

**Solid Waste Advisory Committee (SWAC)
Meeting Summary
July 10, 2009**

Participants		
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1) Welcome and introductions.

Overview of agenda

- Handouts:
 - Agenda
 - Draft May 1, 2009 meeting notes
 - SWAC Legislation Tracking Table
 - Draft Op Memo Re: Yard Clippings Management Variances
 - Request for Proposal Summary
 - Solid Waste Data Measurement System Request for Proposal with Estimate of Costs

- Michigan Solid Waste Policy Progress Tracking Table

George Bruchmann welcomed the participants and gave an overview of the current budget situation. The next revenue estimating conference will be in August. A “band-aid” solution has been found to fund program in FY10, but revenue from fees has been going down and the future is uncertain. A large amount of time, possibly an entire future SWAC meeting, will be devoted to finding other funding solutions to keep the Solid Waste Program going at current levels.

- 2) Approve draft meeting summary.

Minor changes were noted to the May 1, 2009 meeting summary and it was approved. The DRAFT heading will be removed from the minutes on the Web site.

The format of the meeting summary was discussed and the committee decided although the meeting summary is informal it is adequate for the purposes of the group.

- 3) Standing Agenda Items

- a) Budget Update: see Introduction notes

- b) Legislation Update: the following bills were noted from the Legislation Tracking Table

- HB 4371: seems to be a carryover from old planning and recycling bills, not to be confused with “Planning Lite.” A draft of planning Lite recently received from LSB is currently being reviewed by staff. A draft may be shared with SWAC in the future. Staff cannot speculate if these drafts will be substitute bills for HB 4371 or if they will be stand-alone bills.
- HB 5049 exempts transfer stations that meet both criteria in order to be exempt, but doesn’t “grandfather” existing facilities; an informal poll shows it would affect some transfer stations.

It was asked that staff share the legislation tracking table after updating it to include a list of committee acronyms. **The table will be posted on-line.**

- c) Rules Update:

- Open Burning of Household Waste: Stakeholder work group has met and have set an implementation date for the ban of 4/1/2011. Are still working out the following issues:
 - Access to alternative waste disposal options
 - Citation authority for local units of government
 - Part 515 DNR- forest fire protection- who needs a burn permit
 - Enforcement
 - Outreach and education

Next steps: need another meeting, possibly a subcommittee to focus on outreach/education. Rules and outreach/education need to go hand-in-hand as it will be difficult to enforce rules in rural locations where an estimated 26% of waste is burned. Staff does not currently have resources to lead education effort. The tentative schedule is to have rules package to SOHAR with a hearing in November and final rules by 5/20/2010 which would provide a little less than a year for implementation. Members of the SWAC who are also members of the Open Burning Rules Workgroup expressed a strong interest in having another rules workgroup meeting.

- Compost and Inert Rules: the rules process is on-track with plans for an additional 2 meetings. Old designations may need to be revisited as they do not have expiration dates and may be out of date with current Part 201 levels. The re-evaluation may bring some issues with stakeholders which could affect progress on rules. Staff is working with Water Bureau to determine the need for discharge permits for compost facilities so that a healthy compost industry and a healthy environment can be maintained. **Staff will update the Rules version on the SW website.** The next meeting will be July 17.

d) Operational Memos:

- GEN-13 Compost at Landfills is in review process
- Draft Op Memo Re: Yard Clippings Management Variances- attempting to create a generic approval with provisions for volumes above 5,000 yd³ per acre. Establishes volumes which may be allowed if certain conditions exist and management practices are followed on-site. Staff is expecting comments on volume and liner, will discuss more at next meeting. **Any comments on draft memo can be sent to Matt or Duane.**
- Coal ash update: EPA released a list of 44 sites of concern nationally, none were in Michigan. We already regulate coal ash at landfills under Part 115. If EPA decides to set federal regulations on coal ash, will recommend they look at states already regulating.

4) Solid Waste Policy Discussion Topics: Report back from Utilization/Measurement Subcommittee:

Rhonda provided an update on the Utilization/Measurement Subcommittee. A cost estimate for a database was needed in order to create a request for funding from outside sources. An RFP for the database was created and sent out with a response deadline of May 4th. Four responses were received which required additional clarifying questions. Three of the four responders provided additional information and are outlined in the "Request for Proposal Summary" spreadsheet as "A," "B," and "C". Administrative costs include factors such as an employee to convince facilities to enter data into the database, as there is no legislative

mandate requiring the information. These costs will need to be put into another RFP for a third party to administer.

The subcommittee would like support from the SWAC to proceed with a request for funding incorporating the costs from Proposal B. Additional funding options were also discussed including advertising on the website, charging a fee for reports for non-members or a user-fee approach. It was noted that a selling point could be that it will help set a baseline and a measurement of progress of other recycling efforts. It was also noted that the on-line database was similar to the beginning of www.Earth911.com which has evolved into a very useful website and can be used in an example in a request for funding.

Members of the SWAC had questions regarding the technical support included in the summaries. Specifically if there is a “per hour” fee after the 30 hours listed in Proposition B. It was explained that both A and C were databases that would be developed specifically for Michigan, which would include higher development and support costs, where B was already in existence and being used by organizations in the state. Technical support would be less with B as kinks have already been worked out. Also, questions were raised regarding administrative costs and education/training. The subcommittee is envisioning the administrator could provide training and support to statewide users in order to increase data collection. It was asked if landfill reporting would be combined with this system, which it would not right away, but could be a future goal. It was also asked if “Planning Lite” included a mandate to require this information. It does not, however staff recommends that Planning Lite would require MRF reporting.

The committee recommended that the subcommittee move forward with additional data requests for funding Proposal B, including an RFP for a third party administrator. The subcommittee would then move forward with seeking funding for the measurement system.

5) Introduction to the revised Solid Waste Policy Progress Tracking Table

Matt provided an overview of the revised Solid Waste Policy Progress Tracking Table (tracking table) and discussed the examples filled in on pages 7 and 8. The tracking table will be used as a tool to show where Michigan is headed and to identify where limitations exist. It was noted that the heading “implementation task” should be changed to “activity.” **Members of the committee should be looking at the tracking table and begin entering information by the next meeting. Becky will look into putting the tracking table on Google docs so that everyone can enter information.** An update on the tracking table will be added to future agendas as a standing agenda item.

The committee discussed how issues will be discussed at the committee if someone feels a regulatory barrier to waste utilization exists. Future discussions will need to be general and not facility-specific especially in cases where

enforcement action may be taken.

- 6) Solid Waste Program funding options: The committee was asked to explore other funding options for the Solid Waste Program (Program) as revenue is declining. Currently, the Program is funded by the solid waste surcharge and by construction permit fees. The committee was asked to brainstorm criteria for a new fee structure.

The committee wants a fee that is:

- Equitable
- Broad based
- Reliable and enforceable
- Easy to pay and collect
- Sustainable
- Fiscally/socially responsible
- Marketable
- Funds an effective, comprehensive program
- Sufficient for funding the program
- Encourages the goals of the Revised Solid Waste Policy

The committee was reminded we are not looking to expand current programs, but rather to keep current programs funded. It was suggested that two funding options be explored, one to keep “the boat afloat”, and one that would fund the ideal Program (more robust.)

It was observed that the Program is currently having to choose which legislatively required activities are being completed (i.e. landfill inspections vs. solid waste plan updates). Is the Program using the funding available right now responsibly? Could we move towards a self-inspection program? Should new fees encourage or give incentive to desired behavior (although this approach may build a lack of reliability and sustainability).

The current fee structure was discussed: it has been criticized but what would be an improvement? It was suggested that we “follow the waste” to incorporate fees on more than just waste sent to landfills and which would also diversify funding.

Potential funding options were brainstormed:

- Expanded half-back deposit program
- Penny plan
- \$7.50 surcharge (or other amount) on landfill disposal
- Sales tax on services or disposal
- Expanded fees: program fees (i.e. inspections, Type III landfills)
- Incinerator fee (apply surcharge to waste incinerated)
- Apply fee to other disposal facilities such as gasification, pyrolysis, etc.
- Dedicated sales tax on products that will become waste (advanced disposal fee)

- Fees on processing/scrap metal
- Land application fee
- Beneficial use exemption fee
- Fee on all diverted material
- Generation fee
- Deposit escheats
- DEQ consulting fees (1-900-MDEQ)
- General fund
- Garbage bag/compost bag tax
- Application fees
- Portions of local fees would be sent to State
- Assessed “property” tax based on value of waste management system

- 7) Next Meeting Items:
- a) Landfill disposal prohibitions and generator obligations
 - b) Set FY 2010 meeting dates

Next meeting is scheduled for September 11, 2009.