

**Solid Waste Advisory Committee (SWAC)
Meeting Summary
May 7, 2010**

Participants		
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1) **Welcome and introductions.**

Overview of agenda

- Handouts:
 - Agenda
 - Draft March 5, 2010 Meeting Summary
 - SWAC Legislation Table
 - Solid Waste Policy Tracking Table

- Part 115 Financial assurance Amendments Framework
- Solid Waste Data Measurement System Operation Request for Proposal with Estimate of Costs

Liane provided an update of the solid waste fee and WHMD budget status. A \$2 million Perpetual Care Account (PCA) “patch” was approved in the House substitute bill that was recently passed. If this “patch” remains, existing Solid Waste Program staff levels will be funded through FY 11. For FY 12, either fees will need to be increased or there will be a major program reduction as there will be no more PCA left to “patch” the budget.

If additional funding is not secured for FY 12, we will use process engineering and other evaluation methods to determine what functions will be eliminated. There was a suggestion that certain compliance inspections conducted by DNRE could be done by the facility operators instead, freeing up DNRE staff to do other work in the program. It was requested that this suggestion be placed on a future meeting agenda to discuss. The DNRE was also asked if there would be consideration of activities that could be turned over to the EPA. The EPA does not administer a solid waste program.

Some concern was expressed about the use of the PCA to fund program activities. It was noted that there is a difference between the PCA and the perpetual care fund (PCF). The PCA is for “orphan sites” where there are no other bond or PCF monies available to the state to close and maintain the site. The PCA is a state account funded by landfill license fees, and is not replenished very quickly. The PCF is an account established at a financial institution by each landfill, funded by deposits that are based upon the amount of waste disposed. The PCF provides a portion of a landfills financial assurance for closure, postclosure and corrective action costs. It was also noted that the suggestion to tap into the state PCA came from industry at a budget discussion meeting in November 2008.

The reorganization is still moving along: Division Chiefs have been named; Assistant Division Chiefs and Regional Director positions will be posted and filled soon. The WHMD will be included in the “Groundwater” Division which will also include water programs and OGS.

2) **Approve draft meeting summary.**

No comments or changes were made to the March 5, 2010 meeting summary. The “draft” watermark will be removed from the notes posted on the website.

3) **Standing Agenda Items:**

- a) **Legislative Update:** HB 6059 was highlighted which would not allow the Department to pass the proposed open burning rules. Also noted were SB 1285, which would place a deposit on newspapers, and SB 437 (re-write of Part 201), which has been moved to the Senate Natural Resources and Environmental Affairs Committee.

- i) Coal ash update: EPA may regulate coal ash with one of three options 1) under subtitle D where coal ash would be disposed of in landfills that meet certain minimum siting criteria and design standards. Surface impoundments that do not meet these standards would be required to either retrofit the impoundment with a liner system, or close within 5 years. Existing coal ash landfills could continue to operate, but must meet the groundwater monitoring, corrective action and other requirements of subtitle D. 2) under subtitle C which would regulate coal ash as a hazardous waste (cradle to grave) which would require manifests, regulation of storage sites, etc. EPA would exempt beneficial reuse and mine fill. 3) under subtitle D prime, which would not require the closure or retrofit of existing surface impoundments, but would allow the use of the impoundment for the remainder of its useful life. Also considered was hybrid of the first two proposals, where surface impoundments are regulated under subtitle C and landfills are regulated under subtitle D. If the EPA decides to regulate as subtitle C, states have asked that the EPA recognize states' current programs. Margie is looking for information on where coal ash is being disposed of other than the 8 monofills in the state, and is curious how many Type II landfills are taking coal ash. MMA made comments to the EPA a year or so ago and will share their comments with the SWAC. Comments are due 90 days from the publication date of the federal register (decision has not been published yet). EPA also proposed rules to define nonhazardous materials that are solid waste for combustion, such as scrap tires that are burned for fuel. Duane Roskoskey will be preparing comments, as well as Dave Riddle in Air Quality Division. Comments are due 45 days from publication in the federal register.
- ii) Financial Assurance Amendments Framework (handout): Steve discussed the need for amendments to the financial assurance provisions under Part 115. Some examples of problem areas include cost estimates and corresponding bond amounts; they are different for Type II and Type III landfills (Type III fees are set at 1996 levels, Type II have been adjusted for inflation each year and are not capped). Also, there are conflicting provisions that need to be addressed. Additionally, the provisions need to be evaluated for ways to streamline implementation of the program; to find ways to simplify and reduce the burden on the agency and the regulated community. A subcommittee will be formed to discuss issues such as these and to develop recommended legislative amendments for consideration of the larger group.

Volunteers for the financial assurance subcommittee (will cover 1,2,3,5 from handout): Chip Shaw, Susan Johnson, Granger, Doug Wood, Don Pyle, Tom Horton, Dave Rettell, Stephanie, Chris Hackbarth (Municipal Landfill), Type III representative, Steve Sliver, Becky Kocsis, Margie Ring.

b) Rules Update:

- i) **Open burning:** Two of the three public hearings have taken place (Marquette and Lansing). The Gaylord hearing will take place May 12th, and the comment period is open until June 4th. Staff has developed a map showing disposal options (transfer stations and landfills) in anticipation of questions regarding access to disposal other than open burning. It has been determined that everyone in the state has access to at least a drop off location within 20 miles. The map can be found here: www.michigan.gov/openburning. The map does not include recycling drop off locations, although this information was recorded when found. The utilization subcommittee is examining recycling access as it pertains to the Policy goals of assuring residents have access to recycling by 2012. It was asked if the state will penalize drop-off facilities for not being included in the Plans. If drop off sites aren't legal and can't easily be put into plans this is a problem. It was noted that many plans allow siting of Type B transfer stations without amendments. Planning lite would also address these concerns. Please see the open burning website: www.michigan.gov/openburning for information on submitting comments.
- ii) **Compost and inert rules:** Staff is currently making minor updates to the rules and will be sending the package to SOAHAR shortly. It was noted that some organizations represented at the SWAC are not in favor of the rules. It was asked if separating the rules into two separated packages is an option: although it remains an option the Department is not considering separating the rules at this time.
- c) **Operational memo update:** Many op memos are still in process, stakeholder input will be requested as these op memos are finalized.
- d) **E-waste update:** 62 electronics manufacturers have paid the registration fee. 14 e-waste recyclers have paid the registration fee. Total Registration fees received \$214,000. 57 of the manufacturer registrations are administratively complete. All 14 of the recyclers are administratively complete. Manufacturers and recyclers have been informed of their status (administratively complete or administratively incomplete. The list of administratively complete registrations and scanned versions of the registrations are available online. Article informing retailers of their obligations was sent to retailers associations. The Electronic Waste Advisory Council (EWAC) has been named, but no meetings have been set. The EWAC is required to submit report in April 2012.

4) Break

5) **Discussion on how landfills are complying with Section 11526a- acceptance of solid waste generated out of state:**

Currently, the landfills are monitoring jurisdictions by requiring each driver to have a signed letter from the transfer station where their load originated indicating there are no prohibited items. Transfer stations have also been instructed to go “up the stream” to make sure no prohibited items are brought to the transfer station. It was asked how the state handles rest stop trash i.e. beverage containers in trash from out of state. It is believed that many beverage containers are most likely being picked out of the trash before disposal; however some may end up in the landfills. It was also noted that landfills handle direct haul from out of state when no certification form is available by inspecting loads to ensure that no prohibited waste enters the landfill.

- 6) **Update from Measurement Subcommittee:** The operational RFP has been released and posted on the DNRE website, www.RFPDB.com and has also been sent to the full SWAC and other interested parties; the deadline June 4th. The next step will be soliciting a funding source as no funding has been allocated through the state. It was noted that City of Indianapolis has gone through a similar process with no funding allocated and did not get accurate quotes because it was a “dead end.” This RFP, although unfunded, is necessary in order to determine costs so that potential funders can be solicited and grant applications may be completed. It was also noted that the RFP includes a request for techniques to fund the project.
- 7) **Solid Waste Policy Discussion Topic: Ways SWAC members (and those they represent) can support progress toward the 50% MSW utilization goal by 2015.**

This agenda item was put on hold for about a year and a half due to the funding discussion. The Solid Waste Policy Tracking table was reviewed as a way to track progress towards the various goals as defined in the Solid Waste Policy. It was noted that some members of the SWAC are working towards implementing the Solid Waste Policy by actively seeking information from their members identifying regulatory barriers to waste utilization. When discussing waste utilization, it was asked if any Material Recovery Facilities (MRFs) are required to report their volumes of material received. Although MRFs are not currently required to report, the proposed “Planning Lite” amendments would include some reporting requirements for MRFs. One SWAC member noted a missing piece to implementing the Solid Waste Policy is the Department’s decision not to update Solid Waste Management Plans as they have not been updated in 10+ years. It was asked if the Department can call for a “mini update,” an administrative update, or an annual report to update the information, not necessarily a full Plan update. It was also recommended that the Department go after a larger source of funding for Plan updates and to measure utilization in the state. It was suggested that two or three options for funding be put into draft legislation so that they can be considered for sponsorship. It was noted that the “fixes” to measure utilization are so fundamental and so much money that it is difficult to answer the question

without money. There could be an MEDC connection with jobs coming out of utilization and solid waste plans.

Other suggestions made:

- Need to look at greater collaboration among local units of government to provide services/use resources
- Corporations, hospitals and educational institutions working to divert organics
- May be ways to go outside the SWAC such as contacting universities, corporations, etc that may be utilizing waste. Possible to send out a survey to find ways others are utilizing?
- Supporting development of markets- potential involvement with universities to use grad students for research projects
- MML working with communities to determine community recycling programs.

The link to the document for members to fill in information:

<http://spreadsheets.google.com/ccc?key=0AvW4kjdje0adDg2YXF4WG5pRHVPMnctbkNSdGRCUWc&hl=en>

- 8) **Agenda items for next meeting:** Discuss Planning process- how do we get things going?
- 9) **Next Meeting Date:** Meeting is re-scheduled to **Friday, July 16, 2010 from 9:00 am – 12:00pm**

Remaining FY 2010 Meeting dates: July 16 and September 10