

Part 115 Statutory Amendments Update

Elizabeth Browne
DEQ, Waste Management and
Radiological Protection Division
brownee@michigan.gov

The Five Priorities

- Update solid waste law to focus on reuse rather than disposal
- Inform and engage residents on the importance of recycling
- Establish funding model to ensure success
- Grow markets in Michigan for recycled materials
- Increase recycling in state facilities

Where it all started...

- Solid Waste and Sustainability Advisory Panel (SWSAP) Report
- Governor's Recycling Council (GRC) Report
- Both SWSAP and GRC Reports are available on-line at www.michigan.gov/swra
- Both have a summary of the report outcome recommendations

Benefits of the Changes to Individuals

- Expansion of recycling options in communities
- An increase in job opportunities and a stronger local economy
- Increased regulatory oversight of materials management facilities to decrease nuisance conditions and risks

Benefit of the Changes to Local Government

- Elimination of regulatory requirements to manage the import and export of waste
- Reduced county-level effort to ensure disposal capacity and siting of landfills
- Fewer local resources needed to manage materials management facilities
- Increased tools to establish recycling collection systems and coordination with the private sector
- Valuable materials will continue to be utilized and circulated in the local economies

Benefits of the Changes to Business

- Additional options for, and focus on managing waste as a resource
- Increased ability to meet zero landfill goals
- More recycled and previously utilized materials available within Michigan, with a cost savings over raw materials
- Broader disposal options, when needed, due to the elimination of the import/export provisions on landfilled waste
- More level playing field for businesses interested in investing in materials utilization facilities, equipment and technology

The Process to Update the Statute

- Began in March of 2017
- While the SWSAP and GRC reports were final, the statutory change details were not
- Subgroups of the GRC and SWSAP were combined with DEQ staff
- New group called the Solid Waste Recycling Advisors (SWRA)

- SWRA was challenged with taking the high-level recommendations and identifying statutory updates to implement the recommendations
 - Updated version 6 of draft law changes were received from Legislative Service Bureau May 11, 2018
 - Version 6 of the draft statutory revisions is currently under review by the SWRA

Changes to the “Traditional” Solid Waste Program

- Processing Plants and Transfer Facilities are combined under one permit and license umbrella to better reflect current solid waste management realities
- Updated post-closure section, including functional stability evaluations and the introduction of a custodial care concept
- Financial Assurance requirements were updated to better reflect the true cost of closing a facility
- The county planning process has been simplified
 - Solid waste import/export restrictions have been eliminated
 - In many cases, compliance with local zoning requirements will be the main siting criteria for a facility

Materials Utilization Facilities

- Updated and Brought Under Part 115 authority
- Material utilization facilities include:
 - Composting
 - Anaerobic Digesters
 - Materials Recovery Facilities
 - Innovative Technologies or Practices for Waste Utilization

Authorization Levels - Notification

- All Waste Diversion Centers
- Smaller Material Recovery Facilities, Compost Facilities and Anaerobic Digesters
- Requires an annual notification on a form and format designated by the Department

Requirements for Notifiers

- Comply with local zoning
- Do not create nuisance conditions
- Comply with water quality standards
- Report on a yearly basis the amount of material managed at the site

Authorization Levels - Registration

- Mid-sized Material Recovery Facilities, Compost Sites and some Anaerobic Digesters
- Submission of a Registration Form every 5 years on a form and format provided by the Department
- Submission of certain materials management data annually on a form and format provided by the Department
- Application fee of \$750.00

Requirements for Facilities that Register

- Comply with local zoning
- Do not create nuisance conditions
- Comply with water quality standards
- Report on a yearly basis the amount of material managed at the site
- Participate in an annual inspection by the DEQ

Authorization Levels – General Permit

- Large Material Recovery Facilities, Compost Sites
- Anaerobic Digesters that accept off site, source separated materials
- Innovative Technologies or Practices
- Submission of a Permit Application every 5 years on a form and format provided by the Department, Financial Assurance requirements, annual inspection by the DEQ
- Submission of certain materials management data annually on a form and format provided by the Department
- Application fee of \$2,500.00

Requirements for Facilities that need a General Permit

- Must meet local zoning or be consistent with the County Materials Management Plan
- Must develop and submit plans for review and approval that may include:
 - Operations plan
 - Site Plan
 - Marketing plan
 - Training plan

Materials Management Planning

- Broadened to address managed materials versus solid waste
- Regional approaches are encouraged
- No longer have import/export authorizations
- Local zoning is the “siting process” for most facilities
- Updated siting process
- No new “greenfield” landfills or incinerators unless a need is shown by the County.

Funding Considerations

- Grants to Counties or other Planning Entities to fund the development and management of Materials Management Plans (\$5 Million)
- Competitive grants for Outreach and Education for citizens and communities to encourage increased recycling and to reduce material contamination (\$8 Million)
- Aid for Market Development to attract businesses using recycled materials and to better support business-to-business recycled materials exchanges (\$2 Million)
- Additional technical assistance from the DEQ to address a re-invigorated planning process and to manage the additional facilities that will be regulated

Stay Connected

- Find additional information at www.michigan.gov/swra