

Solid Waste and Sustainability Advisory Panel Public Comments Received as of 8/1/16

All public comments to the Solid Waste and Sustainability Advisory Panel's draft proposals are encouraged and welcomed. All comments received during the public comment period, which ended on Monday, August 1, 2016, will be reviewed and responded to by the SWSAP and/or the Department of Environmental Quality.

Index

The following comments focus on these categories of primary proposals:

- Materials Management Planning/Appendix A: [1](#) [2](#) [6](#) [7](#) [9](#) [11](#) [17](#) [18](#) [20](#) [21](#) [23](#) [24](#) [25](#) [26](#) [27](#) [30](#) [31](#) [33](#) [34](#)
- Composting/Appendix B: [3](#) [6](#) [7](#) [9](#) [13](#) [19](#) [21](#) [22](#) [24](#) [27](#) [28](#) [32](#) [34](#)
- Financial Assurance/Appendix C: [7](#) [9](#) [32](#) [33](#)
- Postclosure: [6](#) [7](#)
- TENORM: [7](#) [25](#) [26](#) [29](#) [31](#) [35](#)
- Funding: [3](#) [9](#) [10](#) [18](#) [21](#) [23](#) [24](#) [25](#) [26](#) [28](#) [29](#) [32](#) [33](#) [34](#)
- Compliance and Enforcement: [6](#) [7](#) [26](#) [29](#) [32](#)
- Appendix D/No Change: [9](#) [25](#) [26](#) [33](#)
- Other: [4](#) [5](#) [7](#) [8](#) [11](#) [12](#) [14](#) [15](#) [16](#) [19](#) [26](#) [30](#) [31](#) [32](#)

Written Comments

In the order and manner by which they were received:

1. Date: July 5, 2016

Name: David Bazzett

Comments:

"MMPs should not incorporate import/export authorizations"

Seems that MMPs should be able to limit imports to control capacity and, when desired by the local community, to prevent importation of radioactive and extremely toxic materials.

"9.No MMP shall designate a new landfill site.

10. No MMP shall designate a new municipal solid waste incinerator."

This sounds like it would make it difficult/impossible to open new landfill/incinerators. There should be some provision for new facilities.

Topics: Materials Management Planning

[Back to Top](#)

2. Date: July 18, 2016

Name: Margaret Weber, Convener, Zero Waste Detroit

Comments:

Thank you for the opportunity to give comment to the SWSAP's recommended changes to Part 115 of 1994 PA 451. My comments include general comments and some specifics, on behalf of Zero Waste Detroit.

General:

Zero Waste Detroit (ZWD) is complete agreement that the focus should be on materials management rather than on solid waste management, as that reflects the growing understanding of sustainable management of refuse materials. However, ZWD recommends additionally the need to educate and emphasize waste reduction in general. The EPA's hierarchy for "waste management" clearly puts reduction at the top, and indeed reduction of waste is the first step in "management" and of waste materials and corresponding issues.

Stating the obvious, there is a need for an extensive multi-faceted public education program and strategy on waste reduction and recycling.

Waste reduction and recycling strategies should be reflected in budgetary outlays, i.e. 1) there should not be expectation that the public will "get it" without the investment of messaging, and 2) emphasis on recycling and materials capture for reuse and repurposing markets should be accompanied by corresponding funding support, either directly or by grants or by way of incentives.

Zero Waste Detroit recommends that the MMP consider Environmental Justice (EJ) implications for waste disposal sitings and permitting, and work diligently to prevent environmental injustices. No region should be undue or disproportionate burden from hosting a disposal option. For example, the incinerator in Detroit at I-75 and I-94 is an example of an environmental injustice: more than 80 of the waste burned at that facility (Detroit Renewable Power) comes from outside of Wayne County, even more from outside of Detroit. However, Detroit bears the brunt of the environmental burden: the emissions from the stack, the odors, the truck traffic and emission thereof, all in a predominantly low-income Community of Color.

Specifics:

We are in agreement with the following, as they align strongly with a prioritization of waste reduction and recycling:

Resources are necessary to administer the Solid Waste Program. The funding provision under Part 115 should be amended to promote recycling and waste utilization and clarify and improve requirements as follows:

The DEQ and local governments should be provided with the funding necessary to implement the recommended materials management planning process and additional oversight provisions for municipal and commercial solid waste utilization activities and to support education and outreach.

9. No MMP shall designate a new landfill site.

10. No MMP shall designate a new municipal solid waste incinerator.

We are in disagreement with the following statement as written, as it appears to contradict the above points and could be interpreted in as a call for additional investment in landfills, incinerators, etc..

To the extent practicable, every County/Region should identify all managed materials and provide all current available management options (landfill disposal, recycling, composting, incineration, waste to energy, anaerobic digesters, other waste transfer and processing facilities, etc.):

Additional facilities for disposal should all be evaluated as to whether they encourage/incentivize waste reduction and materials recovery

Finally, ZWD offers the perspective that frequently, the opportunities for public input on permitted facilities, beginning with the county plan, have too short of a window for comment, particularly when the permit may be complex or the State is less than proactive in getting the word out to the impacted community.

Topics: Materials Management Planning

[Back to Top](#)

3. Date: July 19, 2016

Name: Adam DeYoung

Comments:

The proposed changes do a good job of expanding the currently available solutions to the solid waste problem. However, several well-known tools are not included.

The first tool is to allow innovation in the private sector. Currently in Michigan operating an aerobic digester is difficult due to the difficulty of revenue streams. The two common revenue streams: electricity generation and tipping fees, both have policies causing cost prohibited environments to operate. Electric utilities currently view them as a threat or a business that contradicts their own business model not allowing for a renewable baseline electric power generation to enter the grid. Landfills currently have a tipping fee too low to cause innovation for composters or anaerobic digester operators. The second tool to look at is a requirement for large food producers to divert food waste to a composting facility or anaerobic digester. The state of Massachusetts has recently implemented a similar solution. This solution should be beneficial to both the rural communities and the cities. Cafeterias at colleges will have the opportunity to recycle their food waste to energy. Farmers will be given an opportunity to treat their livestock waste anaerobically by funding a digester with tipping fees for the food waste.

In summary I think two additional items should be considered into the proposed changes to Michigan's solids waste management plan.

1. Increase tipping fees to landfills to drive innovation in other areas. Additional revenue for the state to oversee all of the facilities
2. Require land fill diversion for food waste from at least the large food producers. For example: food processing facilities, cafeterias, and restaurants.

I would be happy to expand on these two points in more detail if that is desired.

Topics: Composting, Funding

[Back to Top](#)

4. Date: July 19, 2016

Name: Wendy Hoard

Comments:

When I worked on Mackinac Island you sorted your trash. Things that will rot, things that will not. You simply answered that question before putting something in this or that container. I've always wondered why we aren't sorting our trash that way throughout the state and think we should do it statewide.

I don't understand proposals or how they might affect me, I just think things would be better if the above rule were utilized as a starting point. I realize there's a lot more to it than me just putting my trash out once a week. I don't know what happens to it after they pick it up. Separate pickups of separated trash as on the island might be part of the answer.

Wendy Hoard

Topics: Other

[Back to Top](#)

5. Date: July 19, 2016

Name: Joshua Gardner, Wyoming Resident

Comments:

While I wasn't able to read through the entire proposal by the SWSAP, I would like to make one comment for the public meeting tomorrow.

I grew up in Virginia where their waste laws require every municipality to have a certain percentage of their waste diverted to recycling facilities. That, in effect, required all waste haulers, both private and public, to provide curbside recycling service to every customer across the state.

One of the barriers to curbside recycling is the added cost (no matter how small) to each customer's trash bill. It only costs me \$9 per quarter to have a recycling bin, but when I look up and down my street less than half of my neighbors pay for that service.

If there is a way to reduce or eliminate the extra cost to residents for recycling service, I believe that can have a huge impact on increasing recycling rates, and by extension, reducing landfill usage.

Thank you for your time,

Joshua Gardner
Wyoming, MI

Topics: Other

[Back to Top](#)

6. Date: July 19, 2016

Name: Virginia Miller and Debbie Brown

Comments:

I am writing you because I received information that you would take our comments to the swsap meeting on July 20, 2016 per Senator Warren.

I was unable to sign in or to make public comments by computer so I would appreciate anything you can do for me. I will try to follow the flow of the panel proposals.

Materials Management Planning (formerly solid waste management planning):

4th dot-Further, the facility must demonstrate that it has met all of the required Part 115 rules and regulations; and has an approval from the Host Community-this should read has an approval from all communities within a 3 mile radius no matter what county it is in.

My local dump is within 2 miles from my home and we set on the county line. This is so unfair to neighbors in different cities and counties.

7th dot-Counties or regional planning agencies should review their plans every 5 years.-This should be every 15 years or more. It is so unfair to make people wonder every 5 years if they need to think of moving and giving up everything they have worked so hard for.

8th dot-Appendix A. all steps must be completed within the given time-frame otherwise it will act as an automatic approval and move to the next step in the process.-This should read all steps must be completed within the given time frame otherwise it will act as an automatic denial and will not move on to any other step.

Any Municipalities not voting should be counted as a denial not a approval.

Authorizations:

2nd dot-A type II landfill should be allowed to solidify industrial waste sludges onsite in containment and not require a separate construction permit- this should read that all should require a separate construction permit.

3rd dot-This may require special provisions in county solid waste management plans and minimum standards for protection of public health -this should read maximum standards. We sure don't need minimum standards when they don't do what they should do now.

Financial Assurance:

Postclosure:

1st dot-Deq should have the ability to reduce or extend the postclosure care period based upon objective criteria.-Know one should be allowed to reduce the postclosure care, know one knows what will be happening to these locations 30 years from now.

Electric Utility Coal Combustion Residuals:

Term:

Funding:

Compliance and Enforcement:

1st dot, 1st insert-A site should be inspected to verify compliance prior to the issuance of a construction permit, operating license, or general permit, and then at least annually thereafter.

This should read then at least semi annually thereafter. This would be good if one was in the winter or fall and summer or spring.

Solid Waste Policy:

Appendix A-MMP Concepts:

1. A County may enact flow-controls to publically owned facilities only.-This should read county and local municipalities may enact flow controls to all publically and private owned facilities- they are the ones that maintain the roads and there residence have to deal with the trucks.

2. has an approval from the host community.- this should read has an approval from all communities within a 3 mile radius.

3. a MMP shall contain a provision and an enforceable mechanism if a flow-control ordinance is enacted.-all lines should read counties and local municipalities adjoining within a 3 mile radius should be able to enact an ordinance that restricts or limits imports, flow control to all facilities publically or privately owned or operated.

4. Siting(Non-capacity driven) A MMP that contains a siting process shall contain a criterion that requires prior approval by host Community-This should read A MMP that contains a siting process shall contain a criterion that requires prior approval by all communities and counties within a 3 mile radius.

11.ordiance-should read retain the ability for local municipalities and surrounding counties within a 3 mile radis to enact ordinances under part 115

22. Each county and Planning region must at a minimum have a meeting with other county planning agency contacts- There should be no minimum And it again should be with counties and municipalities within a 3 mile radius.

24. A MMP shall contain an "adjacent Community Process" whereby each adjacent community within a 2 mile radius of a proposed landfull expansion must-This should read within a 3 mile radius.

A MMP shall contain a similar process for processing and transfer facilities and waste utilization facilities for each community within a 1 mile radius-this should also read within a 3 mile radius.

Draft Plan flow chart

Note left side bottom: all steps must be completed within the given time-frame otherwise it will act as an automatic approval and move to the next step in the process-this should read it will act as a automatic denial the plan is denied.

next line going to the right-within 10 days of Boc approval the Plan goes to all municipalities in county for 67% local approval- this should go to all municipalities within a 3 mile radius even other counties.

going down same roll-All Municipalities that have not responded within the 120 day time frame will count as a approval towards the 67%.- this should read all Municipalities that have not responded should count as a denial.

Appendix b-Compost Concepts

1. Sites that are owned and operated by local government should be exempt from the bonding requirement.-This should read no sites are exempt

2.The DEQ should maintain a list of medium sized compost sites and review design-this should read a list of all compost sites. Who is to say what is small, medium or large sites.

Something that I feel needs to be addressed is that any committee member on any committee should be removed or not allowed to vote if it will directly effect there facility.

I also think when the location is known someone from that area should be on the boards. again within a 3 mile radius.

I have chosen a 3 mile radius because I live within a 2 mile radius of a facility and when the wind blowes I can't use my yard or open my windows, I should be able to enjoy my summer everyday as we all know it isnt very long.

I also wonder why facilities are allowed to ask for extensions because they are filling up faster than they should be doing. They should be monitored and slowed down. I also think facilities should not be allowed to ask for extensions or new facilities years in advance of meeting there capacity.

Mr Larry Bean,
Thank you so much for getting my concerns to the SWSAP.
virginia miller & debbie Brown

Topics: Materials Management Planning, Postclosure, Compliance and Enforcement, Composting

[Back to Top](#)

7. Date: July 19, 2016

Name: Sharon Deron, Salem Township Resident

Comments:

Thank You for offering to read any comments sent via e-mail, to the Solid Waste and Sustainability Panel per my e-mail to Rebekah Warren on 7-2-2016.

So I have taken the time to go over the Proposals of June 17 and have these concerns about these proposals.

1. I do believe that there needs to be a push on recycling as landfills are not the answer. The public needs to know that putting all their garbage into the ground will cause serious problems in the future.

2. I also believe siting for upcoming new landfill or expansions of an already existing landfill is extremely important. To say they should have a minimum set of criteria is a mistake.

If said purposed new landfill or expansion of an existing landfill is on the border of two counties they should both agree to be host communities. If there is NOT an agreement by BOTH - a different location should be found.

Landfills should not be forced upon another county with a large housing population, schools, and parks if they are outside of the hosting county.

If said landfill is sited in an agreeable boundry - both communities should share in fees paid the hosting communities. This compensation should then be passed on to the taxpayer's based on a - RADIUS - of residents directly affected - the closer they are - the more they are compensated.

3. While the plan should be reviewed every 5 years, said plan should not be opened up for expansions until the original 10 years has passed.

Landfills knowing they can get expansions will take excessive amounts of trash just because they know that they can get an expansion.

4. Protection of PUBLIC HEALTH should be of utmost importance, human health should never be at risk or minimized just so the DEQ can authorize projects to research, demonstrate and develop innovative technologies.

5. Composting facilities should be kept in the country away from residential areas - due to possible nuisance odors - with unscheduled checks quarterly.

6. Landfills permitted solidify waste sludges should also be away from residential area's and have unscheduled checks quarterly due to any nuisance problems that might occur.

7. Landfills must put away funds to assure that after closure - money is available for well over 30 - 50 years - the larger the landfill - the larger the perpetual fund should be.

8. The DEQ should have unscheduled inspections of all landfills and composting operations quarterly.

9. Any Landfill decision should consist of committee persons outside of the Waste Management Industry. Anyone choosing not to place a vote - that vote should not be entered as a automatic YES vote. Have an alternate member - for absent or non-voting members.

10. The TENORM really needs to be looked into. Even if it is natural occuring radio active material does radio active material of any kind belong in a class II landfill?

11. I think the fines and penalties should be substantial for leachate leakage, fires and nuisance odors. These threaten not only the environment and public health Those two things need to be the most important to the all the committees.

Thank You for the time it will take you to see these get attention. As we were not able to register to speak, we felt this was a good solution for our public comments.

Sharon Deron, Salem Township

Topics: Materials Management Planning, Composting, Postclosure, Financial Assurance, Funding, TENORM, Compliance and Enforcement, Other

[Back to Top](#)

8. Date: July 19, 2016

Name: Wayne Maybaugh

Comments:

I would like to submit the following comment regarding possible changes in solid waste rules:

I would like to see county based recycling centers and that these centers would become the location where citizens would go in order to receive a refund of their deposits on beverage containing, moving this process away from the stores there the beverage was purchased.

This would get citizens use to recycling and they could bring other items to these centers at the same time they are bringing beverage contains. Maybe some of the money that doesn't get refunded on beverage contains could go toward off-setting the cost of getting these centers operational.

Thanks

Topics: Other

[Back to Top](#)

9. Date: July 19, 2016

Name: Bryan Weinert, Zero Waste Advocate, Recycle Ann Arbor

Comments:

1. Second bullet on page 1 (Materials Management Planning): "MMP's should not incorporate import/export authorizations; however, origins of waste should be tracked and reported in tons to the planning agency to ensure that the planning agency can effectively plan for its managed materials." This is a matter of clarifying definitions: Is the "planning agency" the local or state planning body? Can this be clarified in the document? It may be obvious to members of the committee but I wasn't sure how to interpret this.
2. Second bullet in Financial Assurance section, second bullet on page 4, there is a misprint. Currently reads "Owners and operators of compost of general-permitted facilities...." Should read, "Owners and operators of general-permitted compost facilities..."
3. The Funding section on page 6 of the report says that "The DEQ and local governments should be provided with the funding necessary to implement the recommended materials management planning process." It would be helpful to know what the estimated scope and scale of such support would be in order to guide funding and implementation decisions. For example, providing \$25,000/year to each county (for planning and educational support) would mean \$2.1 million in base funding per year, plus another \$500,000 for DEQ staff (5 FTE) and another \$500,000/year to support statewide outreach and education. That would mean costs of roughly \$3.1 million/year. This would at least provide policymakers with some

marker upon which to consider the recommendations in the report, and begin to generate ideas for how to finance such a scope of services.

4. Appendix A # 9 says that “No MMP shall designate a new landfill site.” #10 says that “No MMP shall designate a new municipal solid waste incinerator.” If this is true, who/how are new landfill sites and incinerators “designated”?
5. Appendix A #19 talks about the development of objective standards that enable the county to determine if expansions are consistent with the MMP. It is not clear to me if this provision relates to #18 (just before it) referencing specifically Type III landfills, or if this provision relates to other/all expansion proposals
6. Appendix A #22 says that “Each County or Planning Region must at a minimum have a meeting with other county planning agency contacts that are a part of its watershed...” It is not at all clear to me when such a meeting is to be held and for what purpose. It also isn't clear who would need to be present at such a meeting. I can see the relevance of encouraging such cross-communication and information sharing, but requiring a “meeting” doesn't seem to carry any legitimacy.
7. Appendix A #24 describes a process by which communities within 2 miles of a proposed landfill expansion (or within 1 mile of processing or transfer facility) is given the opportunity to provide comments and concerns related to the expansion. What about formal notification of ALL properties with 2 miles/1 mile, to open up this channel of communication and feedback not just to adjacent communities but also to affected neighbors?
8. Appendix B #1 speaks about “Large sites”. How is “large” defined? Acres? Monthly/annual tonnage? Others? #1 also says that compost sites owned and operated by local government should be exempt from the bonding requirement? Why this exemption?
9. Appendix B #2 speaks about “medium sized compost sites” How are these defined?
10. Appendix B #5 says that “Sufficient funding should be provided to support 4 FTE for compost oversight.” I think this should be amended to read: “Sufficient funding should be provided to support four full-time equivalents for State compost site oversight.”
11. Appendix B #6 closes by saying that “The DEQ must have the right to deny a registration for a site that is found to be in violation.” This provision seems too open-ended. Registrations would be denied for ANY past violation? The punishment needs to fit the crime in the development of this provision. Not all sites should be denied the renewal of their permit based on any violation in the past year. The severity of past violations needs to be recognized in this provision.
12. Appendix B # 8, remove the word “of” in the following sentence: Material type—agree with the concept that many states and the US Composting Council propose of different regulations....”
13. Appendix B # 9 Operation criteria, should add the words “that receives “ as shown: “...prior to a site being registered for any site THAT RECEIVES over 1,000 cubic yards OF (not “or”) organic material...” Also, the 1,000 cubic yard threshold is for what period of time—one year? One month? Clarity is needed here.
14. Appendix B#11 Training should add the words “DEQ authorized courses including” after “This might include” in sentence 2.

15. Appendix C #1 suggests that transfer facility and processing plant financial assurance should increase to \$20,000 from the current \$4,000. What is this new dollar amount based upon?
16. Appendix D opening sentence should read: "The following represent areas where NO changes are recommended under Part 115."

Topics: Materials Management Planning, Financial Assurance, Funding, Composting, Appendix D

[Back to Top](#)

10. Date: July 19, 2016

Name: Bob Toland, Crockery Township Planner/Zoning Administrator

Comments:

I appreciate the opportunity to comment. I believe there has always been a counterproductive approach to recycling. Charging people additional fees to recycle will not reduce the amount of waste. However, subsidizing the cost of recycling so that there would be no cost to the consumer, or better yet, reducing costs to the consumer, would cause recycling rates to skyrocket. This simple economic stimulus would provide a sizable reduction in waste. With the proper allocation of State subsidies, any number of recycling efforts could be successful. I just don't think you can charge people for the privilege of recycling and be successful. It's not that people don't care, they just need to know there is a financial benefit to them in addition to the social benefit. Thank you.

Robert R. Toland
Township Planner/Zoning Administrator

Topics: Funding

[Back to Top](#)

11. Date: July 19, 2016

Name: Duane Deron, Salem Township Resident

Comments:

1. If you wish to promote regional plans so adjoining counties work together better - one of the things that must be done is to establish a Permanent Truck Route that is not through a residential area or near public schools.

The road to the landfill should be bonded by the landfill so that the repair and maintenance is the landfills responsibility. When a site is chosen for a landfill, truck traffic must be a major concern. Roads and routes need to be able to handle a lot of heavy trucks and traffic, so it must be a priority for public safety

2. Appendix A - MMP Concepts - Question being: Do 67% of municipalities that voted approve the Plan?

I do not think all the municipalities of the landfill county should have a vote and if they choose not to vote it becomes an automatic YES vote. What does a township care about the landfill if they are four townships away from it. This will not affect them in the least being so far away.

This decision needs to be made by the people most affected by it, within a reasonable/designated radius no matter what county - if they are the ones affected by the landfill's location.

Regards,

Duane Deron, Salem Township Resident

Topics: Materials Management Planning, Other

[Back to Top](#)

12. Date: July 20, 2016

Name: T. Delapa, Ann Arbor Resident

Comments:

To the DEQ,

As a relatively new (2014) resident of Michigan, I am writing to strongly urge the DEQ and state government to promote and put in place vigorous programs that will reduce solid waste in our landfills, such as ambitious new **recycling efforts, fees on plastic grocery bags**, and the **elimination of out-of-state entities from using Michigan landfills** as their dumping grounds.

I am distressed and aghast that my new state lags far behind other Great Lakes states in recycling (**a paltry 20% vs. Minnesota's 43%**) as well as the nation as whole, despite our progressive-minded bottle laws. Michiganders must do their part in the battle for sustainability, and the DEQ must take the lead in promoting it throughout the state.

I'm personally proud to say that in my city of Ann Arbor the recycling rate is closer to 50%, which should be the goal state-wide. Not only would an increase in recycling efforts reduce solid waste and noxious environmental damage, it would generate additional jobs for residents. Thank you.

Cordially,

T. Delapa

Topics: Other

[Back to Top](#)

13. Date: July 20, 2016

Name: Sal Sculps

Comments:

Food waste should not be placed in landfills. It is totally compostable and thus can be used to enrich our soil. This would mean investing in curbside composting and locations to process food, yard, and compostable products (paper, corn-based disposable take-out utensils, etc.).

Follow by example: Seattle, WA, Portland, OR, San Francisco, CA, and many more. The State of Michigan could promote it by county. The investment would be well worth it.

Topics: Composting

[Back to Top](#)

14. Date: July 21, 2016

Name: Monica Trojniak, Roseville Resident

Comments:

One way to reduce and manage Michigan Solid Waste would be to include plastic water bottles along with the current requirement for 10 cent deposit on plastic pop bottles.

I walk approximately 2 miles each day in the City of Roseville. I see many plastic water (and juice) bottles but very few plastic pop bottles.

There are persons who go around collecting plastic bottles for small change, but they pass by the water bottles because those items have no monetary value. When groups collect cans and bottles as fund raisers they do not accept the plastic water bottles. Also, residents, such as myself, who do not have access to local recycling programs, usually put their empty plastic water bottles directly into their garbage cans.

I realize that this specific issue is not part of the proposal. I do, however, think it is an important one for any committee or commission concerned about solid waste management to consider.

Thank you for your time,

Monica Trojniak

Topics: Other

[Back to Top](#)

15. Date: July 24, 2016

Name: Carlos Miles

Comments:

Michiganders need to be educated about the value of so many one-and-done containers we discard to landfills. I feel that more people will donate recyclables if the collection process is made more convenient. I may have curbside recycling at home, e.g., but what about at work? What about a McDonald's when I'm done with salad container? The collection receptacles should be in more regular locations and residential recycling programs should collect recyclables more than so-called "trash", not less so. Throwing items away is just too easy and short-term inexpensive. A solution to dissuade unnecessary waste is to charge folks for the weight or quantity of wasted trash. Educate the public and make the routine like second nature, more convenient and I promise our wasted resources of potential recyclables will be greatly reduced to a target toward zero waste. Lastly, Michigan has the opportunity to lead the way in the Midwest for waste reduction. I still see pop bottles in the trash everywhere. We're so programmed to discarding valuable items that a 20oz sealed bottle or 12oz aluminum can isn't even worth keeping and getting 10-cent refund to a lot of folks. The deposit program should be expanded to much more consumer products and made more universal so that the item can be

returned to nearly any retail business or a Tomra-style kiosk even if it was not purchased there originally.

Topics: Other

[Back to Top](#)

16. Date: July 25, 2016

Name: Louise Hopping, City of Livonia Teacher

Comments:

Dear SWSAP,

It's heartening that Michigan is finally addressing solid waste issues at the state level and I thank you for your efforts.

I am a 6th grade teacher at a large Catholic School in Livonia. Students at our school work hard to maintain Evergreen status from the Michigan Green Schools Foundation so I am speaking from a very grass roots position. We have found recycling to be a frustratingly difficult task due to a lack of understanding about recycling and what items can be recycled, an apathetic or cynical attitude toward recycling efforts, and difficulties in managing recyclable materials (in part due to contractual constraints with waste haulers and a lack of recycling options for our school – MUCH more difficult than residential recycling).

Recycling would be easier with some type of uniformity and consistency throughout the state that counties can follow: for example, consistent use of color-coding in labeling collection containers in the waste stream. It will be important to include an education piece in the plan – for schools, businesses, and communities. All the legislation, regulations, and reporting will be for naught if the general population is not on board. Education can also help clean up the recycling stream, keeping out contaminants.

It would be helpful if the citizens knew where their recyclables were going. Many people just assume that it ends up in a landfill regardless of what is said or advertised. Perhaps there could be more transparency in exactly where waste haulers take our recyclables and what happens to them. I see the plan calls for counties and regions to quantify their progress and this will be helpful information if published in some kind of public campaign to raise awareness.

The MMP has a strong focus on the collection of materials and regulating the facilities. I'm wondering if there are any plans to require that apartment and condo complexes provide recycling opportunities for residents, or to mandate recycling of specific materials?

I appreciate the opportunity to comment on this plan.

Louise Hopping

Teacher and Green Team Coordinator

Topics: Other

[Back to Top](#)

17. Date: July 27, 2016

Name: William Crabtree, Resource Recovery Corporation

Comments:

Resource Recovery Corporation (RRC) is a consortium serving 34 Michigan foundries created in 1992 for the purpose of finding applications for the beneficial reuse of spent foundry sand and otherwise diverting foundry process residuals from disposal in landfills. Over the last two decades, RRC has diverted over a million tons of spent foundry sand and foundry process residuals from our state's landfills.

RRC commends the Solid Waste & Sustainability Advisory Panel (SWSAP) on its efforts to review and identify opportunities for improvement of Michigan's solid waste management law and regulations to promote the state's solid waste and sustainability goals.

RRC submits the following public comments in response to the proposed changes to Part 115 of the Natural Resources & Environmental Protection Act (NREPA) recommended by the Solid Waste & Sustainability Advisory Panel (SWSAP).

Conflicts With Recently-Enacted Beneficial Reuse Law

The recently-enacted beneficial reuse law (PA 178 of 2014) specifically addresses the beneficial reuse of spent foundry sand. Nothing in the proposed revisions to Part 115 should conflict, amend or otherwise reduce the opportunity provided under PA 178 for the beneficial reuse of spent foundry sand and foundry process residuals.

Materials Management Planning

RRC agrees that it is beneficial for MMP planning to be considered on a broader regional basis and eliminating the county import/export restrictions which unnecessarily geographically restrict the movement of material for disposal, recycling, and reuse.

Commercial and industrial facilities are already heavily engaged in recycling and lean manufacturing programs which minimize the generation and disposal of waste material. Therefore, the focus of the MMP planning, measurement and reuse provisions should be focused on "residential" waste streams where the challenges for collection and sorting are substantially different from the commercial/industrial sector and the opportunity for gains in material recovery are much greater.

Materials measurement and tracking in the commercial and industrial sectors raise unique issues around confidentiality, proprietary processes and competitive intelligence. These concerns must be taken into consideration with regard to any provisions related to commercial and industrial waste tracking, measurement and reporting.

The storage of materials for periods in excess of 6 months (storage pile regulations) may need to be revisited based upon the seasonal nature of a particular reuse application, need for a specific minimum quantity in order to qualify for a reuse project or other considerations.

RRC has concerns with the MMP Concepts provision (See Appendix A, #9) which states "No MMP shall designate a new landfill site. While it may be a worthy goal to not to need any additional MSW landfill capacity, it would be short sighted to eliminate the possibility of siting any new landfill ---such as a Type III mono-fill which content could be reclaimed and beneficially reused at some future time. It is recommended that this provision be eliminated or limited to

apply only to Type II landfills. This provision also directly conflicts with Concept #18 (See Appendix A, #18) which deems the siting of captive Type III landfills to be automatically consistent with the MMP.

RRC also has concerns with the provision (See Appendix A, #18) relating to the consistency of Type III landfills with the RMP which states "Siting of captive Type III landfills shall be deemed automatically consistent with the MMP, so long as they are associated with an onsite industrial facility." The requirement that the proposed Type III landfill be captive to a particular entity is not as problematic as is the language that requires that the Type III landfill be associated with an onsite industrial facility. In the future, RRC may wish to site a "captive" Type III landfill, but it may not necessarily be located onsite at our industrial processing facility. Therefore, the limiting "onsite" language should be deleted from this concept proposal.

Thank you for the opportunity to provide comments on the proposed changes to Part 115 of NREPA as recommended by the Solid Waste & Sustainability Advisory Panel (SWSAP).

Respectfully submitted,

William Crabtree, President
Resource Recovery Corporation

Topics: Materials Management Planning

[Back to Top](#)

18. Date: July 28, 2016

Name: Casey Steffee, Michigan Association of Counties

Comments:

Thoughtful solid waste management policy is integral to maintaining and improving both Michigan's environment and economic sustainability. For the past decade sustainable materials management strategies supported by new diversion and waste conversion technologies have begun to change the waste management landscape where landfilling is no longer viewed as the long term solution for waste materials. The Michigan Association of Counties (MAC) supports many of the goals laid out in the Solid Waste and Sustainability Advisory Panel's proposal, including maintaining county role in solid waste management (materials management) planning and improving data collection.

Although this is the case, establishing a sustainable source of funding to identify, plan and support the development of material management opportunities at the local county level is critical for the principals and goals identified in the proposal to succeed.

County governments are responsible for a wide-range of mandated services. Solid waste planning is a necessary process requiring sufficient funding to develop the strategies that will support public – private investment in infrastructure to process the various materials including organics, yard waste, construction and demolition material and items collected through residential single stream recycling programs.

All 83 counties of Michigan stand ready to assist in properly managing and finding new solutions for waste materials currently disposed in landfill facilities across the state to protect Michigan's valuable natural assets. With proper funding, Michigan's counties can be a major contributor player in developing the strategies to advance the department's materials management goals.

Respectfully yours,

Casey Steffee
Governmental Affairs Analyst
Michigan Association of Counties

Topics: Materials Management Planning, Funding

[Back to Top](#)

19. Date: July 28, 2016

Name: SiRui Huang

Comments:

I'm glad that this issue is being addressed. Here are some suggestions on how to reduce volume going to landfills in Michigan.

Curbside composting for all residents. Animal products and vegetable products can all be composted. City of Ann Arbor currently offers this service.

Provide recycling services for all neighborhoods including apartment complexes.

Make it easier for people to recycle, for example single stream recycling. Accept more items in the recycling such as color glass and Styrofoam.

If a local municipality provides trash and recycle bins, recycle bins should be much bigger than trash bins. Pick up recycling weekly and trash bi-weekly. This would help encourage residents to evaluate whether or not something really goes in the trash versus recycling.

Topics: Composting, Other

[Back to Top](#)

20. Date: July 28, 2016

Name: Anonymous

Comments:

Read through the proposals and had a couple suggestions:

Page 2: States each county *should* contact its neighboring counties...

-would change the word should to must. The landfill expansion we're fighting would have slipped under the table if we didn't get lucky and hear about it from others than those involved. The persons involved in promoting their regional plan probably have no incentive to contact neighboring counties, so the should recommendation sounds weak and unlikely to be followed.

Appendix A Line 2:

-would consider addition to the end of the sentence, including language allowing for the protection of nearby residents and communities (or requiring approval from said residents/communities) not limited to the Host community.

Appendix A Line 24:

-Would like to see the nearby counties/communities granted veto power if such a proposal is made. The proposed Arbor Hills expansion is 1000 feet from my subdivision. It is obviously detrimental to all those in my situation, and as such we should be allowed to have say in the matter that carries weight, not simply a forum to present opinions.

For example, someone at the far Northwest corner of Washtenaw county who benefits from the landfill's presence financially of course will support it since they're 30 miles away. But someone like me in the neighboring county 1000 feet away who will bear all the effects of the landfill has no power or say in the matter? That's a travesty.

Thank you for consideration of these thoughts!

Topics: Materials Management Planning

[Back to Top](#)

21. Date: July 29, 2016

Name: Dan O'Leary, Washington Township

Comments:

To Whom It May Concern:

Washington Township has reviewed the draft Solid Waste and Sustainability Advisory Panel Proposals dated June 17, 2016. We are encouraged that the Proposals recommend that local governments be provided with adequate funding necessary to implement and recommend materials management planning and oversight with respect to solid waste and recycling facilities. In addition, the Township agrees that the proposal facilities must satisfy all of the requirements Part 115 Rules and Regulations as well as receive approval from the Host Community. We would strongly object to any recommendation which would preempt local zoning over the siting of Type III landfills. Each municipality has unique characteristics which compel review of such facilities to determine consistency with local zoning regulations.

The Proposals concerning compost facilities appropriately recognize the need for compliance with local zoning regulations. We strongly urge that any final recommendations adopt the Compost Concepts contained in Appendix B of the Proposals. Specifically, commercial composting facilities must comply with local zoning requirements and Washington Township strongly objects to any preemption by the county or state with respect to the siting of a composting facility.

Sincerely,

Dan O'Leary
Supervisor

Topics: Materials Management Planning, Composting, Funding

[Back to Top](#)

22. Date: July 29, 2016

Name: Laura A. Campbell, Michigan Farm Bureau

Comments:

Thank you for the opportunity to provide comments on the draft Solid Waste and Sustainability Advisory Panel Proposals released on June 17, 2016. Michigan Farm Bureau is our state's largest general farm organization, representing more than 45,000 farming families across Michigan. Our members have a strong commitment to responsible environmental stewardship while maintaining thriving agricultural operations, taking part in the vital task of providing food, fiber and fuel for 7 billion people around the world. Our members also work closely with the Department of Environmental Quality (DEQ) and Department of Agriculture and Rural Development (MDARD) on activities across millions of acres of agricultural land. We appreciated the inclusive process by which DEQ sought input from stakeholders on the Panel and the subcommittees tasked with developing these recommendations.

Composting and beneficial reuse of organic materials are an important practice to help farmers build and maintain soil health. Our member-written, grass roots policy supports composting organic materials and land application of properly researched materials at agronomic rates without additional regulation. That policy further supports Michigan's Right to Farm Act, defining what practices constitute commercial agriculture, and encouraging all farmers to follow Generally Accepted Agriculture and Management Practices (GAAMPS). In light of that policy, we support the Panel's proposed framework for composting, which differentiates between commercial composting facilities and farms that take yard clippings or other materials for composting or land application under GAAMP guidelines.

In order to make these recommendations workable for farmers and compliant with current state law and guidelines, we urge the Panel to consider small revisions to the composting recommendations:

1) On page 4 under Generator/Hauler Responsibility, a distinction should be made for the responsibility of a person delivering yard clippings, to clarify what they need to do if they are delivering to a farm or to a commercial composting site.

2) In Appendix B, item number 13 specifies that farms accepting larger volumes of compostable materials must have "developed a nutrient management plan under a Concentrated Animal Feeding Operation Permit, under the Michigan Agriculture Environmental Assurance Program, or by a certified crop advisor." Language should be added to that statement to give MDARD the authority to recognize other acceptable nutrient management plans for accepting large volumes of compostable material, such as working with University Extension Educators, following nutrient management guidelines developed by the Natural Resources Conservation Service, working with a consultant certified by the 4Rs Nutrient Stewardship Program, or other sources of nutrient management plans that meet MDARD's standards for a farm to demonstrate the capability to handle a certain volume of compostable material.

We appreciate your time and attention in accepting comments by stakeholders and interested parties. We further look forward to working with legislators and agencies in developing the

amendments to Part 115 of the Natural Resources and Environmental Protection Act. Please feel free to contact me with any questions.

Sincerely,

Laura A. Campbell, Manager
Agricultural Ecology Department

Topics: Composting

[Back to Top](#)

23. Date: July 29, 2016

Name: Lauren Ross, MSU Center for Community and Economic Development

Comments:

I came across these proposed amendments while doing research for a deconstruction vs. demolition project, specifically looking into whether or not Michigan imposes limits on landfilling for individuals or companies. I do not know if such a policy might positively encourage recycling or negatively increase illegal dumping – but I think that it is an option that should be explored. In particular, limits could be imposed on construction companies during both new construction and demolition projects, encouraging them to use materials more efficiently, and to recycle salvageable materials.

In reference to the question of future funding for the MMP, one consideration could be (if it does not already exist), tipping fees based on volume – so that warehouses and larger corporations would pay a higher fee due to their higher percentage of usage of landfills than the individual consumer. These fees could also be used to offset the cost of recycling for the individual.

I would love to be kept informed of the progress of the recommendations as it occurs, so if you could provide me additional information on how I can be involved in this process, I would appreciate it.

Thank you for your time.

Topics: Funding, Materials Management Planning

[Back to Top](#)

24. Date: August 1, 2016

Name: Brad Fashbaugh

Comments:

Hello and thank you for the opportunity to comment on the SWSAP to Part 115 Solid Waste Management of the Natural Resources and Environmental Protection Act 1994 PA 451 as amended. These comments and suggestions from me are going to reflect more on solid waste management overall instead of the proposed changes in the Public Act.

1. Michigan needs to become more aware of what is being thrown away in the landfill. What is going to have to happen is the elimination of the thought process of “just throw it away”, “Just

place it by the curb and it will go away” and “outta sight – outta mind”, and instead introduce the thought process of there is no “away”. As landfills are reaching capacity and closure, transfer and sale of waste both nationally and internationally, and new landfill real estate is at a premium (NIMBY), everyone is going to have to think of the “end game” of each product they purchase and use (ie cradle to grave). This will have to apply to everything in daily life such as the food you eat, to the furniture you sit on, the electronics you use, the car you drive, the toys the children play with, the clothes you wear and so on...

2. There needs to be a law that makes it illegal to throw any organic/compostable material in the trash, and incentives for more compost/organic material collection services in Michigan, and working with compost collection facilities instead of over-burdening them with more regulations.

3. There needs to be incentives and tax breaks to cities, towns, municipalities for the development of local Centers for Hard to Recycle Material (CHaRM) or Terracycle centers. These facilities could easily be built on city owned property, using pre-formed buildings, and offer several jobs to each community. Then, citizens of these communities could drop off many items (tires, electronics, clothing, furniture, HHW, etc) that otherwise get thrown away in the trash. These items can be then further sorted and recycled, or given a second life.

4. Provide incentives and tax breaks and more opportunities for charity organizations that collect used furniture, clothing, electronics, construction material. Provide these same benefits to small businesses already collecting compost and organic materials from residential and commercial customers.

Topics: Materials Management Planning, Composting, Funding

[Back to Top](#)

25. Date: July 29, 2016

Name: Patrick Cullen, Wayne County Department of Public Services

Comments:

TENORM

Comment:

The recommendations from the TENORM Advisory Panel should be incorporated into State law to provide an enforceable mechanism that will better protect the residents of Michigan, where a substantial amount of this waste is being hauled, processed and disposed. In addition to the six specific recommendations from the Panel, MDEQ should designate resources to fully explore the “Areas for Future Consideration” identified in the Panel’s White Paper.

Funding

Comment:

Any revisions to the funding mechanisms under Part 115 should provide equal treatment to Counties and municipalities. Part 115 currently allows for the assessment of “impact fees” in Sec. 11532 by municipalities that are not available to Counties.

Page 7 – Solid Waste Policy

Comment:

Recommend renaming the Solid Waste Policy to the “Material Management Policy” in keeping with the move away from Solid Waste Management Planning as described on Page 1.

Appendix A – MMP Concepts

2. “A landfill expansion shall be deemed consistent with the MMP if the following items have been achieved: the facility has met all of the required Part 115 Rules and regulations; and has an approval from the Host Community (i.e. Resolution, HCA, etc.)

Comment:

This concept completely eliminates the role of the County or Regional Planning agency in the review and approval of landfill expansions; runs counter to other stated concepts in the proposal; and could result in the unfettered expansion of landfills at existing sites.

This concept as written essentially is saying that as long as an existing landfill can meet the Rules and obtain a HCA, they may expand at will without any regard to the waste utilization goals or established siting mechanisms in the local MMP. Exempting landfill expansions from the MMP siting process will make it extremely difficult for planning agencies to develop credible waste utilization goals and likely result in the continued construction of unnecessary landfill space.

The State of Michigan’s recycling and resource recovery efforts have suffered, in part, from more than two decades of excess landfill capacity. Giving a free pass to future expansions without any regard to local planning would be a critical mistake. We recommend revising this concept to acknowledge the role of the local planning agency’s siting mechanism or eliminate it altogether.

9. “No MMP shall designate a new landfill site.”

Comment:

“Landfill site” needs to be clearly and carefully defined. Wayne County would argue that expansions at existing facilities that go beyond previously approved volumes and/or footprints would constitute a “new landfill site”.

16. “Siting (Non capacity driven). The Department shall conduct an independent review of the MMP to ensure that the proposed facility complies and is consistent with the MMP; and shall have final say on consistency with the Plan.”

Comment:

Determination of MMP consistency for proposed facilities should remain with the County or Regional planning agency. Since the County/Regional planning agencies are already being required to develop waste utilization goals and to identify capacity for managed materials, they are best positioned to determine whether or not a proposed facility is consistent with their own Plan. The State already has final approval on the overall MMP and should continue to rely on the local planning agencies to implement the Plans appropriately.

Appendix D – No Changes

Comment:

Under Authorizations, the third bullet item states “The construction permit and operating license application process are fine.” This statement appears to be in conflict with the general permit concept proposed under the Authorization section on Pages 2-3.

Topics: Funding, Materials Management Planning, Appendix D, TENORM

[Back to Top](#)

26. Date: August 1, 2016

Name: John Dulmes, Michigan Chemistry Council

Comments:

The Michigan Chemistry Council (MCC) submits these public comments in response to the proposed changes to Part 115 of the Natural Resources & Environmental Protection Act (NREPA) recommended by the Solid Waste & Sustainability Advisory Panel (SWSAP).

The Michigan Chemistry Council is the voice for Michigan’s chemical industry, our state’s third-largest manufacturing sector. Our companies support nearly 120,000 Michigan jobs and generate \$127 million in state and local taxes. 96% of all manufactured goods are directly touched by the business of chemistry, making our industry essential to every facet of Michigan’s economy.

The MCC commends the SWSAP on its efforts to review and identify opportunities for improvement of Michigan’s solid waste management law and regulations to promote the state’s solid waste and sustainability goals. Our members are waste generators at their facilities as well as manufacturers of materials that enter the marketplace, but are not landfill, recycling or compost facility operators. Therefore, our comments will be limited to those areas in which we have an interest or see potential new opportunities.

Materials Management Planning

First, the MCC supports the concept of focusing on materials management planning (MMP) rather than solid waste disposal planning. We agree that it is beneficial for MMP planning to be considered on a broader regional basis rather than by individual counties as in the past. To this end, we support eliminating the county import/export restrictions which unnecessarily geographically restrict the movement of material for recycling and/or reuse.

“Flow control” to publicly-owned facilities may be justified if it is in the public interest and provides a cost-effective solution to material recovery or disposal problem. However, this policy runs counter to the concept of free markets and it should require a demonstration that other alternatives (including private sector solutions) were considered and that the public project that incorporates “flow control” is in the best and lowest cost alternative.

Since commercial and industrial facilities are already heavily engaged in MMP and lean manufacturing techniques, the focus of the MMP planning and measurement provisions should be on “residential” waste streams where the opportunity for gains are the greatest.

Materials measurement and tracking in the commercial and industrial sectors raise unique issues around confidentiality, proprietary processes and competitive intelligence for both the generator of the material as well as the material transporter, processor or disposal vendor. These concerns must be taken into consideration with regard to any provisions related to commercial and industrial waste tracking and/or measurement.

With regard to facility siting criteria and process, the proposals state that “No MMP shall designate a new landfill site.” We believe that this recommendation needs clarification, particularly as to whether captive Type III industrial landfills would be affected (we agree with the separate recommendation that onsite Type III industrial landfills should be automatically deemed consistent with the MMP). We also believe that the state should not automatically preclude any new Type II municipal solid waste landfills.

It would also be helpful for the state to provide a standard template rather than have a patchwork of different criteria and processes around the state. This would also help “level the playing field” for the siting of facilities and avoid certain areas of the state discouraging facilities for various reasons unrelated to zoning, public health & safety, security and environmental protection.

The storage of materials for periods in excess of 6 months (storage pile regulations) may need to be revisited based upon the seasonal nature of a reuse application, need for a specific minimum quantity in order to qualify for a reuse project or other considerations.

Authorizations:

The MCC strongly supports the recovery of post-consumer materials, and is specifically working with the DEQ to increase recycling of various plastics. As such, the MCC supports the SWSAP proposal to amend Part 115 to accommodate and promote the development of new and innovative technologies including pyrolysis, gasification, plasma arc, landfill reclamation, processing reclaimed materials, etc. Pyrolysis provides a unique opportunity to reclaim and reuse hard-to-recycle plastics, and this technology should be supported and incentivized through demonstration grants and/or other mechanisms.

Likewise, new possibilities are offered by plastics-to-fuel (PTF) facilities that convert pre-processed, non-recycled plastics into petroleum-based feedstocks. The MCC believes that since such facilities utilize a specified feedstock and not a mixed waste stream, they should be regulated like any other manufacturing facility, rather than as a solid waste processing or disposal facilities. Specifically, such pre-processed feedstocks should be clearly excluded from the definition of “waste,” and PTF facilities should be allowed to be sited in light industrial sites, or co-located with recycling facilities where appropriate. Finally, financial assurance requirements should recognize that as PTF facilities convert and not dispose of materials, they are incentivized to only accept those materials able to be used (and not likely to require future cleanup).

Electric Utility Coal Combustion Residuals

MCC agrees (See Appendix D – No Changes) that Part 115 should not be amended to conform with recently-promulgated federal regulations for the storage and disposal of electric utility coal combustion residuals unless and until these rules are finally adopted. The current regulation of these materials under Part 115 is adequate. Opportunities for the safe disposal or beneficial reuse of these coal combustion residuals should be encouraged.

TENORM:

Part 115 should be amended to clarify that certain TENORM can be safely disposed of in Type II landfills.

Funding:

A stable source of program funding is desirable at both the state and local levels of government. Historically, tipping fees have not proven to be a reliable sustained source of income because as waste volumes shrink, so do revenues.

Compliance & Enforcement:

MCC supports the concept of prioritizing inspections base upon a facility's risk and compliance history.

Solid Waste Policy:

Michigan should update its "Michigan Solid Waste Policy," which has not been revised since 2007. The policy should be updated every 5 years or as needed based upon changes in the solid waste industry, technology and changes in applicable federal regulations.

Liquid Waste & Industrial Waste Sludges (Appendix D – No Changes):

Clarification needs to be made between the overlapping regulation of liquid industrial waste under Part 121 and Part 115 to avoid duplication and regulatory confusion.

Conflicts with Recently-Enacted Beneficial Reuse Law

Nothing in the proposed revisions to Part 115 should conflict, amend or otherwise reduce the opportunity provided for the beneficial reuse of materials as set forth in recently-enacted beneficial reuse law (PA 178 of 2014).

Thank you for the opportunity to provide comments on the proposed changes to Part 115 of NREPA as recommended by the Solid Waste & Sustainability Advisory Panel (SWSAP). We look forward to working with the DEQ to promote the economic and environmental sustainability goals of this initiative.

Respectfully submitted,

John Dulmes,
Executive Director

Topics: Materials Management Planning, TENORM, Funding, Compliance and Enforcement, Appendix D, Other

[Back to Top](#)

27. Date: August 1, 2016

Name: Christine Helms-Maletic, West Michigan Environmental Action Council

Comments:

I am writing on behalf of the West Michigan Environmental Action Council to express our support for development of legislation to amend Part 115 of Michigan's Natural Resources and Environmental Protection Act. We applaud Governor Snyder's goal of doubling Michigan's current recycling rate from 15 to 30%. We strongly encourage the DEQ to lead the movement toward new rules and regulations that would: 1) best balance the needs of state, regional and

local authorities with regard to siting landfills and compost operations, that would; 2) provide incentives for the creation of regional planning for facility development and usage, and that limits expansion of existing landfills in Michigan, and that would; 3) identify stable revenue streams to fund adequate oversight and support of such changes.

WMEAC is pleased to observe the pattern of cooperation and consensus which has emerged between the Governor's Recycling Council and the Solid Waste and Sustainability Advisory Panel, and we look forward to their continued efforts to reduce the state's reliance on cheap landfills for managing solid waste. WMEAC will continue its work in cooperation with municipal and county officials in West Michigan to support the reduction and recovery of waste; to educate residents, institutions and businesses on the benefits of recycling; and to promote policies which reduce the amount of waste deposited in landfills. We encourage the state to begin to develop and adopt new policies and invest in the infrastructure needed to manage food waste and other organic material through composting or anaerobic digestion rather than landfill disposal, while also reducing the amount of recyclable materials that end up in the dump, especially those that have market value.

WMEAC also recommends the establishment of state-supported county solid waste boards for the purpose of planning and achieving community-based sustainable materials management goals. These boards should work in cooperation with each other and with local nonprofit organizations such as WMEAC, MEC and others to develop mutual capacities to educate citizens on recycling, to expand technologies for recycling and composting and to plan for future improvements in solid waste management.

We look forward to continued progress and improvement in Michigan's management of solid waste materials.

Sincerely,
Christine Helms-Maletic
WMEAC Board President

Topics: Materials Management Planning, Composting

[Back to Top](#)

28. Date: August 1, 2016

Name: Anne Ginn, Forgotten Harvest

Comments:

August 1, 2016

Forgotten Harvest is honored to provide comments on Michigan Department of Environmental Quality's (MDEQ) recently distributed "Draft Solid Waste and Sustainability Advisory Panel Proposals."

We commend the State of Michigan for its high priority on recycling. Also, we commend MDEQ for its dedication to enhance and improve our current recycling by reviewing and recommending updates to the State's best practices and requirements.

To support the State's goals, we recommend the following revisions to the draft proposals:

-Acknowledge the excellent action of various MDEQ departments to define decision-making priorities on redirection and recycling of organic waste, including food.

-Implement a hierarchy of decision-making priorities for use in determining redirection and recycling of organic waste, particularly food. We urge the following priorities, which have been adopted in other MDEQ departments, and in other states, regions, and communities across the nation: First -- Urge organics and food waste reduction at its source. Second-- Redirect surplus food to feed people. Third-- Redirect organic and food waste for production of animal food, bioenergy and other industrial outputs, and compost. Last -- Destroy inedible food and unusable organics in landfills or incinerators.

-Implement outreach to educate the public, businesses, and communities across Michigan on the benefits and effectiveness of these decision-making priorities and on programs already effective in Michigan and across the nation to redirect organics, including surplus food, aligned with this decision-making hierarchy. Implement incentives to encourage use of these decision-making priorities for food and organic waste recycling and destruction. Example includes: Requirement that waste providers to landfills acknowledge on landfill application their consideration of each higher-order priority before bringing waste to a landfill.

-Implement support for the charitable sector's critical role in recycling and redirecting organics, including redirection of surplus food. Examples include: Tax incentives for charitable food donation; incentives for increased food recovery; pilot programs to highlight benefits of conformance with the decision-making hierarchy.

- Assure MDEQ's recommendations are aligned with effective national programs, incentives, and liability protections implemented to encourage redirection of surplus food and aligned with the recommended decision-making priorities. Equally important, ensure that the draft proposals do not inadvertently conflict with or compromise established federal initiatives intended to accomplish these common goals. Finally, collaborate with other programs designed to achieve these common goals.

We have reviewed the draft proposals from the perspective of our 26 years of experience rescuing surplus food, which otherwise would have been dumped into landfills. Last year, we rescued about 42 million pounds -- primarily fresh and prepared foods -- from across the food supply chain: growers, dairies, distributors and manufacturers, processors, manufacturers, retailers (large to small), farmer's markets, and high quality entertainment venues. We distributed this rescued, healthy food free-of-charge and safely to over 250 partner agencies located in Metro Detroit for people facing food insecurity.

Our work at national and state levels among commercial food businesses, other hunger relief organizations, food waste reduction policy leaders, and academic and legal experts also informs our recommendations and includes our proactive involvement with the Michigan Organics Council, including its Steering Committee.

Please reach out to Anne Ginn (Senior Director of Public Policy; aginn@forgottenharvest.org; 248 967-1500, ext 119) or to me at any time with questions. We welcome the continued opportunity to work with MDEQ on this critical state priority and, specifically, on these draft proposals.

Respectfully,

Kirk Mayes, CEO

Topics: Composting, Funding

[Back to Top](#)

29. Date: August 1, 2016

Name: Ed McArdle, Sierra Club

Comments:

Due to the sweeping changes that could result from the panel's draft recommendations, we request an extension of the comment period for another 60 days. This would allow further input from local and regional officials, as well as the public. A short month-long comment period in the middle of the summer with various activities and vacations is not conducive to maximize participation or feedback.

It is not clear without more details how these proposals will increase the recycling rate. In some cases, it could be construed that these changes would benefit the industrial sector and the landfill industry by reducing regulations and permits for processing sludges, and potentially increasing incineration - especially of substances with toxic air emissions. The waste-to-energy option, utilizing methane gas produced by landfilled materials, could potentially increase amounts of wastes/materials brought into a county from outside, perhaps increasing revenue, but also increasing the amount of materials the county or region must assume responsibility for and monitor. Monitoring for toxic and radioactive materials is often problematic and expensive. Increased import of any materials also increases heavy truck traffic on our roads, which translates to more upkeep for our roads and bridges. Also, some materials should not be disposed of in landfills. Materials that are contaminated with toxic materials and diluted to arbitrary safe levels should require more attention before any recycling or disposal.

While it may be unconstitutional to restrict interstate (or international) commerce of waste, perhaps there could be fees or capacity limits for handling certain problematic materials that would discourage massive importation from other states or countries. Michigan's tipping fees are among the lowest in the region.

The proposal to accept the recommendations from the panel formed to review Michigan's regulations for handling TENORM (Technologically Enhanced Naturally Occurring Radioactive Materials) is most disturbing. The panel was lacking in many areas and raised more concerns than it answered. TENORM from the shale oil and gas boom is highly radioactive with long half-lives. All landfills eventually leak. TENORM does not belong in type 1 or type 2 landfills. This material should go to low level radioactive waste sites. Because Michigan regulations of 50 Pc/G is one of the highest levels in the nation, we are attracting this dangerous waste. U.S. Ecology has a permit before the MDEQ to expand their Detroit operation by ten-fold – an operation that has in the past down-blended high levels of fracking waste containing TENORM to send to landfills. U.S. Ecology should recuse themselves from any decisions concerning TENORM. Since the TENORM waste stream from fracking is not regulated by the federal government and is left to the states, it is imperative that there be separate public hearings to protect Michigan and the Great Lakes from this dangerous waste.

For these and other reasons, we feel there is more time needed to make wise decisions on such important topics that would impact every community in Michigan.

Topics: Compliance and Enforcement, Funding, TENORM

[Back to Top](#)

30. Date: August 1, 2016

Name: Lee Anderson, Ameripen

Comments:

The American Institute for Packaging and the Environment (AMERIPEN) is pleased to submit comments on Michigan's Department of Environmental Quality's Solid Waste and Sustainability Advisory Panel (SWSAP) Proposals to amend the States' solid waste laws.

AMERIPEN – the American Institute for Packaging and the Environment – is a coalition of packaging producers, users and end-of-life materials managers dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies (CPGs) and end-of-life materials managers. We focus on scientifically developed data to define and support public policy positions that improve the recovery and recycling of packaging materials. Our comments are based on this rigorous research approach and are rooted in our commitment to achieving packaging that benefits society, the economy, and the environment.

AMERIPEN strongly supports the recommendation from the SWSAP to incorporate elements of Strategic Materials Management (SMM) via the Materials Management proposal - into proposed amendments to the State's existing Solid Waste Plan and legislation¹.

AMERIPEN understands sustainable materials management (SMM) is a framework designed to explore the impact of materials on the environment and across their entire lifecycle. This requires a shift from focusing on 'end-of-pipe' waste management to looking 'upstream' and more comprehensively at how materials can be more sustainably managed. SMM encourages the consideration of embedded energy and economic value of materials, as well as minimizing the generation of greenhouse gases and other pollutants. Informed by lifecycle impacts, SMM promotes the idea that material should be recovered for its next highest and best use. With this understanding, AMERIPEN requests the SWSAP and DEQ consider the following recommendations in its final report:

1. Move beyond discard management and adopt a comprehensive materials management approach.

The current SWSAP proposal places significant emphasis on promoting recycling and waste utilization, yet a key component of an SMM approach is to encourage the highest and best use for materials, while at the same time reducing material demand. Recycling and reuse are not the only means through which to achieve these goals. Material substitution, source reduction and shifts in consumption patterns may also be equally as effective. We encourage SWSAP and DEQ to expand their scope to identify all actions which can support and incentivize a materials management approach and include those elements in new statutory elements of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act (1994 PA 451). Oregon has developed a promising approach in their adoption of SMM under their waste management frameworks. Specifically, Oregon enshrined these SMM elements in statute via changes to their statute, under Senate Bill 263 (See: <http://www.oregon.gov/deq/LW/Documents/SWdocs/SB263factsheet.pdf>) We would encourage SWSAP and the DEQ to evaluate their objectives as they seek to finalize their plan and include elements of these approaches in the Proposed statutory changes to Part 115.

2. Set goals solid waste for the highest/best use of materials.

SMM asks us to understand that "waste" comes in many forms. Embedded energy and environmental degradation can occur at all stages of the material production cycle: starting with sourcing all the way through harvesting, transportation, production, use and end of life. By undertaking lifecycle thinking we can begin to identify these hidden wastes

in order to uncover where the greatest impacts and best opportunities for intervention lay. In many cases, this process has identified areas where recycling or reuse may not be as effective as source reduction or alternative materials² may be. Additionally, this upfront analysis can help the State identify priority areas for investment and resources rather than attempting to address all materials as a whole or recycling as a system at-large. The State of Oregon recently undertook a similar analysis which led them to identify priority areas for recycling. They have since established legislated goals, under Senate Bill 263, and investments which will target these impact areas rather than just a recycling approach - in order to drive immediate change³ in those areas where change will drive the greatest impact. Michigan could consider similar approaches and considerations under Part 115.

3. Consider end goals which drive SMM practices

AMERIPEN also appreciates the challenge put forth by the Governor to double Michigan's recycling rate to 30 percent but we note that a general recycling goal is just one element of utilizing solid waste most effectively and SMM can identify and target the highest and best use of materials. In setting broad recycling goals, it is easy to overlook that materials all have different environmental and economic impacts associated with them. By establishing goals that target high impact materials we can direct our limited resources to the areas with the greatest opportunity to reduce environmental impact in the most cost effective manner. Additionally, we note that recycling rate goals also miss the opportunity to shift practices and behaviors towards equally effective materials management strategies—including source reduction or material substitution.

We would encourage DEQ/SWSAP to consider how they can build upon the Governors' goals to better inform and plan for SMM outcomes. Some benchmarks may include:

1. Emissions avoided (encourage highest and best use of materials)
2. Reduction of curbside contamination (to stimulate end markets for recycling), and
3. Targets for materials of priority (focused on recycling more of the most effective materials).

Again, we refer you to the State of Oregon as the recently updated their Bill 263 to permit for a shift in metrics which will drive an increased focus on SMM outcomes.

AMERIPEN appreciates the opportunity to comment on the SWSAP proposals to amend Part 115, Solid Waste Management of the Natural Resources and Environmental Protection Act 1994 PA 451. We believe a shift towards sustainable materials management is a promising step which will offer the citizens of Michigan a comprehensive solution for many environmental and waste management challenges.

As DEQ moves towards a final strategy, we would be pleased if you would consider AMERIPEN a valued partner in your efforts to integrate SMM into your solid waste strategies.

Sincerely,

Lee Anderson
Vice Chair, AMERIPEN

Topics: Materials Management Planning, Other

[Back to Top](#)

31. Date: August 1, 2016

Name: Kay Cumbow, Citizens for Alternatives to Chemical Contamination

Comments:

Citizens for Alternatives to Chemical Contamination (CACC) is a 501 C3 grassroots environmental education and advocacy organization founded in 1978 and dedicated to the principles of social and environmental justice and protection of the Great Lakes Ecosystem, which includes human health concerns.

CACC is requesting a 60 day extension to the comment period on draft changes to Michigan's solid waste laws, because the proposed changes in the solid waste/materials management laws are significant and will impact every Michigan resident, community and county. Taxpayers should have time to learn about the proposed changes and take any concerns as well as positive input to their local officials, including county officials. There should be also be time for local and county officials to hear from the affected public and for both the public and officials to respond to the state. A month-long comment period in the midst of summer, when many residents and officials are on vacation does not leave time for that kind of communication to take place.

While we support greater recycling and re-use of materials, we also have many unanswered questions and concerns. Among them:

- It appears that Michigan counties will lose the right to keep out-of-county/out-of-state/out-of-country waste/"materials" from coming to their materials management facilities, including landfills. This can potentially open the door to dangerous goods/radioactive wastes slipping in undetected, as monitors are not always effective. More materials delivered potentially means greater truck traffic and more expenses for roads and bridges.
- The waste-to-energy process which uses methane gas produced in landfills can result in greater amounts of materials being brought in from out-of-county, out-of- state or out- of-country – and, perhaps with less proposed regulations, be brought in with less oversight.
- It is not well explained how the proposed changes will result in greater recycling.
- We have concern about proposed incineration and would like to have more details.
- It is well to remember that some substances (those materials contaminated with persistent toxins or radioactive substances) should never be recycled, but must be isolated and contained. (As an example, there have been many instances in the U.S. where recycled metals used in consumer products found on store shelves, were found to be radioactive.) Many toxins impact health at very small amounts. It is easier to track down someone who disregards the law when dealing at the county level, than if one must track someone across the Canadian or Mexican border – or even from another county or state.
- TENORM – technically enhanced naturally occurring radioactive wastes should be dealt with separately. TENORM wastes that come from hydraulic fracking are part of long-lived decay chains that can and do remain dangerous to human and environmental health for a great many centuries – long beyond our lifetimes. It is important to remember that all landfills leak at some point, and that in Michigan, our water table is often close to the surface and we are never far from creeks, rivers and lakes. Also, U.S. Ecology is currently requesting a permit from the MDEQ to greatly expand their facilities in Detroit - facilities that down blend TENORM wastes from other states – including Pennsylvania, where it is illegal to dump TENORM wastes. U.S. Ecology should recuse themselves from any decisions about TENORM wastes.
- CACC believes that any serious plan for materials/waste management should also look at waste prevention and conservation. (For example, it is currently illegal for a Michigan community to forbid plastic bags to be used, yet this is a practice widespread in Europe, as one way for people to take individual responsibility to help stop needless destruction of our natural resources.) Michigan is surrounded on three sides by irreplaceable fresh

water and is important that we protect those fresh waters - as well as our air and soil that we raise our crops and families on.

There are many other concerns that CACC has and while we certainly applaud greater recycling of materials, we also wish to ensure the protection of the health of our communities and environment and question the haste that the MDEQ is making by limiting this comment period. We would like the opportunity to make more detailed comments, as well as allow other Michigan citizens to become aware of the proposals and issues involved and certainly to take their input to their local and county officials. We urge the MDEQ to allow a 60 day extension to the comment period, so that this vital communication can take place.

Thank you for the opportunity to submit comments on this important environmental matter.

Respectfully,

Kay Cumbow, Education Committee

Wesley Raymond, Administrator

Topics: Materials Management Planning, Other, TENORM

[Back to Top](#)

32. Date: August 1, 2016

Name: Erika Vette, Composting Council of Michigan

Comments:

The Composting Council of Michigan has reviewed the SWSAP's draft changes to Part 115, most specifically the Composting Concepts contained in Appendix B. With participants in the SWSAP composting workgroup, the Composting Council of Michigan is dismayed by these particular recommendations as they are not reflective of the discussions that took place and the consensus reached. While CCM agrees that when there is an operator causing an air or water nuisance state intervention is appropriate, the level of regulation generally proposed in these recommendations is an overreach. Additionally, CCM formally submits the following specific comments to the Composting Concepts:

1. Large sites should provide bonding for closure and any money spent on enforcement by the DEQ, townships, or other groups that may be impacted by the facility. Sites that are owned and operated by local government should be exempt from the bonding requirement.

The markets for finished compost are such that the economic value of the materials on site if composted would cover closure costs. As such bonding is not necessary for this purpose. Furthermore, the Composting Council of Michigan does not support a bonding requirement as bonding would be difficult to secure for many operators. (No composting sites are currently bonded.) If there is a valid reason for financial assurance, CCM would recommend utilizing other forms for closure and enforcement purposes such as funds on deposit, a letter of credit, etc.

2. The DEQ should maintain a list of medium sized compost sites and review design, operation, and marketing plans for compost sites and perform a yearly site inspection of all registered sites prior to renewing the registration. An initial inspection must be done prior to a new site registration being issued.

The Composting Council of Michigan is supportive of requiring registration for composting sites but would recommend not using a volumetric threshold and instead require any site that receives compensation to be registered. Additionally, the CCM believes the reviewing of design, operations and marketing plans as well as yearly inspection for composting sites is an unnecessary regulation and could potentially deter new actors from entering into the industry.

3. A site design plan should be submitted to the DEQ to review and approve prior to a site being registered. Requirements would address isolation distances, pad design, water management, site access control, berms/fencing, signage, equipment, and material flow.

The Composting Council of Michigan is opposed to the MDEQ establishing its own site design requirements. (Please also see comment #12.)

4. Existing facilities should comply with new requirements within 1 year of enactment. Existing facilities may ask the DEQ to approve alternate isolation distances but design and operating requirements must apply to both existing and new facilities.

The Composting Council of Michigan is opposed and sees no compelling state interest in eliminating grandfathering provisions for existing composting facilities.

5. Sufficient funding should be provided to support 4 FTE for compost oversight. Funding could come from: registration fees; general fund; inspection fees; surcharge based on volume of material delivered to the site each year; surcharge based on volume on site at the end of each year.

While the Composting Council of Michigan is not opposed to additional DEQ staff to enforce regulations there is disagreement on what those regulations should consist of. CCM would argue that enforcement should be limited to air and water quality nuisances. The DEQ will need to provide a clearer justification for the number of state and for what purpose they will serve before CCM can provide final comment on this matter.

6. A general permit should be required of facilities that exceed a certain volume and/or material type threshold. General permits should be annual rather than every three years. Additional requirements for large sites would include proof of consistency with local zoning and special use permits, site design plan, operation plan, bonding, and marketing plan. The DEQ must have the right to deny a registration for a site that is found to be in violation.

The Composting Council of Michigan opposes giving the DEQ the right to deny a registration as this would violate due process. Furthermore, CCM cannot agree to what is proposed because in total this is excessive and unnecessary regulation.

7. Local government control – commercial composting (i.e. non-farms) facilities must comply with local zoning requirements; local zoning should not be preempted by the county or state for siting a composting facility

The Composting Council of Michigan supports local government control and is supportive of this provision.

8. Material type – agree with the concept that many states and the US Composting Council (USCC) propose of different regulations based on the volume. Concepts handled and the size. Different regulations may be appropriate for the following: Leaves only; Grass, leaves, and brush; Grass, leaves, brush, food waste, slaughter waste, natural farm mortality, and food processing waste; All other organic materials not listed above.

The Composting Council of Michigan agrees with this concept and believes that animal carcasses should be bound by stronger regulations as the health and environmental impacts are far greater.

9. Operation criteria – an operations plan should be submitted to the DEQ for review and approval prior to a site being registered for any site over 1,000 cubic yards or organic material, other than just leaves. The plan should include; volume limits, height limits, staff training, debugging requirement, storm water management, leafate management, speculative accumulation, record keeping, testing of finished product, and final closure plan.

The Composting Council of Michigan is opposed and believes these proposed criteria will infringe on the ability of an operator to adjust these elements to the specific needs of the site.

10. Quality of end product – the end product must be tested and meet the quality requirements from the US Composting Council or other appropriate organization approved by the DEQ.

The market regulates the quality of the end product and therefore this is an unwarranted regulation. It hinders the ability of composting sites to operate effectively.

11. Training – owners/operators/appropriate site staff must receive proper training based on the amount and type of material handled. This might include: “Composting 101”; Advanced composting ; Trouble shooting; Developing markets.

The Composting Council of Michigan believes this type of training should only be a requirement for owners and operators. It is unnecessary and burdensome for staff to attend as well. Additionally, the DEQ should consider grandfathering in owners and operators of existing sites without any violations.

12. A tiered matrix approach to regulation of compost facilities should be established consistent with state or national recognized guidelines.

The Composting Council of Michigan supports a tiered matrix approach to regulations that follows the expertise of state or national composting council guidelines, but the DEQ should not establish more stringent regulations. To that end, if state or federal composting guidelines are used then the only role of the DEQ would be to make sure those guidelines are met.

13. Larger volumes can be accepted at farms that have developed a nutrient management plan under a Concentrated Animal Feeding Operation permit, under the Michigan Agriculture Environmental Assurance Program, or by a certified crop advisor.

The Composting Council of Michigan supports this provision for farms with a nutrient management plan under a CAFO permit.

Topics: Composting, Financial Assurance, Compliance and Enforcement, Funding, Other

[Back to Top](#)

33. Date: July 28, 2016

Name: Eliza Seltzer, Emmet County

Comments:

Background on Emmet County

Emmet County has been actively involved in Sustainable Material Management planning and programs ever since the last solid waste 'dump' closed in the county in the late 1970s. At that time, the county formed a Public Works Board, constructed a solid waste transfer station, and announced its determination to be responsible for the waste stream, as well as to pursue alternatives to disposal of discards.

Ever since then, Emmet County has utilized best practices and developed policies to reduce waste, increase recycling, diversion, and waste reduction, as well as developing mechanisms for funding those programs. Since hiring a full-time Public Works Director in 1990, Emmet has developed a comprehensive suite of waste reduction, recycling, and composting options in addition to its Type A solid waste transfer station. We are working towards providing universal access of recycling and composting opportunities, and continue to grow our list of materials accepted for both recycling and composting.

Currently, our facility offers residential and commercial recycling drop off, recycling processing and marketing, bulky recycling drop off, daily hazardous recycling drop off, household hazardous chemical drop off days, yard waste composting, and tours. Our collection services have grown to include commercial food scrap collection, residential and commercial recycling collection, both drop sites and curbside, event recycling, and provides collection services to other counties and municipalities in our region, including Cheboygan, Presque Isle, and Otsego Counties. We also have developed best-in-class educational materials, and regularly offer presentations and assistance to other communities across the state.

In 2014, Emmet's Public Works Director, Elisa Seltzer, was appointed to the Governor's Recycling Council, where she continues to serve in an effort to reach the governor's recycling goals by recommending best practices, sound policy approaches, and tested and proven funding options.

Emmet County's current Solid Waste Plan & relation to SWSAP Proposals

Emmet's current Solid Waste Plan Update, approved by the MDEQ in 2000, set forth a series of selected approaches to manage the solid waste stream, divided into eight areas that were deemed desirable and feasible:

- Clean Community provisions
- Drop off Residential Recycling
- Residential Yard Waste Composting
- Material Transfer and Processing
- Recycling Incentives
- Curbside Residential Recycling
- Commercial Recycling Collection

- Disposal

Each of these Sustainable Material management approaches were detailed in full, with a ten-year development process to plan and fully implement each approach. This Plan has continued to guide the county as programs are expanded, added, and improved. The Plan has served as a road map, a series of goals and objectives, and strategies for achieving the results intended. Due to the quality of the 2000 approved Plan, and Emmet's investment and leadership to work towards those goals, the county has been able to achieve impressive levels of recycling and composting access and diversion, achieving and maintaining each of the Seven Goals and corresponding 26 Objectives outlined in the 2000 Plan.

We applaud SWSAPs overall move towards Sustainable Materials Management and away from guaranteeing landfill capacity. If anything, we would encourage more mechanisms included to encourage and incentivize the planning and activities that promote diversion, and more barriers to developing additional landfill capacity.

Emmet County support for/concerns with the following SWSAP Proposals

Emmet County strongly supports a focus on materials management in the planning process. We also support the amendment of compost provisions to promote composting and diversion of organics from landfills. We are strongly support the provision that yard clippings shall not be delivered to a site that is not registered. Lack of that sort of provision has hampered the growth of responsible yard waste composting in our northern Michigan community.

The section on Funding, while a first step, seemed woefully short, considering the magnitude of the shortfall in funding necessary to reach the Governor's recycling goals. We support strong effort in this area to reach a set of funding proposals that will enable the growth needed. Since it has worked so well for our county, we strongly support use of the tip fee surcharge mechanism at landfills as highly effective funding mechanisms that are straightforward, people understand them, and they work. The old argument that they pose a 'diminishing return' since you are surcharging a volume of waste that will be declining, is moot. Emmet County has been successfully funding portions of its comprehensive programs for over 25 years and there still seems to be plenty of waste to help fund the recycling efforts. It could be a declining fee over time if goals are reached, or an increasing fee over time if they are not reached. It's a wonderful tool to put to use in a state that has abysmally low landfill tip fees which stymie growth in all diversion activites.

Emmet County comments on specific SWSAP Proposals/Concepts

- 1) Emmet County strongly supports the ability of public facilities to flow control materials.
- 2) Emmet County has concerns regarding the somewhat ambiguous language regarding non-capacity driven siting. The balance of local control is critical for communities that have developed well-run diversion programs and is meeting recycling goals that have been set. 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.

- 3) In Appendix B – Compost Concepts – we support tiered regulation based on the types of materials accepted and perhaps the types of places materials are accepted from. We are concerned about a one year time frame to come into compliance in relation to design parameters, if facility operations are overall positive. Some types of redesign might be either cost prohibitive or have limitations as to the time of year such redesign could be accomplished (as in the frozen north!). I believe options should exist for well-performing sites to receive extensions or alternate ways to comply if in operation and well managed.
- 4) While the increase in financial assurance noted in Appendix C may be warranted for facilities other than landfills, we would recommend both a phased in approach to spread the increasing cost over a number of years so that cost could be better incorporated and not serve as a burden, particularly where diversion is the goal.
- 5) Emmet County strongly agrees with Appendix D – No Changes – that the ban on disposal of yard clippings in landfills remain in effect.

Conclusion

In conclusion, Emmet County is in strong support of SWSAP recommendations shifting of planning priorities from landfill disposal capacity to sustainable materials management. We have accomplished what we have because we had a plan and implemented it!

Flow Control is a really important tool that must be maintained and supported, along with Pay as you Throw policies, to fund and incentive waste diversion activities. Emmet County can be considered a microcosm of what's possible in Michigan with limited avenues for funding.

Tip Fee Surcharge: we strongly support utilization of tip fee surcharge on waste to assist in funding regulatory support, administration related to materials management planning, planning support for counties and regions, as well as increasing landfill tip fee surcharges on an (increasing/decreasing) scale to assist in ramping up recycling and composting infrastructure, programming, education and outreach, and market development. The opposition argument that it is a 'declining resource' is all the more reason to utilize it while it's still around! The ECDPW has been successfully utilizing a tip fee surcharge internally on incoming solid waste to help fund its growing recycling and composting and education/outreach programs for the last 25 years, and look where it got us! We are recycling 42% of the waste stream, offer comprehensive access and programs and services, and are one model of what's possible when best practices are employed.

We look forward to further opportunities for input as these proposals work their way through the process, and the furthering of planning for waste diversion, recycling, and composting for the benefit of Michigan's environment, economy, and communities.

Topics: Materials Management Planning, Funding, Financial Assurance, Appendix D

[Back to Top](#)

34. Date: August 1, 2016

Name: John Van Tholen, Michigan Waste & Recycling Association

Comments:

The members of the Michigan Waste & Recycling Association {MWRA} would like to thank the

Department for initiating the Solid Waste and Sustainability Advisory Panel (SWSAP) and for including a representative of our association on the panel.

We are encouraged by the direction of the panel, based on the Proposals Document shared for the Public Meeting on July 20, 2016. We recognize the significant effort it took to get to this point. We also appreciate that there is more to be done to ensure this work can be used as a guide to develop responsible and appropriate changes to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The original objectives identified by our membership for this process included the following:

- Integration of recycling reporting
- Modification of county planning requirements to reflect state policy and the Governor's recycling initiative
- Addressing outdated and challenging functions, such as reciprocity, flow control and plans used as enforceable mechanisms
- Contemplating new technologies (regulation and planning)
- Exploring solutions to provide adequate and appropriate Department funding to advance state goals
- Increasing regulation on compost facilities

We will continue to provide input on specific principles and proposals through our participation in the SWSAP. The next state of work to refine the proposals is critical to make sure the direction moving forward is clear and universally accepted.

We thank you for your leadership on this project and your staff for their commitment and the panel members for their time and expertise.

Sincerely,

John Van Tholen
President
Michigan Waste & Recycling Association

Topics: Materials Management Planning

[Back to Top](#)

35. Date: August 1, 2016

Name: Peggy Case, Michigan Citizens for Water Conservation

Comments:

Michigan Citizens for Water Conservation is against the regulations as proposed. This appears to be an effort to "tenderize" radioactive hazardous waste. If it is radioactive it must be treated as a radioactive waste to safeguard the public.

Technologically Enhanced Naturally Occurring Radioactive Materials, TENORM, or call it jello if you like, if it remains radioactive after “technological enhancement” must be treated as a dangerous waste.

The counties must retain their right to exclude “TENORM” or if not they need to disband their Material Management Plans for their county. If any county chooses to keep “TENORM” from coming into their county, they must retain the right to do so.

Private companies that “technologically enhance” naturally occurring radioactive materials, without disposal for these materials available need to be significantly fined to preclude their doing it a second time.

Concerning liquid waste/industrial waste sludges, what are the beneficial uses under Part 115 and 121? What companies currently have exemption and for what use?

Peggy Case, President of the Board

Topics: TENORM

[Back to Top](#)

Verbal Comments:

Verbal comments received at the public meeting held at Lansing Community College West Campus on Wednesday, July 20, 2016 will be transcribed and added to this document after the live broadcast recording is available.

In the order in which they were received, verbal comments were made by:

Clarence Baker, Founder, TSC Foundation
Ron Struble, Resident of Sears, Michigan
Jim Brown, Supervisor, Hastings Township Recycling Department
Robert Nix, Supervisor, Northville Township
Jim Frey, CEO Chair, Governor’s Recycling Council
John Dulmes, Director, Michigan Chemistry Council
Jim Brown, Supervisor, Hastings Township Recycling Department
Theresa Johnson, Resident of Sears, Michigan
Mike Cornelius- Michigan Oil and Gas Association
Vicki Garon, Engineer, American Waste Inc.
Phil Tannian, Attorney, Environmental Legal Service

1. Name: Clarence Baker, Founder, TSC Foundation

Comments:

Baker: Good afternoon everyone. My name is Clarence Baker and I actually represent an organization that is interested in a very dynamic recycling program, and my question for the panel and for the individuals with DEQ is: “What steps or enterprises does Michigan currently

offer to recycle, reclaim, and convert refuse from landfills to reusable energy? Reusable energy versus you know just siphoning off methane or what have you. I did see the one diagram where you were taking compost, no organic waste I believe, and looking to convert that to electrical energy. So is that a current process that's in place, that's supported by the regulations or was that more speculative?

Steve Sliver, MDEQ: I can address that. I think what you're referring to is basically the collection of landfill gas. I mean landfills collect the gas and when they get enough of it they actually might do some cleaning of it and scrubbing of it and putting it back into a gas main or they might run it through an engine that then generates electricity. So that is currently something that is permitted and authorized and a number of landfills in Michigan do that.

Baker: Thank you. And then my second question is concerning the enterprise that I actually am involved with is that they are definitely looking to bring a new concept towards this a more holistic approach to recycling to take the like for example the plastic product and actually turn it into a fuel as well as the other ones to fire them and utilize them to put energy back onto the electro-grid. So my main reason for coming is just to make contact with individuals to assist me with stepping through and crossing the red tape as even though you're looking to say revamp the laws, they're still the red tape is there. So hopefully I can interact and work with some individuals here to start that process to bring that of Michigan.

Sliver: Excellent. Thank you.

Baker: Thank you.

2. Name: Ron Struble, Resident of Sears, Michigan

Comments:

Struble: I'm Ron Struble from Sears Michigan if anybody knows where that is it is down by Avert and Beech City area. And I'm about a half a mile from a compost facility and my biggest concern is I don't to my knowledge know boring samples. This composting is done on a large scale in the same place and it's not concrete or anything and it's chicken manure, turkey manure, cow manure, slaughterhouse waste, and I mean a lot, and my concern is the nitrates leeching into the aquifer eventually. And to my knowledge there is no boring samples, nothing that's ever been done to see how far they leached. And I don't know if there is such a thing, I mean I called the waste management in Cadillac and he said there's nothing. He said you're asking me if there's a potential, yes. But there's no law, so we can't do it. So I would like to see that done. And the air is a bad thing. I mean sometimes it's pretty rank, but if you stop doing it that's going to go away. The aquifer's going to be there even if they quit doing it. So it's a problem. And I don't know if there's anything yet, but that's what I'd like to see in there. A regulation to monitor how far it's leached in or put it on concrete where it's done, or something.

Sliver: Thank you and again, you know this is a good comment because as you noticed in the proposals and in some of the backup concepts in the appendices, is looking at greater oversight of activities which today are exempt at least from a solid waste perspective and what you're referring to is an exempt activity basically and so we don't have liner requirements or hydrogeological monitoring requirements at facilities. So if I understood what you're saying is you'd like to see consideration of what's whether a liner is needed or if there is a potential threat to groundwater that that's considered as well.

Struble: Yeah, the potential's there. The monitoring it and doing boring samples seems to me, a logical thing to do. Thank you.

3. Name: Jim Brown, Supervisor, Hastings Township Recycling Department

Comments:

Thank you. I'm Jim Brown and I'm the supervisor of Hastings Charter Township, We had the fortunate situation to be chosen as one of the winners of the DEQ awards that the recycling conference. We have the only solar powered recycling module in the state of Michigan let alone the country. We've got one massive, massive problem. We are collecting a very very clean waste stream. Unbelievable. Unfortunately, it's worth nothing. Now, as a business person I know that commodity markets will go up and down. But we've got a couple commodities that really give us a lot of problems. Actually one. And it's our plastics and it's 1-7, we take all 7. And when you look around the world, that type of plastic to separate it is very very hard. I used to be in the industrial recycling business so I know how hard it is. Consumer plastics is ten times worse. But the rest of the world has different ways of using this waste collectively, in either concrete or asphalt. We can put it in our roads. We can put it into foundations. We can put it into a lot of different things. Unfortunately ,there's a lot of hesitation about different industries using this because of the liabilities. Which I understand, but when you talk to these people, they can't go anywhere to try and have that either reduced or take all this data that we have locked up in our universities that have done all this testing and has actually proven that it can be done, we're just not doing it. So I'm going to go back to the utilization system on this, and say we've got to spend a lot more time and energy, not to mention money, to see if we can't do something about this. I can tell you from a data standpoint, how many pounds, how many cubic feet, what the material was, and the date it was collected on metals, on the metals that we're getting, the plastics, the cardboard, and the mixed paper. Which nobody else can do. Now we just have to figure out what to do with it. Thank you.

4. Name: Robert Nix, Supervisor, Northville Township

Comments:

Well hopefully all of you can hear me well, I speak pretty loudly. Again, as Steve said my name is Robert Nix. I'm the Northville Township Supervisor and with me is one of my trustees Fred Shafko. You probably on the board or the group of you know who I am because I submitted an e-mail to all of you that got circulated and I want to thank you for considering it, and I want to thank you for all the work that you do because this is a very complex process that you're involved with. And I have one little narrow thing to focus on that I think that will help you at least in terms of focusing on that.

I had made a proposal that dealt with the effect of landfills and all composts and so forth that affect bordering communities. So surgically what we're talking about is legislation here or your proposals that deal with the effects of these kinds of operations on bordering communities. The proposal that I made was quite simple. I said that if there was going to be one of these facilities, one of these types, these facilities, that was either going to be an expansion of an existing facility, or a brand new facility, that it could not be located within 2 miles of a border without the adjacent bordering community either having their consent or being given a host community agreement. In other words, they had to be in the process. They couldn't put it on a bordering community without their consent. If you didn't want their consent, you didn't want to deal with the bureaucracy, you didn't want to deal with multiple host agreements, etc., the issue was quite simple: just move it off the border by 2 miles.

Now, in response to that, and this is where I appreciate you efforts because I understand the cross reference of all the folks that are in this board, and they came back and in your appendix item #24, you offered something in response to this. And your offer in response was to have include in your proposals that there would be notice and, I call it notice and an opportunity for the bordering community to participate and tell everybody what the impact and so forth is. So I'm here to take a few minutes of your time to try and convince you that my proposal is really

what's needed and that as much as I appreciate your efforts in what you're doing, it's not enough. So, and let me explain to you why.

The, it is clear that especially the landfills even the composting operations have significant adverse impacts. Let's start with that. In our particular jurisdiction, we deal with ones that's close to us. We have the problem of odors, we have the problem of increased truck traffic and noise and dust and control. And the adverse impact on the communities in a variety of ways that affect their property values, etc. etc. The point that I want to make is that a bordering community, it is, the bordering community while they may under your revised proposal get an opportunity to be heard, there is no guarantee that they will be provided with anything else. They don't get to say no. They can stand up and say "Hey, we're going to be adversely affected" but the community that's next to them can do whatever they want and say thank you for your, you know, thank you for your comments. And, they have no compensation for what happens. So if you think about this structure of the way this works with host communities and the local, this whole local control where you have, let's say in our case we have Washtenaw county, and I'm going to give you a little case study here in a second which is why we have a handout to give you, just a concrete example of what's happening. That's a county that is locally oriented, it's got a bunch of communities in it, and it's going to develop its own Plan. We happen to be in Northville, located in Wayne County. So we're going to have no say so as a bordering community in terms of anything that happens and, the reality of life is we're pushing a rock up a hill to even be heard on something because the economics that drive the landfills are 100% oriented for the benefit of the county in which it's going to have the Plan because they get tipping fees and the host community.

There is no compensation that comes to the adjacent community, even though they're affected. Think about this: if you just take a road and you divide this road and you put a landfill on one side of it, arbitrarily and analytically, half of that landfill affects that community, that host community that it's in, and half of it no less than half of it, affects the adjacent community and the adjacent community can't say no and doesn't get a dime. So, part of the problem with the approach is that, and let me just respond again to say, I'm grateful for your consideration of what you did, but the notice and opportunity doesn't really as I said, 2 things: give you the ability to say no and it doesn't give you any compensation and you really have no remedy. And the adverse consequences I want to repeat because your group, you proposed that if it's a compost operation it should only be a mile, well, in our example we're going to have both composting as well as a landfill. And the mile, I think I understand why you think it was less of an impact and you're worried about adversely impacting recycling and so forth, but the reality is the 2 mile radius really should apply to both because the consequences are the same, they're just a little less when you deal with a composting operation or another operation.

Here's the fundamental thing I want to get across to everybody is that on the one hand if you're looking at a balance, we have a bordering community that has all of the detriments and none of the compensation and none of the say so and what's the downside to the industry or the host community that's on the other side? The downside is, move it 2 miles away so there's a barrier and in our case we get all of the odors because all of the predominantly winds flow in our area. So when we're trying to balance equities here, it's fundamentally unfair. And it has been for a long period of time. The system is fundamentally unfair and skewed so that all the financial resources go to the county in the host community, and yet there is no, as I said before, nothing that the bordering community can do and yet it has a detriment. And when I proposed, put out my proposal, it didn't produce a corresponding detriment to the other side of the equation. It didn't. Because all it had to happen was they had to move it 2 miles. Now let me give you a fact that's really significant in your analysis of this whole process: we started looking at this and getting some data. There are 46 landfills in the state of Michigan that are more than 2 miles away from the border. And you know how many that are close within 2 miles? 16. So in terms of the industry folks that are impacted, even with the existing facilities, there are 16 of them, it

seems like most of the people who have used good judgment have moved, they haven't put these on the border. Most of them are more than 2 miles away. So you kind of think about that. You folks when you looked at this you said look, you got an opportunity to be heard and you know this'll create a problem because if we adopt Bob's rule, then even within the county there are multiple communities, and gee what happens if more than two miles inside, but now we got it between two, a township and a city or something, and you got two people you got to deal with. The answer is the same. The impact is the same. Either put it in one and if you're going to put it in or you got to deal with two people. What's the problem with dealing with two people and having two host community agreements? Is that an imposition on industry? Absolutely. But, the dollars probably shouldn't be different. I mean, they're going to pay dollars to tipping fees to one community, what are they going to do, they're going to divide them between the two communities, it's not going to cost doubles of two agreements, yes. But they always have an option to avoid that kind of problem by simply staying within this two mile radius. So that's why I think if you bear with me, your proposals and your concepts of response to mine, I didn't think were appropriate and I just want to make the pitch again for you to really really seriously consider protecting bordering communities. Now, let me take two more three more minutes of your time and make you a study case, real world picture as to why. If you take a look at what we handed out to you and take a look at the first page, this is an aerial photograph of the Northville area. And if you look at, now I'm sorry audience that you don't have all of this and we didn't have the capability of putting it up, but you'll get the sense of this, it's really not that complicated. But, if you look at this Napier road is the dividing line between Northville and Salem Township and if you see on your little map there it says AHL that's the Arbor Hills Landfill, that's the existing. And above that is where there's they're proposing a new brand new facility as big as the one they have, even though it's projected to happen some years out and we'll talk about that in a second. What you have is 2100 homes with a 2 miles radius. Now think about that. 2100 homes that are impacted by whatever goes on with that landfill and what's happening is you've got an existing landfill that we'll talk about in a second and a proposed second landfill of the same size. Now, of these 2100 homes, most of these in Northville are in the range of a benchmark between \$350,000 and \$1,500,000, there's a lot of homes here. And a lot of value. But you can see how close this is if you look at the second drawing, you'll see, and it's a kind of a, an aerial view, but you'll see what the county line is. And while that the perspective comes kind of on an angle, that's only because of the way the picture is taken. But the township has its own historic area, community garden, and so forth, and then the subdivisions. And there's only a 1,000 feet difference between those two important things to the township and this proposed new landfill. So, what does all this mean? Well, it means that we have a couple of things going on here. First of all, somebody will say, well you guys knew the landfill was there. Yep. We had an existing landfill that started all the way back in 1970. Now to prove my case, here's the case study. That landfill expands, expands, expands, expands, and in 2009, the host community Salem township extended the footprint of that and the height of it. So that it had another capacity of another 17 years. Northville Township with what was built here, had no say so, no right, no remedies, no nothing and all their property values were interrupted. So somebody looks at me and says well Bob, you knew the landfill was there. Here's the problem: Landfills usually have a closure, a duration. What happened in this case study is that these builders and developers who were developing this county and these homes, anticipated closure time period for that landfill, which was going to be within 4 or 5 years, not a big deal. Had they known, this is critical, had they known that that landfill was going to expand in height and whatever, this town, my township, they wouldn't have built these homes. The township would have lost all the ability to grow and the value of what was going on here. So, if you think that's bad, so we had no say so and we got a footprint that gets increased. Everybody can say shame on you guys, don't build houses next to a landfill, and I get that. Now, add on to that the projection with the new plan that's going to come through Washtenaw county, through a process in which we have no

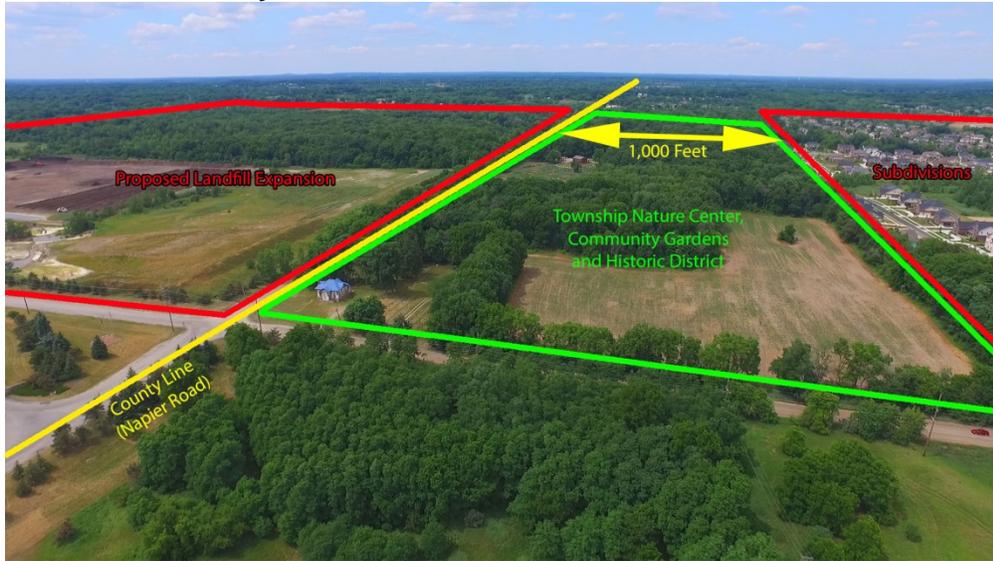
say so. We can be heard, but we can't make, we're not a decision maker. And whatever impact is chosen is hoisted on us without a single economic consideration because my proposal that I submitted of the 2 mile cover radius is not adopted. So now I'm in the position of I've got 2100 homes who are now frustrated because they've got a second landfill that's going to go on another 20 30 40 50, 50 years, however these things go, and they're going to, they're bailing to sell their houses and take a loss because nobody anticipated that on this border there would be not only one, but two landfills. Now, what I'd like to do is I don't want to take up any more, a lot more time, because I've kind of made my points, what I'd like to do is suggest to you that you really seriously consider my recommendation because the good the detriment to the industry is far outweighed by the benefits to the local communities. We're going to suffer the loss of further advancement of value in our township because of the new one that's coming along the line. Or you know we're going to have, we're going to have problems of losing value of the homes we already have. This is a perfect case study to show why one of the things your group is trying to do is to foster regional, regional use of these things. When you have communities that are bordering communities like that, that should at least force the process for some kind of regional use and not saddle the bordering communities. So I just want to close, I'll open myself up, I'll put my flap jacket on and throw all kinds of questions at me. And I get it that industry doesn't want to do this, doesn't want two agreements, and there's all kinds of downsides, but as a supervisor trust me every time I got to a township meeting I get all kinds of comments so I've got my flak jacket on. Fundamental fairness, I want to close with this, really requires you seriously considering adopting my suggestion of giving 2 miles of bordering communities. With that, I'm available. Shoot.

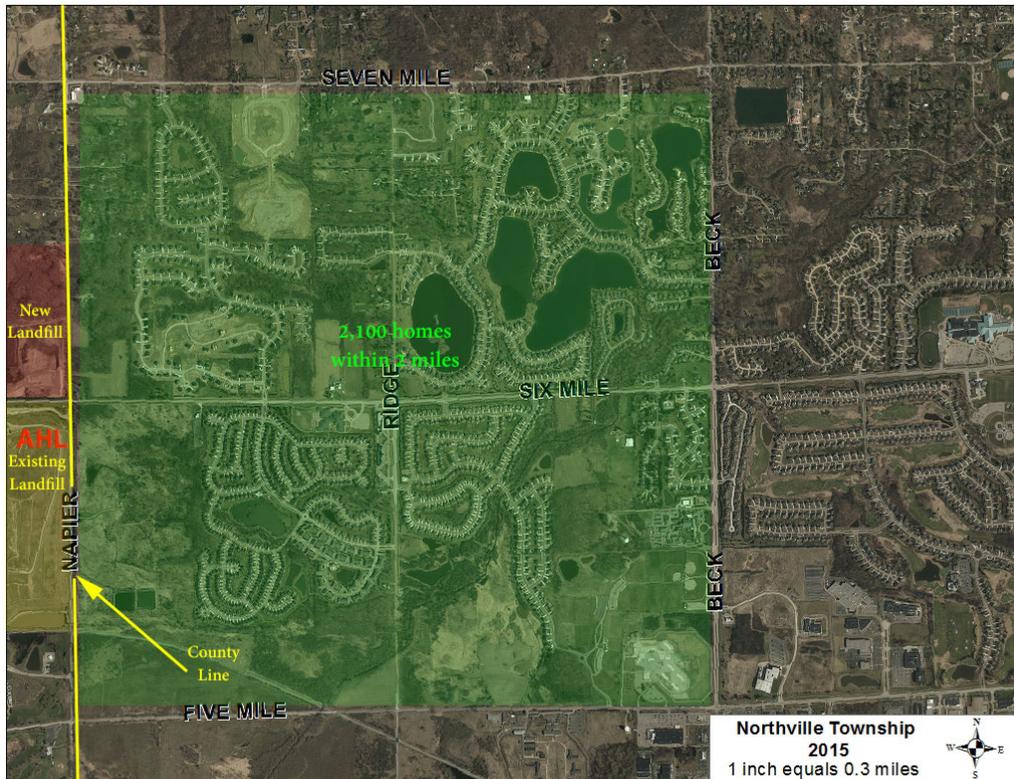
Kerrin O'Brien, Michigan Recycling Coalition: No new landfills are designated in the materials management plan. So if this is truly a new landfill, we, this group has staked a claim that there will be no new greenspace landfills sited. So there's a two year process here to make that happen, and you know I think I feel a little bit helpless to provide you with some recourse for I think your very valid argument here, given the timeframe we're working on here and the intention we have, which I think does at least get to the new landfill part of what you're talking about. I remain concerned as a part of this group, that you know, we find a way to limit landfill expansions. Because we do have, you know, space available.

Nix: Two quick comments on that. One is we got to deal with not only the landfill now, just you know factually where it's proposed new landfill is is right now a composting operation, so you know, we have that. The second point really is is that I don't know what the definition of an expansion is. You see, part of the problem here is while I characterize this as a new landfill, it's new in my mind because it's going to have a new footprint and it's across 6 mile road. The way this stuff works and trust me I'm not the guru on this I learned more than I want to know and it's not even a pencil of what you guys know. But you know what's going to happen as we go through this process, I'm just going to say, it's an existing landfill, it doesn't matter it's going across the road, it's an expansion. We have a dual problem here whether or not they're new or whether they're expansion or whatever, we don't want to get caught up in that. We also understand that you're going to be going through a legislative process here, and we all know how that works. It seems to me that bordering communities, it's as simple as this, regardless of whether you put a cap on you know, and prohibit and new landfills, or that size of expansion or whether you do this or that or whatever, if you don't include a clear focal protection for bordering communities and you've done that in part, you've done that in part, but if you don't do it in a way that really protects the bordering community, in this legislative process it's going to get lost. Any others? I know the industry's going to say I don't want to negotiate two host agreements, I can imagine that coming down the pike. And the cost. But I don't see the cost being any different. But anyway, this is the balance, this guys this you know this is the scales, this is the

balance, and you know compromise that you deal with. So, I've taken up a lot of your time, but trust me you have no clue how important this is to this community and anybody else that's going to be in that targeted area where there are 16 existing landfills and in, at least in theory within the future you'll have more there within the 2miles. So thank you Steve for the opportunity. Anybody else have any questions? Alright, I've wore out my welcome and you can take the photographs with you and but let me close with this. This is a dialogue, you've got my information so if any of you want to send me a text or after this get engaged in a dialogue, please feel free to do it because trust me, I have 28,000 residents in my community and trust me, this is one of their highest priorities. Thank you.

Photos included by Nix:





5. Name: Jim Frey, Governor’s Recycling Council

Please see comments from the GRC on the Solid Waste and Sustainability Advisory Panel webpage, www.michigan.gov/deqswsap and click on the “Governor’s Recycling Council Comments” link.

6. Name: John Dulmes, Michigan Chemistry Council

Please see comments from the MCC above in the written comments section, [Comment #26](#).

7. Name: Theresa Johnson, Resident of Sears, Michigan

Comments:

Hi my name is Theresa Johnson, I live in Sears, Michigan. I live less than a quarter mile from a composting. He composts chicken and poultry manure. He composts dead pigs. He also does gut innards. The smell gets in our house plus the smell also gets in our business which is less than 500 feet from his composting. Please note there also is a church that’s 200 feet from this composting. His composting also does get stuff in the road. I have called the road commission- they tell me to drive 3 to 5 miles out of my way, and it does nothing. It corrodes your cars, and

also, sorry I don't have nothing written down, also I'm concerned is that the smell is very toxic. When the winds out of the west, particles get in the air. Irritates my grandkids' throat and lungs plus my husband's throat, it swells right up. Also another concern I have is my husband is also a septic hauler. We have DEQ septage 117 that we have to follow with vector tracks which he doesn't follow at all. They don't have no laws for that, when we call the DEQ or the air quality. He does not have any runoff, which we know have creeks, little rod peg creeks, which it does run off. It runs in the road. And like I said it corrodes our cars. And we have also other issues that he does his waste, he makes a big old pile and stuff when he gets all of it, his final product. He makes a big old pile and pushes it where there's a pond. We have to screen our loads because people do not follow the laws like it says on the manufacturers- they flush stuff down the toilets and either also stuff that says flushable we have to still do. I don't understand that we have every year we have to renew our license fees and every 5 years we have another license fee which is a lot of money, and he has nothing. And I want to see some laws in effect which we are you know, his vectors, the birds and stuff, bringing onto our land and dropping it. And it's highly you know, contagious, especially these dead hogs that are dying, they're diseased, which you know, the crows can carry around. I would like to see also the water taken care of. Because he does not crop anything like we have to crop everything and prove it. The health department comes out for the DEQ and watches us you know make sure we take a crop off. He's been putting stuff in the same spot since 2002. Now what are we going to do for the law for him? Especially the health issues.

Sean Hammond, Michigan Environmental Council: So just some quick responses on the water resources side, especially the stormwater. That's actually being looked at by a different group right now, water resources division has kind of taken over looking at the stormwater runoff at all composting facilities. That's something that we've been stepping back from, so that's why you haven't seen anything in our proposals regarding water- because it's already kind of being looked at by a different division. And those will be coming down in the next year or so I'm sure. We've heard some good progress being made. And then as far as the other things, in the composting workgroup we did talk about setbacks, we talked about pads, different requirements for composting facilities, so those things will be and have been discussed and will be continued to be discussed, you know, setbacks and proper management of the materials, turning and stuff like that. So that's all been discussed and it is a little bit in the principles, but it's not necessarily as in depth as I'm sure you guys would like to see right at this point, but as far as concepts that's all been being discussed and being looked at and worked out.

Johnson: Okay, I got a question. These pads, they will also be covered in, because I went to another state sites, and for the kind of composting they have, they have distance, like you know how you have to be 2-5 miles away from someone else? Not so close, it has to be in an enclosed environment, not so that we, the neighbors, can breathe it all the time. I mean it's constant when he wants to be. When he has a party, there's no smell. So he can control it, you know, if he don't want no smell, he can control it.

Hammond: And that's something we'll definitely look into. Compared to other states.

Johnson: And also my property values really dropped.

Hammond: And that's all, I assure you it is all, we've started looking at other states as we've started to get into the more specifics.

Johnson: Okay, the reason I found out about all this stuff is I went to our DEQ, the guy retired from septic waste, and he referred us to air quality, air quality comes out and says "all I can cite is this" that's it, no one can control him. And he's aware of it, it's all about money. And he's getting bigger and bigger on a small piece of property. That's about it.

8. Jim Brown- Hastings Township

Comments:

This is in defense of our fellow supervisor from Northville. I don't know how many people on this committee or whatever that are looking at this are elected officials, can I get a raise of hands? Until you've had to look at your taxable values from a township supervisor standpoint, you've not a clue what some of the things that legislatures do or don't do that affect that. And in this case I would agree 100% that it should be a specified distance and that adjoining township or whatever should have a say into it. Because it does affect their taxable values. And when you watch your taxable values start going like this because of adverse conditions it not only affects you that's going down but it will eventually affect the other person. Hastings Township, the city of Hastings, Carlton Township, and Barry County had the joint planning alliance agreement. It's the only one in the state. And we sit down once a month and before anything is done as far as development outside of the core center of Hastings as far as sewer and water, this is discussed, it's agreed upon and there's rules in place to do it or not. And you've got to pay attention to your neighbors, because the minute you stop doing that you're going to be in big trouble. So I agree

100% with him, and also my township does have a landfill agreement host agreement. We get a couple bucks a year out of it, not a lot, but agreements can be taken care of mutually, and they should be done mutually, so I agree with him.

9. Name: Mike Cornelius- Michigan Oil and Gas Association

Comments:

I just have a quick question. Mike Cornelius with the Michigan Oil and Gas Association. I appreciate the opportunity to submit comments and as the subgroup continues to consider on what has been proposed to 115 on the TENORM recs, will we be able to see those and comment on those before the August 1 deadline there? Those do get included?

Sliver: Actually, the TENORM recommendations I don't think are going to really be much further through this process. That's going to carry on after the recommendations from the full SWSAP are given from the Department. I think that group is going to develop a life of its own so to speak, and so your association others will be instrumental in continued participation on that. So we won't come out with anything now that we want comment on by August 1. So whatever's there is there for comment at this point.

Cornelius: Great. Thank you very much.

10. Name: Vicki Garon

Comments:

Vicki Garon, I'm with American Waste Inc. I just have a couple comments on things that people have commented on. A couple things I think need a little bit of clarity in the proposals.

The two mile radius, one thing I want to know, and make sure that we do is where do we draw that line? Some townships are very small and a two mile radius could very well eliminate that township even able to do something if a neighboring. So we really need to make sure we define what we mean by a neighboring community. If it's just county to county, or within the county itself, or however we want to draw those lines.

In the proposal, you say no MMP shall designate a new landfill site. Does that mean no or was that kind of more, unless it is more in the siting, that county already allows it? I think some clarification needs to be kind of talked about on that.

TENORM as well, so that's going to come later, but one of the comments I have on that is there's a lot of NORM material out there as well. And how do we designate, if we're going to

start sampling the leachate in our landfills, what's from NORM what's from TENORM? I may go ahead and treat a TENORM down to 5 picocuries while I might have a NORM coming in that's naturally at 25. And if I have a leachate of 20, how are you guys going to distinguish of really what is the cause of that? And I think we really need to think about that when we go forward on our sampling both in leachate and in our monitoring wells. Because it is a naturally occurring element, even though we also have technology enhanced NORM.

Postclosure, have we thought about maybe allowing landfills to surcharge prior to closure? Meaning allow them to overfill? Are there, obviously we could surcharge it with straight clean soils, but maybe if they're well operators, allow us to overfill . It's going to give us a surcharge, it's going to reduce our settlement once we do close an area, and settlement is an issue on a lot of closed landfills. Because, you know, you can kind of address it ahead of time.

And that was it. Thank you.

11. Name: Phil Tannian, Environmental Legal Service

Comments:

Phil Tannian with Environmental Legal Service, I'm an attorney practiced locally in the Detroit area. I came today because I saw the discussion of the host community agreements in the panel's report and have now heard that discussed on point here, a couple different speakers' comments.

As somebody who represents industry and has negotiated host community agreements, I would like that issue looked at very closely. Because as things stand now, there is a wide range of understanding as to the scope of the host community agreement, the authority that the host community agreement grants the host community, the effect of the host community as part of a siting process versus the effect of the host community on continuing operations over time. For example, a host community may agree to have a facility sited in their location, in their community. Most of the host community agreements have 3 to 5 year timelines, and then they want to renegotiate those. Whether that's renegotiating including fees, hours of operations. But some communities have taken the position that at the end of your host community agreement it's up to them whether to offer you a new host community agreement or not. And if they don't offer you a new host community agreement, they've taken the position that you should no longer be included in the solid waste plan, and then no longer be authorized under Part 115. In essence a triangle, a regulatory triangle built upside down on that host community agreement. Of course, we've taken issue with that position every time it's come up, but for example the city of Dearborn sued a centralized waste treatment facility a number of years ago, and took that

position among others in their lawsuit that if they reserved the right to rescind the host community agreement in the original agreement, then they could rescind that agreement and in essence tell that facility you have to shut down. And obviously that's something that's going to be problematic for anyone you want to invest in recycling or reuse in this state since there's significance investment back to expectations when they build and permit a facility when they build a local facility, 5, 10 years later to decide, we have the authority to shut you down as the host community. And now that I hear consideration of bordering communities also having authority under the host community provisions, I think that some clear guidance needs to be given under the purpose of the host community agreement both at the initial inclusion process, and then its affect over time. Thank you.