

September 30, 2011

RCRA Docket (28221T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Attention: Docket ID No. EPA-HQ-RCRA-2011-0178

Dear Sir/Madam:

The Municipal Solid Waste (MSW) Recycling Task Force within the Solid Waste Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide comments in response to the U.S. Environmental Agency's (EPA) request for input on the MSW Characterization Report and additional measurement issues in the August 2, 2011 Federal Register notice, EPA Seeking Input Materials Measurement; Municipal Solid Waste (MSW), Recycling, and Source Reduction Measurement in the U.S. (76 FR 46290).

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State program experts in solid waste management and materials management programs.

These comments reflect input from the members of the ASTSWMO MSW Recycling Task Force, the ASTSWMO Sustainable Materials Management Workgroup and some additional State programs outside of the Task Force membership. The term "State" is used to refer to input from Task Force members and the additional State programs from which the Task Force received comments. This comment letter has not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial solid waste programs also may provide comments based on their own State perspectives and experiences.

In the comments which follow, it is clear that while the MSW Characterization Report may be viewed as having value as a reference source, respondents agree that (1) there is a need for updated and consistent definitions in the reporting process; and (2) and there is an absolute need for transparency in the reporting process.

The MSW Recycling Task Force considers the measurement of municipal solid waste and other materials to be an important issue and is willing to be part of any working group formed by EPA as this process moves forward.



Again, thank you for the opportunity to comment. If you have any questions, please contact me at 916-341-6270 or Marshalle.Graham@calrecycle.ca.gov.

Sincerely,

Marshalle Graham
(KE)

Marshalle Graham, Chair
Municipal Solid Waste (MSW) Recycling Task Force
ASTSWMO Solid Waste Subcommittee

ASTSWMO MSW Recycling Task Force Comments
Re: Docket ID No. EPA-HQ-RCRA-2011-0178

Topic 1: Usage of EPA's Characterization Report

**If you use EPA's MSW Characterization Report:
How do you use it?**

Despite numerous concerns, most States use the report. Three key uses are to (1) compare a State's waste characterization with national averages and trends; (2) help estimate recycling rates for various commodities; and (3) simply apply the numbers offered as needed (e.g., in another report or to a single commodity to make an estimation).

What decisions or actions have you taken or plan to take based upon this report?

Several States use it to assist in the process of determining what materials to target within their programs. Another State uses the report to help target grant funding and to annually identify lost revenue from recyclables that were not recovered by applying EPA generation estimates. This State also uses the report to help provide background on the development of legislation, e.g., e-scrap. A couple of States report no past or anticipated actions based on this report, while another uses it only as a reference as an outside source.

What do you like and dislike?

All States expressed concerns on the methodology used in the report, for example, the transparency of data sources. Most States will use more timely industry data when available. Given that, a common comment is the difficulty in trying to reconcile data from industry groups with the EPA report. One State strongly dislikes the report saying it: (1) does not provide the information we seek; (2) relies too much on estimates and not enough on hard, real data; (3) that this approach makes the conclusions skewed and unreliable; and (4) the data that is provided is out of date and not relevant when published. Echoing the point about estimates and hard data, another State noted that calculating a State statistic for the per capita per day waste generation (measured in pounds) statistic in the report has proven problematic. The problem arises from the fact that EPA's figure is derived from a combination of hard data and projections, which means that the State is not able to reproduce the methodology in calculating a State statistic that is the same as EPA's statistic.

How would you improve it?

The responses are many and varied. Among the recommendations are that EPA should: (1) employ the greatest possible coordination of all data (e.g., industry, materials recovery facilities and trade associations) to provide consensus in regards to generation and recovery estimates; (2) identify and make more transparent all material data sources and methodologies; (3) focus on aligning definitions and categories of materials with how markets and commodity groups define them; (4) consider convening an on-going commodity industry workgroup to coordinate measurement activities; (5) provide more in-depth data for certain broad material categories (e.g., miscellaneous durable goods, small appliances as well as bags and sacks); (6) incorporate more field-based waste characterization studies as well as solid waste management facility data to verify the accuracy of the data; (7) provide State-by-State data to allow for national and regional comparisons and (8) produce per capita generation estimates on all major commodities; and (9) include C&D debris data in the report.

One State suggested that EPA add a list of States that have their own waste characterization data. Another noticed data discrepancies between annual reports (e.g., data published one year is changed in a subsequent report); these changes should be clearly explained in future reports. Another State notes that EPA has switched its focus/terminology to "sustainable materials management", and given that, the report should be changed to reflect this critical shift in thinking. To that end, this State suggests that the title of the report should be changed and the word "waste" eliminated.

Recognizing that data gathering is crucial to any characterization report, do you have suggestions, based on experience with similar data gathering efforts, on what has worked, and what has not, in those efforts?

States clearly want consistency in definitions (EPA Regions 4 and 8 are working with the States in those Regions to help this process). One State uses data from its own studies as well as other studies (e.g., other States and cities that have similar demographics to some of its regions) to create a characterization study because no single study provides the data needed to make more informed decisions. One State stresses that the most accurate information is from the public sector and suggests that there should be landfill surveys and mandatory reporting from industry in a way that protects proprietary information. Two States add that population density and its impact on waste characterization should be included.

Regarding data gathering, multiple States strongly encourage a Web-based system of collecting information, which provides a convenient tool for all stakeholders and allows more time to vet and analyze the information. One State strongly recommends no more mailed surveys and spreadsheets, noting that these are ineffective, outdated and time consuming approaches.

Topic 2: Scope of EPA's MSW Characterization Report

The current MSW Characterization Report shows what products and materials are commonly collected and disposed of by households. Examples of this include paper, glass, metal, plastic, textiles and wood plus organics (food, leaves and grass). All these materials are generated by residential and commercial sectors and are presently recycled, reused, combusted or landfilled.

What materials should be included in the report (in particular, should it include other types of non-hazardous waste, such as C&D materials, industrial materials, and/or automotive waste)?

The States that responded are in unanimous agreement that other types of non-hazardous materials should be considered and/or added. The materials include construction and demolition (C&D) debris (e.g., gypsum wallboard, brick, concrete and lumber). Similar information on automotive waste and industrial materials should be added. One State recommended that electronic scrap be broken into specific product categories and that waste water treatment plant sludge be added. Another State suggests that EPA visit the following website for some material suggestions: www.calrecycle.ca.gov/WasteChar/MatDefs.htm.

What are the most useful sources of data?

The States provided many and various answers. One State uses the EPA MSW Characterization Report, Biocycle's bi-annual "The State of Garbage in America" and a variety of industry reports. Another State reiterated its previous recommendation that the best sources of data are waste characterization studies and solid waste facility reporting. Another State reinforces the previous recommendation on the accuracy of landfill reporting. Another State recommends that EPA and States – at least partially funded by the EPA – should do the studies.

Consistent terminology is crucial for successful measurement and reporting. Thus, please list primary materials terms used in your field. For purposes of measuring, what terms are most important, and how would you define them? Examples of terms to be considered include: reuse; source reduction; recycling; pre-consumer recycling; post-consumer recycling; disposal; biomass; organics; municipal solid waste; industrial (non-hazardous) solid waste; recycled material terms (e.g., iron and steel scrap, other metals, paper fiber); sustainability; C&D materials; and zero waste.

States are in unanimous agreement that consistency in terminology is the key to accurate measurement. There are, however, many ideas on how to get there:

- One State suggests that the EPA study/report should focus on disposal – thus eliminating the need for most of the terms EPA lists.

- Another State says that many of these materials are defined by statute and vary State-by-State. Given that, the focus should be on collecting the data and allow technology to group the data and provide the definitions.
- One State would like EPA to consider the definition of tires. EPA's current definition excludes certain types of tires. Based on industry standards as well as how tires are processed, it is nearly impossible to quantify tires recovered under this definition. Reconciling EPA's definition with the Rubber Manufacturers Association and tire processors would improve the accuracy of the data collected.

Topic 3: Measurement Methodology

In making assessments on the methods to be used for measurement, please provide your insights to the following questions.

What types of data gathering and analyses are likely to be most accurate and lead to clearly understandable terms?

One State recommends that certain entities (e.g., processing facilities, commercial generators) be required by law to report their recycling efforts. In addition, this State says that the MSW Characterization Report should explain clearly how the data is collected, formulas applied, and analyses conducted. This would result in a better understanding of what the data means as well as provide transparency to the process. Another State reinforces its position that a "bottom up" approach from local governments through State offices to EPA regional offices is the most accurate method. This State suggests that this approach would allow consistent vetting of information and should be done through a Web-based system (e.g., Re-TRAC). Another State repeats its preference for waste characterization studies and solid waste facility reporting.

Are the voluntary recycling standards and definitions EPA established in 1997 applicable or useful today? Please explain why or why not.

The short answer is no. The States identify two primary issues with the current set up: (1) most States use their own definitions (by statute), which results in conflicting terms and data; and (2) terms and definitions need to be added (e.g., beneficial reuse, alternative daily cover, waste-to-energy) that are not addressed in the 1997 EPA guide.

If an open source, transparent Web-based data collection and measurement tool could be created, would you use it? How practical and economical would such a system be?

The short answer to the first question, by all States, is yes. Several States are already successfully using a Web-based system – Re-TRAC. Individual States want to make sure that a Web-based system could incorporate their data.

The short answer to the second question is it would be very economical and practical as well as provide many significant benefits.

In determining the measurement of materials throughout their entire life cycle from resource extraction; material processing, product design, and manufacturing; product use; collection and processing; to disposal: What data collection would be needed?

One State says it is not interested in life-cycle data, but rather end-of-life data (e.g., generation, recovery and disposal). Another State agrees in kind, saying this seems like it should be addressed in a different way since "it is so much more than the original report was intended for ..."

Another State suggests that this, too, would have to be Web-based and that clearly defined terms and formulas as well as a standard method of aggregating raw data would need to be established, since data collection for a life cycle approach would face all the obstacles and more connected with the collection of recovery data.

What kind of measurement methodology and tools are necessary?

With respect to measurement tools, the States that answered this question prefer a Web-based system that would provide comprehensive tools to achieve accurate, real-time data. The system should be set up to allow multiple stakeholders (residential, commercial, industrial and institutional) to use and provide those stakeholders with the information that they need including snapshots of information.

What reporting framework would support your programmatic efforts?

Again, the States that responded recommend a Web-based system. The system that is selected should preserve current State program efforts and statutory definitions.