

Central Connecticut Solid Waste Authority Frequently Asked Questions

Why should we join the Central Connecticut Solid Waste Authority?

In June 2008, CRCOG first communicated with the 70 Mid-Connecticut Project towns about regional solutions to solid waste management. With the Mid-Connecticut Solid Waste agreements set to expire in 2012, CRCOG believes the 70 participating Mid-Conn municipalities may be able to achieve significant cost savings and other benefits by working together to forge a new regional approach to solid waste management. CRCOG's research has informed the decision of 48 municipalities to establish a new regional solid waste authority, the Central Connecticut Solid Waste Authority.

There are three principles at work as a new solid waste authority is formed that is meant to be an improvement over the current conditions towns are disposing their waste under: (1) Transparency, (2) Accountability, and the (3) Prospect of Savings. Each municipality that joins this new regional authority will have its own reasoning as to why they want to join, not limited to those three areas.

The end goal is a comprehensive solid waste management solution for all members of the Central Connecticut Solid Waste Authority that has these principles. Although the solution will not be one-size-fits-all, we are confident we can provide full solid waste management service that is **reliable, flexible and with predictable costs**.

(1) Transparency

- Governing Structure
 - Executive Committee elected directly by the membership at-large and is responsible for management of the authority, including determining staffing and overhead.
 - Executive Committee members are Chief Elected Officials or their designees.
- Formed under Chapter 103b (Sections 7-273aa to 7-273pp) as a Regional Resource Recovery Authority
 - Chapter 103b will give the new authority the widest scope of potential powers (not all of which it may want to exercise) combined with a minimum amount of initial organizational burden and complete flexibility in establishing a governing board
 - No changes to legislation is necessary to establish the authority

(2) Accountability

The Executive Committee is elected by the general membership on a tiered and geographic representation. The following is a breakdown of the Executive Committee seats that will be established through By-laws created by the membership:

- **5 Tiered Voting Categories, One Representative from Each Category:**

% Population	Votes per Town
0-1	1
1-2	2
2-5	3
5-10	4
10+	5

- **Four (4) Regional Representatives:** North West Region, Naugatuck Valley Region, Greater Capitol Region, Shoreline Region (see CRCOG website for regional map: www.crcog.org/municipal_ser/sw.html)

(3) Prospect of Savings

By joining together, the participating municipalities can conduct a competitive process to find solid waste management services with vendor bargaining power well beyond their individual ability and economies of scale with all costs associated with conducting a solicitation.

What is the timeline forward?

There are many documents indicating the timeline that has led us to this moment in time. CRCOG has been pursuing the issue of regional solutions for solid waste management since June 2008. Going forward, the timeline is as follows:

Early 2010	<ul style="list-style-type: none"> • Final version of Central Connecticut Solid Waste Authority model ordinance is agreed upon by interested municipalities • Municipalities who want to join the Central Connecticut Solid Waste Authority pass a model ordinance in their local legislative body • Those who have formally joined the authority establish By-laws • Work begins on drafting solid waste management services solicitation
Summer 2010	<ul style="list-style-type: none"> • Release solicitation procuring services for solid waste management for members of the new authority
Late 2010- Early 2011	<ul style="list-style-type: none"> • Contract in place for solid waste management services for members of Central Connecticut Solid Waste Authority

What is the cost to my town?

Ongoing costs will be a direct result of decisions of the CCSWA membership regarding: (1) solicitation drafting assistance (consultants, legal, administrative), (2) negotiations on tip fee with preferred vendor(s) for solid waste management services. Ongoing costs cannot be accurately predicted at this time, though it is expected that solicitation drafting and final tip pricing will be **significantly lower** than if a municipality pursued this path on their own.

Why is CRCOG’s counsel, Updike, Kelly & Spellacy, P. C., recommending that the new regional entity, the Central Connecticut Solid Waste Authority, be formed under Chapter 103b (Sections 7-273aa to 7-273pp) of the Connecticut General Statutes? Why not use Section 22a-207 of the Connecticut General Statutes?

The new regional entity, the Central Connecticut Solid Waste Authority (“CCSWA”), should be formed under Chapter 103b (Sections 7-273aa to 7-273pp) because this is the enabling statute which the General Assembly has devised for such purposes. An enabling statute such as 103b explains in detail how to set up a particular new legal entity (in this case, CCSWA) and enumerates what powers the new entity will have if formed properly. Fortunately, Chapter 103b confers the widest possible scope of powers on CCSWA (not all of which it may want to exercise) and combines this with a minimum amount of initial organizational burden and complete flexibility in establishing the CCSWA governing board.

Section 22a-207 is merely the introductory definitional section to Chapter 446d (Sections 22a-207 to 22a-256ee). Nothing in Chapter 446d constitutes an enabling statute. Nothing in Chapter 446d gives directions about how to form a regional solid waste entity like CCSWA. However, parts of Chapter 446d do give important additional powers to a regional solid waste entity like CCSWA formed under Chapter 103b and to municipalities which want to join CCSWA.

Does the proposed use of the regional solid waste authority option contained in Chapter 103b (Sections 7-273aa to 7-273pp) mean that waste generated within the boundaries of the authority has to be processed, stored and disposed of outside the authority's boundaries?

Forming CCSWA under Chapter 103b will not in any way affect where the facilities in which CCSWA or its members choose to process, store and dispose of their solid waste must be located. Such facilities can be located wherever the best service options can be found.

In fact, the entire idea that there is some requirement in Section 22a-207 or some other part of Chapter 446d that waste generated within authority boundaries must be processed, stored or disposed of outside authority boundaries is based on a misreading of the statute. We can find no such limitation, and there are many provisions in Chapter 446d which suggest just the opposite. We believe this erroneous idea arose from a misreading of Section 22a-213 (within 446d), which provides that contracts made by municipalities or regional solid waste authorities to process, store or dispose of their waste outside their boundaries must first be approved by the Connecticut Department of Environmental Protection. Such a State requirement to ensure that Connecticut waste disposal (which could occur outside of Connecticut) conforms to recognized standards of public health and safety makes sense, unlike an irrational requirement that waste generated within a municipal or authority border must be disposed of outside that border. The latter rule would only increase transportation costs and make it harder for the generating entity to supervise safe disposal of its waste. We can find nothing like this in Chapter 446d, and there certainly is nothing like it in Chapter 103b, the statute which we are recommending.

Why would this new solid waste authority will be more cost efficient in its management of our solid waste?

Many towns believe the current financial arrangement with CRRA is untenable. Besides the unusually high overhead associated with CRRA (10%) as compared to other solid waste authorities (see Solid Waste Final Report, page 46), the Mid-Connecticut Project in particular is charged an unequal share of CRRA's overhead. It is revealed in our consultant's report from November 2008 that 76-78% of CRRA's employee salaries are taken out of Mid-Connecticut project revenue, when the project only generates 41% of the total tons managed by CRRA.

The principles of Transparency and Accountability in the Central Connecticut Solid Waste Authority will remove the possibility of this happening in the new regional authority. We believe the CCSWA can achieve low overhead costs such as described in the Regional Solid Waste Management Options Analysis of Lancaster County SWMA (3.3%).

Why doesn't the model ordinance include more information?

The Model Ordinance is meant to be as simple as possible. The Model Ordinance does everything required by the enabling statute (Chapter 103b) to form CCSWA as a regional solid waste authority, and when at least two municipalities have adopted it, CCSWA will be formed. The language is repetitious and that is done to precisely track the language of the enabling statute (which is itself repetitious).

Regarding CCSWA governance and structure, we have put everything in the Model Ordinance on which, in our opinion, there is near unanimous agreement at this point. This is a matter of judgment. Please let us know if there are revisions you would like to see to better track a municipal consensus.

What the Model Ordinance Does NOT Do

- Authorize any mechanism for establishing member service fees to fund the cost of conducting a solid waste service provider solicitation or the negotiation of one or more vendor service contracts
- Authorize the execution of municipal solid waste delivery/disposal/recycling contracts between CCSWA and its municipal members, thereby pledging the municipal member waste streams to the disposal and recycling alternatives to be chosen by CCSWA

CCSWA Debt

In its current form, Chapter 103b authorizes collective CCSWA debt only after such debt issuance has been individually approved by the legislative body of each CCSWA municipal member.

What will be in the final by-laws?

The final by-laws will be agreed to by the entire membership. Principles are currently being drafted that the CCSWA Working Group will deliberate on to draft by-laws. If you would like to be involved in this process, please contact Jennifer March-Wackers at CRCOG (jwackers@crcog.org; phone: 860-522-2217 ext. 239).

What if a municipality is already a member of a solid waste authority or has a currently existing commitment to CRRA or another service provider?

There is nothing in the enabling statute proposed by CRCOG's counsel (Chapter 103b) which would prevent a municipality which is already a member of an existing solid waste authority or has a currently existing solid waste commitment from also joining CCSWA at this time, provided the municipality is careful to take no actions contrary to its currently existing legal obligations and commitments. For most municipalities, this would simply mean not making any pledge of its solid waste stream to a disposal or recycling option chosen through CCSWA which has an effective date commencing prior to the expiration date of its currently existing waste stream commitment. The pledge to the CCSWA option can be given while the existing commitment to another disposal option is still in existence, but the CCSWA pledge cannot become effective until after the expiration of the prior commitment. There is nothing in Chapter 103B which requires municipalities to wait until after their existing solid waste arrangements are completely terminated to begin making future alternative arrangements that take effect immediately upon the expiration of the old arrangements.

What happens when the chief elected official of a city or town, who is also that municipality's CCSWA representative, is not reelected?

The Ordinance establishing CCSWA has been amended to provide that the municipal representative to CCSWA shall be the current chief elected official of the municipality or that official's designee. As long as this basic rule is observed, any details regarding appointment, removal and term of office shall be as determined by the appointing municipality.

Who will decide whether CCSWA should pay host fees to any municipality or municipalities which have facilities owned or used by CCSWA within their municipal borders?

Which facilities and municipalities, if any, may be eligible for host fee payments and the amount of any such payment will be determined by CCSWA after its formation. Provisions governing such matters may be included in the CCSWA by-laws.

Will any provision be made for necessarily including municipalities which host facilities owned or used by CCSWA on the Executive Committee, including inclusion as an ex officio committee member?

The answers to this question will be determined by CCSWA after its formation, and provisions governing such matters may be included in the CCSWA by-laws.

Under what terms may a municipality which joins CCSWA leave the authority?

Section 7-273aa(f) of Chapter 103(b) provides that a municipal member of CCSWA may, by a vote of its legislative body, elect to withdraw from the authority, provided such withdrawal is done in compliance with terms and conditions imposed by CCSWA, including any contractual obligations the municipality may have undertaken while it was a CCSWA member, and that such withdrawal shall not relieve the withdrawing municipality of any liability it incurred as a CCSWA member or a user of a CCSWA project.

It is the intention of the CCSWA that members will have clear indication when they are entering into a financial or contractual obligation that would prevent their withdrawing from the group.