

# **Solid Waste Developments**

**Joint Environmental Conference**

**November 10, 2011**

# Agenda

- **Compost and Inert Rules**
- **Open Burning Rules**
- **Federal Rules**

# **Solid Waste Regulation**

- **Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended**
- **Michigan's Solid Waste Management Act Administrative Rules**
- **Subtitle D of the federal Resource Conservation and Recovery Act of 1976, as amended**
- **40 CFR Parts 257 and 258**

# **Compost and Inert Rules**

- **Stakeholder process for developing amendments began in March 2009**
- **Proposed amendments made available for comment in November 2010**
- **Public comment period closed February 28, 2011**

# **Compost and Inert Rules**

- **Intended to make inert criteria and low hazard criteria consistent with Part 201 criteria, promote waste utilization, and provide standards for composting of organic materials.**
- **Too controversial**

# **Compost and Inert Rules**

- **DEQ evaluating what can be salvaged from the package if the following controversial aspects are removed:**
  - **Part 201 criteria**
  - **Prohibitions on creating a Part 201 “facility” when utilizing waste**
  - **Closure of historic waste piles**

# **Compost and Inert Rules**

- **Revised package could include:**
  - **Updated exemptions for waste regulated under other programs**
  - **More materials listed as inert**
  - **Organics composting requirements**
  - **More materials listed as low-hazard**
  - **Dredge material requirements**
  - **Updated references to standards**

# **Compost and Inert Rules**

- **Rule 110 Exemptions**
  - **Wastes associated with drilling, development, operation, and plugging of mineral wells under Part 625**
  - **Composting of biosolids under Part 31**
  - **Onsite disposal of contaminated soil under Parts 111, 201, or 213**

# **Compost and Inert Rules**

- **Rule 114 Exemptions**
  - **Clarify pavement includes asphalt and concrete**
  - **Exempt green sands from foundries when mixed with compost**
  - **Exempt storage and processing of inert material from construction permit and operating license**

# **Compost and Inert Rules**

- **Rule 117 Exemptions**
  - **Increased quantity of low-hazard waste for pilot projects**
- **Rule 118 Petitions**
  - **Reduced list of parameters to characterize certain materials**

# Compost and Inert Rules

- **Rule 119 Exemptions**
  - **More materials for stabilization or treatment of waste: flue gas desulfurization sludge; synthetic gypsum; fly ash from burning coal with tires; biomass; and petroleum coke**
  - **Scrap wood, railroad ties, and chipped or whole tires reused as fuel**
  - **Gypsum drywall land applied**
  - **Water softening limes land applied**

# **Compost and Inert Rules**

- **Rules 121a – 121l; composting**
  - **For organic material other than yard clippings**
  - **Differentiates where Class 1 and Class 2 compostable materials can be composted**
  - **Exemptions for farms**
  - **Identifies when composting of dead animals would not be exempt**

# **Compost and Inert Rules**

- **Rules 121a – 121l; composting**
  - **Location restrictions**
  - **Operating requirements**
  - **Testing of finished compost**
  - **Blending with low-hazard waste**
  - **Testing and monitoring of contact water at large yard clippings composting facilities**

# **Compost and Inert Rules**

- **Rule 122**
  - **More low-hazard wastes listed**
- **Rule 125**
  - **Incorporates existing DEQ procedure for overseeing dredge material that is not from remediation or US Army Corps of Engineers projects**
- **Rule 126**
  - **Shortened DEQ review time**

# Compost and Inert Rules

- **Updated referenced standards**
  - **ASTM**
  - **Geosynthetic Institute**
  - **Etc.**
- **Rule 142**
  - **Change in ownership not affecting authorizations under Part 1**

# **Compost and Inert Rules**

- **Next steps**
  - **Revise**
  - **Resubmit package to ORR**
  - **Public notice and make available for comment, including a public hearing**

# **Open Burning Rules**

- **Would remove the exemption for open burning of household trash**
- **Would not affect open burning of grass clippings or leaves**
- **On hold to allow more public input**
- **May be addressed through legislation to prohibit open burning of certain materials**

# Federal Rules

- **Coal Combustion Residuals**
  - **Proposed rules for regulation under Subtitles C or D or D prime**
  - **Legislation in Congress requiring regulation under Sub D**
  - **EPA deadline for comment on NODA is Nov. 14, 2011**

# Federal Rules

- **Nonhazardous secondary materials that are solid waste when burned**
  - **Final rule**
  - **Subject to litigation**
  - **Tied to CAA rules**
  - **Possibly being revisited by EPA**

**THANK YOU!**

**Questions?**