Part 115 Update

West Michigan Chapter of the Air and Waste Management Association Technical Session
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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...

Both reports can be found at www.Michigan.gov/swra
Summary of the Report Outcomes
Solid Waste Disposal Area
- Sanitary Landfill
- Processing and Transfer Facility
- Incinerator

Materials Utilization Facility
- Materials Recovery Facility
- Compost Facility
- Anaerobic Digester
- Innovative Technology or Practice Facility

Waste Diversion Center
- Hazardous Material
- Liquid Waste
- Pharmaceuticals
- Electronics
- Batteries
- Light Bulbs
- Pesticides
- Devices with Mercury
- Sharps
- Other approved wastes

Part 115 MATERIALS MANAGEMENT FACILITY UNIVERSE
Benefits of the Proposed 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
Benefits of the Proposed Changes to Local Governments

- 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 Proposed Changes to Businesses

- 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...

(iii) Within 1,400 feet outside the boundary of a city or village.

(7) Subsections (5) and (6) do not authorize open burning that is prohibited by a local ordinance.

(8) A congressionally chartered patriotic organization that disposes of an unserviceable flag of the United States by burning that flag is not subject to regulation or penalty for violating a state law or local ordinance pertaining to open burning of materials or substances.


Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11523 Financial assurance; cash bond; interest; reduction in bond; termination; noncompliance with closure and postclosure monitoring and maintenance requirements; expiration or cancellation notice; effect of bankruptcy action; perpetual care fund; alternate financial assurance.

Sec. 11523. (1) The department shall not issue a license to operate a disposal area unless the applicant has filed, as a part of the application for a license, evidence of the following financial assurance:

(a) Financial assurance established for a type III landfill CLOSED PRIOR TO (date is tied to enactment of the changes – recommend 2 years but not more than 5 years after enactment) or a preexisting unit at a type II landfill and/or TYPE II LANDFILL CLOSED PRIOR TO April 9, 1997, and

(b) Financial assurance for a type II or TYPE III landfill that is an existing unit or a new unit shall be in an amount equal to $20,000.00 per acre of licensed landfill within the solid waste boundary. However, the amount of the bond shall not be less than $200,000.00 or more than $1,000,000.00. Each bond shall provide assurance for the maintenance of the finished landfill site for a period of 30 years after the landfill or any approved portion is completed.

In addition to this bond, a perpetual care fund shall be maintained under section 11525.

(2) The department shall not issue a general permit tier I or tier II for any materials management facility that has failed, as a part of the application for the general permit, evidence of adequate financial assurance:

(A) Financial assurance established for a materials recovery facility, an aerobic digester, or gasification/pyrolysis facility that requires a general permit tier I shall be continued in effect for a period of 2 years after the facility has ceased accepting material, removed all managed material from the site, and had closure certified by the department.

(B) Financial assurance established for a compost facility general permit tier II shall be continued in effect for a period of 2 years after the facility has ceased accepting compostable materials, has removed any finished or partially finished compost from the facility, and has had closure certified by the department.

(C) Financial assurance established for a compost facility general permit tier II shall be $20,000. In addition to this amount of financial assurance, $5 per cubic yard of compostable material that does not constitute finished compost that remains on site after September 30 of each year shall be provided. The
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 or Brought Under Part 115

- 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 Facilities that Notify

- 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
For Further Information

Information about the Solid Waste and Sustainability Advisory Panel (SWSAP) and Governor’s Recycling Council (GRC) Reports and current membership list for the DEQ’s Solid Waste and Recycling Advisors (SWRA) can be found at:

www.michigan.gov/swra