

**Solid Waste Advisory Committee (SWAC)
Meeting Summary
November 5, 2010**

Participants		
Cara Clore	Clinton County	clorec@clinton-county.org
Bill Lobenherz	Michigan Recycling Partnership/ MSDA	msda@voyager.net
Chip Shaw	Landfill Management	cshaw@landfillmanagement.com
Stephanie Glysson	Republic	glyssons@republicservices.com
Jim Frey	RRS	frey@recycle.com
Kerrin O'Brien	Michigan Recycling Coalition	kerrinmrc@gmail.com
Tonia Olson	Granger	tolson@grangernet.com
Mike Csapo	RRRASOC	mcsapo@rrasoc.org
Tom Frazier	Michigan Townships Association	tom@michigantownships.org
James Clift	Michigan Environmental Council	james@environmentalcouncil.org
Patty O'Donnell	NWMCOG	pattyodonnell@nwm.cog.mi.us
Tom Horton	Waste Management	thorton@wm.com
Tonia Olson	Granger	tolson@grangernet.com
Don Pyle	DSWMA& UPRC	Dswma2@hughes.net
John Hawthorne	GLR	john@go-qlr.com
Doug Wood	Kent County	
Observers		
Sandy Rosen	GLR	sandy.rosen@go-qlr.com
DNRE Staff		
Becky Beauregard	DNRE- ERMD	beauregardb@michigan.gov
Christina Miller	DNRE- ERMD	Miller1@michigan.gov
Liane Shekter Smith	DNRE-ERMD	shekterl@michigan.gov
Liz Browne	DNRE-ERMD	brownee@michigan.gov
Matt Flechter	DNRE-ERMD	flechterm@michigan.gov
Rhonda Oyer Zimmerman	DNRE-ERMD	oyerr@michigan.gov
Steve Sliver	DNRE-ERMD	slivers@michigan.gov

1) **Welcome and introductions.**

Overview of agenda

- Handouts:
 - Agenda
 - Draft September 10, 2010, Meeting Summary
 - Legislative Tracking Table
 - Internal document: Solid Waste Program Activity Allocation

2) Approve draft meeting summary.

Minor changes will be made to the draft September 10, 2010, Meeting Summary and the summary will be posted online.

3) Re-cap of October 15, 2010 SWAC meeting discussing Part 115 Amendments

A brief recap of the October 15, 2010 meeting was given: the meeting was held to discuss proposed amendments to Part 115. The result of the meeting was a decision to not go ahead with the amendments as the committee felt there were too many issues to garner support as a whole and it was too late in the session to come to a compromise. The committee agreed that staff should end work on the current proposed amendments and begin discussions to create new recommendations. It was noted that many in the committee supported the requirement for materials recovery facilities (MRFs) be required to report recycling data.

It was noted that the January meeting will be solely to discuss solid waste planning. Also, the January meeting and those following will be held in the Con-Con Room which is located in the Atrium level, South side. [The January meeting was subsequently cancelled. The next meeting is scheduled for March 4, 2011.] In addition to the SWAC members, it was suggested that the tribes and regional planning agencies participate in the planning discussion.

4) Standing Agenda Items:

i) Legislative Update:

- The medical waste bills (HB 4458 and 4459) have had some movement and are hoped to be signed still this session.
- HB 1506 which would exempt the by-products of sugar beets from the definition of solid waste passed out of committee. The DNRE is hoping for some amendments on the floor

b) Rules Update:

- i) Open Burning: The rules are with the Joint Committee on Administrative Rules (JCAR), and the 15-session day requirement has begun. The 15 session days will not conclude within this current session and a new JCAR will most likely not be named until around February. The effective date will remain April 1, 2011. Public outreach continues to move forward as if the effective date will remain the same. DNRE staff is working on draft education pieces, and is trying to develop an overarching campaign to address all forms of burning including controlled burns, leaf burning, wood stoves, and trash burning.
- ii) Compost and Inert Rules: The public hearing will be Monday December 6 at 1:30 pm in the Con-Con room. The inertness provisions are somewhat controversial as the proposal is to use Part 201 cleanup criteria to provide

designations of inertness, which are more stringent criteria to meet than current standards; the compost provisions are not controversial. The suggestion came from the Environmental Advisory Council (EAC) who recommended looking at Part 201 criteria for all land applications.

(1) Inert material exemption for materials such as crushed concrete: The question has been raised that if materials that are inert under rules can they be stored prior to use and still be exempt from permitting requirements, county solid waste planning, etc. A Department issued exemption allows the storage of inert materials for 3 years as long as it is not speculatively accumulated, this created unintended consequence with City of Detroit that they would not be able to regulate the stockpiling of this material throughout the city. The Department decided to suspend the exemption giving the City time to address the stockpiling issue, as the exemption would not be needed if the inert and compost rules go through as drafted.

iii) Coal Combustion Residues: 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. The state's position is that we do not want to regulate coal ash as a hazardous waste as it can be beneficially reused. Under the subtitle D proposal the EPA is asking if each state should change their rules to show how they will reflect the federal changes, or would we prefer that each individual facility has to show how they will meet the federal criteria (equivalency determination). It was asked if the states' determination of equivalency requirement have any impacts on the budget. Probably not, our program is already above and beyond what federal rules would require. How many facilities in MI will be impacted? 8 currently licensed, active, disposing. Industrial type III disposing of coal ash

c) **E-waste Update:** New registration year has begun, last year we had 67 registrations, this year 46 have come in, and the majority are incomplete (25 complete registrations that are allowed to sell in Michigan). This year, data was submitted with registrations. Data is not looking great as far as the amount recycled. Last year, 14 recyclers have registered, this year only 7 have registered. Next Tuesday the MRC is having a forum on the e-waste law including panel discussions between manufacturers, recyclers, state, etc. Nearly every law in other states has been changed within 2 years to "fix." We are coming up on 2 years since it was passed.

5) **Solid Waste Program Realignment:**

The ERMD is realigning staff resources among several programs based on funding and program needs. The DNRE intends to pursue an extension of the solid waste surcharge, which sunsets on October 1, 2011, and a minimal, 3 cent per cubic yard increase in the surcharge. This increase will only generate an additional \$1 million

in revenue for the Solid Waste Program. Recognizing that current revenues are \$2 million short, the difference being made up by a transfer from the state's perpetual care account, projected revenues for FY12 will not be sufficient to sustain the current Program. Because the majority of expenses for the Program are for staff, we must reduce staff. To minimize the impact on staff, and to preserve funds as long as possible, staffing will be reduced effective November 28, 2010, by 10 FTEs, a 25 percent reduction. This staff reduction will be accomplished by not filling vacancies and by reassigning staff to other programs where there is a need and available funding.

With such a significant reduction in staff, we need to decide what are we not going to do. The Committee reviewed an internal document outlining the Solid Waste Program activity allocation and previous ranking by the SWAC, staff and management. It was suggested that we look at activities by grouping them into the desired outcomes (protecting public health, protect taxpayers (prevent long term liability). The EAC has been working on a similar assignment. Ten priority areas have been defined (some are program areas, some are more targeted some are broad). It was noted that the Governor-elect is outcome-driven, it would be wise to look at program activities based on outcomes.

The following comments were made:

- A committee member noted that staff knows what they do (referring to the internal document) and if they spend time on these activities, the advisory committee cannot say what needs to be eliminated.
- Suggested that inspections be moved to private companies similar to ISO certification in industry
 - Reduce the amount of staff at inspections, redirect resources to have landfills self-certify, spend time at the landfills that have issues, not at the landfills that have historically proven to operate at the highest level.
- Many landfills already have a 3rd party for their monitoring. Is there a role for the state? We are currently acting as 3rd party auditors. There is a point that if we're barely doing any monitoring at the state level, what does it matter if we make it official that we stop? The state makes the rules, the 3rd party companies are required to keep companies in line with state rules.
- It was noted that we can take the low-ranking items and cut all of them, yet still only cut 1.5 FTE (for example)
- It was pointed out that all of the rankings can be converted into "high" "med" "low" it would be easier to compare apples to apples
- It was asked if a geologist is needed at each district office- the geologists are doing engineering, sampling, compliance, etc.
- It was asked if additional fees on other materials have been proposed (expand surcharge to MRFs, compost facilities, shingles).
- Should categories be separated out such as permits licenses for the following:
 - Type II LF
 - Type III LF
 - Processing Plant

- Transfer Stations
- Need to figure out where the “problem children” facilities are- staff are spending 2 days at each facility for each comprehensive inspection.

The ERMD will be having discussions with Program managers and staff to determine what activities will no longer be performed.

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 Solid Waste Financial Assurance Work Group is continuing to evaluate current financial assurance requirements and where

improvements can be made.

Proposed Next Meeting Dates: January 7, March 4, May 6, July 15, and September 9
Meetings will be held in the Con-Con Rooms