



Materials Innovation and Recycling Authority

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November 9, 2017

Peggy Diaz, Esq.
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Re: Resource Rediscovery RFP

Dear Ms. Diaz,

The Materials Innovation and Recycling Authority (MIRA) is submitting the following comments with reference to DEEP's September 14, 2017 public meeting notice concerning its Resource Rediscovery RFP. MIRA's comments are focused on ensuring the best interests of the CSWS Participating Municipalities are preserved and protected as we move forward with Resource Rediscovery.

1. All of the proposals result in significant deviation from the terms and conditions of the Municipal Service Agreements (MSAs) in effect between MIRA and the CSWS Participating Municipalities including, but not limited to, how the CSWS Cost of Operation, Non Disposal Fee Revenue, Net Cost of Operation, Base Disposal Fee, Aggregate Tons, Reserves, Service Discounts and Service Fees are assessed and used to establish tip fees for the Participating Municipalities, how surplus revenue is used and how waste diversions are handled during plant downtime. MIRA will ensure the existing MSA terms and conditions are adhered to during the course of its contract negotiations.
2. All of the proposals accept a transfer of control over granting access to the CSWS from MIRA to the private sector which will prevent MIRA from modifying any MSA terms, entering into new MSAs or renewing existing MSAs upon their expiration. MIRA intends to preserve its existing governing authority to grant access to the CSWS during the course of its contract negotiations.
3. Two of three proposals indicate the project is not financeable under the conditions of Resource Rediscovery and indicate significant changes to MSA terms, or revenue guarantees from MIRA (which MIRA would have to pass on to the Participating Municipalities), will be required. The third proposal does not provide for the redevelopment of the CSWS. MIRA will seek to secure sufficient municipal backing of the CSWS redevelopment during the course of its contract negotiations which would be conditioned upon ensuring the existing MSA terms referenced above are adhered to, and the existing governing structure of the CSWS is preserved. If unsuccessful, MIRA will support other forms of public backing of the redevelopment project, such as flow control and long term power contracting, on these same conditions.

4. All of the proposals continue the process of combusting Municipal Solid Waste either at the existing facility in Hartford, by displacing it to other resource recovery facilities located elsewhere in the State, or by shipping it to other combustion facilities for use as fuel. All of the proposals also offer varying methods and degrees of complementing this process with newer technology in order to enhance diversion consistent with State goals. MIRA encourages DEEP to consider a more focused evaluation and selection of only certain complementary technology contained in the proposals, as DEEP is allowed to do pursuant to Section III.11 of the Phase 1 Resource Rediscovery RFP. MIRA believes that selection of complementary technology to be incorporated into a refurbished resource recovery facility as a medium term solution may best serve the interests of the State and CSWS Participating Municipalities. MIRA would welcome the opportunity to more fully review and present this approach to DEEP.

5. The Act also required DEEP to submit a legislative report concerning the nature and status of proposals to the environment, energy and technology and legislative management joint standing committees before September 15th. The environment and energy and technology committees may then hold a public hearing on the report not later than thirty days after its receipt. Once DEEP selects a qualified proposer, MIRA intends to address substantive issues identified in the report concerning financing, governance, feasibility and waste disposal capacity in the State consistent with its comments above. This will be done as part of MIRA's normal project vetting and approval process including its negotiation of a contract that provides for the redevelopment of the Connecticut Solid Waste System.

Sincerely,



Thomas D. Kirk
President and CEO