

**Part 115 Inert and Compost Rules  
Meeting Summary  
July 17, 2009**

<b>Participants</b>		
Liza Moore	Foster, Swift, Collins and Smith, P.C.	lmoore@fosterswift.com
Steven Smock	Michigan Sugar Company	steven.smock@michigansugar.com
Michael Czuprenski	SOCRRA	mzczuprenski@socrra.org
Steven Essling	Waste Management	Sessling@wm.com
Sara Knight	I.B. Compost	ibcompost@allcom.net
Stephen Mahoney	Michigan Department of Agriculture	Mahoneys@michigan.gov
David Rettell	Veolia ES Solid Waste	dave.rettell@veoliaes.com
JD Lindeberg	Resource Recycling Systems Inc.	jdl@recycle.com
Nicole Chardoul	Resource Recycling Systems Inc.	nchardoul@recycle.com
Dennis Leonard	DTE Energy	Leonardd@DTEEnergy.Com
Judy Ruskowski	Michigan Department of Transportation	Ruskowskij@michigan.gov
Vicki Garon	Golder Associates	vgaron@golder.com
Laurie Leaman	St Marys Cement	LPLeamann@vcsmc.com
Tom Turner	Spurt Industries	spurtindustries@yahoo.com
Kim Smelker	Granger	ksmelker@grangernet.com
Tom Frazier	Michigan Townships Association	tom@michigantownships.org
Cynthia Zwick	Michigan Chemistry Council	Schulzmcc@voyager.net
Susan Johnson	Butzel Long	johnsons@butzel.com
David Preston	Varnum	depreston@varnumlaw.com
William Lievense	Foundry Association of Michigan	wr/capgrp@aol.com
Chip Shaw	Landfill Management Co.	cshaw@lnadfillmanagment.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	bruchmann@g@michigan.gov
Jim Janiczek	DEQ-WB	janiczekJ@michigan.gov
Jeanette Makries	DEQ-WB	makriesj@michigan.gov
Mark Fife	DEQ-WB	fifem@michigan.gov

Handouts:

- Agenda
- Draft Part 115 Meeting Summary from June 10, 2009
- States definition of beneficial use
- Water Bureau power point
- Draft rules (revision 3)
- Part 22 Rules overview
- Comments from Mike Czuprenski, JD Lindeberg, and MRC

1. Reviewed and approved meeting notes from June 10, 2009.
2. Discussed the part 201 standards related to aluminum, iron, and manganese criteria. It was pointed out that that many of the soils in Michigan would not meet the allowable human direct contact criteria of 50,000 parts per million (PPM). (Note: a review of the 2005 “Michigan Background Soil Survey” indicates that in 83 samples analyzed the aluminum concentration ranged from 1,720 PPM to 15,570 PPM so it appears that all of the clays in Michigan would meet the human direct contact criteria). We explained to the workgroup that we were implementing the recommendations of the EAC in developing our inert standards.

A committee member asked whether MDOT was creating a “facility” by the use of salt in the winter or by placing asphalt on the ground. It was pointed out that a determination was made that the improved safety for the population was more important than the environmental consequences in this specific circumstance.

3. Water Bureau (WB) Issues (see power point presentation)

**PERMITS** - No WB permit is required under Part 31, Water Resources management, if the composting facility (both yard waste and other organic material) is operating on a liner, run-off is directed to lined catch basin, and all water is reused in composting process. If the water is not reused and must be discharge to a surface water a National Pollutant Discharge Elimination System (NPDES). A facility would likely need to monitor for ammonia, BOD<sub>5</sub>, dissolved oxygen, total suspended solids, and total dissolved solids under a NPDES permit. Storm water permits may be required for equipment area or other areas not related to the composting process.

Unlined sites would require a groundwater discharge permit. This would require a hydro-geological investigation and groundwater monitoring program (parameters of concern include BOD<sub>5</sub>(metals), total inorganic nitrogen, total phosphorus, total suspended solids, total dissolved solids, and pesticides).

**PERMIT FEES** – following is a list of fees associated with WB permits

- NPDES application - \$75
- Storm water permit - \$260
- NPDES individual permit - \$1,650
- NPDES general permit - \$150
- Groundwater permit - \$3,650/1,500

**CERTIFIED OPERATOR** – all of the WB permits discussed above require that the site be managed by a trained operator. Training ranges from something as simple as an on-line course to having to take a class and passing a written test.

**AMENDING PART 31 RULES** – the legislature took away the ability of the DEQ to be able to amend the rules associated with Part 31. Therefore, all composting facilities are required to operate in compliance with Part 31.

**DEMINIMUS VOLUMES OF CLASS 1 COMPOSTABLE MATERIALS** – WB and the workgroup came to an agreement that yard waste composting sites that add up to 5% of class 1 compostable materials and still be considered to be yard waste composting sites. Any sites that use over 5% class 1 compostable materials would need to be done on a liner or require a groundwater discharge permit.

**DRYWALL IN DEFINITION OF CLASS 1 COMPOSTABLE MATERIAL** – A stakeholder was uncomfortable with including drywall as a “compostable material” because it may be inorganic. DEQ staff will review the definition and identify a potential solution.

**GW PERMIT FOR YARD CLIPPINGS SITES?** – Staff from WB described how they used a study phase in the past to determine which facilities needed a groundwater discharge permit under Part 31 and which one didn't. In order to gain information on potential discharges from composting facilities WB has proposed using “enforcement discretion” to allow all composting facilities to operate for a period of three years while testing of run-off and “leafate” is performed at a representative number of sites. It was agreed by the workgroup that all sites over that contain over 5,000 cubic yards of yard waste or yard waste plus up to 5% class 1 compostable material will have to sample and test the water on their site in accordance with a protocol developed by the DEQ.

**SIC/NAICS Codes** – the workgroup talked about why the storm water staff were showing up at their sites. The group discussed the various SIC/NAICS codes that the compost sites were operating under. Matt pointed out that many of the composting facilities were using the same code as junk yards. It was suggested that if the principal business was

related to composting then the NAICS 562219 (“compost dumps”) would be the most appropriate.

4. **ANIMAL COMPOSTING** – The group discussed the composting of animals and under which circumstances the Michigan Department of Agriculture will regulated the operation and which will be regulated by the DEQ. The workgroup agreed to the proposed amended language regarding this subject
5. **AIRPORT LOCATION RESTRICTION** – The group discussed the proposed language related to location restrictions for new and expanding composting operations. The department relayed that this was the same language that was used for landfills. Discussion revolved around what would be required to comply with demonstration required under this rule. Does the facility need to notify FAA and does FAA need to approve the site? Should the FAA notify the DEQ that the site has notified them or should the site keep a copy of their notification letter in their facility file? It was decided that this rule would adopt the language contained in R 299.4414(2) instead of the proposed language. *“299.4414(2) Owners or operators who propose to site new type II landfill units and lateral extensions of existing units within a 5-mile radius of any airport runway end that is used by turbojet or piston-type aircraft shall notify the affected airport and the federal aviation administration.”*
6. **MANAGEMENT OF REJECTS FROM SCREENING** – The group discussed the management of deleterious material and the Rule 121c(3)(n) requirement to dispose of this material within 30 days of generation. It was suggested that this requirement be changed to 180 days or a maximum volume of 2,000 cubic yards. Members who operate compost facilities agreed to evaluate their operations for the quantities of deleterious material they generate and the time frames for disposal.

#### Next Meetings

- July 31
- August 19 – Possible Meeting