



September 30, 2011

RCRA Docket (22221T)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001

*RE: Comments on Notice: EPA Seeking Input Materials Measurement; Municipal Solid Waste (MSW), Recycling and Source Reduction Measurement in the U.S. (Docket ID No. EPA-HQ-RCRA-2011-0178)*

To Whom It May Concern:

On behalf of the Energy Recovery Council (ERC), I would like to take this opportunity to comment on the notice, EPA Seeking Input Materials Measurement; Municipal Solid Waste (MSW), Recycling and Source Reduction Measurement in the U.S. We believe that the manner in which EPA measures, characterizes, and reports on waste is important and the ERC supports EPA's efforts to improve publically available information on nationwide generation and management of MSW and other solid wastes.

The Energy Recovery Council is the national trade association representing the companies and local governments that own and operate waste-to-energy facilities. These facilities produce clean, renewable energy through the combustion of municipal solid waste in specially designed power plants equipped with the most modern pollution control equipment to clean emissions. Trash volume is reduced by 90% and the remaining residue is safely reused or disposed in landfills. There are 86 waste-to-energy plants operating in 24 states managing about 95,000 tons of MSW each day. Waste-to-energy facilities have a baseload capacity of about 2,700 megawatts of electricity to meet the power needs of nearly two million homes while serving the trash disposal needs of more than 36 million people.

We believe that EPA's regularly published MSW characterization report entitled "Municipal Solid Waste in the United States," has been useful at tracking MSW management trends. However, its material flow approach is limited and particularly inaccurate with respect to overall disposal quantities. For example, it does not account for weight of moisture added to products such as paper towels or liquids in partially filled containers that enter the waste stream. As a result, we believe that EPA vastly underestimates the total quantity of waste that is generated and disposed in the United States.

EPA's data collection would be improved if it took advantage of information available to state and local governments to quantify the flow of material through recovery and disposal. For example, virtually all states have Subtitle D permit programs which require solid waste management facilities, such as landfills and waste-to-energy facilities, to

measure and report annual solid waste throughputs. *Biocycle's* biennial *State of Garbage in America* reports have already tapped into these information sources, which report much higher quantities of MSW generation than EPA published rates. We believe that measuring, rather than estimating, is more likely to provide accurate data, which is necessary to truly understand the composition and quantity of waste generated in the United States requiring management.

In addition, EPA's "Municipal Solid Waste in the United States" is too limited in scope. Given the complexity of modern materials management and interrelationships among the various management alternatives, EPA should broaden the scope of its analysis to include construction and demolition debris, sewage sludge, non-hazardous industrial waste, ash, biomass, and tires. It is understandable if these additional categories of waste sources were limited in detail at the beginning of the process, but it would at the very least provide a structure for an evolving holistic and comprehensive materials management document.

Definitions are very important to ensure that data is consistent and valid. The ERC recognizes there will be challenges given varying state legislation, but EPA's efforts would be improved if definitions were made consistent for national reporting purposes. We believe that EPA should eliminate the outdated 1997 definitions and develop new terminology appropriate for the more complex material flow world that exists today and the variety of processes and technologies that allow for recovery of both energy and materials from waste.

ERC believes that the definition of "recovery" should include all processes and technologies that recover energy and/or reusable materials from waste. This includes modern waste-to-energy facilities regulated as Municipal Waste Combustors. The definitions in the MWC regulations could be utilized as a starting point to define "recovery." Waste-to-energy provides communities with the opportunity to simultaneously recover both energy and reusable materials. For example, ferrous and non-ferrous metals that are recovered by the waste-to-energy industry total approximately 700,000 tons per year of materials that would not have been recovered by any other waste management system. Recovered metals are proving to be an increasingly valuable source of feed stock in the metals production industry reducing the need to mine raw ore. Many of these metals are often times not eligible for curbside recycling, and would be lost forever if disposed in a landfill. In addition, the energy recovered from waste materials in a waste-to-energy facility is a significant source of electricity and thermal energy used in district heating and cooling systems. Energy can also be recovered from waste materials using new and emerging technologies that convert waste into valuable alternative fuels including biodiesel and other synthetic fuels. The energy recovered from one ton of waste at a waste-to-energy facility is significantly more than the energy recovered from other waste management options.

There has been several quality submissions filed in the docket to date. In addition to our own, the ERC endorses the comments filed by Samantha MacBride of the Columbia University School of International and Public Affairs.

ERC appreciates the efforts of EPA to accurately measure MSW in the United States and we look forward to continuing to work with EPA in resolving these issues. If you have any questions, please contact me at (202) 467-6240 or [tmichaels@energyrecoverycouncil.org](mailto:tmichaels@energyrecoverycouncil.org).

Sincerely,

A handwritten signature in black ink that reads "Ted Michaels". The signature is written in a cursive style with a large, stylized initial "T".

Ted Michaels  
President