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Wrap-up of the EBC-NE's Construction and Demolition Materials Regional Recycling Summit

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On January 31, the Environmental Business Council of New England hosted its Seventh Annual Construction and Demolition Materials Regional Recycling Summit. The summit, chaired by Thomas Mackie, managing shareholder of Mackie Shea O'Brien PC and co-hosted by several other organizations, such as the Mass. Department of Environmental Protection (DEP), National Demolition Association, and Associated General Contractors, again inspired an array of speakers and attendees to recommit to the goal of recovering as much material from construction and demolition projects for reuse or energy recovery.

Keynote speaker, Kenneth Kimmell, commissioner of the Mass. DEP, outlined the department's initiatives in its Pathway to Zero Waste draft Solid Waste Master Plan, with particular emphasis on the role of energy recovery and new technologies in providing solid waste management and renewable energy solutions. The commissioner invited attendees to provide comments on the department's proposal to partially lift the existing moratorium on energy recovery from municipal waste using new technologies such as pyrolysis and gasification. He explained how this initiative would not discourage proper recycling of municipal solid waste because it would be limited to only the residuals remaining after recyclables have been removed from the waste. In addition, commissioner Kimmell outlined recently passed regulation changes designed to streamline and clarify the permitting process for organic waste processing facilities such as composting and anaerobic digestion plants.

It was clear that the commissioner and the department are taking significant steps to reduce disposal and increase energy recovery from portions of the solid waste stream, without impairing recycling and other waste reduction efforts.

In order to dovetail with these proposals, the Summit featured speakers who presented a national and a regional perspective on energy recovery, primarily from construction and demolition materials, such as wood, but also from municipal solid waste. Ben Harvey vice president of Westboro's EL Harvey & Sons, and newly named president of the National Solid Wastes Management Association, introduced a presentation by Jason Haus on the national view of this important subject. Haus, who is CEO of Minnesota based Dem-Con companies, and a member of the executive committee of the Construction Materials Recycling Association, provided a detailed and informative review of the U.S. Environmental Protection Agency's (USEPA) new regulations governing non-hazardous secondary materials. According to Haus, the USEPA is very likely to grant a petition co-sponsored by the CMRA to allow properly processed wood derived from construction and demolition materials to be combusted as a fuel, and not as a "waste" under the USEPA's 2012 regulations governing that subject. Without the work of the industry and regulators, Haus informed the audience that the marketplace for C&D material would have been negatively impacted by increased pricing and lack of

capacity.

After the audience was fully educated about the federal law regarding energy recovery from C&D wood, Michael Scipione, president of Wakefield, Mass. based Weston and Sampson, presented a panel of regional biomass plant developers. These plants promise to provide an outlet for wood generated in Mass. and throughout the region. Since it is unlawful to dispose of C&D wood in a Mass. landfill, for several years producers shipped their wood a long distance to biomass plants in Maine or Canada. Although in the past year much C&D wood has been disposed of in Mass. municipal waste combustors under an exception to the Mass. disposal ban on such wood, as the economy recovers and those plants approach their permitted capacity, those outlets are expected to become less economically desirable and new markets are expected to open.

According to James Taylor, president and CEO of Taylor Biomass Energy in Montgomery, N.Y., and Michael Witzing, president of Plainfield Renewable Energy in Plainfield, Conn. C&D processors in Mass. and the rest of New England and the northeast will soon have outlets at their proposed facilities. Plainfield Renewable is a fluidized bed two stage biomass gasification facility under construction in Plainfield, Conn. Plainfield is not just on the drawing board, according to Witzing, it is already well under construction, in contract negotiations with fuel suppliers and has been determined eligible for Conn. Class I Renewable Energy Credits. Taylor Biomass also proposes to use a gasifier to convert biomass into a synthetic gas that will be used to fire a separate boiler and produce energy. Jim Taylor walked the audience through the vicissitudes of being selected by the U.S. Department of Energy grant program as the top project while still perfecting his technology and seeking obtain requisite permits and financing.

Alan Kirschner, vice president of engineering firm Brown and Caldwell out of its Middleboro, Mass. office introduced an advanced technology for managing municipal solid waste. On Alan's panel were Michael Cheney, director of special projects for the Plymouth County Sheriff's Department and Stuart Haber, CEO of Acton, Mass. based MSW Power Corp. Under Cheney's tutelage, the Plymouth County jail is attempting to become completely energy efficient using a combination of energy efficiency, renewable energy and waste to energy resources. One of the last pieces of that puzzle is the project that has been contracted to Haber's MSW Power Corp. to accept and gasify on-site, all of the municipal solid waste generated at the jail in a modular gasification unit originally developed for the U.S. Army. Capable of converting up to 3 tons per day of municipal solid waste into a synthetic gas, the project will use the gas to provide hot water to inmates.

In addition to learning about these exciting projects, attendees were also treated to an education in disaster debris management by a panel headed by David Murphy; vice president of Westfield based Tighe & Bond. David's panel consisted of Chris Cignoli, chief city engineer for the city of Springfield, Mass. and Scott McLeod, in charge of Mitigation and Disaster Recovery Division of the Mass. Emergency Management Agency. Cignoli provided a first person account of cleaning up after the series of weather disasters in Springfield, including the tornado and Hurricane Irene while Scott McLeod outlined the procedures for municipal officials and their contractors to ensure proper contracting and documentation for FEMA reimbursement of disaster recovery expenditures. Finally, as a bookend to commissioner Kimmell's opening remarks, Greg Cooper, deputy director of Consumer Programs for the Mass. Department of Environmental Protection, who has been instrumental in establishing the department's policy and regulations for C&D recycling and waste bans presented the Department's data on the subject and outlined initiatives to be undertaken in 2013 to sustain and increase recovery of materials from the C&D waste stream

The overall thrust of this Seventh Summit, energy recovery, was very well received and the audience left both informed and excited about the potential to achieve better solutions to our waste problems and increased renewable and alternative energy resources. For further information on the Summit or the Environmental Business Council, go to the Environmental Business Council's website at <http://www.ebcne.org/> where you can find membership and programming information including downloads of the Summit Agenda and presentations.

Mackie is the managing shareholder and president of Mackie Shea O'Brien PC, a Boston environmental law firm, where his practice focuses on difficult to site facilities. Recently, Mackie has been focusing his practice on the siting of energy and solid waste management facilities including biomass, landfill gas and similar facilities. He has also handled the siting of waste to energy plants, landfills, regional waste processing and recycling facilities, transfer stations, medical and hazardous waste facilities. Best Lawyers in America, the definitive referral guide for the legal profession, Chambers USA, publishers of America's Leading Lawyers for Business and the International Who's Who of Environmental Lawyers have all consistently ranked Mackie and other attorneys in his firm among the best environmental lawyers in Massachusetts.

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