

Solid Waste Advisory Committee
January 5, 2011

Mission Statement: To enhance communication and the working relationship between the Department and the solid waste management facility owners/operators, through the discussion of issues and the exchange of ideas.

Committee members in attendance:

Chairwoman, Sherrel Rhys – Lewis & Clark County
Max Bauer - Allied Waste Systems
Mark Nelson - Lake County
Barb Butler – City of Billings
Steve Johnson – City of Bozeman
Joe Aline – Sheumaker Trucking & Excavating
Doug Sparrow – City-County Sanitation
Rick Thompson – DEQ Solid Waste Program

Others in attendance:

Mary Louise Hendrickson - DEQ Solid Waste Program
Barry Damschen – Damschen Consulting
Bonnie Rouse – DEQ/EPP/LGR
Matt Elsaesser – S.A.V.E. Foundation
Martin Bey – Gallatin County SWMD
F. Patrick Crowley – Crowley Consultants
Stephanie Reinig – Great West Engineering
David Seeberger – Allied Waste
Dave Duffy – City-County Sanitation
Bruce Siegmund – Great West Engineering
Ed Thamke – DEQ WUTMB

Call to Order: Sherrel Rhys at 1:33 pm, Helena, Montana.

The Minutes from the previous meeting were read and accepted.

Solid Waste Issues From Previous Meeting:

- **SW Rules Update – Rick Thompson**

Rick handed out copies of the draft Financial Assurance (FA) rule and told the advisory committee members that they may comment via email or verbally at the next meeting. Rick explained that the draft provided to them is the initial draft from Norm Mullen, the Solid Waste Program attorney. He explained to the committee that the revised FA rules did not have many substantive changes from the existing FA rules. The most noticeable change will be the format of the rules. There will be a new rule for each mechanism instead of one rule with each mechanism listed as Part A, Part B etc.

Rick stated that the Infectious Waste Rules are on hold until the FA rules have been completed. The next rules to be revised are compost, infectious waste, and STF's.

- **Update on GHG Reporting and Permitting Time Table for Landfills – Rick Thompson**

Rick reported that nothing has changed in terms of a published time table for the GHG reporting. He also said that if there are major modifications to a facility's Title V permit, the GHG permitting requirements would be invoked for that facility. Otherwise, there is no permitting just for GHG at landfill facilities. Barb Butler talked about the GHG reporting and monitoring and permitting. Bonnie Rouse provided some informational handouts from the EPA website.

- **Legislative update – Ed Thamke**

Ed reported that as of January 5 there have been 19,095 Legislative Concepts, 176 have actually been introduced in the House and 111 have been introduced in the Senate and 5 have been introduced jointly. Action on the introduced bills would start on Monday, January 11, 2011. The bills or LCs of interest to SWAC, the SWP and the LGR include:

- o SB14 – Revised definitions for motor vehicle disposal and recycling.
- o HB147 – Require financial assurance for waste tire disposal sites.
- o HB131 –Clarify responsibilities for expense recovery related to orphan hazardous materials.
- o SB 83-FWP to bear cost of removing roadkill from highways.
- o LC1591-Revised laws to establish environmental crimes unit at Dept. of Justice.
- o LC1556 - Create electronic waste recycling program.
- o LC1550 - Revise recycling laws.
- o LC1437 - Revise solid waste laws related to recycling.
- o Last day to line up general bills is January 17, 2011.
- o WEBSITE LINK FOR LAWS:
[http://laws.leg.mt.gov/laws11/law0203w\\$.startup](http://laws.leg.mt.gov/laws11/law0203w$.startup)

Sheryl asked if anyone else had bills that they were interested in:

- o LC1557 - Require a recycled content in state contracts and highway construction.

- **Product Stewardship – Steve Johnson**

Steve reported that one senator and two or three representatives were interested in product stewardship legislation. He suggested that the committee work with Matt Elsaesser to get one bill in instead of doing the shotgun approach. Barb sent him the main legislation which is 83 pages long and it covers a broad range of items. Steve suggested that he and Matt will coordinate and try to combine efforts to get something productive. Steve reported that Martin Bey has been successful using Unicolor to get material moved at no cost out of Gallatin County. It has been really effective and it is charged by the pound through the gate - Gallatin County - \$27/ton per 5,000.

Ed mentioned the Governor's office wanting to stop state agencies from being members of national professional associations. Steve mentioned that there are 26 states that have something established and utilized. Matt talked a little bit about what the plans would be for possible product stewardship regulations in Montana.

He thought that most of the established state product stewardship programs place financial liability on the manufacturer. He promised to keep the SWAC updated on any progress made in that area during the legislature.

LGR Update

- Section activities – Bonnie Rouse

Plastic Seminar on November 5, 2010, and it was well attended. Great information and great feedback regarding the seminar was received. Bonnie and her staff also attended the Air and Waste Management Conference in Missoula. Bonnie also reported that the Recycling Hub and Spoke grants would be live at the end of January 2011. The grant will allow local governments to apply on behalf of themselves, non-profits, or even private businesses.

Bonnie also reported that the 2009 Recycling Waste Diversion Survey was completed and would be posted on the LGR website the week of January 5. The survey results indicated that for 2009 the recycling\ diversion rate was 19.1%, which is down from 19.8% for 2008. She also stated that the revision of the Integrated Waste Management Plan should be completed by mid-summer 2011.

Bonnie also reported that the Mercury Thermostat Rule – would be out for public comment in the near future.

New Agenda Items

Rick spoke briefly about the EPA Region 8 States Resource Conservation Challenge – Materials Measurement webinar.

Rick updated the committee on the vacancies within the Solid Waste Program and the Waste and Underground Tank Bureau

00498 - (Joe Blaine) Should be filled by the first week of February

00402 - (Darrell Stankey)

00406 - (Bob Martin) Bureau rule writer position will be vacant in early February. Hope to post early March.

John Podolinsky, the Asbestos Program Manager is on mobility assignment and Deb Grimm is currently acting as the Asbestos Program Manager.

Ed Thamke updated the committee on lead paint awareness training for contractors doing remodels and/or demos and for facilities accepting waste materials that could potentially contain high amounts of lead contaminated materials. Ed explained that the lead rule is an EPA rule and not a requirement of the DEQ. There was discussion regarding the training available and that MSU Extension is the only licensed lead abatement training provider in the state.

Rick announced the MACo\DEQ Special Waste Training – March 8-10 in Great Falls. The training will have several general sessions as well as regulatory and recycling tracts. The final training for the biennium will be the 8-Hour HAZWOPER Training in May.

A committee member announced that there would be a Green House Gas Webinar during the week of January 10, but a specific date was not given.

Mark Nelson said he will report to the committee any additional news on the building codes regulation for transfer containers.

David Seeberger of Allied Waste Landfill in Missoula reported that excess medical marijuana is being put in dumpsters and drivers are concerned about transporting.

Ed asked how the MDU landfill gas extraction and scrubbing system at the Billings landfill was progressing. Barb said that it is on and then it is off, but they have been happy with the methane gas production. No ribbon cutting yet. Pumps and wells are already in.

Max Bauer said that the gas from his facility will be eventually pumped over to Roseburg facility, when the costs are competitive. They will probably put in an electrical generator and put the electricity generated into the local power supply grid. Allied is currently working with the local power supplier to determine if that option would be feasible.

Ed asked about Smurfit Stone and Max said that they have been extremely quiet. They have had a couple of businesses interested in purchasing. There is a large environmental cleanup. Ed asked about the asbestos being in the structure and Max said they have buried asbestos. Max said that they have all kinds of things buried all over Smurfit-Stone property. They haven't started dismantling the buildings.

Ed talked about the fact that the Legislature has looked at Special Revenue Accounts and there are place holders out there to try to use them. He said that he may ask the members to contact the local legislator regarding the Special Revenue Accounts.

Agenda items for next meeting.

SW Rule Update
GHG Monitoring Rules
Legislative Rules
Product Stewardship
Training ideas

Next Meeting will be February 23, 2011 from 1:30-3:00 p.m.

Meeting was Adjourned at 2:36 p.m.