

Solid Waste Advisory Committee October 11, 2007

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.*

Call to Order: Sherrel Rhys – 1:40 pm, Helena, Montana. No quorum.

Committee members in attendance: Sherrel Rhys – Lewis & Clark County; Joe Aline – Shumaker Trucking & Excavating; Steve Johnson – City of Bozeman; Barb Butler – City of Billings (by phone), and Rick Thompson – DEQ.

Others in attendance: Darrell Stankey, Mike Vogel, Deb Thornhill, Will Selser, Sandra Boggs, Jim Chilton, David Seeberger (by phone), and Gerald Wagner – Representative of Tribes.

Review and Acceptance of Minutes From July 12, 2007.

Solid Waste Issues From Previous Meeting:

- Update on the building site requirements by Mark Nelson.

Mark wrote a memo that was sent to MACo which stated the Committee met with Dave Cook of the Building Standards Program regarding writing an administrative rule to revise the state building code as it relates to the container sites questions. Dave had the following comments. The ARM that best fit would be 24.301.146. This ARM section deals with the modifications to the International Building Code (IBC). Dave thought that one of the best ways to achieve a rule modification is to propose an exception to the section of the IBC that deals with guards to exempt specifically the container sites.

There will have to be specific language on defining a container site and how and where the container site exemption applies. The process would be to propose the modification and draft the rule change. The draft would be subsequently submitted to the Governor's Building Codes Advisory Council for consideration.

The Building Standards Program would like to have the MACo container site work group petition for a modification to the code in writing with the proposed language or intent of the change. Mark Nelson will draft the proposed ARM modification language and start the process. Mark says that we need to keep in mind that the Building Standards Program may have to make changes to the proposal to get it in line with code language or intent or make changes to the proposal to be more specific. This would limit the exception being sought by rule modification to a very specific set of circumstances.

The process may require testimony or submittal of data or additional information to craft or move the process along. Someone should be assigned to be the point person.

Mark Nelson is working on the language for the rule change petition and an actual rule.

He will use the MCA definition of container site, 75-10-103, Sub-Section 2, to avoid

confusion. He will also ask Bob Sheridan to review the proposal from the legal point of view. Everyone on the committee agreed that the search for engineering options to improve the safety of container sites without destroying the functionality needs to continue.

Sherrel had an email from MACo. MACo said they would support a new rule as it would give them a legal standing, and it could solve the problem of human error.

The committee recommended waiting for the completion of the draft rule before selecting a point person.

Funding Recycling – Working Group Update:

Sandra Boggs gave the update for Brian Spangler. Brian was out-of-state attending a meeting on ethanol.

Sandra reported that Brian had a meeting on August 27, with Max Bauer of Allied Waste, Mark Nelson and Representative Dave McAlpin from Missoula. They spoke of recycling and some of the issues that are faced in the state. Max identified e-waste as the most challenging at this time. That meeting ended with Brian agreeing to develop a list of potential members for the working group.

David Seeberger (by phone) added that he too was at the meeting. He stated that basically what was discussed was the fact Allied Waste is concerned about across the board tonnage fee increase to support recycling with revenue gained being distributed by a private group. They did not want a group created that would be able to take money from larger communities, such as Billings, Great Falls, Missoula, and distribute the money to other places just because of pet projects.

The committee did not say they were in favor of an increase in fees to fund recycling, but did not indicate that they were in opposition. Everyone agreed that future discussions on the issue are necessary before the next legislature. Also, everyone indicated they were in favor of the formation of a stakeholders group that would ensure that the money collected for recycling in various jurisdictions around the state would be used in those areas.

Barb stated that when the committee is put together they (the City of Billings) would like to be a part of it. Barb also commented that if there is an increase in the tonnage fee they (the City of Billings) would be the biggest contributor.

P2 Program Update:

Sandra Boggs gave this summation as well.

She requested each committee member to look at the DEQ home page. In particular they were to look at the climate change links.

Sandra gave the date and location for the last e-waste and reported on the Bozeman event the weekend before. The Gallatin County Water Quality District sponsors this event each

year. The District's goal is to keep this event free. This year they did fund-raising and received grants from local businesses, were able to raise \$13,000.00.

Overall the Bozeman event went very well. At 11:00 a.m. they stopped accepting items for free from the public at 60-tons. However, they stayed open and by 2:00 p.m. had collected around 80-tons.

The Helena event is getting more business participation this year. There were presentations given to a panel of state agencies information technology managers. This was done to make certain points; one was that they could participate in recycling electronics this week at the Helena event, second was they need to be a part of the working group that is being put together to figure out how to fund electronic recycling for state government and third was to push that there be a requirement in all purchasing contracts for 'EP' rated computers. These are computers that are manufactured to be more easily recycled and are designed to use fewer hazardous materials.

Sandra will be attending the conference in Atlanta this month (October). She will be participating in a phone call with Region 8 states hosted by the EPA. The meeting discussion focused on the interest in regional approach to electronic recycling.

The EPA contacted the Energy and Pollution Prevention Bureau and asked them to apply for a \$25,000 in contracted technical assistance to put on green purchasing training for state government. All state agencies must have a waste reduction and recycling plan plus all state agencies must purchase recycled content products. This is in keeping with the statutory requirements. They will receive at least \$30,000.00 dollars for putting together a green purchasing guide, conduct training and create a web site. The training will probably be in January 2008.

Solid Waste Program Issues:

- **Quarterly Report** – There are 82 inspections planned for FY08. Darrell Stankey will assign the inspections to the staff and track the progress in completing them. Darrell stated there were 35 inspections completed at the time of the meeting.

- **Licensing Project Update** - Rick handed out copies of the Licensing Projects Update spread sheet. He stated that the spread sheet is updated monthly and can be found on the Solid Waste Section web-page.

New Issues:

- **Solid Waste Program Vacancies** – Rick stated we are presently three staff members short. Pat Crowley retired. Colin McCoy left for the private sector. Michele Lizon is still vacant. Ed Thamke had suggested not to fill Michele's position as a hydrogeologist, but converting it to a system analyst so as to better serve our data stream. The system analyst would seemingly be the better way for the Bureau.

The question was raised as to who would be taking the work that was assigned to Michele's position. And that this position was a major factor in raising the fees. Rick

stated that at this time the hydro functions were divided into regulatory and permitting. This thought from Ed was brought before the Committee for discussion so the decision could be made. Ed is willing at this time to go with what the Committee suggests. He won't go forward without input/ advice from the Committee.

The suggestion was made to put the position discussion on the agenda for the next meeting. All agreed.

Announcements/ Training Opportunities:

- MSU Extension SW Related Training, Outreach & Publication – Mike Vogel gave the update.

Mike Vogel – MSU Extension gave a handout showing a list of the trainings planned in the next two years. Mike explained that the contract with MACo starts July 2007 through June 30, 2009. Within that time frame there are eight trainings, two which have been completed. Mike announced that the next scheduled training is the OSHA 24-Hour HAZWOPER. It will be held in Helena at the Wingate Inn on January 22, 23, 24, 2008. This training is done every two years.

Mike related that there were three full-time positions vacant in his section at the MSU Extension Service. These positions cover the state and work through the sixty-one extension offices.

Rick commented on the availability of training on how to end post-closure care. He referred to the Interstate Technology Regulatory Council (ITRC) having a guidance document for ending post-closure care. Rick explained that this training can be done over the internet. It was discussed that possibly Montana would host a training. This could be held in Billings and it is a 2-day session.

Agenda for next meeting: S.W.A.C. will meet again on January 10, 2008, at 1:30 pm to 3:30 pm in Room 111 at the Metcalf Building. Possible agenda items include compost, funding for Solid Waste, building codes and junk vehicles for direct crushing.

Adjourn: The meeting was adjourned at 3:45.