

**Solid Waste Advisory Committee (SWAC)  
Meeting Summary  
September 11, 2009**

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1) Welcome and introductions.

Overview of agenda

- Handouts:
  - Agenda
  - Draft July 10, 2009 meeting notes
  - SWAC Legislation Tracking Table
  - DRAFT "Planning Lite" bills (3)

- Solid Waste Funding Options criteria checklist

George Bruchmann welcomed the participants and noted that landfill mining is an emerging issue that may generate legislative interest. Bills may be introduced in the legislature. If legislation is developed, SWAC input may be sought.

2) Approve draft meeting summary.

No changes were made to the July 10, 2009 meeting summary. The DRAFT heading will be removed from the summary on the Web site.

3) Standing Agenda Items

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

- SB 725- allows yard clippings in landfills. It was also shared that similar bills have been recently introduced in the House HB 5334 (Mayes). The bills will most likely not move until after the budget is resolved. It was also noted that the Michigan Recycling Coalition will be discussing this bill at their "Fall into Recycling" event later this fall to determine if they can support it now that changes have been made. Technical issues with the bill will also be discussed.
- Draft "Planning Lite" bills were circulated before the SWAC meeting. These are only draft and have not been introduced yet. SWAC members made note of the following:
  - Members supported accommodating household hazardous waste collections in Solid Waste Management Plans
  - No definition of MRFs
  - Landfills and incinerators will have increased reporting NOTE: landfill reporting requirements have not been changed
  - No conversion factor for tons/cubic yards NOTE: conversion depends on material, cannot legislate a conversion factor
  - How will "waste utilization" be defined? We need to develop a methodology for calculating utilization rates.
  - How will "future capacity" be determined- too difficult to "guesstimate" potential capacity inside landfill footprint
  - The need to have an ordinance for an enforceable mechanism is new
  - Concerns with smaller planning committee- will there be a good representative cross section?
  - Members also noted that funding is not addressed in these bills.

**SWAC MEMEBERS WILL PROVIDE COMMENTS TO RHONDA BY FRIDAY, SEPTEMBER 18, 2009**

- b) Rules Update:
- Open Burning of Household Waste: Regulatory impact statement is being developed based on stakeholder input. Stakeholders have stressed the importance of developing an outreach strategy to inform citizens and local units of government of the phase-out of residential trash burning. A specific stakeholder work group to develop the outreach strategy is in the process of being developed.
  - Compost and Inert Rules: Nearing end of process; currently going through a Regulatory Impact Statement. MMA has concerns with rules package and will meet with DEQ separately. SWAC members noted that they are developing a resolution to their issues. It was also noted that some stakeholders don't believe the compost rules go far enough with the Class 1 facilities as they only set minimal location standards. It was asked if the compost rules could be separated from the inert rules, as it is mostly the inert rules that have been controversial. This has not been considered.
- c) E-waste Update: Matt provided an update to the e-waste implementation. The registration forms are available on the website [http://www.michigan.gov/deq/0,1607,7-135-3312\\_4123-208087--,00.html](http://www.michigan.gov/deq/0,1607,7-135-3312_4123-208087--,00.html). Registrations are expected to start coming in very soon. Recyclers and Manufacturers must register by October 30, 2009. After April 1, 2009 retailers may not sell covered electronic equipment manufactured by un-registered manufacturers. A frequently asked question document will be posted to the website soon.
- d) Revised Solid Waste Policy Tracking Table on google docs: Just a reminder that the document is on Google docs. Please begin filling in information. If you cannot access the document contact Becky Beauregard.
- 4) Solid Waste Funding Options: Steve Sliver gave a presentation on the Solid Waste Program and Funding Options brainstormed at the July 10, 2009 SWAC meeting. The presentation can be found on the website [http://www.michigan.gov/documents/deq/DEQ-WHMD-STSW-SW\\_Funding\\_9-09\\_291866\\_7.pdf](http://www.michigan.gov/documents/deq/DEQ-WHMD-STSW-SW_Funding_9-09_291866_7.pdf)

A discussion of the criteria resulted in a revision of the definition of "equitable" which the committee agreed would include "legal and cost proportionate to benefit." There was much discussion surrounding the idea of a "tax" vs. a "fee" and the *City of Lansing v. Bolt* decision which makes a distinction of a tax and a fee. Members also requested that additional boxes be added to the criteria checklist indicating if the option was for short term funding or long term funding. Additional discussion also resulted in the addition of the "comments" field.

The committee agreed to go through each option in the presentation and briefly discuss the information gathered for each idea. Some notes made about specific ideas are as follows:

- A “portfolio” solution combining different ideas to fund the program has not been ruled out.
- All sales taxes are already constitutionally dedicated to have 90% go towards schools; any increase would result in only 10% of that potential revenue going to a dedicated purpose.
- The “Penny Plan” may be more of a transaction fee, the solid waste surcharge may be considered more of a “tax” (see tax vs. fee discussion above).
- A state program licensing waste haulers would pre-empt any existing local license program.
- Many of the beneficial reuse or diverted material data is unavailable. (The estimated revenue in the presentation is based on the VERY LITTLE information staff have available to us and would most likely be much higher.)
- An additional suggestion was made to reduce the bottle bill to a nominal amount (two cents) so that less people would return them, they would be forced to recycle curbside and increased escheats would come back to the state.
- A SWAC member also suggested that as members complete their own criteria checklists to be open-minded to finding a solution to the funding issue.

**Committee members will complete the criteria checklist and send it to Becky by September 30<sup>th</sup> for compilation.** Committee members may indicate favorable options by making notes in the comment box. The end result of this exercise will be a smaller selection of options to discuss at our next meeting. Becky will send the criteria checklist to the SWAC along with a link to the presentation.

**5) Next Meeting Dates: Friday, October 23, 2009 9:30-3, Friday November 6, 2009 9:30-3**