

**DRAFT Part 115 Inert and Compost Rules
Organizational Meeting Summary
April 17, 2009**

Participants		
Charles Barbieri	Foster, Swift, Collins and Smith, P.C.	cbarbieri@fosterswift.com
Steven Essling	Waste Management	Sessling@wm.com
Susan Johnson	Butzel Long	johnsons@butzel.com
William Lievense	Foundry Association of Michigan	wr/capgrp@aol.com
Stephen Mahoney	Michigan Department of Agriculture	Mahoneys@michigan.gov
Kerrin O'Brien	Michigan Recycling Coalition	Kerrinmrc@gmail.com
Tom Turner	Spurt Industries	spurtindustries@yahoo.com
Kimberly Smelker	Granger	ksmelker@grangernet.com
Tom Frazier	Michigan Townships Association	tom@michigantownships.org
William Lievense	Foundry Association of Michigan	wr/capgrp@aol.com
Cynthia Zwick	Michigan Chemistry Council	Schulzmcc@voyager.net
Vicki Garon	Golder Associates	
Harold Register	Consumers Energy	HDRegister@CMSEnergy.com
Judy Ruskowski	Michigan Department of Transportation	Ruskowskij@michigan.gov
Steven Smock	Michigan Sugar Company	Steven.Smock@michigansugar.com
David Preston	Michigan Chemistry Council	depreston@varnumlaw.com
William Elson	Fritz Enterprises, Inc.	Bill@fritzinc.com
Dave List	Golden Associates, Inc.	dlist@golden.com

DEQ Staff		
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	bruchmag@michigan.gov
Liane Shekter Smith	DEQ-WHMD	shekterl@michigan.gov
Rhonda Oyer Zimmerman	DEQ-WHMD	oyerr@michigan.gov
Patty Brandt	DEQ-RRD	brandtp@michigan.gov

1. Handouts:
 - Agenda
 - Compost-Inert Ad Hoc Committee Members List
 - Draft Part 115 Meeting Summary from April 1, 2009
 - Part 115 Inert and Composting Rules Presentation
 - Current Regulations (April 17, 2009)
 - Low-Hazard Industrial Waste
 - Proposed Rules
 - Industrial By-Product Categories

2. Welcome and Introductions. If you have a pre-printed name tag, you can come down to the meeting room unescorted.

3. Previous Meeting Summary. Questions brought up from last meeting. Feedback on some of those.

4. Liability Issue – Rule 109 – meeting internally on April 29th to discuss further. Don't do something under Part 115 that creates a facility. Do not authorize something that creates a problem. Coming at things from a different perspective:
 - Part 115 – Preventative Program
 - Part 201 – Cleanup ProgramEngineering control – clean soil not an engineering; need to do some work. Hope to have some resolution/something to bring up to group next time. Concern raised early on – surprise at lack of agreement last time. This is a big issue. Part 201 liability and statutory authority for part 201 to apply under Part 115. They issue for a number of stakeholders. Several issues lumped under liability (generator, broker, end-user). Can liability attach under Part 115? Might be APA related. Might have come up under Part 22 Rules (R122(f)(?) since that already has a similar Rule touching on this issue (penalty creation issue). Goal is to reach a general consensus on Rules package. There may be some concerns that remain and need to be addressed in the regulatory impact statement. Concern with fluidity of Part 201 program – might be agreeing to things we don't know yet. Part 201 standard in effect on date Rules pass is what applies. Need to understand super structure they will be subject to. Could just put in numbers for criteria rather than reference Part 201. Generator liability once approved for beneficial reuse versus where broker, end-user liability begins. If ideas on how to delineate liability. Let us know. We may need to invite additional DEQ staff to one of these meetings. If you link the two then create a facility. Are you subject to both statutes or just one? Pulling materials out of the solid waste stream, Part 115 turning away – not create other problems with those materials that trying to use for beneficial purposes.

5.

5. Next Meetings – Part 115 Proposed Agenda (Rules are listed in order of importance):
- May 6 – Rules 121a through k, 101, 102, 103, 104, 105
 - May 29 – Rules 126, 127, 129, 103 m and q
 - June 10 –
 - June 26 –
 - July 17 –
 - July 31 –

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