

Date: Fri, 29 Dec 2017 14:35:32 -0500
To: DEEP Commissioner Klee
From: Mike Ewall
Subject: Solid Waste RFP: Process Problems and Covanta Capacity Issues

Dear DEEP Commissioner Klee:

I write urging you to reject all three proposals before you regarding the Connecticut Solid Waste System Project RFP.

The legal process is in question in light of the recent happenings with Mustang's proposal, and I'm writing to share with you concerns about the Covanta proposal as well.

On the Mustang proposal, as you know, Mustang submitted a proposal indicating that a specific company (LafargeHolcim) would take their residuals for burning at a cement kiln in Ravena, NY. This turned out to be something that the plant manager did not agree to, that the facility did not authorize, and that the company most recently walked away from entirely. The local governments there are also determined to make that plan illegal, undermining the original Mustang proposal regardless of whether Lafarge were to change their mind. Even if Lafarge were willing to take the material to their next closest kiln in Whitehall, Pennsylvania, that means another 100 miles of waste hauling, roughly doubling the travel distance, and surely changing the financial aspects of the proposal.

Vendors should not be permitted to alter their RFP submission after the 7/31/2017 deadline or after the 12/8/2017 extended comment period, yet DEEP uploaded an updated version of Mustang's RFP to the DEEP website, with a new copy of Mustang's RFP response which was altered on December 20th, replacing the document listed as the final submission from 7/31/2017.

This raises legal, ethical and process questions. Did the other finalists get a chance to revise their proposals the week before the decision deadline? How is this allowed to circumvent public comment opportunities -- especially when it's not even now known which communities will be impacted by the waste ("processed engineered fuel") under Mustang's proposal? Will the recent turmoil in their relationship with LafargeHolcim leave them with any market for this waste? Will the cost estimates under their proposal change?

Regarding Covanta, it just came to our attention in the past day that they have informed the Mayor of Bristol, Connecticut that they do not have room to expand by more than 100,000 tons/year. This equates to just 274 tons/day. After recycling and composting what they can, their proposal relies on incinerating the remaining waste at their incinerators in Preston and Bristol, with an expansion at Bristol. These are their only two incinerators in Connecticut. The Preston facility is already at maximum capacity, and without an expansion, the Bristol facility has only about 40 tons/day (tpd) of extra capacity available. With an expansion, we're looking at 314 tpd of Covanta incinerator capacity in the state.

Depending on what numbers you believe from their proposal, or the RFP obligations, Covanta will have to have disposal capacity for somewhere between 1,036 and 2,250 tpd. Since most of their facilities are at or near capacity, they'd have to expand and fill Bristol AND use every possible bit of unused capacity at their incinerators in Massachusetts, New York, New Jersey, and about half of their capacity in Pennsylvania. That's to meet the minimum of that range (1,036 tpd). To meet 2,250 tpd, they'd need to reach into Virginia and beyond.

...or use landfill, as their proposal states on page 16 that they would/could use. Considering that Connecticut only has one operating MSW landfill left, this means landfilling out of state as well. We would support landfilling in any state over incineration any day, and have done the research showing that the environmental impacts of landfilling (even at distances that require much more trucking) are far preferable over incineration. However, we find this ironic given that Covanta is in the incineration business and that the State of Connecticut has invested more heavily in incineration than any other state and seems determined to continue in that direction even while the industry is shrinking and the rest of the country moves in a more environmentally sound direction.

Please see the attached spreadsheets documenting Covanta's capacity shortfalls. We don't believe that Covanta's proposal is complete without stating clearly whether further incinerator capacity expansion is part of their plan, or admitting that nearly all of this waste will be sent out-of-state to a myriad of incinerators, or even landfills.

You have a choice. Public Act 14-94 states that you "may" make this decision by 12/31/2017. You have the option of rejecting all of the proposals before you, buying time to properly evaluate a wider range of options. As you've seen in many comments before you, we'd prefer that you reject all three proposals and take a more serious look at Zero Waste alternatives that incorporate many elements of your current process, but involve material recovery, biological treatment, and stabilized landfilling at the end of the process, as opposed to highly polluting incineration and landfilling of ash.

Sincerely,

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