

Comments on Issues Pertinent to Implementing “Pay-As-You-Throw” Approach for MSW Management”

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Comments Submitted to
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Jennifer Griffith, I watched your presentation on the June 26, 2015 US EPA webinar, "Fair Pricing Strategies for Trash: PAYT Experience in Rural Areas & New Resources" [<https://groups.google.com/forum/#!topic/ncra-jobs/ZzqhXKVGc18>] devoted to “Pay-As-You-Throw” solid waste management. You described a “fair price” strategy for municipal solid waste (MSW) management by which individual disposal fees are keyed to the amount of waste generated for landfill disposal, with the intent to increase waste recycling. You noted that such an approach results not only in increased recycling with a concomitant reduction in the amounts of waste disposed of in landfills, but also in the generation of sufficient money to pay for hauling and disposal of the waste in landfills.

For many years I have advocated for having waste generators pay the full cost of disposal of their wastes. However, one aspect that was not adequately addressed in your, and in many similar, presentations is the true cost of “disposal” of municipal solid waste in landfills to provide for true, long-term protection of public health/welfare and environmental quality for as long as the wastes remain a threat. Disposal in a conventional Subtitle D landfill does not ensure that level of protection; the true cost of reliable and protective MSW landfilling goes well-beyond that needed to meet Subtitle D requirements as typically implemented.

On June 18, 2015, the US EPA presented the webinar, ““Advancing Sustainable Materials Management: Facts and Figures 2013’ Assessing Trends in Materials Generation, Recycling, and Disposal in the United States.” As part of that presentation, Marty Stanislaus, Assistant Administrator, US EPA Office of Solid Waste and Emergency Response requested comments from participants on the Agency’s efforts to improve MSW recycling to thereby reduce the amount of MSW disposal by landfilling. In response to that request, we submitted the following comments, which are also applicable to your work in developing “fair pricing strategies” for solid waste management:

Lee, G. F., and Jones-Lee, A., “Comments on the US EPA’s Efforts to Improve Solid Waste Recycling,” in response to request for comments on US EPA webinar, “Advancing Sustainable Materials Management: Facts and Figures 2013,” Submitted to US EPA June 19 (2015). http://www.gfredlee.com/Landfills/USEPA_Solid_Waste_Recycling.pdf

As discussed in those comments, US EPA and state landfilling regulations allow the disposal of MSW in Subtitle D landfills that have a high probability of eventually polluting groundwater

with landfill leachate as the landfill liners deteriorate; that pollution will not be detected by the landfill groundwater monitoring systems allowed by regulatory agencies before significant offsite groundwater pollution has occurred. Technical aspects of those issues are discussed in our paper:

Lee, G. F. and Jones-Lee, A., “Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste,” Report of G. Fred Lee & Associates, El Macero, CA, December (2004). Last updated Jan (2015)
www.gfredlee.com/Landfills/SubtitleDFlawedTechnPap.pdf

Tipping fees of the magnitude typically collected at the time of MSW landfill disposal – even at \$100/ton – are far less than those needed to cover the maintenance, monitoring, and remediation that will be needed (but that are not provided for by the current language and implementation of Subtitle D) for as long as those wastes will be a threat to public health/welfare and environmental quality, i.e., effectively forever. Technical aspects of those issues are discussed in

Jones-Lee, A., and Lee, G. F., “Landfill Post-Closure and Post-Post-Closure Care Funding - Overview of Issues,” WasteAdvantage Magazine 5(12):24-26 December (2014). http://www.gfredlee.com/Landfills/Funding_Issues_WasteAdvantage.pdf

Neither the public nor their representatives in governmental agencies appear willing to double or triple MSW management fees (tipping fees) to generate the level of assured funding needed to adequately protect the water resources and the health and interests of those who own property or live in the vicinity of the landfill from pollution by landfill leachate, especially for measures beyond those required by current regulations and implementation. As discussed in our comments concerning the US EPA webinar, increasing the recycling of MSW components can reduce the volume of wastes destined for landfills to some extent. However, until the US EPA effectively addresses the issues of presently inadequate protection, and requires the incorporation and funding of measures to provide true, effective long-term protection of public health/welfare and environmental quality from the inevitable failure of today’s permitted MSW landfill systems, increasing recycling will not significantly improve the long-term protection of public health/welfare and environmental quality from landfilled wastes. While a Pay-As-You-Throw approach for MSW management sets an appropriate tone for up-front payment for the costs of waste disposal and increases public awareness, increases in tipping fees and waste reduction through additional recycling will not make up for the deficiencies in Subtitle D requirements for meaningful design, monitoring, and maintenance for as long as the landfilled wastes remain a threat.

The provisions and implementation of Subtitle D need to be significantly revised to provide for true, long-term protection of public health/welfare and environmental quality for as long as the buried wastes remain a threat (effectively forever), and then appropriate tipping fees can be calculated for waste generators to provide the revenue necessary to cover the total costs of protective landfilling.

I invite you to review the substantial collection of our professional publications and reports on these and related issues that are available on our website, www.gfredlee.com, in the Landfill Impacts section, http://www.gfredlee.com/Landfill_Impacts.html.

If you have questions or comments on these issues, please contact me.
G. Fred Lee

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