

**Part 115 Inert and Compost Rules
Meeting Summary
May 29, 2009**

Participants		
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1. Handouts:
 - Agenda
 - Compost-Inert Ad Hoc Committee Members List
 - Draft Part 115 Meeting Summary from May 6, 2009
 - Part 115 Generator/Broker/Processor/End User Obligations
 - Composting of Organic Wastes
 - General Provisions

2. **Liner requirements** - the proposed rules require a liner or groundwater discharge permit for Class 1 and Class 2 composting facilities. (Yard clippings compost facilities are not required under Section 11521 to have a liner or permit.) Industry was concerned about needing to install a liner or to obtain a groundwater discharge permit if only small amounts of food waste

or other organic material was taken at a yard clippings compost facility. There appears to be growing interest in composting food waste aerobically versus anaerobically (i.e., methane digester), and it was estimated that 50 percent is composted aerobically today. It was suggested that a small percentage of food waste or other organic material be allowed at yard clippings compost facilities without triggering the liner or permit requirement. DEQ-WHMD

Yard clippings and small amounts of organic materials - The group questioned if it were possible to mix *de minimus* quantities of food waste with yard clippings and fall under the yard clippings regulations contained in Section 21. At this time groundwater discharge permits, storm water permits, or NPDES discharge permits are not being requested by Water Bureau.

Water Bureau permits – The group questioned what would be involved with getting permits under Part 31. They questioned whether a generic permit under Part 31 could be issued instead of each facility obtaining their own. We will have staff from WB attend the June 26 meeting to address Part 31 questions.

Labeling issues - regarding compostable items (plates, cups, silverware, etc.) Discussion of definitions under Rule 102 – “Class 1 Compostable Material.” Level playing field to bring requirements for those materials up to the same as those for yard clippings. Basic level of requirements for all compostable materials.

DEQ resources – Concern was expressed regarding whether the DEQ has sufficient resources to implement this new composting registration program. No formal workload analysis has been done. Most composting sites are already registered as yard clippings composting facilities and very few new ones are expected. The DEQ has only conducted limited inspections and complaint responses at the yard clippings facilities due to limited resources, and will not have the resources to conduct more inspections for other organic materials composting.

Air Quality – How to address nuisance odors, fugitive dust, sulfur dioxide emissions, and green house gasses. Some other states regulate air emissions from composting facilities.

Implementation schedule – A reasonable timeframe for existing facilities to comply with the new requirements is needed; at least 90 days to register after the rules go into effect. The DEQ should consider grandfathering existing facilities if they don't meet isolation distances in the rules. Local zoning still applies and causes issues. In order to register, will a groundwater permit be needed or just proof that application has been made? Additional discussion is needed.

3. **Alternate Daily Cover:** Because the committee could not reach agreement on limits for alternate daily cover, the proposed rule will be deleted from this rules package, and waste materials approved for use as alternate daily cover will continue to be subject to county solid waste management plan import/export restrictions and solid waste surcharge payments, and be included in the calculation of perpetual care fund deposits.
4. **Generator/Broker/Transporter/End-User Obligations (Chart):** “Bold” has been used for indicating new language that would need to be developed. Question regarding if the DEQ has the authority to regulate these materials i.e. natural soil, dredge material coal ash (AI). Take out the certification (added burden).

Aluminum discussion with Part 201 standards – by requiring coal bottom ash to meet the AI direct contact criteria the reuse of at least 100,000 tons/year would be impacted.

AUA’s – Broker reports to Generator. How to give everyone equal treatment? Who is liable for what? Chart. Low-hazard annual retesting unless a lower frequency is approved by the Director.

5. Next Meetings – Part 115 Proposed Agenda
 - June 10 – 10 am to 3:30 pm
 - June 26 – Possible Meeting
 - July 17 – Possible Meeting (check availability)
 - July 31 – Possible Meeting