

**Solid Waste Advisory Committee (SWAC)
Meeting Summary
September 10, 2010**

Participants		
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1) **Welcome and introductions.**

Overview of agenda

- Handouts:
 - Agenda
 - Draft July 16, 2010, Meeting Summary
 - Pharmaceutical Waste proposal

Liane provided an update on the transition noting that the Environmental Resource Management Division (ERMD) structure is now complete. Regional Directors have been named: the Lake Michigan Regional Director is Rebecca Patrick and the Lake Huron Regional Director is Robert Wagner. It was also noted that a maximum of two Citizen's Advisory Councils will be geographically based in each Region.

The ERMD assistant Division Chief is Liz Browne.

Fiscal year 2010 (FY10) will end September 30, 2010, and a budget has not been set for fiscal year 2011 (FY11). Funding proposals are being advanced for fiscal year 2012 (FY12). The ERMD will be advancing four funding proposals to the Executive Division: Solid Waste Fee, Hazardous Waste, On-site wastewater, and the Wastewater Operator Program. It was noted that without the Solid Waste fee proposal, a 55 percent reduction in core programs would be necessary. The proposals will be submitted to the current administration for Department of Natural Resources and Environment (DNRE) approval, and then it will be presented to the next administration. Typically the budget needs to be fleshed out by early December in order to have a full proposal done by mid-February, however in this election year we will have another month due to the transition to the next administration.

The November 5, 2010, SWAC meeting will include a discussion on the fee proposal advanced to the DNRE, Executive Division. It was indicated that Type III facilities will be included in the increased proposal; however an expansion of facilities (material recovery facilities, compost, etc.) would be considered an expansion of the fee and would reduce the likelihood of the fee passing. It was noted that waste levels keep declining and the projections from last year were a huge underestimation. Projections for FY11 are 3 million cubic yards less than the amount of waste received in FY10. Furthermore, as these funding proposals are dependant on waste projections, the reduction in waste and revenue proves the point to try and find a different source of long-term funding. It was also noted that a sunset extension will be required- the sunset for the current solid waste fee is October 1, 2011. SWAC members asked what impact the retirement legislation could have on the program. It is estimated that approximately 30 percent of DNRE staff would be eligible including District supervisors, specialist positions, and management.

2) Approve draft meeting summary.

Minor changes will be made to the draft July 16, 2010, Meeting Summary and the summary will be posted online.

3) Update on Solid Waste Program activities pertaining to the oil spill

The ERMD has provided oil spill cleanup assistance by granting an emergency disposal approval for the oil-soaked vegetation. This material is going into bags which go directly to the landfills. The ERMD has also provided a list of pertinent regulations and requirements as well as program contact information. SWAC members requested a copy of this document, which staff indicated it can be posted on the Web site, although the information is specific to activities surrounding the oil spill. One committee member

asked who would be appealed to use compost as bioremediation in applications such as these for a test or pilot project. It was noted that the Environmental Protection Agency (EPA) was the lead in the beginning and coordinated the emergency response, although the DNRE is beginning to take over cleanup efforts. The EPA's Web site has information about remediation and disposal plans, and does include alternative means of remediation. It has been a challenge to attempt to balance the need to keep important and sensitive vegetation in place and/or remove all the vegetation and let it grow back.

4) **Standing Agenda Items:**

i) **Legislative Update:** There has been no activity on solid waste related legislation since the last meeting. Staff has been contacted by Legislative Services Bureau (LSB) regarding the "Planning Lite" bill drafts. It is possible that these bills will be introduced before the election, or in lame duck session. Staff have been working on the Planning Lite bills for over five years, so any movement is encouraging.

b) **Rules Update:**

i) **Open Burning:** The proposed rules have been reviewed by the State Office of Administrative Hearings and Rules (SOAHR), and comments have been provided back. The final review will take place before the rules package are submitted to the Joint Committee on Administrative Rules (JCAR). Public outreach efforts are moving forward. There has been numerous discussion of doing more press activity to make sure everyone knows about the new rules. The effective date will be April 1, 2011.

ii) **Compost and Inert Rules:** Draft rules have been approved by SOAHR, the package has been sent to LSB for their review. A public notice announcing the public hearing will be available soon. Intent is to hold one hearing for the compost and inert rules package. Should we hold additional hearings around the State or will the one hearing in Lansing be sufficient? One member noted they would usually suggest additional hearings, however after attending all of the open burning hearings and witnessing the very light attendance, it would be best to just have the one in Lansing. Anyone in the State can submit comments regardless of where the hearing is located. It was asked if the package could be split into two parts- the DNRE has decided to put the package out there, then evaluate next steps after feedback is received through the public comment and hearing process.

iii) The EPA has extended the comment period on the coal combustion waste until early November. The proposal is to regulate coal ash as a hazardous waste. Michigan regulates the disposal and the beneficial reuse of coal ash- we have submitted comments requesting that the State be allowed to regulate it as it has in the past. Margie Ring is coordinating comments from the DNRE. A meeting has been held with environmental groups to discuss the issue- they are comfortable with the position the ERMD has taken. They

encouraged the DNRE to message the issue as Michigan is doing a great job of regulating the material- if other States were this good, we wouldn't need these rules.

- c) **Policy Guidance Document Update:** Our new agency is developing new formats for guidance documents to be advanced. Compost variance request operational memo should be advanced to the Attorney General's office shortly.
- d) **E-waste Update:** The e-waste program is entering into stage where renewed registrations are due October 30th. Recyclers and Manufacturers will need to submit reports showing the amount of materials recycled. Many manufacturers have been holding free community drop-offs to make up the amount of materials that they are required to recycle each year. There are currently 15 registered recyclers and 62 registered manufacturers with approximately 15 known manufacturers that have not yet registered. One member indicated he is very pleased with the way the program has gone. The member has been working to create relationships between the recyclers and the manufacturers. Their cost of the program has been cut by 93 percent due to these relationships and because of the new law.

5) **Recycling coordination update:** The Department of Energy, Labor and Economic Growth (DELEG) has hired Ruth Borgelt to take over part of a portion of Lucy Dorosko's former position. Part of Ruth's position will involve measurement of both recycling and energy. The DNRE and DELEG also formed the Interagency Recycling Team to work together to identify recycling opportunities in State buildings. It was also noted by one committee member that the Michigan Recycling Partnership will start January 1, 2011, to fundraise, hire staff, and educate public about recycling.

6) **Update from Subcommittees:**

- a) **Utilization/Measurement:** The subcommittee met after the last SWAC meeting. The following activities have been completed or are in progress to move the funding proposal for a measurement system forward:
 - The PowerPoint Presentation that will be used in meetings with potential funders has been revised to include additional information about RE-trac. The presentation may need to be re-vamped a little more to include additional RE-trac features.
 - A one-page overview of the system has been created to help with the "pitch" to potential funders.
 - A proposal is being developed and will be sent to the EPA next week.
 - A list of potential funders has been developed; these funders will be approached in the near future.
 - A formal agreement is being developed between the Michigan Recycling Coalition (MRC) and the DNRE to run the measurement system. This agreement will include an understanding of the long-term integrity of the data.

It was noted that the bigger issues of funding, such as where efforts should be directed to meet policy goals, still need to be discussed (after fees and after new administration is in place) at a full SWAC meeting. Also there is a need for a larger discussion of what utilization really means. The next steps for the subcommittee will be:

- Sending the PowerPoint to full SWAC along with one-page overview,
- Finishing the EPA proposal,
- Putting together a schedule to approach funders,
- Setting up meetings to pitch proposal to potential funders.

It was noted that the most promising funder would be the EPA as they are very interested in measurement issues. A proposal to the EPA should include a cover letter signed by the MRC, RE-Trac, and the DNRE. It was asked if funding is being requested for a computer program and a long-term funding source is not secured, would the data be able to be retrieved if funding ran out. The group was asked where long-term funding should come from. Long-term costs are estimated at \$100,000 per year. These are all discussions that need to take place in the future.

b) **Financial Assurance:** The Financial Assurance Subcommittee began working 3-4 weeks ago. The subcommittee is comprised of some SWAC members and some outside members as recommended by the SWAC. The subcommittee is currently examining if a bonding requirement should be expanded to facilities that are not licensed areas but are using waste. The subcommittee has been communicating via e-mails and conference calls. The next conference call will be the week of September 20, 2010. Margie Ring and Becky Kocsis are doing follow-up work based on the last conference call.

7) **Beneficial Reuse Update:** Michigan Department of Transportation (MDOT) has written two permissive specs for shingle use for projects: one for a park and ride and one for a bike path. These two programs will use 60 tons of shingles. Duane Roskoskey has met with District staff from Parks and Recreation who are in charge of boat launches, etc. to discuss the use of compost and compost/foundry sand blends. A national foundry sand workgroup has targeted Michigan as one of three states to try and increase the use of foundry sands in state projects. The group is talking about bringing a conference to Michigan to discuss beneficial reuse. MDOT has drafted a spec for using compost in storm water applications but it won't be released until more facilities are included on the National Composting Council's Seal of Testing Assurance (STA) Program to show they can get a competitive bid. St. Mary's just completed a pilot to burn shingles. A member noted that Emmet County just started a new program called "roof to road" where they collect shingles to be used by the road commission.

8) **Discussion on Pharmaceutical waste:** A draft Part 115 amendment for household hazardous waste and pharmaceutical collections was distributed. It was asked that the draft not be shared outside the room as it is a DRAFT document. This

discussion stemmed from an event planned for next week to collect pharmaceutical waste at the capitol and take it to the Kent County incinerator. This event is illegal due to county planning issues: causing violations to both the counties' import/export table and creating an unlicensed transfer station. The DNRE is not standing in the way of the event as it is promoting better management of pharmaceutical waste; however the ERMD is looking to propose amendments to allow these types of activities. Comments on the drafts included:

- Current amendment language sounds like it would prevent taking special waste at an event if other wastes/recyclables are also being collected.
- The definition of "collection center" is too restrictive to allow various types of materials collected.
- Additional groups should be added to list (non-profit, etc.).
- Is the 10 percent by weight or volume?
- If a township cleanup day includes a "junk collection" and they add pharmaceutical waste collection- 80-90 percent of the waste is going to the landfill. Would this prohibit the collection of pharmaceutical waste?
- Item g: different time frames for different types of waste? Could there be a temporary facility designation as opposed to a permanent facility?

There was a list of Issues/Questions listed at the bottom of the DRAFT handout. A few of the items were discussed:

1. What standards can be referenced to address this issue so that additional entities can run collection sites? Should there be two different requirements for universal waste vs. hazardous waste?
3. No, there should not be a maximum quantity of materials that can be accumulated. There is a potential for a "speculative accumulation" provision to prevent storage at the site.
8. The DNRE should not regulate if a fee is charged or not, however there is less likelihood that individuals will be scammed if no fee is allowed.

The SWAC was asked to send feedback to Steve Sliver- staff will work on a new draft and send it out to the full SWAC.

- 9) **Proposed Next Meeting Dates:** November 5, January 7, March 4, May 6, July 15, and September 9