings:

- The availability and quality of data regarding C&D materials management is not consistent among the states making aggregation and comparisons challenging;
- Most C&D waste ends up in a landfill – in 2006, approximately 10 percent of

- estimated generation was recovered for an end use outside of a landfill; and
- There is significant potential to increase recovery of C&D materials - metal was the only one recovered at a significant percentage of estimated generation.

NEWMOA has undertaken an initiative to help harmonize state reporting requirements and data collection for C & D materials information in the future. The members of the Association believe that this would result in improved data and easier regional analysis and improvements in the states' abilities to promote markets for recyclable C&D materials.

### **Beneficial Use of Industrial By-Products**

A variety of companies and individuals periodically approach state waste programs with plans to turn a previously discarded material into a commodity and ask for a determination that the proposed use is acceptable. The NEWMOA-member state programs support the reuse of non-hazardous waste materials as a way to reduce the amount of material sent to disposal facilities and increase sustainability. At the same time, agencies are concerned about the potential environmental impacts of these alternative uses. The states commonly call their approvals of these proposals Beneficial Use Determinations (BUDs).

In 2000, NEWMOA initiated a BUD Workgroup to facilitate information sharing about BUD programs and the waste and use proposals that programs receive and approve. Since then, this Workgroup has developed an on-line, states and EPA-only BUD database to help them share information and improve the efficiency of their BUD approval processes. In recent years, this effort expanded beyond the NEWMOA region and has become a national initiative. To date, the database includes over 1,500 BUDs issued by over 25 states ([www.newmoa.org/solidwaste/bud.cfm](http://www.newmoa.org/solidwaste/bud.cfm)). If EPA Headquarters and Regional officials are interested in access to this database, contact us and we will make the appropriate arrangements.

In our effort to engage all of the states in the U.S. in the BUD database, NEWMOA staff contacted the appropriate state official in all of the 50 states. Through this outreach effort, NEWMOA identified several barriers to collecting information on the types and quantities of industrial by-products used nationwide. In particular, some states do not have BUD programs. In states that do, many of the case-by-case approvals are not in an electronic format that can be used to populate a database and most do not require reporting on quantities. Most states do not have any reporting requirements. Also, the allowable reuses of materials can vary by state and is often pre-approved or exempt from regulation.

Again, thank you for this opportunity to comment on EPA's efforts to analyze and present national information on solid waste. We look forward to working with EPA as the Agency improves and possibly expands its MSW Characterization Study methodology.

Sincerely,



Terri Goldberg

