



Dissolution Authority

300 Maxim Road, Hartford, Connecticut 06114

Telephone (860) 757-7700 Fax (860) 757-7725

January 24, 2024

Letter to CSWS Participating Municipalities
(Delivering to Essex Transfer Station)

Dear First Selectman/Mayor:

The letter is to alert you that the MIRA Dissolution Authority's Enforcement team has documented numerous cases of private hauling companies that are knowingly diverting municipal solid waste (MSW) generated within the borders of towns that have Municipal Service Agreements (MSAs) with the Authority to non-Authority facilities.

All MSW and recycling hauling companies that utilize our transfer stations executed a One-Year Solid Waste and Recyclables Hauler Delivery Agreement (Hauler Agreement) with MIRA which is now being administered and enforced by the Authority pursuant to Public Act 23-170. The Hauler Agreement includes the named company and any affiliates, subsidiaries, or related entities. The Hauler Agreement requires haulers to deliver all commercial and residential MSW generated in your towns and all residential recyclables to the Authority's transfer station located in Essex.

In addition to diverting MSW to non-Authority facilities, our Enforcement team has also documented some of these haulers knowingly mixing recyclables with MSW in a single hopper truck. These companies that have been documented diverting MSW and/or mixing MSW and recycling include:

- Sweitzer and Hometown Waste;
- John's Refuse and Recycling, Bozzuto Bros., and Global;
- Goduti Waste

The Authority has notified these Haulers that they are in Breach of their Hauler Agreements. They are also violating municipal local flow control ordinances, to the extent a Town has adopted such an ordinance that should require all MSW and residential recycling be delivered to Authority facilities.

The MSA that your town has with the Authority requires all towns to deliver or cause to deliver all MSW (commercial and residential) and all residential recycling generated within town corporate boundaries to the Authority's transfer station in Essex. We have contacted elected officials and are actively working

with some regarding this clear violation of the Hauler Agreements and enforcing local flow control ordinances.

Since the MSA requires towns to take reasonable enforcement steps to satisfy delivery obligations, you may want to have your staff or town attorney ascertain that your town has an existing flow control ordinance and that it requires all MSW and all residential recycling to be delivered to the Authority's transfer station in Essex. If your town does not have one, you should seriously consider establishing an ordinance. Also, in many towns failure to comply with the local ordinance is grounds for suspension or revocation of any license issued to a hauler that permits them to pick up MSW and recyclables in your town.

Moreover, Section 22a-220 (f) of the Connecticut General Statutes cited below allows municipalities to bring a civil action against haulers who commit these types of violations.

“(f) Any collector who dumps more than one cubic foot in volume of solid waste at one time in an area not designated for such disposal by a municipality pursuant to the provisions of this section or who knowingly mixes other solid waste with items designated for recycling pursuant to section [22a-241b](#), or pursuant to municipal ordinance shall for a first violation be liable for a civil penalty of not more than two thousand five hundred dollars for each violation and not more than ten thousand dollars for a subsequent violation. Any municipality or the Attorney General, at the request of the commissioner, may bring an action under this section. All such actions shall have precedence in the order of trial as provided in section [52-191](#). Any such action by the Attorney General shall be brought in the superior court for the judicial district of Hartford.”

The Authority considers effective flow control of waste to the facilities designated by municipalities as essential to both the process of ceding control of Authority facilities to local governing bodies as envisioned in Public Act 23-170, and to the longer term goal of developing next generation waste management technology through regional waste authorities. Accordingly, Authority staff will be made available to assist you in this necessary enforcement effort of developing and/or implementing local flow control ordinances as the case may be. These efforts are also important to ensure that adequate tons of MSW are delivered to Covanta in Preston in order to meet our obligations under that disposal agreement, and that residential recyclables are being collected consistent with local ordinances and state law.

Please do not hesitate to contact me or Tom Gaffey, Director of Recycling and Enforcement, if you have any questions.

Sincerely,



Mark Daley
President & CFO

cc: Chief Elected Officials of Clinton, Chester, Deep River, Durham, Haddam, Killingworth,
Middlefield, Old Saybrook and Westbrook
Tom Gaffey, Director of Recycling and Enforcement