

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

Participants		
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Handouts:

- Agenda
- Draft Part 115 Meeting Summary from August 19, 2009
- Draft Rules (revision 6)

1. Reviewed, amended, and approved meeting notes from August 19, 2009. Will remove "draft" and post.
2. *Petroleum Coke* – it was mentioned that the July 31, 2009 minutes did not reflect that adding pet coke to the list of low-hazard wastes in Rule 122 was discussed. The DEQ stated that it is amenable to adding petroleum coke if analytical results support it. It was difficult to say how much data is needed because the DEQ does not know how variable the analytical results would be. **The DEQ will update the July 31 minutes to reflect the discussion on pet coke. Dennis Leonard will look for additional analytical data.**

3. Discussed frustrations that staff and stakeholders are having related to developing a rules package that all can support. The goal is to advance a rules package that promotes the beneficial use of material in a sustainable and defensible manner and that is consistent with the Environmental Advisory Council's recommendations for land application of waste, the 2007 Michigan Solid Waste Policy, and the Michigan Climate Action Plan. The DEQ thanked the committee members for their efforts and patience, and encouraged them to view the rules as a package that should be supported if it meets the goal, and to keep in mind the alternative – the status quo of current rules, which do not incorporate the State's current Part 201 risk-based criteria for evaluating waste, do not have minimal requirements for class 1 composting facilities, do not have a yard clippings compost facility monitoring requirement in lieu of groundwater discharge permits, etc.
4. The DEQ and the Michigan Manufacturers Association (MMA) will be meeting separately on October 14 to discuss MMA's concerns with the potential impacts of the proposed rules on the beneficial use of wastes from specific industries (sugar/food processing, paper, foundry, fossil fuel, and concrete). The results of this meeting will be discussed with the rules workgroup. It may be that some of MMA's concerns can be addressed by being clear in the rules (e.g., Rule 116) that only relevant exposure pathways need be considered when evaluating waste for beneficial use. **The DEQ will review the rules and report back to the committee on whether any changes are needed to clarify this intent.** (It was noted that all pathways are relevant for a general inertness designation because the use of the material would be unrestricted.)
5. *Historical designations* (Rule 114(2)(i)) - discussed the language proposed by Chuck Barbieri related to voiding old designations and the steps the generator would need to take to obtain a new authorization. There is also a need to be clear that the DEQ still has the right to revoke these approvals at any time provided there is due process. **Chuck Barbieri will redraft this rule.**
6. **Composting**

Record keeping – The group discussed the records that should be kept to enable the DEQ to verify whether speculative accumulation is occurring and whether deleterious material is being stored longer than allowed by rule.

Language added includes:

A facility shall maintain on site records including:

- i) The amount of compostable material brought to the site;

- ii) The amount of finished compost removed from the site;
- iii) The amount of deleterious material removed from the site.

Deleterious material – the group concluded that deleterious material and screening rejects were not the same thing. Some suggested it was the solid waste that was purposely removed from organic material. Others thought it was the “screening rejects,” which consists of stones, over-sized sticks, plastic, or other solid waste. The group agreed that material that was not reintroduced into the active compost pile within a short time is deleterious material.

Drywall – the group agreed that drywall was not a compostable material but that it could be mixed into the compost pile or blended with the finished compost. Dry wall used in this manner is considered to be a site/source separated material and not a solid waste. It was also noted that the rules need to be consistent when referring to the allowable ratio or percentage of dry wall (i.e., refer to weight; not mass).

Testing at compost sites (Rule 121I) – it was agreed that only the large yard waste composting sites would be doing the testing because the class 1 and class 2 sites would be on a liner or have a groundwater discharge permit. The parameter list was discussed. A question was asked whether the list should be specific or general with the DEQ deciding what parameters to test for. Some parameters may be able to be quickly removed from the list if they are consistently absent from samples or at consistently low levels. Language will be drafted to enable to DEQ to amend the list to reduce the number of constituents requiring testing. Water Bureau provided a preliminary estimate on the cost of analysis for the proposed parameter list at \$675/sample.

Janette Makries will send the proposed list to interested persons. JD Lindeberg will see if he can find any testing results from yard waste composting sites that may be helpful for reducing the number of required parameters.

- 7. *Regulatory impact of rules* – continued discussion on the rules in order to assist the DEQ with developing a regulatory impact statement related to the rules package. The group discussed the various proposed rules to answer the following questions:

- Direct and indirect consequences;
- Direct and indirect benefits;
- Alternatives to regulation by rule;
- Number of regulated individuals;
- Government costs/savings/revenue implications;
- Regulated individuals’ costs/savings.

The DEQ will update the spread sheet based on the discussion.

8. Next meeting – September 25, 2009. No additional meetings scheduled at this time.