

**Part 115 Inert and Compost Rules
Meeting Summary
July 31, 2009**

| Participants | | |
|---------------------|--|--------------------------------|
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Handouts:

- Agenda
- Draft Part 115 Meeting Summary from July 17, 2009

1. Reviewed, amended, and approved meeting notes from July 17, 2009.
2. The timeline for promulgating the compost and inert rules amendments was discussed. We are several months behind schedule and anticipate at least two additional meetings with the rules committee will be necessary. We also learned that members of the Michigan Manufacturers Association (MMA) will be meeting shortly (August 11?) to discuss concerns with the proposed rules, and they intend to meet with the DEQ in October. While there is some concern that accommodating MMA's internal schedule will further delay the rules promulgation, there was general agreement that it is important to get MMA's collective input before getting much further along in the rules promulgation process. It was also mentioned that if MMA's primary concern is with the integration of the Part 201 residential criteria in the Part 115 rules, there may be little that can be done in the Part 115 rules to address that concern given the DEQ's intent to follow the EAC's recommendations for land application of waste.
3. The DEQ proposed two exemptions in Rule 110, Other Waste regulated by Statute, related to the recently passed Clean, Renewable, and Efficient Energy Act (PA 295 of 2008) that would allow for a certain portion of the solid waste stream to be burned to produce electricity or used to produce a synthesis gas. The workgroup suggested that additional conditions be added to the proposed rule related not causing nuisance conditions during processing and storage, requiring containment consistent with Rule 130 or in a building, and the wastes would flow directly from the generator to the end use facility or it comes from a licensed processing plant.
The DEQ will follow-up with the staff from the Public Service Commission to redraft rule.
4. The DEQ asked members to consider whether the rule amendments should include exemptions for household hazardous waste and pharmaceutical waste from residences. Some communities, retailers, and waste companies promote or implement various collection programs for these wastes. The problem is the manner in which the wastes are handled and disposed can conflict with county solid waste management plans and can sometimes include varying degrees of processing, which could require a construction permit and operating license. The DEQ currently exercises enforcement discretion in these cases, recognizing the benefit of these programs. The committee could not come up with specific language that would accommodate these collection programs without exempting other types of waste management activity that should be fully regulated.

The DEQ will evaluate the issue further and may propose some specific, limited exemptions for consideration by the committee.

5. Discussed adding petroleum coke to listed low-hazard waste in Rule 122. Analytical data was submitted from one facility with various mixtures of pet coke and coal. Vanadium in the sample of a 50/50 mixture leached over the low-hazard criteria.

DEQ and industry will look for additional results.

6. Waste Pile Closure – the workgroup discussed the changes to Rule 129 that was submitted by Michigan. Steve Smock, Michigan Sugar Company, explained that all of their sugar beet plants have been in existence for over 100 years and a number of the plants have very large piles of lime that can not be removed in a short time frame due to the potential to cause nuisance odors. The workgroup could not identify any other large piles of waste in the state that need to be removed and it was decided to leave the rule as drafted, giving 5 years to close existing piles unless an alternate time is approved by the director.

Steve will check with his company and see if they can comply with this timeframe or need an alternate time listed in the rules.

7. Change in ownership (Rule 142) – the workgroup discussed who needs to make the notification and when it needs to be done.

Chuck Barbieri will redraft the rule.

Pet coke discussion

8. **Composting**

Rule 102(f) removed “drywall” from the definition of Class 1 compostable material.

Rule 121a(3)(b) Committee agreed to the proposed 5% class 1 compostable material allowed to be included in yard clippings facilities.

Rule 121b(3) Committee requested that the airport runway requirement be limited to “public” runways. The rules define airport in Rule 409(a) as “a public-use airport that is open to the public without prior permission and without restrictions within the physical capacities of available facilities.” Therefore Rule 121b(3) only applies to public-use airports.

Rule 121b(3) add “that are located” prior to “within a 5 mile radius.”

Rule 121c(3)(c) include the language from Rule 121(e), the definition of

“composting”, “The presence of insignificant anaerobic zones within the composting material will not cause the process to be classified as other than composting.”

Rule 121c(3)(l) replaced “The compostable material” with “the operation of the composting facility” to clarify that the entire facility, not just the compostable material must be managed according to those parts of NREPA.

Rule 121c(3)(n) replaced with “If deleterious material removed from the compostable material or from the compost is stored on site it shall be stored in containers or on a liner in compliance with Rule 130 and be limited to a volume of 1000 cubic yards. Any deleterious material removed from compostable material or compost may not be stored for more than 180 days.”

Rule 121c(3)(p) added “gypsum” to describe drywall.

Rule 121c(3)(q) replaced with “The moisture content shall be kept at an appropriate level to minimize anaerobic conditions and prevent spontaneous combustion.”

Rule 121c(3)(r) replaced with “The carbon to nitrogen ration of the compost pile shall be maintained at a ratio that minimizes odors and/or results in unfinished compost.”

Rule 121c(3)(s) added “deleterious material.” A definition of “deleterious material” will be discussed at the workgroup meeting on August 19th.

Rule 121e(2) added “finished.” Replaced “mass” with “weight” and added “it is less than ¼ inch in diameter”.

9. The committee agreed to hold the next meeting on August 19, and the **DEQ will send committee members an e-mail with potential meeting dates for subsequent meetings.**

Next Meetings

- Wednesday, August 19
- Thursday, September 10 – Possible Meeting
- Friday, September 25 – Possible Meeting