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December 4, 2020

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Mr. John Fischer
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108
Via e-mail to: dep.swmp@mass.gov and john.fischer@state.ma.us

RE: Proposed waste ban regulations and guidance changes.

Dear Mr. Fischer,

On behalf of the Board of Directors of the Southern New England Chapter of the Solid Waste Association of North America (SNE SWANA), I am submitting this comment letter regarding proposed changes to 310 CMR 19.000 regarding waste bans and the associated guidance document.

Specifically, we recommend the following:

- **Delay implementation of the mattress waste ban.**
 - The inclusion of mattresses should not be effective until the development, passage, and implementation of an Extended Producer Responsibility (EPR) program in Massachusetts is complete. This will allow for a systematic and orderly program to be created and implemented for the effective removal of mattresses from the waste stream that can work in harmony with existing programs in neighboring states.
 - Given the burden Covid-19 has placed on the operations of facilities receiving and/or transferring materials, as well as on recycling firms, such as the mattress recycling industry, we urge that the implementation of a waste ban on mattresses be delayed at least one year beyond the resumption of normal operations post Covid-19 in order to ensure that the recycling infrastructure is prepared for such a drastic proposal.

- **Do not add mattresses to the list of “zero tolerance” waste bans.**
 - Expand the definition section to differentiate between recyclable and non-recyclable mattresses. In reviewing the Mattress Recycling Council “Bye-Bye Mattress Northeast Collection Guidelines” published in March 2020, there are certain mattresses that are unsuitable for recycling for various reasons such as moisture, mold and bed bugs. The presence of these in loads destined for disposal must be allowed.
 - Absent the differentiation of recyclable versus non-recyclable would require operators to contact the Massachusetts Department of Environmental Protection (MassDEP) for a waiver on a regular basis creating a paperwork and operational burden on already strained operations. Furthermore, it is unlikely given the volume of potential requests state-wide on a daily basis, that MassDEP will be able to respond in a timely manner thus requiring operators to stockpile loads which could create not only a health and safety risk, but a fire hazard given limited space for such bulky items as mattresses.

- **Section V. B., Section VI. C. and Section VIII. B. – Requirement to have a dedicated staff person**
 - Eliminate the requirement for a dedicated staff person, in addition to the loader operator, at facilities with a permitted tonnage greater than 50 tons per day.
 - The proposed change to the inspection procedure requiring a dedicated staff person specifically assigned to the responsibilities in Section V, VI, and VIII of the Guidance Document is an unnecessary and unacceptable safety risk to the staff person, equipment operators and customers. Placing additional personnel on the “ground” in these environments impacts the overall operation efficiency and poses harm to that personnel for injury and potential loss of life. Facilities have spent considerable time, money and effort to effectively train their equipment operators in the inspection process as they are in the best and safest position to perform these duties.
 - The addition of dedicated staff is an operational and financial burden on facilities that could be better allocated to overall safety programs, education programs or other staffing that is critically needed elsewhere at facilities to support operations. In budget-tight communities or operations, this mandated requirement will be to the detriment of other critical functions.

SNE SWANA appreciates the opportunity to comment on these proposed changes and will continue to work with MassDEP on these and other solid waste management issues. Thank you for your consideration.

Sincerely,


Philip A. Goddard
SNE Chapter President