

SOLID WASTE ADVISORY COMMITTEE
MARCH 3, 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:

Tom Barth-Fallon County
Barb Butler-City of Billings
Rick Thompson-DEQ
Clay Vincent-Unified Disposal
Mark Nelson- Lake Co.
Sherryl Rhys-Lewis & Clark County

Others in attendance:

Alan Grant- Jefferson Co.
Barry Damschen- Barry Damschen Consulting
Pat Crowley- Crowley Consultants
Mary Louise Hendrickson- DEQ Solid Waste Program
Mary Murray- DEQ
Heather Gould-DEQ
Ed Thamke-DEQ
Kathy O'Hern-DEQ
Norm Mullen- DEQ Legal
Bob Church-Great West Engineering
Bonnie Rouse-DEQ

Called to Order at 1:40pm by Mark Nelson, Lake County.

The Minutes from the previous meeting were approved . Mark asked if there were any discussions on the previous minutes.

New Employee Introduction: Rick Thompson introduced Kathy O'Hern the new solid waste replacement for Joe Blaine.

Ed Thamke shared that Subha Sakthivel and Bob Martin have left the bureau. Ed gave a description of their old positions.

Solid Waste Issues From Previous meetings:

Solid Waste FA Rules - Rick discussed completing the Financial Assurance Rules.

Norm went over handouts of the Draft Rule Summary for the SWAC Handout 1 and gave a brief summary of the main items to be addressed in the revised rule. These items include:

- The need to amend the rules to correct citations to existing rules in ARM 17.50.540;
- Fix some of the existing mechanisms and add new FA mechanisms that were recently added to Federal regulations;
- Provide forms and mechanism language using Federal Haz Waste Regulations in EPA 40 CFR 264.151 as a base.
- Adopt standard language into the FA forms;
- Provide for DEQ approval of Mechanisms prior to implementation by a licensee;
- Make Explicit DEQ's authority to pay for 3rd party work;
- Make explicit that DEQ can direct payment into a standby trust; and to,
- Allow DEQ to conduct work at a facility, and to gain access in an emergency.

There was a discussion about using money that was put away from the trust fund, and how long it would take to go through the DEQ process to be allowed access to those funds to pay for the closure work already done. Norm went over the applicable section of the rules, ARM 17.50.540 for the committee. The group decided to look into the issue at another time. Ed said performance timelines could be put into the rules/guidelines.

Handout 2 was an expanded summary of the proposed FA rules drafted in the order of how the mechanisms will appear in the revised rule. Based on questions from the committee and the audience, Norm explained that a newly proposed rule that would allow DEQ personnel access in an Emergency 17.50.501(5). Norm defined an emergency to be any situation the Governor declares as such. An emergency would therefore be any event which involves a threat to human health.

Also in Handout 2, it was mentioned that the Department would like to add Class 4 landfills to the list of facilities that should be required to have closure and post-closure coverage. Norm also mentioned that there is a need to set up a process for authorizing reimbursement of payment for completed closure or post-closure. He suggested options to achieve this are for licensees to direct pay or require pouring into a standby trust if work isn't done according to plan/rule.

Clay Vincent asked if the proposed rule or current rule allows for the incremental disbursement of funds during closure work at a facility. Clay stated that it would be advantageous for his solid waste district to have periodic disbursements from their trust fund to pay for closure work as the work progresses. This would be instead of taking out loans and repaying those notes when they are reimbursed from the trust fund after the completion of the work.

Norm indicated that periodic payments from a trust are possible under the current rules, but has not been requested. Ed suggested that a work group be formed to draft language for the new rules that would explicitly direct how incremental payments from trust funds could be achieved. Bob Church of Great West Engineering volunteered to assist Norm and Clay in drafting language.

Also, summarized in Handout 2, and discussed by Norm, were the rules requiring the owner/operator to get DEQ approval for each mechanism used at their facilities. Norm indicated that there will be a separate rule for each mechanism.

Ed asked if local auditors analyzed trust agreements for inflation or other performance indicators. Mark Nelson said that is standard practice. Norm subsequently went over the updates and changes for the Trust language into the proposed rules. Mark commented that he would like a smoother trust mechanism resulting from the rule revision.

Norm also explained that the proposed rule will require FA providers to have a certificate of authority to do business in MT.

In closing his presentation, Norm stated that he hopes to have the proposed rule changes made before the end of the fiscal year.

By the next SWAC meeting Ed stated there should be a rough draft of language framed out for the FA rules.

Green House Gas Rule:

Rick reported that the Feds have placed the GHG reporting rule on hold for now. Facilities that have reported once will not have to do any more reporting until rules are finalized.

Product Stewardship:

Rick reported that Steve Johnson, the SWAC's leader on Product Stewardship issues resigned his position with the City of Bozeman and would no longer be serving on the committee. Therefore, Product Stewardship may have to be placed on the back burner for awhile.

Legislative Update:

Ed shared information on the bills that he has been tracking. These were:

- HB 375, HB 316: Redistributes revenue funds to the General Fund, DEQ uses that as a match in the Hazardous Waste Program.
- HB 424: Takes fines assessed and collects through DEQ Enforcement, which would go into the various program specific special revenues accounts, would now go in the general fund.
- HB142 provides for the advisory council review, the only statutory mandated one.
- HB 2 doing budget hearings. There is no major aggression towards the agency's budget thus far.

Bonnie Rouse indicated that the only bill of interest to the LGR was SB 594(Bonnie).

LGR Update:

Bonnie reported that there would be a Special Waste training put on by the LGR during the week of March 7, 2011. Other note worthy projects that the LGR is working on

includes, Earth Day Events and CFLs, and florescent bulbs take back program at Home Depot stores.

New Agenda Items Discussed:

- Replacements of Bob McWilliams and Steve Johnson.
- At the next meeting have a list of people/candidates for who may serve as replacements for Bob McWilliams and Steve Johnson. Rick will review by-laws for replacements.
- MACO/DEQ Solid Waste Training Agenda for FY12 &FY13.
- Solid Waste Fees. It was suggested that Rick take into account the salary increase of employees when calculating new fee increases.
- Is SWAC meeting the needs of the regulated community (Ed)?
- SWP vacancies and how there isn't much field presence at landfills. Ed mentioned how we do the bureau retreat every year, and would like Rick to give them a copy of their business plan developed at the retreat.
- The format of the SWAC minutes and what would the committee members prefer. The majority preferred motions, capturing the highlights and not transcribed minutes.

Agenda items for next meeting:

By-laws on replacement

Org chart

Business plan

Landfill operators training for FY12 – FY13.

Adjourned at 3:43pm

Next meeting is set for July 6, 2011, at the Metcalf Building in Room 111 at 1:30pm.