



Governor's Recycling Council and
Solid Waste and Sustainability
Advisory Panel Report

FREQUENTLY ASKED QUESTIONS



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GOVERNOR'S RECYCLING COUNCIL (GRC)

1. Why was the GRC established?

The GRC was created and appointed by Governor Snyder in 2014 to seek recommendations from leading industry experts for the best ways to double Michigan's municipal solid waste recycling rate (currently at 15.3 percent).

www.michigan.gov/snyder/0,4668,7-277-57577_57657-326217--,00.html

2. Who serves on the GRC?

The GRC includes members comprised from industry experts from a variety of organizations. Their appointment to the GRC is in addition to their respective roles in the organizations they represent, and they all have experience with materials management, regulation, and policy.

- Michael Csapo, representing public/private partnerships.
- Jim Frey, representing academics and consultants.
- Linda Gobler, representing retailers.
- Jim Kulp, representing processors.
- Bill Lobenherz, representing bottlers.
- Kerrin O'Brien, representing recycling professionals.
- Tonia Olson, representing waste haulers, waste industry, and landfill owners and operators.
- Don Pyle, representing county and solid waste authority interests.
- Elisa Seltzer, representing public and community interests.

3. What is the Department of Environmental Quality's (DEQ) role with the GRC?

The DEQ, working with the governor's office, organized, facilitated, and staffed the GRC. The recommendations from the GRC were developed through nearly three years of focused work to identify innovative and achievable steps to double Michigan's recycling rate.

SOLID WASTE AND SUSTAINABILITY ADVISORY PANEL (SWSAP)

4. Who created the SWSAP and why?

The DEQ established the SWSAP in 2014 to evaluate whether and how Michigan's 40 year old solid waste law should be amended to promote a more sustainable approach to managing waste and our natural resources.

5. Who are the SWSAP members?

The members represent diverse, wide-ranging interests throughout Michigan, including environmental and recycling groups, local governments, businesses and industry, environmental consulting firms, and academia. Their appointment to the SWSAP is in addition to their respective roles in the organizations they represent, and they all have experience with materials management, regulation, and policy.

The SWSAP includes members:

- Darwin Baas, representing the Michigan Association of Counties.
- Tom Frazier, representing the Michigan Townships Association.
- Christina Gomes (and Matthew Naud), representing the Michigan Municipal League.
- Sean Hammond, representing the Michigan Environmental Council.
- Dana Kirk of Michigan State University, representing academia, recycling, agriculture, and energy.
- Tom McGillis (and Michael Takacs) of U.S. Ecology, representing solid waste processors and the liquid industrial by-products industry.
- Kerrin O'Brien, representing the Michigan Recycling Coalition.
- Tonia Olson, representing Michigan Waste and Recycling Association.
- Harold Register Jr. of Consumers Energy, representing electric utilities.
- Anne Shishkovsky Milne (and Richard Smith), representing the Central Upper Peninsula Planning and Development Regional Commission.
- Arthur Siegal, representing the Michigan Chamber of Commerce.
- Andy Such, representing the Michigan Manufacturer's Association.
- Brad Venman of NTH Consultants, Ltd., representing environmental consulting firms.

6. What is the DEQ's role with the SWSAP?

The DEQ Waste Management and Radiological Protection Division (WMRPD) staff facilitated the SWSAP and coordinated the development of the recommendations report. The WMRPD will continue to be a primary point of contact for the SWSAP and provide information to the public.

GRC AND SWSAP

7. The GRC and SWSAP seem to be addressing similar issues. What distinguishes them? What is their relationship?

The GRC and SWSAP complement one another. The GRC is recommending specific steps that will lead to doubling of Michigan's Recycling rate. Those recommendations include both legislative and non-legislative actions. The SWSAP is focused on changes to current solid waste law that are needed now to promote more sustainable approaches to materials management and disposal.

The GRC was established by Governor Snyder as part of his plan of action to increase the recycling of municipal solid waste. GRC appointees have explored ways to increase access to residential recycling. They are focused on long-term policies and goals and advising the DEQ about recycling education, technical assistance, stimulating investment in recycling infrastructure, and developing recycled materials markets. The SWSAP was established to advise the DEQ on what, if any, changes should be made to the Solid Waste Management law, Part 115 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. They looked to create a more sustainable materials management approach within the statute, including increasing recycling.

8. The GRC is releasing its report on increasing recycling in Michigan. How do those recommendations relate to the SWSAP's?

The GRC and SWSAP have key issues in common: they both address invigorating the county materials management planning process and integrating waste utilization into those plans. The SWSAP is recommending a major shift in the focus of the planning process. This shift would redirect the focus from disposal and shift it to waste utilization and other materials management options, such as pollution prevention, waste reduction, recycling and composting. The new materials management planning process is the primary mechanism for communities to integrate the policies, practices, and tools being recommended by the GRC to increase recycling.

The SWSAP's recommendations for more guidance and oversight of materials management facilities (i.e., composting and materials recovery facilities) will also help achieve the GRC's goal to stimulate investment in recycling infrastructure.

9. What role will the GRC and SWSAP have going forward?

The best structure for keeping the members of both groups engaged with the DEQ has not been decided, but their advice and advocacy will continue to be essential for successful implementation of the recommendations. The members will assist with the development and promotion of legislation to implement their proposals. They will also advise the DEQ on implementation of the new law, once enacted, including administrative rule amendments and education and outreach.

Advice on implementation of administrative items that do not require legislation will also be sought from the members.

Additional reports of recommendations from the members are not anticipated at this time.

NEXT STEPS

10. Who needs to act on the GRC and SWSAP recommendations, and what happens if they do not?

The DEQ will coordinate with stakeholders and the Legislative Services Bureau to ensure that legislation is drafted consistent with the proposals/recommendations in each report. The successful adoption and implementation of these recommendations will require a concerted coordinated effort by the DEQ, the GRC and SWSAP members, and those whom they represent. The DEQ will also engage with other stakeholders and interested parties to encourage advocacy for these adoption of these recommendations. If action is not taken within the identified legislative timeframe, Michigan will miss a prime opportunity to strengthen its economy and preserve natural resources by creating a program for managing materials in a more sustainable way.

The DEQ will also coordinate pursuit of the recommendations that do not require legislation. For example, the GRC recommends ways that state government can lead by example.

11. What are the next steps for the GRC and SWSAP recommendations?

The next major step is to develop the legislation necessary to support a 21st century sustainable materials management infrastructure.

12. How soon will the GRC and SWSAP recommendations have an effect on how we manage waste?

Some of the most noticeable effects will be realized when new materials management plans for the counties and regions are approved. The current planning process can take up to five years to complete. That is one reason we need to enact legislation soon so the counties and regions can initiate the plan updates and move to a more modern materials management approach. Other recommendations regarding technical requirements for disposal areas and materials management facilities could take effect much sooner.

LEGISLATION

13. Is Michigan's solid waste law inadequate or ineffective?

Michigan's current solid waste laws are outdated and the result of 40+ years of oversight. Michigan now has state-of-the-art landfills and other types of disposal areas, disposal capacity of greater than 26 years, and a program that promotes the beneficial use of certain industrial by-products in construction, agriculture, and other projects. Solid waste is being managed in ways that are protective of people and the environment. The question is whether we can build upon that success and promote additional material management recovery options consistent with Michigan's Solid Waste Policy within the confines of the current statute. The Policy, adopted by the DEQ in 2007, challenges us to recognize solid waste as a resource that should be managed to promote economic vitality, ecological integrity, and improved quality of life in a way that fosters sustainability.

14. Can each of these legislative recommendations be acted upon individually?

The proposals behind these recommendations should all be considered as a whole and are not focused on a limited set of issues or constituencies.

15. Who will be involved in and consulted with during the drafting of any legislation to implement the GRC and SWSAP recommendations?

The DEQ will take the lead in developing draft statutory language and guidance to assist the Legislative Services Bureau with creating draft legislation. The DEQ will coordinate with stakeholders in an inclusive and iterative process with the intent of involving all interested parties early in the process so that any introduced legislation will have broad support.

RESIDENTS

16. What do the GRC and SWSAP recommendations mean for individual residents?

Michigan residents have been very supportive of recycling programs in their communities. The GRC and SWSAP recommendations will promote the development and expansion of recycling opportunities throughout the state. The growth in recycling and other waste utilization activities will also mean job opportunities and a stronger economy that benefits everyone. Residents in some areas may also experience a decrease in odors, noise, and other nuisances from materials management facilities, due to increased oversight of these facilities by DEQ.

LOCAL GOVERNMENT

17. What changes are expected for the siting and development of new and expanded facilities?

The new materials management plans will include compost facilities, materials recovery facilities, and other materials management facilities in addition to the traditional disposal areas like landfills. Historically, facilities subject to the plans had to be found consistent with or specifically identified in the plans. The SWSAP recommends an additional option that would allow for siting and developing facilities outside of the plan if they are determined locally to be consistent with land use planning. This option would be most appropriate for the materials management facilities like compost sites that currently are exempt from plans. Regardless of the path to siting and developing new and expanded facilities, it will remain essential to involve local officials and the designated planning agency in all siting decisions.

18. What do the GRC and SWSAP recommendations mean for local units of government?

Local governments will benefit by not being required to ensure adequate disposal capacity, which has historically been done by setting aside land for landfills and by limiting the imports of waste from other counties. Instead of planning for adequate landfill disposal capacity, local governments will plan to meet statewide policy goals for recycling and other waste utilization practices. Instead of siting and developing landfills, they will develop materials recovery, composting, and other waste utilization facilities.

Recognizing that the siting and development of more waste utilization facilities, like compost sites, can be controversial, the SWSAP recommendations include increased state oversight of materials management facilities previously exempt from permits. If those facilities caused nuisance conditions in the community, local governments often had to take action because the DEQ had limited enforcement authorities at non-permitted facilities. Fewer local resources will be needed to keep these facilities in compliance and from being a nuisance to their neighbors.

Local units of government can also expect to benefit from economic growth due to the establishment of recycling and composting facilities in their communities. They not only create jobs, but also attract other businesses looking for a reliable supply of recyclable materials for making new products. In Michigan, it is estimated that up to \$368 million of recyclable materials are disposed in landfills and incinerators each year, and that diverting those materials to the market could grow Michigan's economy by almost \$400 million and create over 2,600 jobs.

BUSINESS AND INDUSTRY

19. What do the SWSAP's recommendations mean for businesses?

Better planning for materials management (collection, materials recovery, etc.) will enable business to more efficiently achieve their zero-landfill goals. It will also help ensure a reliable supply of recyclable materials for manufacturing.

The solid waste industry will benefit from the expanded markets resulting from the elimination of waste import/export provisions in materials management plans and minimum disposal capacity requirements for the planning areas. In addition, the increased oversight of materials management facilities will create a more level playing field in the industry. That level playing field should help assure companies that they will not be undercut in the market by less reputable practices if they are willing to invest in the types of facilities and equipment needed to properly recover and utilize waste as a resource.

ENVIRONMENTAL PROGRAMS

20. What implications are there for other environmental programs?

The increased DEQ oversight of waste utilization facilities under the solid waste program should complement regulatory requirements under the air, water, and other regulatory programs.

INFRASTRUCTURE

21. How do landfills, waste haulers, transfer facilities, materials recovery facilities, composting facilities, and other materials management facilities fit within the current conversation on Michigan's infrastructure needs?

While Michigan's 21st Century Infrastructure Commission necessarily focused on other more pressing infrastructure needs, Michigan's solid waste infrastructure provides an essential service for the protection of public health and the environment. It is recognized as a major infrastructure category by the American Society of Civil Engineers. The GRC and SWSAP recommendations promote the development of a 21st century sustainable materials management infrastructure that will grow Michigan's economy and help preserve Michigan's natural resources.

22. What is sustainable materials management?

Sustainable materials management is an approach that looks to use and reuse materials within a continuum to be more productive throughout their entire life cycle. It is a vision of seeing end-of-life materials as a resource, rather than just waste for disposal.

23. If the GRC and SWSAP recommendations are implemented, will we still need landfills and incinerators?

Yes, because environmentally-sound disposal options will always be needed for things like remediation wastes and residual materials that have reached the end of their useful life or are too contaminated to be reused or recovered.

24. Will the GRC and SWSAP recommendations help reduce the amount of solid waste imported from other states and Canada?

Changes in the solid waste and materials management markets could have an effect on waste imports, but it is difficult to estimate. For example, a shift in focus from disposal capacity to materials management capacity could result in less overall landfill capacity, which could result in higher disposal costs for imports.

FUNDING

25. How will the counties and regions pay for updating and administering their materials management plans?

The SWSAP recognized that counties' and regions' materials management plans will not happen without adequate funding. Funding is integral to any legislation that is developed for the SWSAP's recommendations.

26. Will the DEQ need additional resources or funds to implement the GRC and SWSAP recommendations?

Yes. The DEQ would be required to have additional oversight, inspect more facilities, and to administer a general permit system for them. The DEQ would also be required to roll out and administer a new materials management planning process. The DEQ currently has one full time equivalent staff (FTE) assisting counties with solid waste plan amendments, whereas, for comparison, when plans were routinely updated, the DEQ had five FTE staff overseeing planning. An initial estimate of 11 FTE staff to implement the new or expanded programs is subject to change based on how the legislation evolves.

27. Will the bottle deposit law be repealed as part of implementing the GRC and SWSAP recommendations?

There are no specific recommendations to repeal or amend the bottle deposit law. Potential changes that might retain key benefits of the system and some level of redemption and litter prevention could be explored as part of a broader discussion about recycling and funding.

28. Does the state need to cover all of the costs for increasing recycling and developing sustainable materials management infrastructure?

No. Both the GRC and SWSAP recognize the need to develop local funding mechanisms and attract private investment in recycling.

FOR MORE INFORMATION

29. Where can I find more information about the GRC and SWSAP and their recommendations?

Information about the GRC and SWSAP is available on the Web at: www.michigan.gov/swra.