

**DRAFT Part 115 Inert and Compost Rules
Meeting Summary
September 25, 2009**

Participants		
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Handouts:

- Agenda
- Draft Part 115 Meeting Summary from September 10, 2009
- Draft Rules (revision 7)

1. Reviewed, amended, and approved meeting notes from September 10, 2009. Will remove "draft" and post.
2. *Totals testing* – the group discussed the methods allowed in SW-846 to test for total concentration of metals. It was noted that based on the methods used you could get different concentrations. Dennis Leonard requested an e-mail with the Part 201 test methods.
DEQ will discuss with Dave Slayton to see what methods were used when doing the background soil survey.

3. *Reporting period* – the group pointed out that there are different reporting periods in the rules package. For example Rule 120a(2)(d) requires that generators of industrial by-products report to the DEQ by March 31 information from the previous year. Rule 121c(1) requires that Class 1 and Class 2 composting facilities report to the DEQ within 30 of the end of each fiscal year.
Staff will re-evaluate reporting timeframes and draft changes to the various rules.
4. *MMA meeting* - The DEQ and the Michigan Manufacturers Association (MMA) will be meeting separately on October 22 to discuss MMA's concerns with the potential impacts of the proposed rules on the beneficial use of wastes from specific industries (sugar/food processing, paper, foundry, fossil fuel, and concrete). The results of this meeting will be discussed with the rules workgroup.
5. *Biomass Exemption* (Rule 110(o)) – need to confirm with the MPSC that this proposed exemption is useful. A concern was raised related to material that may come from a licensed processing plant that is not included in the draft language.
The DEQ will follow up with the MPSC. We may need to elevate this issue.
6. *Historical designations* (Rule 114(2)(i)) - discussed the language proposed by Chuck Barbieri related to voiding old designations and the steps the generator would need to take to obtain a new authorization. There is also a need to be clear that the DEQ still has the right to revoke these approvals at any time provided there is due process. Chuck Barbieri submitted proposed language.
7. *Rule 116 site-specific designations* – the group discussed that only relevant pathways need to be addressed in site-specific designations. It is up to the applicant to demonstrate that any or all pathways are not relevant.
8. *Waste used to treat, stabilize, or solidify waste* (Rule 119(3)(c)) – need to organize this language to make it more understandable.
9. *Manures and animal bedding* (Rule 119(3)(g)) - the group decided to remove this language from the rules and instead to add a definition of “organic waste generated in the production of livestock and poultry”
10. *Compost testing parameters* - The parameter list developed by Water Bureau was discussed. The group could not come to agreement on the list, how to collect the samples, the cost of sampling, or the number of samples that needed to be analyzed. The group discussed the option/benefit of a screening list or parameters that could be used to trigger additional testing.
The DEQ will post the draft list of parameters on the rules page.
11. *Regulatory impact of rules* – continued discussion on the rules in order to assist the DEQ with developing a regulatory impact statement related to the rules package. The group discussed the various proposed rules to answer the following questions:

- Direct and indirect consequences;
- Direct and indirect benefits;
- Alternatives to regulation by rule;
- Number of regulated individuals;
- Government costs/savings/revenue implications;
- Regulated individuals' costs/savings.

The DEQ will update the spreadsheet based on the discussion.

12. Next meeting – November 12, 2009

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