

Solid Waste Advisory Committee September 10, 2008

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:

Chairman, Doug Sparrow – Valley View Landfill
Sherrel Rhys – Lewis & Clark County
Steve Johnson – City of Bozeman
Barb Butler – City of Billings
Max Bauer - Allied Waste Systems
Clay Vincent – Unified Disposal District
Tom Barth – Fallon County
Rick Thompson – DEQ

Others in attendance:

Jim Chilton - Flathead County Solid Waste District
Pat Crowley - Crowley Consultants, LLC
Mary Louise Hendrickson - DEQ Solid Waste Program
Dave Duffy - City-County Sanitation
Ed Thamke - DEQ WUTMB
Norm Mullen – DEQ
Lou Moore – DEQ PPA
Jamie Silberberger – WVE
Brian Spangler – DEQ Recycling Program
David Seeberger – Allied Waste Systems
Will Selser – Waste Not Solutions
Bob Martin – DEQ

Call to Order: Doug Sparrow – 1:12 pm, Helena, Montana.

Minutes were read and approved.

P2 Program Update - Brian Spangler. Brian reported that Bonnie Rouse who went to work for the Department of Administration a year ago is now back with the DEQ.

Brian also reported that Sandra Boggs continues to work on setting up E-Waste events around the state. The Waste Recycling and Community Assistance Program (program) has been contacted by the City of Glendive, and Valley County seeking help in planning E-Waste recycling events. Sandra is also working on the greener-state government projects, while Dusti Johnson continues to work on fly ash and glass recycling projects. Her most recent projects are here in Helena and Billings with contractors who are seeking ways to use recycled glass and fly ash in their construction projects.

The program continues to work on the 'No School Bus Idle Program'. The school districts who recently joined the No School Bus Idle Program are, Kalispell, Columbia Falls, Havre, Chester and Drummond.

Barb asked if the Program would be sending information to the school districts concerning the retrofit for the buses. Brian stated that Billings got a \$150,000 grant from EPA this year. They (the City of Billings) are working with a company out of Portland, Oregon to make the retrofits to the Billings School District buses.

Possible Legislation:

Recycling – No report at this time.

Climate Change – Lou Moore gave handouts for this.

Lou reported that at the July meeting of the Environmental Quality Council (EQC) possible climate change legislation was discussed. Lou also reported that in the last two days prior this SWAC meeting, the EQC made their decision on the bills they plan on carrying forward to the 2009 Legislature. There were three recycling bills among those selected:

- The first was LC0388, dealing with tax incentives. Representative Sue Dickenson offered to carry this bill.
- The second was, LC0389, dealing legislation to create a state recycling revolving loan program that would be opened to private industry as well. This loan program would be funded with a one-time transfer of one-million dollars of junk vehicle fees.
- The third was, LC0390. This bill would increase funding for Montana Education Extension Center (MEEC). If passed, the annual funding for the MEEC would be increased from \$200,000 to \$300,000. The increased would allow the MEEC to continue to operate, to continue to work with the DEQ to assist in recycling efforts around the state. There was no discussion at the meeting and no Legislator volunteered to carry it. So, there is no indication as to what will happen with LC0389.

Mercury – Jamie Silberberger gave handouts.

Jamie reported that LC0063, will be introduced in the 2009 Legislature. The bill would require the collection and disposal of mercury from thermostats. Jamie gave a review of why this legislation is important. Thermostats are a significant source of mercury pollution in the United States. Mercury products account for 20-29 tons of air emission. According to the EPA more than 10% of estimated mercury reserve is in thermostats. Mercury is released into the environment when thermostats are disposed of in the solid waste stream. This legislation would require manufactures of thermostats to establish a collection and recycling program in the state of Montana and to establish education outreach. A program does exist and is industry funded. It is funded by the three manufacturers of thermostats, Honeywell, White-Rogers and GE. It is a non-profit group called TRC (Thermostat Recycling Corporation). The legislation would prohibit contractors and households from disposing of thermostats in the garbage. To encourage the non-disposal of thermostats in the garbage, this legislation would require a \$5 incentive for the return.

Jamie also reported that 17 states have passed mercury thermostat laws. This particular law has been passed in California and waiting for the governor's signature. WVE is asking for help from

SWAC in supporting this legislation by recommending it to landfill owners. There is no one to carry this legislation at this time.

WUTMB – Ed Thamke gave this update.

He stated that there had been hopes of WUTMB getting through this Legislative session without any primary legislation. But a couple of weeks ago as they were looking to activate a road-kill composting site in the Lewistown area for the DOT, a local county attorney pointed out a mistake of law in the Montana Code Annotated, that we have to correct. So, we presented the road-kill composting bill to the EQC this week and it was accepted. We will clarify Montana Code Annotated 75.10.213, it talks about disposal of dead animals. The clarification will state that unless the dead animals are being composted or otherwise being managed under permit by the Department of Environmental Quality, one would have to go through burial of at least two feet deep a mile from a residence. The concern is that they still want the protections to the residence and make sure these are still being managed in an appropriate manner. With the EQC approving this piece of legislation which means it will be pre-introduced and this will help. Dave Wanzenried from Missoula is interested in sponsoring. This will be the only piece of legislation that WUTMB will have. And this is an A-Bill, meaning coming from within the Agency.

There will be no e-waste legislation from the Agency.

Steve Johnson commented on the Maine legislation that had been effective over the past four years. Steve commented that the three year design lifespan of computer materials places a significant burden on small municipalities and volunteer organizations to run these collection programs. Steve reported that there would be one last collection event in Gallatin County sponsored by the water quality district. The solid waste district will be taking over future e-waste events in the county.

Steve further explained that the state of Maine requires the e-waste manufacturers to develop the programs for e-waste recycling programs rather than rely on volunteer organizations.

Ed asked about the mercury legislation. He was concerned that household hazardous waste events such as those in the Flathead and Bozeman are accepting mercury containing devices including fluorescent light bulbs.

With regards to the claim by Jamie that only .1 FTE would be required to manage the thermostat recycling program if passed by the legislature, Ed also stated that the hazardous waste program staff had been checking with Vermont and Maine on their staffing levels. Both states indicated that a full time employee dedicated to mercury would be ideal, but presently they are making do with a .5 FTE.

Rick stated that he had information about the mercury collection in the Northeast part of the country and would send the link to all so each could have the information.

Solid Waste Issues From Previous Meeting:

Update on the Building Code Requirements for Container Sites. Status of Draft Rules.

Mark Nelson was absent.

Steve Johnson stated that Gallatin County would like to get more container sites, but are waiting until some rules are out in Helena.

Barb indicated that she would call Mark to see if it is a necessity to get the building code requirements pushed through the Legislature this year.

Solid Waste Program Staffing: Rick gave this update.

With the hiring of Martin Van Oort, the Solid Waste Program is fully staffed. Martin will be taking some of the duties from Mary Hendrickson.

Solid Waste Rules: Rick conducted this topic.

Rick reported that the Department is still in the process of working on the rules. Based on the SWAC recommendations from the last meeting changes were made to draft rules. A PowerPoint presentation of the changes was prepared for the SWAC.

Rick explained the rules changes were made to clarify the rules, but not change the meaning or intent of the solid waste rules. Rick further explained that there has not been a rule revision since 1997 at which time there were small changes in the groundwater rule. Rick was hopeful that the rule revision will incorporate some of the requirements of the CFRs that were not included in the original rule set in 1991-1993.

Starting with ARMS 17.50.501 – Purpose and Applicability of the rules. (refer to the handouts for all ARM topics). Rick handed out the most recent draft of the rule packet which incorporated the suggested changes made by the SWAC at the previous meeting. The decision was made for Rick to go through each topic making comments, hoping that it may trigger a memory for someone that may want to discuss further.

ARM 17.50.502 – New Definitions. The container site definition is still in the rules, but has not been regulated by DEQ since 1995. The question of why ‘container site’ is drawn through. Pat Crowley stated that it is defined in the law, and if it is in the statute it cannot be put in the rule. Barb asked why the ‘one-day recycling event’ is okay, but not the container site. Rick stated that container sites were removed from regulations by the Legislature.

Numbers should be kept. Rick stated that there is a mandate from the Legislature that we track our recycling. It brings the numbers into the fore-front and helps future legislation or remove restrictions later.

Leachate collection systems and leachate removal systems, Line 160 and 162.

Rick quoted from the rules about the engineering structures located above and below a liner. Refuse in a landfill unit designed to collect leachate and the leachate removal systems means that the engineered structure allows the removal of the leachate from the landfill unit. A leachate removal system may be, but is not necessarily used in conjunction with a leachate collection system. Rick explained that this particular rule modification is for a no-migration landfill which would be required to have a leachate removal, but not necessarily need a leachate collection system.

Barb asked for specific comments on any of the subjects. No response.

Rick addressed the issues that were brought up at the last meeting. Specifically, expansions were discussed, management of the gas at facilities (line 393), endangered species (line 405). What was being removed from line 405 was 'taking'. It had not been decided if 'taking' was the appropriate word or if it was a word that the Committee did not like. Rick asked if this word would be a problem in the rule. Norm suggested that research should be done before removing this wording. But it was agreed to go ahead and remove this wording. It was pointed out that this was basically habitat issues. The habitat issues would be addressed in the landfill rule.

At the last meeting Pat had commented on maps (Line 854-874). There are different levels of maps recommended in the rules. Rick stated that it was not the intent for one size map to be used for all. These are recommended minimums. Steve suggested to make sure that 'maps' stay plural so all information would not come in on an 8.5x11 sheet.

Comments on Deed Notations (line 915), were heard and are being incorporated in the manner that we will ask for a deed notation on licensing of a facility, but will have allowances for that deed to be modified on closure of that facility so that it will account for the actual changes (waste boundaries).

Compostable Material (line 951). Compostable material is prior to the process.

A five year review of O& M Plans (lines 951-961). The Committee spoke about if a facility did not have to update a plan. This has been modified to reflect the five-year review, if nothing has changed to indicate this to the Department then go forward for another five years. That too will time-line with the groundwater review.

Rick commented that the rules should be to the Secretary of State's office before the Legislature convenes. The Department will certainly take comments from the Committee until the end of the month, giving time for reviewing.

All agreed that the comments and form of the rule packet is a great job. Rick asked that all look at the packet one more time to make sure if there would be anymore comments.

Announcements/ Training Opportunities – Mike Vogel was absent so Rick gave this report. Rick reported that the next MACo\DEQ MSU Extension Solid Waste Related Training was planned for November 12 and 13. The session will be special waste management. The topics are being finalized and will be emailed to everyone in advance. A seminar type training is being planned with concurrent sessions. DEQ staff will be presenting the majority of the topics. Rick indicated that there were about about 20 topics over two days.

Agenda for next meeting: Container site; report from DEQ on locations around the state for the E-Waste events; 2009 Legislature; Rule Celebration.

Next meeting will be Wednesday, December 10, 2008 at 1:30 pm-3:30 pm in Room 111 at the Metcalf Building.

Adjourn: 3:10 pm.