



Colorado Association for Recycling
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Turning today's waste into tomorrow's resources.

September 6, 2016

Wolf Kray, Environmental Protection Specialist
Colorado Department of Public Health & Environment
HMWMD-SW-B2
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Denver, CO 80246-1530

Dear Wolf and CDPHE staff:

We are tremendously excited by CDPHE's efforts to develop a statewide materials management plan for Colorado. Increasing the amount of valuable materials diverted for recycling will foster the vibrant, sustainable economy that all Coloradans want. With CDPHE's leadership, our state can reduce materials going to the landfill, and reap the benefits of successful recycling programs, which create jobs, boost local economies, save valuable resources, reduce pollution that impacts climate change and protect our environment.

As representatives of Colorado's statewide recycling industry and local governments, we applaud CDPHE's decision to divide the state into four regions that reflect the diverse needs, gaps, barriers and opportunities in each region. We strongly support the setting of two-tier diversion goals for Colorado, as well as the flexibility given by recommending a checklist of programs for municipalities to pursue that rightly places more requirements on urban areas than rural areas.

We appreciate CDPHE's recognition that although local municipalities have more power to affect recycling than state government, many of these local governments have taken no action. In order for this plan to provide that momentum, we strongly support the evolution of CDPHE's role from a focus on regulation and compliance to one of leadership and technical assistance.

CAFR recognizes that state policy changes are needed to empower CDPHE to implement this plan and we would like to partner with you to make those changes a priority in the near future.

After carefully considering all aspects of the proposed recycling plan, we developed several recommendations, listed below. Thank you for considering these ideas and we look forward to continuing to work together to support Colorado's efforts to build an improved recycling economy.

Recommendations for Improvement

1. **Expand CDPHE's mission and authority to include enforcement and funding of diversion and sustainable materials management.** To implement the proposed plan, CDPHE's mission and authority must be expanded, which will require legislation. We urge the administration to carry such a bill in the coming session and look forward to working with you toward that goal. As

noted in the plan, this bill would charge CDPHE with providing “improved policies and procedures for ... promoting the community ethic to reduce waste...and promote innovative and cost-effective protection of the environment and quality of life...in the state of Colorado.”

Specifically, the legislation must ensure that CDPHE has the authority to provide training and technical assistance on materials management, to request additional funding, and to mandate and enforce material management goals and policies for local municipalities, including all the potential actions outlined in the proposed plan.

2. **Assign timelines and priorities.** There are no timelines or assigned priorities for any of the plan’s recommendations. Without these stipulations, the plan will not move forward. Along with the action steps, a defined methodology should be used to set clear priorities within each group of solutions. This will create more accountability and transparency and more buy-in from industry stakeholders. To start, Tier 1 options should be addressed by 2019.
3. **Commit to market development and assistance programs.** Table 6-9 has a strong list of possible market development programs, including tax incentives, market development zones, procurement policies, minimum content standards, and technical assistance programs. These are proven strategies and the plan should make them priorities for action. They are not given enough merit in the current work plan. These steps are essential to make recycling economically viable statewide and for Colorado to reap the most economic and jobs benefits from this industry.
4. **Measure and evaluate actions based on climate change impacts.** Materials management provides a cost-effective opportunity for Colorado to reduce greenhouse gas emissions (GHG). The plan briefly mentions the crossover with the state climate action plan in the list of potential strategies in Table 6-9, but this connection should be elevated and better integrated with all the solutions. To accomplish this, CDPHE should calculate the GHG savings from the proposed actions in the plan and then consider actions based on their climate impacts.
5. **Set stronger resource recovery goals.** Leading states are already recovering 50 percent of their materials. CDPHE recognizes that its proposed recovery goals are conservative. We agree. Colorado recycled only 12 percent of its waste in 2014 while the national average recycling rate is nearly 35 percent. Colorado’s recycling industry is poised to grow quickly with the proper support. We would like to see the state commit to more progressive yet realistic goals:
 - Front Range: 50% by 2026, 75% by 2036
 - Rest of state: 25% by 2026, 50% by 2036
6. **Integrate materials management into state economic development programs.** Much more can be done to promote the economic and jobs benefits of recycling within Colorado. The plan recognizes the potential economic value of recycling, but realizing the full benefits will require much greater cooperation with state agencies, such as the Office of Economic Development and International Trade and the Department of Local Affairs. The proposed market analysis study will be a tremendous step in that direction and should be recognized in the plan as a foundation for future efforts.
7. **Quantify funding gaps, identify key funding sources, and set goals.** Colorado underfunds its recycling and diversion programs compared to many states. CDPHE needs to evaluate these funding gaps and set concrete goals to raise funding for recovery programs based on the funding strategies listed in table 6-5. The plan does not specifically call for increasing the RREO fund. The

Recycling Resources Economic Opportunity (RREO) fund was intended to be the primary tool for increasing recycling, yet RREO currently funds only 10 percent of requests from local governments and other entities. The plan should set a timeline for the renewal and expansion of the RREO fund to meet increased funding needs.

8. **Prioritize additional compost facilities.** The plan relies on “continued growth in access and use of organics programs,” but organics programs are reliant on an accessible compost facility. The map showing all compost facilities in the state (Figure 5-1) appears to show all permitted operations in the state; however, many of these facilities do not accept food waste. In reality, composting facilities that accept food waste are very limited, which is a major obstacle to expanding composting in Colorado. CDPHE should prioritize the expansion of food waste composting infrastructure, starting first along the Front Range, as part of its Level 2 recommendations.
9. **Expand compost markets.** Compost markets must be strengthened and expanded to help grow organics recovery programs in Colorado. Potential options to strengthen these markets may include requiring local and state governmental agencies to require the use of compost as a soil amendment for any residential and commercial development, road construction, etc.
10. **Develop plan for additional construction and demolition (C&D) materials diversion.** The proposed plan recognizes that a significant portion of Colorado’s current diversion rate is C&D recycling, not municipal and commercial recycling, but there is no mention of prioritizing additional C&D diversion. This is an underserved arm of the recycling industry, and CDPHE should convene working groups to develop action steps specific to C&D recycling programs, policies, and infrastructure needs.
11. **Expand landfill bans to include bans on incineration.** Any policies to ban recyclable materials from landfills should also ban recyclable materials from incineration. These technologies produce only a fraction of the energy that can be saved through recycling while emitting dangerous air pollutants and producing toxic ash.
12. **Encourage all state agencies to recycle, compost, reduce and reuse as much as possible.** CDPHE must better integrate material management into its own internal operations. There is also tremendous opportunity for CDPHE to serve as a liaison and mentor for all other state agencies to better integrate materials management into all state-level operations.
13. **Highlight the roles of current and future partners, and the opportunities to outsource programs.** There is a lot to be done to move Colorado forward with materials management, and the burden does not fall solely on CDPHE. Level 1 recommendations should emphasize partnerships with EPA Region 8, CAFR, nonprofits, and other agencies, cities, and industry players who can support progress and implement some of the plan’s action steps where appropriate.
14. **Commit to expanding product stewardship regulations.** Colorado’s paint stewardship legislation, the first of its kind in the state, has successfully expanded paint recycling to more residents and businesses and is reducing costs to local governments for managing these materials. The plan should identify the best materials for future product stewardship legislation, including but not limited to mattresses, electronics, and pharmaceuticals, and the benefits of such legislation in reducing solid waste costs for local governments.

15. **Expand data collection to include per capita waste generation and disposal.** While the plan lays out several strong recommendations for tracking progress and materials recovery, it does not include tracking per capita generation and disposal. This data would give us the best indication of Colorado's progress in keeping materials out of landfills and allow for more accurate comparisons with other states. It would also measure the success of programs to reduce waste generation and increase material reuse.

Separating residential and commercial waste diversion tracking also would help identify which programs are succeeding in each sector. Further, CDPHE should include the GHG emissions from diversion in all reporting, and improve tracking for C&D diversion.

16. **Expand RREO funding to support city-level planning.** The current plan prioritizes that RREO funding be used for regional planning, which will greatly help many communities assess their needs. However, along the Front Range, municipal planning is a bigger need and a more appropriate scale than regional planning. CDPHE should broaden the scope of the RREO funding to allow for city or regional planning based on the area's need.

17. **Develop and coordinate a plan for statewide public education to promote materials management.** The current plan does not address educating the public on reuse, recycling and composting. We need state leadership to establish marketing and outreach strategies that can be used consistently state-wide to eliminate public misunderstandings that impede participation in diversion services.

Thank you very much for your consideration of these comments. We look forward to discussing them with you and working together to build a vibrant, sustainable economy in Colorado.

Signed,

CAFR Board of Directors