

# Governor's Recycling Council Comments on the Solid Waste and Sustainability Advisory Panel Proposals

July 20, 2016

## ***Governor's Recycling Council Charge***

The Governor's Recycling Council (GRC) was named by Governor Snyder on April 14, 2014. The nine member council comprised of recycling experts from the public and private sector was formed to advise the Department of Environmental Quality (DEQ) and Governor Snyder on specific actionable steps Michigan could take to achieve the goals outlined in the [Governor's Recycling Plan of Action](#). Governor Snyder has set the ambitious goal of doubling Michigan's recycling rate from 15 percent to 30 percent.

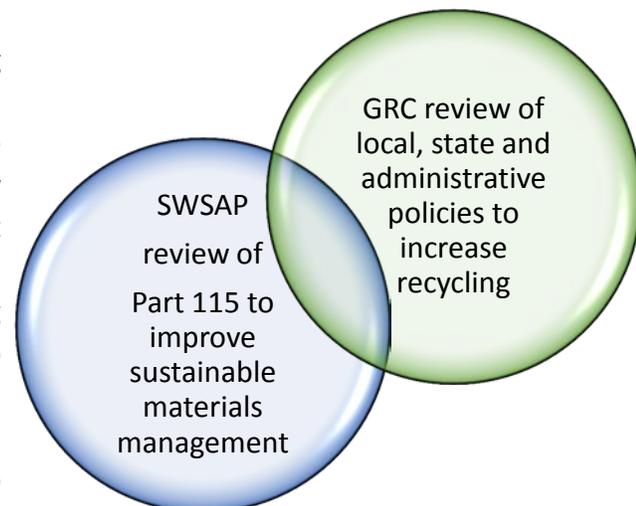
The Governor's Recycling Plan of Action can be distilled down into five main areas:

- Benchmarking and measuring progress
- State government recycling, leading by example
- Recycling education, outreach, and technical assistance
- Providing convenient access to recycling opportunities
- Recycling market development

## ***GRC relationship to the Solid Waste and Sustainability Advisory Panel (SWSAP)***

The work of the GRC is being accomplished within a broader context of achieving the goals outlined in the Recycling Plan of Action. Some of our work has focused on existing statute, and other components have focused on new policy recommendations that go beyond existing statute; increasing access and developing a recycling measurement system are examples. This includes building on the state of Michigan's 2007 Solid Waste Policy, which "recognizes solid waste as a resource that should be managed to promote economic vitality, ecological integrity, and improved quality of life in a way that fosters sustainability."

For two years the GRC has been systematically identifying specific action steps necessary to return Michigan to a leadership position in recycling. Those steps include enacting local, state, and administrative policies necessary to achieve the goals. In parallel, and with significant interaction (two of the GRC members are also SWSAP members) the SWSAP has been charged with reviewing current solid waste regulations. Their focus is limited to existing statutory requirements within Part 115, Solid Waste regulations. Therefore, the GRC and SWSAP overlap in the area of recommended changes to Part 115 to increase recycling.



### ***GRC support for the SWSAP Proposals***

The GRC is supportive of the proposals outlined by the SWSAP. We commend the efforts of the SWSAP and are encouraged by the high level of consensus that is being developed through this process. As was outlined in the Governor's Recycling Plan of Action, as well as the 2007 Solid Waste Policy, our current regulations, and our entire system for managing and regulating waste management activities is in need of modernization.

The GRC is supportive of the SWSAP proposals focusing on **Materials Management Plans, Composting, and Funding**. Improving and activating the solid waste planning process is one of the 15 points of the Recycling Plan of Action and is an important, existing tool to drive thoughtful actions at the local level. Similarly, establishing a comprehensive organics management system is expected to contribute to the goal of doubling Michigan's recycling rate, as is providing sustainable funding for the program.

### ***GRC policy recommendations that align with SWSAP proposals related to Planning, Funding, and Composting***

In over two years of discussion, deliberation, and action of the GRC, we have identified specific steps necessary to achieve the goals in the Governor's Recycling Plan of Action. Attachment A presents GRC policy statements related to measurement, education, leading by example, market development, and funding. Of particular relevance to the SWSAP process are the policy statements related to planning and funding. **Regarding Planning**, the GRC advises that the DEQ integrate recycling, organics management, and waste utilization planning into the solid waste management planning process. The SWSAP has identified specific steps to make this happen, thus the GRC fully supports those related proposals. **Regarding funding**, the GRC advises that action is needed to address funding needs. The GRC asserts that while a significant step, current recycling funding appropriation is not sufficient to achieve the goals outlined in the recycling plan of action. Furthermore, existing recycling funding tools have not resulted in successfully reaching the Governor's stated goal of 30 percent, thus both reinvention of existing tools and the addition of new funding tools and policies are needed. Potential funding options are offered in Attachment A.

Residential access to convenient recycling was one of the 15 points in the Governor's Plan of Action, and is considered essential to achieving the 30% recycling goal. Attachment B expands on the GRC's initial policy statement on access, outlining a stepwise approach to develop parameters for what constitutes convenient recycling under various conditions, beginning with hauler-provided curbside recycling where curbside garbage service is offered. Mechanisms for implementation are identified. The GRC highlights this policy statement because it is likely that Part 115 would need minor amendments as these concepts advance - but we also stress that these recommendations are a "work in process" and that the GRC continues to develop language that further clarifies the benefits of access over availability - and the importance of quality access as the means to achieve the 30% recycling goal. We are committed to working through these next steps and welcome SWSAP engagement towards that end.

Attachment C identifies a Policy Framework for Recycling and Beneficial Utilization of Waste. It Governor's Recycling Council Comments on the Solid Waste and Sustainability Advisory Panel Proposals July 20, 2016

was adopted at the May 18, 2016 GRC meeting. Again, the GRC calls for integration of recycling and waste utilization in the solid waste planning process. **Regarding composting**, the GRC recommends working to build the infrastructure that enables convenient and cost effective organics management by citizens and businesses and, once those systems are set up, developing and maintaining policies to reinforce the need for our citizens and businesses to use that infrastructure.

### ***GRC comments on specific SWSAP Proposals***

As stated earlier, the GRC supports all of the proposals identified by the SWSAP and offers the following comments to elaborate on their thoughtful action steps.

#### *Materials Management Planning*

- 1) The GRC supports the new direction envisioned by the SWSAP for the Solid Waste Management Planning Process. The concept of Materials Management Planning sets the right course for the necessary shift in focus away from disposal capacity toward a more comprehensive approach that encourages planning for waste utilization infrastructure.
- 2) More directly connecting county plans with the State's Solid Waste Plan will result in the thoughtful local decision-making process necessary to create an environment where private-sector waste utilization businesses can thrive.
- 3) It is important for the Materials Management Plan to set clear siting mechanisms for the establishment of waste utilization infrastructure. Thoughtful planning is necessary to mitigate currently encountered local zoning barriers to growth of recycling and composting facilities. However, the balance of local control versus state-determined siting compliance must be carefully evaluated and protected.
- 4) The GRC supports weight-based measurement and reporting versus the current use of cubic yard measurements.
- 5) Ensuring plans are systematically reviewed and adopted every five years is important.
- 6) The GRC recommends further clarification of statement #15 in Appendix A MMP concepts, "Siting (Non-capacity driven). Any facility that requires a permit shall be consistent with the MMP." We are interested in how the interaction between Plan authority, state permitting authority, and local zoning is resolved because the effect on local utilization capacity will likely be significant.

#### *Authorizations*

- 1) The general permit concept for recycling and composting (in addition to other organics management technologies) activities is supported. However, the requirements must be carefully crafted as not to place an undue burden on recycling and organics management, thereby hindering growth.

#### *Composting*

- 1) As stated in GRC'S Policy Framework for Recycling & Beneficial Utilization of Waste (Attachment C), we support a comprehensive approach which directs "our sustainable management of waste materials into highest and best beneficial utilization - through prevention, reuse, recycling, composting (aerobic and anaerobic)", etc. For this reason we support the SWSAP composting recommendations and suggest consideration be given to those areas not currently addressed, such as source reduction and dry and wet anaerobic digestion.
- 2) Particular focus should be placed on technical training and compliance assistance for compost operators.
- 3) The supporting concepts developed in the SWSAP proposals, Appendix B - Compost Concepts, contains additional considerations which the GRC agrees should be recognized when drafting amendments to Part 115.

### *Funding*

- 1) The GRC agrees that sufficient funding is necessary to implement the planning process, additional oversight of waste utilization activities, and to support education and outreach. In addition to these funding needs, Michigan should also sufficiently fund a statewide recycling education campaign as well as robust market development.
- 2) The GRC is working to identify infrastructure and program/access gaps across the state and the supply chain, along with cost ranges to implement, and recommendations will be forthcoming.
- 3) The GRC has identified funding needs for training, infrastructure build-out, technical assistance, increasing access to recycling opportunities, and market development, that are necessary to reach the Governor's goals, as noted in attachment A.
- 4) The GRC recognizes that high-performing recycling states have invested in creating a robust recycling system where businesses and communities realize the important economic and environmental benefits brought by recycling. By sustainably utilizing waste as a resource Michigan can also realize the benefits to our environment and economy.

### **Conclusion**

The GRC looks forward to supporting the efforts of the SWSAP, recognizing significant overlap between our charges. The impact of the SWSAP recommendations on GRC'S goals, as well as GRC'S ability to further the goals described in the SWSAP charge compel us to seek areas of alignment and support. GRC will continue to be engaged in those areas of the SWSAP recommendations that intersect with GRC'S charge, as we develop recommendations within our purview, including on recycling market development, technical assistance, education and outreach, recycling infrastructure buildout, and funding mechanisms necessary to reach the Governor's recycling goals.

## Attachment A

**Governor's Recycling Council Policy Statements, January, 2015**

The Governor's Recycling Council (GRC) has adopted the following policy statements in its role advising the Governor and DEQ Director --- having concluded that these are essential to Michigan's development of metric---driven, cost---effective recycling strategies for our state that achieve the Governor's stated goal of 30 percent residential recycling and that will realize the economic, job creation, and environmental benefits that strong and robust recycling brings to Michigan.

**Measurement**

The GRC advises the Governor and DEQ Director that legislative action this session is needed that requires reporting by entities that receive, process or market recyclable materials from residential and commercial sources.

**Access**

The GRC advises the Governor and DEQ Director that legislative action, this session is needed that requires, by state statute, solid waste haulers to provide residential recycling collection services, if they provide residential trash collection services.

**Support Services**

The GRC advises the Governor and DEQ Director that the provision of convenient recycling services at the local level requires concerted leadership at the state, regional, county, and local levels, and recommends the following actions at the departmental level, along with allocation of the required funding and resources:

- Integration of recycling and waste utilization planning into the solid waste management planning process administered by DEQ;
- Establishment of strong market development capacity within DEQ, in collaboration with the MEDC, the state's Prosperity Regions, and other resources as appropriate, to create and support the infrastructure necessary for robust recovered materials markets in Michigan.
- Development and distribution of an ongoing state-level recycling message and coordinated educational/informational tools for local customization.
- Leading, administering, providing technical assistance, and ensuring compliance in all recycling related programming

**Funding**

The GRC advises the Governor and DEQ Director that future action is needed to address funding needs. The GRC asserts the following:

- The recent actions taken by the Governor and Legislature in appropriating additional Governor's Recycling Council Comments on the Solid Waste and Sustainability Advisory Panel Proposals July 20, 2016

General Fund resources are viewed as a significant step in the right direction that will accomplish much to increase recycling, but may not be sufficient to address the need in the long term;

- Existing residential recycling funding tools and policies (in place for decades) have not resulted in successfully reaching the Governor's stated goal of 30 percent, thus both reinvention of existing and additional funding tools and policies are needed;

- More analysis is needed on the real “gap” between rollout of best practice recycling services across the state and our current level of service, and thus performance;
- The GRC is working to further develop the necessary analysis but the overall conclusions are already obvious – a shortfall exists, as evidenced by studies completed by the Solid Waste Funding Advisory Work Group, the Michigan Beverage Container Recycling Task Force, Public Sector Consultants, and the Michigan Recycling Coalition;
- Policy frameworks and funding mechanisms to be considered should include but are not limited to one or, more likely, a combination from the following options:
  - point of disposal fees,
  - point of purchase fees;
  - cleanup and redevelopment trust fund (funded by escheats); and
  - General Fund
- Distribution of funds should take into account the need to deploy those funds equitably and effectively for the purpose of reaching the recovery goal and prevent misappropriation of funds from their originally intended purpose.

The GRC intends to provide more specific recommendations on funding in the future.

## Attachment B

### GRC Policy Statement on Access, September 22, 2015

#### Introduction

The GRC has adopted the following policy statements in its role advising the Governor and DEQ Director - having concluded that these are essential to Michigan's development of metric driven cost effective recycling strategies for our state that achieve the Governor's stated goal of 30% recycling and that will realize the economic, job creation and environmental benefits that strong recycling brings to our state.

#### Policy Guidance Statement on Access

Convenient recycling access is essential to achieving the 30% recycling goal. Recycling access will vary by type for different sectors (e.g. urban, rural, in-home, multi-family, away-from-home). As a first step towards achieving the goal of convenient recycling access, the GRC advises the Governor and DEQ Director that legislative action, this session, is needed that requires, by state statute, solid waste haulers to provide residential recycling collection services if they provide residential trash collection services within higher density residential areas in Michigan as specified by the US Census as shown in Exhibit A, – as qualified below.

The GRC advises the Governor and DEQ Director that the following additional considerations should be addressed in recycling access legislation and in its execution:

- As a first step, convenient recycling access can be provided within the boundaries of higher density areas in Michigan (shown as urbanized areas and urban clusters as specified by the US Census – see Exhibit A) via the existing system of trash haulers – areas to be identified as “Designated Curbside Recycling Areas”.
- A statute that requires every hauler in Michigan servicing those urbanized areas to provide convenient recycling collection services as part of their “normal” services.
- The access requirement will need to take into account the structure of Michigan Home Rule Authority – utilizing language such as “a person who chooses to provide hauling services must offer the following in conjunction with them – if that person meets these threshold.”
- That statute should establish a framework defining minimum requirements for the services provided, including:
  - Each customer being charged for recycling including provision of a recycling cart or container, allowing the hauler to spread the cost to all;
  - That charge, while bundled into the total bill for that customer, would as a best practice not be broken out as a separate line item, but would be allowed to be shown as a separate line item should the hauler so choose;
  - Recognize that details of these requirements will need to be worked out, with hauler input, addressing issues related to customer participation and customer non-payment.

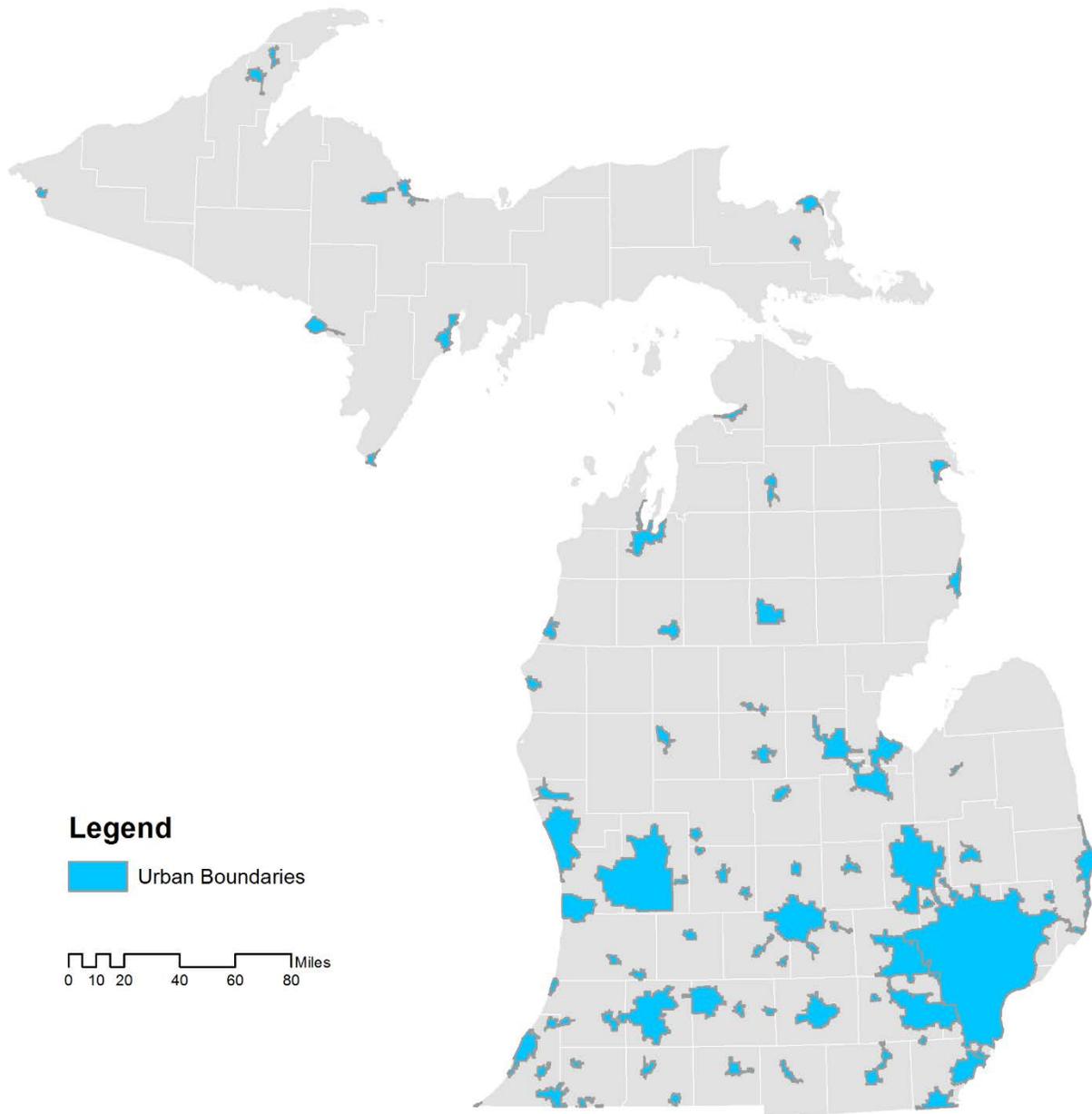
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- A standard suite of materials to be collected would be specified with the statute referencing “common household paper and packaging including but not limited to...” and would include a requirement that the recyclables collected were delivered to a registered recycling establishment;
- Minimum standards for recycling service would be defined, but with enough flexibility in the language to enable recycling service features (e.g. weekly or every other week, carts or bins, dual or single stream, approach to incentives/education, etc.) to be matched to local conditions;
- An enforcement mechanism would be included that is sufficient to prevent abuse, especially in border counties where haulers from adjacent states may assume they can operate outside of the rules;
- Tracking of curbside recycling access coverage data would be incorporated into the state's recycling measurement system;
- A clause that would make it illegal to take (steal) recyclables from the curb – often known as “anti-scavenging” language.
- The statute should define mechanisms for implementation including:
  - Provisions for input from key stakeholders, including haulers of all sizes as well as the communities to be serviced, in the design process for implementation guidelines and/or rules and regulations – so that there is input into the model to be implemented.
  - Provision for training and technical assistance to be provided via a designated service provider – and mechanisms for hauler participation in that training.
  - A timeline for implementation to accommodate reasonable steps required for haulers to responsibly meet the obligations – e.g. no later than 18 months after statute adoption.
  - Provisions that recognize the importance of broad based endorsement of citizen participation in the program – through coordinated announcements of its availability on both hauler and municipally controlled information channels (e.g. web, newsletters, cable, etc.) along with annual repeat.
  - Provisions that enable communities that contract with haulers and/or provide their own trash and/or recycling service with municipal crews in the designated curbside recycling areas to separately achieve the access objectives- with clear statute language for these areas that release haulers servicing that area from that obligation.
  - Provisions that enable Townships and Cities that partially incorporate urbanized census blocks within their boundaries (as shown in Exhibit B) to extend the hauler requirements to areas outside those boundaries through local action, including what incentives could be provided to the haulers to make that possible.
- The statute would require the Director, by a date certain, to provide a plan for expanding recycling access, either by drop-off recycling or curbside recycling, to areas outside of the designated curbside recycling area.

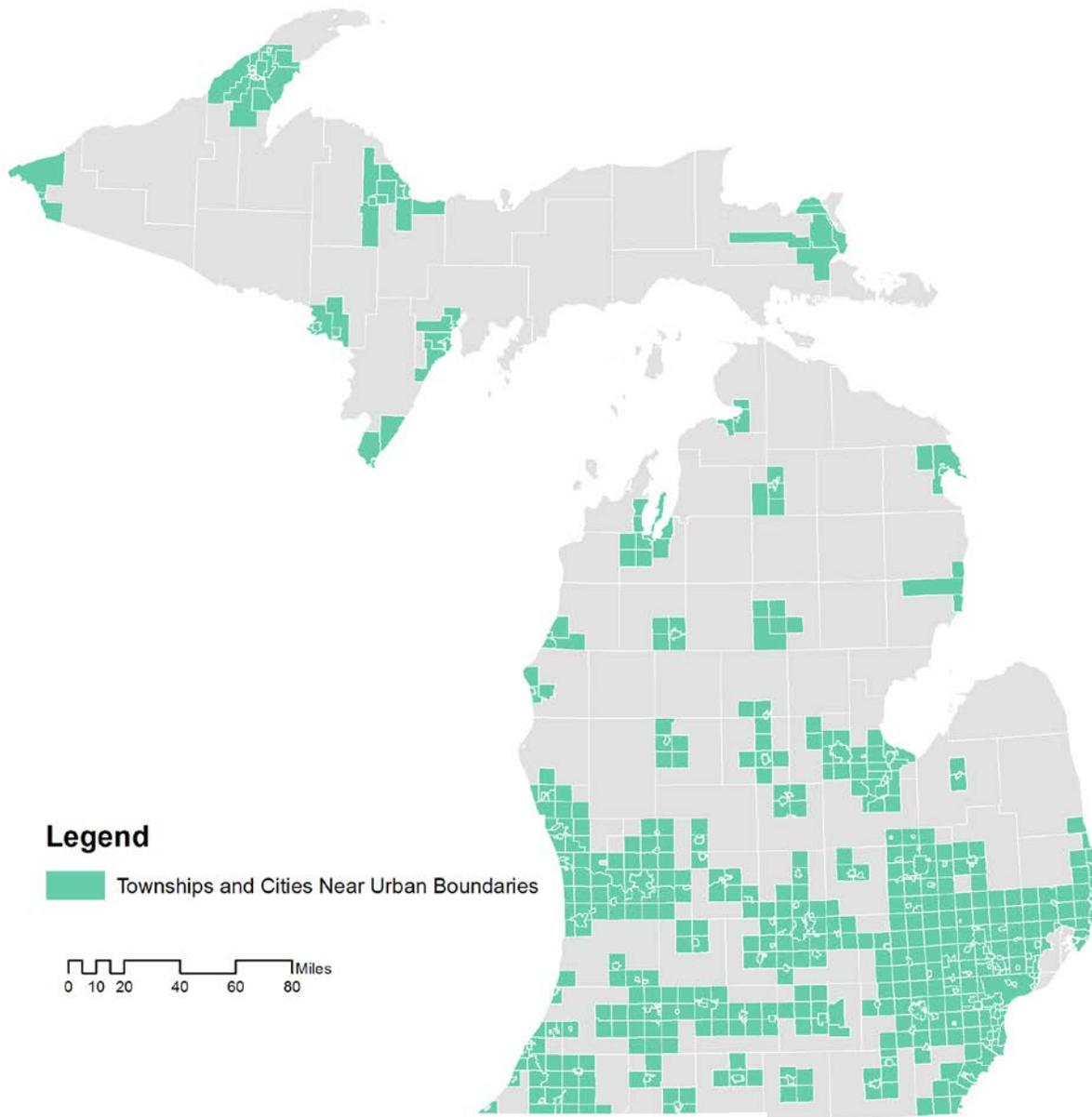
Exhibit A

Michigan Census Urban Boundaries Map:  
Urbanized areas and urban clusters by census block classification  
combined to be considered urban based on US Census



## Exhibit B

Michigan Township and Cities Urbanized Area Map:  
All units of government that incorporates urbanized census blocks  
within their boundaries based on US Census



## Attachment C

### ***Michigan Governor's Recycling Council***

#### **Policy Framework for Recycling and Beneficial Utilization of Waste**

**Adopted May 18, 2016**

The GRC advises the Governor and DEQ Director that the provision of convenient recycling services throughout the state requires concerted leadership from both the private and public sectors at the state, regional, county, and local levels. This leadership requires an approach that supports recycling and beneficial utilization of waste as part of a broader policy framework of sustainable materials management, creating a future for Michigan where we use materials responsibly, conserve resources, protect the environment and live well. Recycling and beneficial utilization of waste is a cornerstone of this policy framework.

As such we recommend the following planning steps, along with adoption of policies and allocation of the required funding and resources that make these possible. This comprehensive approach includes:

- Engaging our citizens, businesses and community leaders through an on-going state-level campaign that messages the vision for sustainable materials management and the call to action for Michigan to double its recycling rate.
- Integrating recycling and beneficial utilization into the solid waste management planning process administered by DEQ.
- Directing our sustainable management of waste materials into highest and best beneficial utilization – through prevention, reuse, recycling, composting (aerobic and anaerobic), and conversion through fuel production from waste and landfill disposal of remaining residuals that can not be beneficially utilized.
- Increasing participation by residents and businesses in recycling programs by ensuring comprehensive recycling is available and developing and maintaining policies that create a culture of recycling.
- Building the infrastructure that enables convenient and cost effective recycling and composting by our citizens and businesses and, once those systems are set up, developing and maintaining policies to reinforce the need for our citizens and businesses to use that infrastructure.
- Integrating the combined strengths and capacity of the public and private sectors to support these sustainable materials management systems – as represented by the Governor's catalyst initiative, the Michigan Recycle by Design Challenge.
- Incorporating strong recycling and beneficial utilization market development capacity in DEQ, in collaboration with the MEDC, the state's economic development regions and other resources as appropriate – encouraging the continued development of infrastructure for robust recovered materials markets in Michigan.
- Engaging state government from the top down to drive metrics for sustainability and sustainable materials management into each department. Using the dashboards for each department to establish and measure the achievement of performance goals for beneficial utilization of waste for

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state government employees and the programs they run, establishing a model for regional, county and local government as well.

- Engaging the resources of national partnerships in business, institutions and government that are actively supporting sustainable materials management throughout the material lifecycle.
- Engaging our institutions of higher learning and our centers of innovation to support research and technology transfer to rapidly scale up the use of recycled commodities in Michigan manufacturing.