

Waste Panel Meeting #5

1.27.2020

Attendees

Chair (present):

- Martin Brand, Deputy Commissioner, New York State Department of Environmental Conservation

Members present:

- Michael Cahill, Partner, Germano & Cahill, P.C.
- Steve Changaris, Vice President, Northeast Region, National Waste and Recycling Association
- Resa Dimino, Senior Consultant, Resource Recycling Systems
- Jane Atkinson Gajwani, Director, Energy and Resource Recovery Programs, NYC Department of Environmental Protection
- Dereth Glance, Executive Director, Onondaga County Resource Recovery Agency
- Eric Goldstein, Sr. Attorney and New York City Environment Director, Natural Resources Defense Council
- Allen Hershkowitz, Founding Director and Chairman of the Board, Sport & Sustainability International
- Bernadette Kelly, International Representative & Recording Secretary Teamsters Local 210
- Tok Michelle Oyewole, PhD., Policy and Comms Organizer, NYC Environmental Justice Alliance
- Lauren Toretta, President, CH4 Biogas
- Brigitte Vicenty, Founder, Inner City Green Team

Members not present:

- Paul Gilman, Senior Vice President and Chief Sustainability Officer, Covanta
- John W. Casella, Chairman, CEO, and Secretary, Casella Waste Systems
- George Bevington, Senior Project Manager, Barton & Loguidice
- Dan Egan, Executive Director, Feeding New York State

Key staff present:

- Sally Rowland, New York State Department of Environmental Conservation
- Molly Trembly, New York State Department of Environmental Conservation

Welcome

Martin Brand gives welcoming remarks, an overview of the meeting agenda, and notes that no public comment will be taken today.

- Meeting agenda:
 - Subpanel updates
 - Discussion from panel members on concerns/comments on recommendations
- Housekeeping:
 - Provided an update on the Just Transition working group
 - Discussed equity components of Waste work
 - There will be opportunities to further engage with the Climate Justice working group and the Just Transition working group
 - Public comment will take place during the second half of the Feb. 9 meeting
 - Dereth: Is that live and something we can share?
 - Martin: We're still finalizing format.
 - Dereth: I just want to be able to share with my communities. Can Molly send us the information to do that?
 - Martin: Yes, Molly will share that information.
 - Feb. 22 meeting should focus on equity considerations.
 - Recommendations are due to the CAC in April
 - Looking to get a good working draft in March
 - Next two meetings will be used to refine our recommendations. Subpanels and workgroups need to keep meeting as much as they can. Work with Molly/Sally to schedule.
 - Brigitte: Just confirming, recommendations are due in April?
 - Martin: Yes, this is the date for official submittal, but we want to be ahead of that. Ideally, we'll have a really good draft by March
 - We can share a template of what those recommendations will look like, so then we can start populating those. Staff and working groups will help with this.
 - Procedural note: Martin needs to leave meeting at 3:45pm. Sally will take over the meeting then to close out.

Brief Updates from Subpanels

Below are the notes for each subpanel update given during the meeting. Some of these updates led to broader discussions, which are summarized within the subpanel updates.

Organics Diversion and Landfill – Lauren Toretta

- Lauren: Put together several recommendations that we discussed at the last meeting. After that meeting, we had follow up calls with other panels (including transportation) to refine further. This subpanel is focusing on:
 - Diversion, incenting infrastructure for organics diversion, and environmental justice (EJ).
 - Working to figure out how local and regional communities can have power to make these decisions.
 - Ensuring landfills are using best-in-class technologies.
 - Considering market-based mechanisms for methane from landfills and anaerobic digestors.
 - Considering biogas as a renewable energy (RE) source and thinking of electricity applications.
- Martin: There are still discussions about how methane from waste is treated as a RE source.

Water Resource Recovery Facilities – Jane Gajwani

- Jane: The subpanel continues to meet. We're currently working on:
 - Strategies to mitigate emissions
 - Strategies to incent anaerobic digestion
 - Strategies to recover energy from wastewater
 - Recent focus on biosolids, which are rich in nitrogen and phosphorous. There are a lot of biosolids going to landfills, which creates a significant amount of greenhouse gases (GHGs). There are some benefits of processing biosolids, such as synthetic fertilizers.
- Jane: We think there needs to be a market assessment to inform a statewide organics management plan. There should be an effort to explore products and markets for those products, from both anaerobic digestion and compost, plus other post-treatment options. We need to look at current capacity, and how much waste needs to be processed. We should look at land reclamation opportunities as well. It would be a big step forward if there was a holistic plan.

Materials Management – Resa Dimino

- Resa: This group has not met since developing materials for Martin's report to the climate action council (CAC). I'm looking to get feedback from the rest of the group today and then from there begin drafting the report.
- Martin: Are you coordinating with Lauren's group?
- Resa: We haven't been, but we can. We could even pull people from each of the groups.
- Allen: We were deferring to the organics committee on waste diversion. One of the best things we can do is make sure that food waste doesn't go to landfills.
- Martin: I'm trying to foster cross-pollination, even within the panel. When we make recommendations, they are going to come from the panel as a whole, so we all need to be well-informed.
- Resa: We can get our panel together and take a crack at addressing food scraps.

- This bill is pertinent to Resa's work:
 - https://www.nytimes.com/2021/01/27/arts/design/recycling-packaging-new-york.html?utm_source=Sailthru&utm_medium=email&utm_campaign=Issue:%202021-01-27%20Waste%20Dive:%20Recycling%20%5Bissue:32122%5D&utm_term=Waste%20Dive:%20Recycling
- Lauren: There should be consolidated recommendations around the organics piece.
- Resa: Can Department of Environmental Conservation (DEC) staff pull us all together to do this?
- Eric: I want to second that, regardless of which subcommittee deals with it. This has been a priority at Natural Resources Defense Council (NRDC), to ban the sending of food scraps and yard waste to landfills. On the last call, CAC's Eddie Batista asked if Waste was considering this. A meeting of those interested would be a great thing.
- Martin: I have no concern with looking at the options, I think we just need to look comprehensively with all factors involved.
- Eric: We will need lead time, but we can leave that for the next discussion. I won't recommend that it happens tomorrow.

Local Scale and Climate Justice – Tok Oyewole

- Tok: The group met this week and gave some presentations
- Tok: We are working with a micro-processing organization that enables local waste collection in population-dense areas, but the work they do is backbreaking. Largely employing people of color and is designed to reduce truck pollution in Brooklyn. They use bikes and e-trikes to collect waste. Those who are leading the organization are doing the work because they care about the environment and the community, but the city government should be doing this. Sometimes the waste collection also includes food scraps. I could see this type of organization expanding and carry out work in local areas too. The organization is having issues with land insurance and regulations that limit their capacity. I also reviewed an article showing the risk of waste generation when it is used for a fuel. Also, there is the risk of perpetuating fossil fuels when using biofuel blends. Next meeting, we will focus on refining our recommendations. I also want to have more discussion about avoiding waste generation to begin with. We could have someone from Think Zero come talk on corporate waste. Also, I'd like to discuss plastics, especially single-use and nonrecyclable items.
- Brigitte: We gave a recent presentation that talked about what Inner-City Green Team is and what the organization does. It essentially focuses on increasing recycling in public housing. They have been negotiating with New York City Housing Association (NYCHA) to get support to implement the project. They are trying to get the funding and continuously applying for grant. They have also been implementing a food scraps program, including a compost machine. They have spoken with Waste Management, who is supportive of the initiative and has been helping them build capacity. The presentation included a lot of details on demographics.
 - Brigitte: Currently working on recommendations for the CAC, looking to have something ready within the week.
- Martin: As you deliberate further, need to think about scalability. Education, access, and convenience all contribute to the success of these programs. Those working in municipalities understand this. If you provide the opportunity, people will use it.

- Comment from Dereth: OCRRA is working with NEMOA, with the support of a DEC grant to produce educational materials to reduce food waste. One of the next steps is to translate the materials into several different languages. <https://ocrra.org/end-food-waste/>. The team wants to get feedback, so if anyone has critiques, or if anyone would like the materials, please reach out. When translated, they will post them in a dozen different languages.
- Dereth: One more note, the following question was asked several times, how are we going to measure methane from landfills and track emissions from long-haul transport? (Leading into next section)

Measurement – Allen Hershkowitz

- Allen: There is cross work going on with transport on the long-haul trucks. There is a very robust DEC program related to the measurement of waste management impacts and transportation impacts, including vehicles associated with waste management. We don't need to reinvent wheel; everything will be put through this measure filter.
- Martin: We appreciate that. We want to make sure we don't duplicate efforts.
 - Landfill and organics should take a look at this as well.
- Steve: Takeaway from GHG experts on the DEC staff is that they will crunch the numbers on the policies that are recommended by this panel. We're hoping to provide these number crunchers with enough data so that they can do so accurately.
- Martin: That's a fair assessment. There is still lots of work to be done after we pass off recommendations to the CAC. They will be put into the integration analysis and go through the scoping plan process. We'll do our due diligence up front, but if we don't have perfect data, that's okay. Uncertainties can be carried through the process.
- Dereth: It feels like there might be unintended consequences from using biogas. How we run the numbers really matters. Some landfills might be really tight and have no leaks, others might be more leaky. There are tradeoffs in waste management. We want to avoid public health crises. I don't know how you capture that, but there is so much nuance in waste management.
- Martin: That's well said.
- Resa: We need to look at what needs to be done mandatorily/regulatorily versus just using incentives. For example, there should be standards in place about how anaerobic digestors are run. This will also help get clearer numbers.
 - Waste goes somewhere, we all know that. Doing better isn't enough, we need to do transformational stuff.
- Tok: Some things need to be mandatory (e.g. organics separated in waste). We need to interface with the Land Use & Local Government Advisory Panel. We need to optimize local ability to process organics to reduce transport associated with waste. We need to focus on local legislation and local land use to ensure that the proper uses are incentivized.
- Michael: I'm concerned that our default position is that we're just going to kick it all out of state. That would be a bad thing and we're going to pay for it. We need to be thinking at a bigger scale. We need a private sector who is willing to build this and willing to take risks. There is no such place as a good spot for a composter or a digester. We need to have a good technology and we need be willing to build it. Getting to the goal in ten years is going to be really hard. We need a climate that welcomes innovation and investment. Getting organics out of waste, it needs to go to energy, but energy prices are too low. We need to increase energy prices. We need to

focus on building, instead of just identifying all of the places it can't be built. If technologies don't work, get rid of them, but if they do work, we need to support them. Let's focus on big volume food that's already separated (Grocery stores, restaurants). Residential is hard. Let's show we can do it well first. Then maybe we can convince residential. Giving incentives for energy prices is going to make everyone think.

- Martin: One thing we talked about is looking at other models that worked. We can look to other nations or states to see what worked. Let's not reinvent the wheel.
- Resa: To build on what Mike was saying. The regulations are a first step. There is other stuff we can look at. We can come up with a well-rounded package that creates the structure that allows the business/financials to make sense. Private sector innovation can make sense, but we need to create the policy and regulatory structure to allow for that to happen.
- Lauren: A punitive environment is not going to allow for us to get an inflow of investment to handle a more substantial organics management program at a local level. There is no shortage of feedstock for these systems. Why aren't they getting built in the state? They are being built elsewhere. If we're talking about organics diversion, what are we going to do with it? We have to be using the gas for energy.
- Resa: That's true for anaerobic digestion, but I was also speaking to composting, which doesn't require that. We need to map how much makes sense for anaerobic digestion versus composting.
- Steve: If we are looking at a permitting process with an EJ component that restricts anaerobic digester placement, then we're going to have a bit of a problem. A state organics plan needs to show where we might be able to put these and where we shouldn't put them. If we want to tether these to Wastewater facilities, we should consider that as well. We don't know where we're going to put these facilities and we don't know how we're going to finance them.
- Jane: We want to become assets to the communities, rather than pariahs. In addition to providing green jobs, we feel that we have an opportunity to use the biogas locally. If there is something that is hard to electrify (i.e. building thermal), it can be used locally.
- Dereth: There is a great opportunity to avoid problems that were seen with recycling, in terms of messaging. We need to make it as simple as possible. Universal basic messaging on food scraps – is that feasible or a pipe dream?
- Martin: Are you talking about delivery infrastructure?
- Dereth: Yes. I doubt people know what sewer shed they live in.
- Martin: Current natural gas infrastructure, pipelines, etc. We should factor in what the infrastructure will be down the line. We are moving away from fossil fuel infrastructure. Other panels are looking at what that infrastructure might look like down the road. Conversations with the PowerGen panel might inform that.
- Jane: This is something that the Water Resource Recovery Facilities subgroup has talked about. Since we're producing this biogas, how should we use it? Using it locally seems best.
 - On Dereth's comments for using the sewer system for food scraps: this is not a solution from an energy standpoint because the energy usage of the plant increases as a result of processing it.
- Laura: This highlights the importance of colocation. A pipe-in solution is great. Her plants take food waste via pipes and it saves a bunch of GHGs.
- Dereth: Over the near-term food waste will be moved by truck.

- Jane: Or barge.
- Martin: Or bike, ebike, etc.
- Dereth: Yes, the method depends on population density
- Martin: It would be great to hear from Bernadette on the Workforce development component as we progress.
- Bernadette: I will be more vocal when it is the appropriate time.

Panel Member Input

This section focused on broader discussions about the overall direction of the panel and the strategies currently under consideration.

- Martin: What are we missing, what should we be talking about? Discussion so far has been on stuff we've already focused on.
- Jane: Per- and Polyfluoroalkyl Substances (PFAS) contamination is a concern when we talk about land use applications. Can we look into expanding PFAS bans? I know there has been work in this area. PFAS bans would be beneficial for biomass recycling, not sure if it would be for others?
- Martin: This has been a big problem in NYS. We focus on emerging contaminant issues and PFAS is predominant in this. NYS has been a national leader in responding to PFAS. We've established MCLs for drinking water supplies, treat them as hazardous substance, and have had an active number of programs look at PFAS in the environment, including sampling across the state. We have looked at former landfills from across the state. We've instituted proactive approaches as well. There is an active green procurement program in NYS. We have to be vigilant regarding PFAS in food service products. You're spot on by saying, "can more be done?" More can be done in terms of biosolids and potential PFAS in things like specialized containers. NYS is looking at that, along with EPA. It may be beyond the panel itself, in terms of emission reductions, but if you think it is an obstacle to pushing forward a GHG reduction program, it should be investigated further.
- Dereth: How it plays out for a local government – they need to comply with PFAS requirements for things like composting. If products are coming in with PFAS (i.e. chipotle containers), they strongly limit what they take. Banning it early in the chain is helpful.
- Resa: Yes, it needs to get out of products so it's not in the recycling stream and/or getting out into the environment.
- Martin: Okay, we should identify ancillary benefits and make sure we cover that.
- Allen: Process question – so I have this straight, we will be making our priority recommendations, then the measurements committee will make their assessment. What follow-up evaluation work is there?
- Martin: This was presented at the last CAC meeting. Slides are up on the CAC website (climate.ny.gov), which include details about the process moving forward. See there for details. Nuts and bolts are still to be developed. Our work will likely drop off at the end of March.
- Allen: Thanks for your work on this Martin, you're doing a great job.
- Dereth: Is Environmental Finance Center (EFC) part of the agencies? Is there an opportunity to look at a revolving fund to enhance resource recovery efforts that doesn't take funding away from critical infrastructure? You don't want to take money away from clean water. In order to build infrastructure, you'll need private-public partnerships.

- Maring: I will need to get back to you on that one.
- Steve: The funding was small - \$50 million for entire nation.
- Dereth: Yes, you're right. Is it something that NYS could model?
- Resa: I wanted to raise that I have significant concerns on incentivizing energy from waste language. I think it is inconsistent with policy in the state on energy and other factors. If we're going to meet bold climate goals, we can't promote the thing that is less bad.
- Dereth: Are we throwing out the hierarchy?
- Resa: No, we don't incentivize anything below recycling and recovery.
- Lauren: We've had this discussion frequently in the subgroup. First and foremost, we want to reduce waste. But there is always going to be residual waste. We need to focus on how we best deal with that, always in the context of first reducing waste. Then we use a multitude of technologies to deal with the rest.
- Martin: The role of biogas, renewable natural gas, etc. is evolving. We need to operate under the CLCPA. This is a conversation that needs coordination with other panels. Other panels are also dealing with this. What role should those feedstocks take? What is renewable energy? What role to RECs and offsets play? We can keep discussing it, but I think we should do it with other panels.
 - We've been letting these conversations go to ensure all ideas are discussed, but also I want to make sure that we're prioritizing. Let's leave it there for now on this issue and we'll continue these with other groups.
- Resa: I want to quickly clarify that anaerobic digestors are not problematic.
- Lauren: On a different topic, I want to flesh out more on organics diversion. Can we get help in scheduling that? All subpanels have been looking at that and I think we need to coordinate and come up with something better.
- Martin: Yes, staff will coordinate.
- Dereth: One of the great recommendations that is include is construction and demolition debris (C&D) recycling. Just wanted to flag that this is a great opportunity for workforce development.
- Martin: Yes, and there is potential for collaboration with the Energy Intensive and Trade Exposed Advisory Panel. Maybe Land Use and Local Government too.
- Dereth: Purchasing power of NYS is also really important.
- Martin: Absolutely. That's why leading by example is so important.

Martin leaves the meeting and Sally Rowland (DEC) takes over.

- Sally: With organics, we tend to put things in (metaphorical) silos. It would be nice if we could think more holistically about organics. This might make it more feasible regionally.
- Sally: Let's talk about measurements. We're looking at doing these calculations internally for the GHG inventory. How it's done on a statewide level right now is looking at the United States Environmental Protection Agency's (EPA) State Inventory Tool (SIT) model. It does not look at lifecycle emissions, it just looks at emissions from the landfill. What the tool does is look at how much waste is going into landfills and then estimates emissions from that. You can vary the composition of that waste, although can't change from year to year. You can then show how much gas you're collecting (or flaring). They are using NY-specific data on this. This is used for the inventory. For the council, they can look at lifecycle emissions, using EPA's Waste Reduction Model (WARM).

- They use a similar process for wastewater (above description is for waste).
- Looking forward, they can get GHG numbers by indicating what percentage of each element of waste they can reduce in future years. They are also looking at reducing leaks from landfills.
- Steve: You want a good model. It would be great if we could have a dialogue about how you view the various components of the model. We need to keep in mind that the trash goes somewhere. So, if you're reducing the amount of waste in landfills, where is that waste going? I want to remind everyone that there is a minority report, where you can highlight concerns, even if you agree with the policies that are identified.
- Sally: They are moving from language of "minority report" to "alternative report". Molly will follow up with the recommendation template.
- Dereth: Are you using other things in addition to WARM? Have you considered resources from ICLEI Local Governments for Sustainability?
- Sally: Not yet. Also looking at IPCC as a possibility.
- Jane: A New York City-specific model is almost complete, which could be looked at too. She will share that data.
- Sally: Sounds great.
- Brigitte: Our subgroup has a meeting. Can I reach out to get more info on measurements?
- Sally: Yes, we can follow-up.

Sally closed the meeting.