

**Part 115 Inert and Compost Rules  
Meeting Summary  
June 10, 2009**

<b>Participants</b>		
Charles Barbieri	Foster, Swift, Collins and Smith, P.C.	cbarbieri@fosterswift.com
Steven Smock	Michigan Sugar Company	steven.smock@michigansugar.com
Dennis Leonard	DTE Energy	Leonardd@DTEEnergy.Com
Judy Ruskowski	Michigan Department of Transportation	Ruskowskij@michigan.gov
Vicki Garon	Golder Associates	vgaron@golder.com
Kerrin O'Brien	Michigan Recycling Coalition	Kerrinmrc@gmail.com
Tom Turner	Spurt Industries	spurtindustries@yahoo.com
Tonia Olson	Granger	tolson@grangernet.com
Tom Frazier	Michigan Townships Association	tom@michigantownships.org
David Preston	Varnum	depreston@varnumlaw.com
William Lievens	Foundry Association of Michigan	wr/capgrp@aol.com

<b>DEQ Staff</b>		
Duane Roskoskey	DEQ-WHMD	roskoskeyd@michigan.gov
Steve Sliver	DEQ-WHMD	slivers@michigan.gov
Matt Flechter	DEQ-WHMD	flechterm@michigan.gov
George Bruchmann	DEQ-WHMD	
Patty Brandt	DEQ-RRD	brandtp@michigan.gov

Handouts:

- Agenda
  - Draft Part 115 Meeting Summary from May 29, 2009
  - Part 115 Generator/Broker/Processor/End User Obligations
1. Reviewed and approved meeting notes from May 29, 2009 after section 4 was amended to remove the phrase "Apply criteria to material that would otherwise be waste going to landfill."
  2. Discussion on timing of rules. Members agreed it was not necessary to delay Part 115 rule amendments because of the Part 201 redesign currently underway. The work group agreed to continue moving forward even though there are concerns with the Part 201 criteria. The aluminum criterion, for example, is still a major problem for some stakeholders. The DEQ is intent on following the Environmental Advisory Council's recommendations on the land application of waste – to use the Part 201 unrestricted generic residential criteria, with no modifications. It was

mentioned that legislation may be an alternative to exempting certain wastes that do not meet the inertness criteria.

Members again reiterated their concern about proceeding with the rules when the DEQ budget is uncertain. The proposed rules for composting, for example, create new registration requirements that would add to the demands on DEQ resources.

### 3. Compost Rules

Committee members who were still coordinating comments on the compost rules were asked to submit them to Matt Flechter as soon as possible. Some of the written comments submitted to date have not been fully incorporated into the draft rules.

The committee members suggested the following questions to help Water Bureau prepare for its participation in the next rules meeting:

- What permits (groundwater, surface waste, storm water), if any, do unlined composting facilities need from Water Bureau?
- How do composting facilities obtain the permits?
- If a composting facility is lined, would it need a permit from Water Bureau?
- When is a Part 31 permit not required?
- What sampling criteria are used to evaluate contact water?
- What sampling criteria are used to evaluate storm water?
- What are the NPDES permit requirements?
- What data is available to identify contaminants of concern in compost leachate?
- Are there technology based standards that could be used to issue a general permit?
- Is EPA developing technology based standards for composting facilities?
- How do Michigan's storm water, groundwater, and process water permitting requirements compare to other states?
- How does WB differentiate between contact vs. non-contact water?
- What is the cost of a groundwater/storm water/NPDES permit?
- How long does it typically take to receive a groundwater/storm water/NPDES permit?
- What is the typical enforcement process for facilities that fail to comply with Part 31?
- Could there be a best management practice developed in lieu of testing requirements for discharge?
- What type of groundwater monitoring would be required?

We still need to consider deadlines for existing compost facilities to come into compliance with any new requirements (registration, liner, groundwater permit, etc.). One year from promulgation will likely provide enough time for all existing facilities to come into compliance.

Runway set-back – The draft rules require a 1200 foot setback from an airport runway. Matt Flechter will look into the origins of this proposed rule. An alternative may be to require compliance with FAA regulations.

4. **Generator/Broker/Transporter/End-User Obligations (Chart):**

A revised chart was distributed. New Rule 109 language was explained. The work group requested definitions for “generator”, “broker”, “end user”, “processor”, and “beneficial reuse”.

Rule 114(2)(g) – amend to identify low hazard waste as listed in Rule 122.

Need to change rule language from “shall not cause a facility” to “not create a release that causes a facility” when storing or processing material.

Members were encouraged to provide any additional comments on the matrix and Rule 109 amendments directly to Duane Roskoskey.

5. **Other Rules discussed**

Rule 110 – Other Waste Regulated by Statute

Rule 113 – Coal Ash Reclamation

Rule 114 – Listed Inert Materials

Rule 126 – Timeframes for Approval

Rule 127 – Dredge Material – a question was asked why private dredge projects were treated different than those of federal projects. We discussed how site specific or local background can be used in reviewing dredge projects.

Rule 129 – Uncontained Waste Piles – there are many large waste piles that have been in existence for a long time that may need much more time than listed in the rule. The workgroup wanted to make sure that they would be given ample time for closing.

Next Meetings – Part 115 Proposed Agenda

- June 26 – Possible Meeting
- July 17 – Possible Meeting (check availability)
- July 31 – Possible Meeting