



Dissolution Authority

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## MEMORANDUM

**TO:** CSWS Transition Committee  
**FROM:** Carl Fortuna, Committee Chairperson  
**DATE:** October 4, 2023  
**RE:** Notice of Special Meeting

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There will be a special meeting of the CSWS Transition Committee of the MIRA Dissolution Authority Board of Directors on ***Wednesday, October 11, 2023 at 1:00 p.m.*** ***Members of the public may attend the meeting in person in the Board Room at 300 Maxim Road Hartford CT 06114 or telephonically by calling (929) 205-6099, entering Meeting ID 810 7260 0278 and then entering the Passcode 944626 when prompted. (NOTE - there is very limited physical space in the Board Room - consequently, virtual public attendance is encouraged).*** The meeting is scheduled to conclude at 2:30 p.m. The purpose of this meeting will be:

1. Call to order; Chair's Welcome
2. Public Comment (3 minutes per speaker).
3. Review and Discuss Threshold Issues for the Transfer of CSWS Operations (***Attachment 1***) Including:
  - Type and Status of Available Entities
  - Resources (Grants) to Establish Entities
  - Nature of Operations to be Transferred
  - Preparations and Assistance Needed to Assume Operations
4. Next Steps

cc: Bert Hunter  
Mark Daley  
Tom Gaffey  
Robert Phillips (NW COG)  
Brian Bartram (Salisbury / Sharon Transfer Station)  
Todd Arcelaschi (RRDD1)  
Donald S. Stein (First Selectman, Barkhamsted)

# MIRA DISSOLUTION AUTHORITY

CSWS TRANSITION COMMITTEE MEETING – OCTOBER 11, 2023

## ATTACHMENT I

### Threshold Issues for the Transfer of CSWS Operations

- ▶ Type and Status of Available Entities
- ▶ Resources (Grants) to Establish Entities
- ▶ Nature of Operations to be Transferred
- ▶ Preparation and Assistance Needed to Assume Operations

# Type and Status of Available Entities

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- **Statutory Requirement:**
  - Sec. 9.(a)(3) - the Authority shall continue to operate the authority's transfer stations until acceptable alternatives, operated by entities other than the authority, become available, as determined by the Commissioner of Energy and Environmental Protection.
- **“Continue to Operate...”**
  - The Authority was created effective July 1, 2023
  - The Authority’s statutes are repealed and DAS becomes the Authority’s successor July 1, 2025
  - The Authority is terminated July 1, 2026
  - All municipal service agreements and operating contracts terminate June 30, 2027
- **Pending “Acceptable Alternatives”**
  - Requires development of transfer mechanism, contracts, economic and governance / administrative models.
  - Requires buy in from affected municipalities, contractors, DEEP and the Authority.
- **“Operated by Entities Other than the Authority”**
  - Transfer to municipal / regional authorities preferable
  - Maintains ability to flow control waste
  - Efficient transfer mechanism (Essex lease / procurement requirements)
  - DEEP grant assistance

# DEEP Grant Process/Status

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- \$1.5 million available funding for technical assistance for CT municipalities and regions through Sustainable Materials Management Grant Program Pursuant to Public Act, Special Session, June 2021, No.21-2, Sec. 308.
- DEEP requested proposals seeking grant funds to help municipalities and regional waste authorities evaluate interest and identify governance to form new or expand existing regional waste authorities (RWAs).
- Applications were due March 31, 2023. Preference given to coalitions of towns or RWA's.
- Eligible expenses for technical assistance, establishing governance and administrative costs.
- Evaluation and review criteria based upon detailed budget, implementation timeline, municipal compliance with recycling and solid waste statutes, key stakeholder support and past performance with DEEP grant programs.

# DEEP Grant Process/Status cont.

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- Applications to be approved, awarded and contracts executed with DEEP.
- Reimbursable work is eligible only after contract is fully executed.
- Any municipality receiving an award that is not in compliance with the following is expected to work towards compliance within the first few months of award:
  - C.G.S Sec. 22a-241 equitable collection requirement that municipalities offering curbside collection of MSW must also provide curbside collection of recyclables.
  - C.G.S. Section 22a- 220a(d)(1) requirement that municipality registers haulers.
- Essex communities applied for grant assistance through their COG and a decision is expected soon.
- Additional applications were received (possibly not as comprehensive as expected).
- To the Authority's knowledge, Torrington area communities did not apply.

# DEEP Grant Process/Status cont.

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- The Authority is reaching out to identify a lead entity for Torrington.
  - Donald S. Stein (First Selectman - Town of Barkhamsted)
  - Robert A Phillips, AICP (Executive Director - Northwest Hills Council of Governments)
  - Brian D. Bartram (Manager - Salisbury/Sharon Transfer Station)
  - Todd Arcelaschi (Administrator - Regional Refuse Disposal District #1)
- Key Questions:
  - Have Torrington area communities applied under the DEEP grant process?
  - May DEEP reopen the grant process?
  - How can the Authority help organize a lead entity for Torrington area communities?
  - What does assuming control of Essex and Torrington Transfer Stations Entail?

# Nature of Operations to be Transferred

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- **Torrington Transfer Station:**
  - Budgeted to receive 23,048 tons of MSW and 4,945 tons of recycling in fiscal year 2024.
  - Receives waste from 12 municipalities including Canaan, Colebrook, Cornwall, Goshen, Middlebury, North Canaan, Norfolk, Barkhamsted, Winsted, New Hartford, Salisbury and Sharon.
  - Transfer station operated by Enviro Express. Also provides MSW and recycling transportation.
  - MSW is transported to the Keystone Sanitary Landfill in PA. Disposed under the Enviro Express contract.
  - Recycling is transported to a processing facility operated by Murphy Road Recycling in Berlin CT.
  - A separate contract is in place with Murphy Road Recycling for recycling processing service.
- **Essex Transfer Station:**
  - Budgeted to receive 38,542 tons of MSW and 6,592 tons of recycling in fiscal year 2024.
  - Receives waste from 11 municipalities including Deep River, Essex, Old Saybrook, Chester, Clinton, Durham, Middlefield, Haddam, Killingworth, Lyme and Westbrook.
  - Transfer station operated by CWPM. Also provides MSW and recycling transportation.
  - MSW is transported to the Preston Resource Recovery Facility CT. Processed under a separate contract with Covanta.
  - Recycling is transported to a processing facility operated by Murphy Road Recycling in Berlin CT.
  - A separate contract is in place with Murphy Road Recycling for recycling processing service.

# TORRINGTON ACTUAL TONS BY TOWN

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FY23 (7/1/22-6/30/23) INBOUND TONNAGE		
TORRINGTON TS	MSW	RECYCLING
Canaan	473.06	110.99
Colebrook	593.36	189.57
Cornwall	527.26	148.21
Goshen	1,346.24	306.74
Middlebury	933.86	537.83
Norfolk	680.05	184.83
North Canaan	1,971.50	227.65
RRDD#1	10,358.33	1,602.08
Salisbury-Sharon	2,990.70	967.56
<b>TOTAL</b>	<b>19,874.36</b>	<b>4,275.46</b>

# ESSEX ACTUAL ANNUAL TONS BY TOWN

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FY23 (7/1/22-6/30/23) INBOUND TONNAGE		
ESSEX TS	MSW	RECYCLING
Deep River	3,365.16	304.50
Essex	2,748.42	923.13
Chester	1,034.07	395.62
Clinton	5,033.55	927.93
Durham/Middlefield	2,509.55	627.22
Haddam	2,992.40	614.93
Killingworth	1,581.71	407.23
Lyme	773.03	272.60
Old Saybrook	7,089.99	1,349.59
Westbrook	3,404.59	921.47
Guilford/Madison (SWAP)	2,116.11	0.00
<b>TOTAL</b>	<b>32,648.58</b>	<b>6,744.22</b>

# Primary Contract / Administrative Terms

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- All Municipal Service Agreements and Operating Contracts Expire 6/30/2027
- Torrington:
  - Enviro Express is contract operator of the Transfer Station
    - Fixed fee to operate and maintain the transfer station (\$688,000)
    - Per ton fee to transport MSW to Keystone Sanitary Landfill (\$53.62)
    - Per ton fee to dispose MSW at Keystone Sanitary Landfill (\$44.56)
    - Guaranteed capacity at Keystone for Torrington area communities
    - Per ton fee to transport Recycling to Murphy Road Recycling in Berlin CT (\$26.22)
    - Additional considerations
  - Host Community Benefit of \$0.070 Per Ton

# Primary Contract / Administrative Terms

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- Essex:
  - CWPM is contract operator of the Transfer Station:
    - Fixed fee to operate and maintain the transfer station (\$803,000)
    - Per ton fee to transport MSW to Preston Resource Recovery Facility (\$17.17)
    - Per ton fee to transport Recycling to Murphy Road Recycling in Berlin CT (\$33.51)
    - Additional considerations
  - Host Community Benefit of \$0.070 Per Ton
  - Separate contract with Covanta for MSW Processing:
    - Guaranteed MSW capacity for Essex Communities
    - Per ton fee to process MSW (\$98.80)
    - Penalties for over / under deliveries

# Primary Contract / Administrative Terms

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- Torrington and Essex:
  - Municipal Service Agreements:
    - Municipality obligated to deliver waste to designated facility
    - Authority / Region obligated to accept and process dispose waste
    - Budget and rate setting mechanism
  - Single contract with Murphy Road Recycling for processing of Torrington and Essex recycling:
    - Guaranteed capacity for both transfer stations
    - Management fee of \$350,000 / year
    - Base processing fee of \$90.18 / ton
    - Commodity value adjustment of \$4.45 / ton (current)
  - Administrative and Operational Support from the Authority:
    - Budgeting, accounting and financial reporting
    - Scales, enforcement and contract administration

# Major Operating Issues for Regions to Consider

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- Scale Operating Responsibility
  - Control of “cash register” and inbound/outbound weight and tonnage data capture.
- Flow Control Enforcement
  - Tonnage Commitments to disposal facilities must be met to avoid financial penalties
- Operation & Maintenance Contract Administration & Oversight
  - O&M Contractors need to be held accountable to their performance obligations
- DEEP Permit Requirements including: Quarterly Tonnage Reports, Recycling & MSW Inspections, Storm Water Testing and Annual Permit Compliance Audit
- Capital Repairs such as roof, tip floor, scales, and access roads are not responsibility of contractors
- Security of Facility

# Discuss Preparations and Assistance Needed

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- DEEP Considerations for Grant Assistance
- Lead Entities
- Transfer mechanisms, contracts, economic and governance / administrative models.
- Timing and Milestones