



Manistee County Courthouse
415 Third Street • Manistee, Michigan 49660

CHAIRPERSON
Jeffrey Dontz

VICE-CHAIRPERSON
Karen Goodman

Margaret Batzer
Eric Gustad
Pauline Jaquish
Nikki Koons
Richard Schmidt

CLERK

Jill M. Nowak
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Lisa Sagala
(231) 398-3504

GREEN TEAM/RECYCLING COMMITTEE MINUTES

Thursday, April 22, 2021
8:30 a.m.

Manistee County Courthouse & Government Center
Board of Commissioners Meeting Room

MINUTES

Members Present: Eric Gustad (on-line, Filer Twp.), Nikki Koons (on-line, Norman Twp.) and Margaret Batzer (on-line, City of Manistee)

Members Absent: None

Others Present: Sarah Archer, Iris Waste Diversion Specialists; Lisa Sagala, County Administrator/Controller; Julie Schmeling, Administrative Secretary; 398-3552 and Jill M. Nowak, County Clerk

The meeting was called to Order at 8:30 a.m.

NOTE – Items requiring Board Action are indicated in BOLD

The County Board and its Committees are operating remotely and electronically by Zoom under the Manistee County Board of Commissioners Resolution #2020-17, which declared a Local State of Emergency through December 31, 2021 due to the COVID-19 pandemic.

PUBLIC COMMENT

None.

P.A. 69 RECYCLING UPDATE

RECYCLING PROGRAM & MONTHLY VOLUME DATA REPORT

Sarah Archer, Iris Waste Diversion Specialists, reviewed the Manistee County Green Team Recycling Program Report dated April 20, 2021 (Appendix A) and the Monthly Volume Data

HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY 2021

A couple important dates in the future are the Michigan Townships Association-Manistee Chapter, will be held at the Norman Township Hall on Wednesday, April 28, 2021. The Household Hazardous Waste Event will be held on August 21, 2021 (Appendix F) at the Manistee County Road Commission. The Michigan Recycling Coalition Virtual Spring Conference has sessions on May 4 and May 11, 2021.

**SOLID WASTE MANAGEMENT AMENDMENTS AND
RESOLUTION #2021-10 IN SUPPORT FOR UPDATING PART 115, MICHIGAN'S
SOLID WASTE LAW**

There are eight (8) Solid Waste Management Amendments Part 115 (Appendix G). Ms. Archer requested the Committee recommend the approval of Resolution #2021-10 in Support of Solid Waste for Updating Part 115, Michigan's Solid Waste Law (Appendix H).

Moved by Batzer, seconded by Gustad to recommend the approval of Resolution #2021-10 in Support of Solid Waste for Updating Part 115, Michigan's Solid Waste Law. Ayes: All. Motion Carried.

Ms. Archer will request to be placed on the next agenda for the Fair Board.

OTHER ITEMS FROM COMMITTEE MEMBERS


Ms. Archer was thanked for all her work on the Recycling Program and the grant work.

Ms. Archer noted that she needs a budget packet. Also, since it is budget time, last year the County Board indicated they wanted an RFP sent out for collection services for this next year. Ms. Archer will begin to work on that in June so funding can be included in the budget.

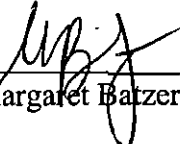
The meeting was adjourned at the Call of the Chair at 9:21 a.m.



Eric Gustad



Nikki Koons



Margaret Batzer, Chairperson

Report for March 2021. (Appendix B). Ms. Archer reported that volume is up from last year by 4% and therefore cost is up. However, revenue is up due to Dickson Township coming on board and rental fees.

SCRAP TIRE EVENT FLYER & BARC FLYER

Attached is a flyer for the Manistee County Scrap Tire Events at Bay Area Recycling for Charities (BARC) (Appendix C) in Kaleva and a flyer for BARC (Appendix D). The first Scrap Tire Event is on June 26, 2021. BARC has been an excellent partner in both recycling and for the scrap tire event. Bear Lake Schools is also providing 8-11 student volunteers to help at the event.

Ms. Archer continues to work on numerous grants. The EGLE 2020 Recycling Quality Improvement Grant. This grant funds the on-line recycling directory for Manistee County which is named "Waste Advisor". Work is still being done on the backside of the Manistee County website and to place the link for people to use. A press release is forthcoming, this will also be advertised by post cards and on-line. The on-line directory will be launched within the next week or two. The Manistee County Community Foundation Limitless Fund Grant (MCCF) application is still being reviewed. If received, the grant would be used for fencing at the new recycling site in Onekama and towards matching funds for the EGLE Recycling Grant program application. The EGLE Rural Electronics Recycling Grant requires a 25% local match funds. So that grant application is on hold at this time. EGLE Recycling Grant requires a 25% local match and there are two application deadlines. EGLE Market Development/Next Cycle Michigan Challenge Track Grants expands resource recovery efforts. These are larger amount grants or local grants with \$10,000 seed money to further a project or maybe set up a website. This grant requires a 50% local match, and it fits in with a regional group approach.

MAP OF ONEKAMA RECYCLING SITE RELOCATION/OPERATIONS

Ms. Archer met with the Onekama Township Board to discuss funding and update them on the status of relocation of the recycling site to the Onekama Fairgrounds. The Township Board was open to providing some funding on the re-location project. There was some concern that due to the anticipated high use of the proposed site, the dirt road on John Street may be an issue. This site was already approved by the County Fair Board. An alternate County parcel was identified off Jones Road. (Appendix E) This new proposed site is a County owned site, a bit larger and has a driveway, which may provide for easier access for the trailer driver for the PCA trailer. Ms. Archer requested advisement on the process to request use of this parcel. Ms. Sagala and the Committee agreed that a request for approval of this site be obtained by the Fair Board as the other parcel had already been approved by them.

Ms. Archer also reported that a large quantity of long PVC pipes and other materials were found in the Copemish/Cleon Township recycling bin. This material impeded the operation of the truck. An additional \$600 will be assessed for the return of the empty bin on another day and for landfill disposal of the contaminants. Another contamination of used motor oil was found in the Kaleva/Maple Grove Township recycling bin. The hauler discovered it when he was emptying the bin on April 13, 2021. The truckload of recyclables had to be disposed of at the landfill. Disposal and cleanup costs were unknown at this time but will be included on the next invoice.

APPENDIX A

Manistee County Green Team Recycling Program Report – April 20, 2021 Sarah Archer, Iris Waste Diversion Specialists, Inc.

The following is a summary of Recycling Program activity since March 23, 2021.

Meeting Attendance

- Green Team – March 25, 2021 virtual
- Arcadia Recycling Committee – April 5, 2021 – in person
- Onekama Township Board – April 14, 2021 – in person

Current Volume Report

Total weight (pounds) of materials collected from 7 PA69 Recycling Program drop-off sites. **See attached Volume Report for site specific data.**

January	41,876	April		July		October	
February	26,602	May		August		November	
March	39,720	June		September		December	
Total To-Date							108,198

- There was a 4% increase/decrease in volume for March 2021 compared to March 2020.
- Total program costs through March are \$2,408.92 higher than this time in 2020.

Education

- Monthly e-newsletter sent.
- Educational signage was delivered to Kaleva DPW for installation at the recycling site.

Grant Projects

- EGLE SCRAP TIRE GRANT
 - Upcoming events – Saturdays, June 26 and September 25, 2021 – 10:00 a.m. – 2:00 p.m. – Bay Area Recycling for Charities, Kaleva. **Promotional flyer attached.**
- EGLE 2020 RECYCLING QUALITY IMPROVEMENT GRANT
 - The ReCollect online recycling directory for Manistee County has been named the "Waste Advisor". A brand/icon is being designed for use in promotion of the tool. Launch may be delayed until the end of April however, The Waste Advisor will be announced on Earth Day, April 22.
- MANISTEE COMMUNITY FOUNDATION LIMITLESS FUND GRANT
 - Archer has provided additional detail of the project to the Community Foundation as they review applications. A funding decision on grant application \$5,000 is expected by April 30, 2021. A \$5,000 request was made which will be applied towards the cost of fencing for the new recycling site at the County Fairgrounds and used toward match funding requirements of the EGLE Recycling Grant program application.
- EGLE RURAL ELECTRONICS RECYCLING GRANT – application period March 17 – May 14, 2021
 - Maximum request \$15,000 with 25% local match funds required.
 - Funds paid through reimbursement process.
 - Two-year time frame is given preference.
 - Application of this grant pending award of Manistee Community Foundation grant.
- EGLE RECYCLING GRANT – released April 16, 2021.
 - Two rounds of awards with application deadlines of June 16 and August 18, 2021.
 - Funds paid through reimbursement process.
 - Maximum request is \$1,000,000; minimum request is \$5,000. **20% local match funds required.**

- **EGLE MARKET DEVELOPMENT/NEXTCYCLE MICHIGAN CHALLENGE TRACK GRANTS**
 - Five challenge tracks:
 - Foods, Liquids, Organic Waste (FLOWS) – improvement of organic waste reduction, recovery, processing, and end markets
 - Intergovernmental Initiatives (IT) – funding for regional collaborations and public private partnerships for recycling system efficiencies and growth
 - Recycling, Innovation and Technology (RIT) – innovation of new material processing methods, sorting technologies, or recycled product design
 - Roadways (ROADS) – creation of regional closed loop system for use of recycled material content in road, parking lot, trail, and/or bike path projects with potential to improve end markets for tires, glass, plastic, or other materials
 - Recycling Supply Chains (RSC) – hub and spoke efficiencies for increasing collection efficiencies, processing, logistics, material end market innovation
 - Three rounds of awards with application deadlines of May 14, June 16, and August 18, 2021.
 - Maximum request \$300,000; minimum request is \$5,000. **Minimum 50% local match.**

Operations

- Archer met with the Onekama Township Board to update on the status of relocation of the recycling site to the County Fairgrounds. Given the high use of the site, there was some concern regarding the dirt roadway on John Street leading into the site approved by the County Fairgrounds Board. An alternate County owned parcel was identified off Jones Rd and Archer was asked to inquire about moving the site to that location. **Archer requests advisement on the process to request use of this parcel.**
- A large quantity of long PVC pipes and other materials were discovered in the recycling bin at the Copemish/Cleon Township site on Tuesday, April 6, 2021. The hauler attempted to empty the bin but the length of the pipes impeded proper operation of the truck. The bin was emptied on Saturday after the site monitor was instructed to remove the pipes and other contaminants. An additional service fee of \$600.00 will be assessed for the return to empty the bin on Saturday and for landfill disposal of the contaminants.
- Used motor oil was disposed in the recycling bin at the Kaleva/Maple Grove Township site and discovered while the hauler emptied the bin on Tuesday, April 13. The truckload of recyclables was disposed of at the landfill. Disposal and cleanup costs will be included on next invoice.

Other

- Household Hazardous Waste event – Saturday, August 21, 2021 – Road Commission. **Event brochure attached.**
- Michigan Recycling Coalition – Virtual Spring Conference. Recommended sessions (no cost):
 - May 4 – Funding Local Recycling Programs – 10:30 a.m. – 12 noon
 - May 11 – EGLE Updates – 10:30 a.m. – 12 noon
 - Full conference details at MichiganRecycles.org
- **Resolution for support of Michigan Solid Waste Laws Part 115 Amendments**
 - Amendments introduced as 8 separate bills, HB 4461 specifically addresses County Materials Management Planning.
 - To learn more about Part 115 bills visit <https://www.michiganrecycles.org/part-115-update/>
 - **Summary of Part 115 House bills is attached.**

MONTH	LBS	% Change from Previous Month	MONTH	LBS	% Change from Previous Month
JANUARY			JULY		
Arcadia Twp	9,128.0	-35%	Arcadia Twp	0.0	
Brown Twp	5,079.0	0%	Brown Twp	0.0	
Cleon Twp	3,807.0	0%	Cleon Twp	0.0	
Dickson Twp	1,119.0	N/A	Dickson Twp	0.0	
Maple Grove Twp	7,617.0	0%	Maple Grove Twp	0.0	
Onekama Twp	12,171.0	-26%	Onekama Twp	0.0	
Springdale Twp	2,955.0	-29%	Springdale Twp	0.0	
JANUARY TOTALS	41,876.0	-15%	JULY TOTAL	0.0	
FEBRUARY			AUGUST		
Arcadia Twp	5,431.0	-68%	Arcadia Twp	0.0	
Brown Twp	3,076.0	-65%	Brown Twp	0.0	
Cleon Twp	1,987.0	-92%	Cleon Twp	0.0	
Dickson Twp	604.0	-85%	Dickson Twp	0.0	
Maple Grove Twp	3,973.0	-92%	Maple Grove Twp	0.0	
Onekama Twp	9,225.0	-32%	Onekama Twp	0.0	
Springdale Twp	2,306.0	-28%	Springdale Twp	0.0	
FEBRUARY TOTALS	26,602.0	-57%	AUGUST TOTAL	0.0	
MARCH			SEPTEMBER		
Arcadia Twp	9,341.0	72%	Arcadia Twp	0.0	
Brown Twp	4,152.0	35%	Brown Twp	0.0	
Cleon Twp	3,116.0	57%	Cleon Twp	0.0	
Dickson Twp	1,316.0	118%	Dickson Twp	0.0	
Maple Grove Twp	6,227.0	57%	Maple Grove Twp	0.0	
Onekama Twp	12,452.0	35%	Onekama Twp	0.0	
Springdale Twp	3,116.0	35%	Springdale Twp	0.0	
MARCH TOTALS	39,720.0	49%	SEPTEMBER TOTAL	0.0	
APRIL			OCTOBER		
Arcadia Twp	0.0		Arcadia Twp	0.0	
Brown Twp	0.0		Brown Twp	0.0	
Cleon Twp	0.0		Cleon Twp	0.0	
Dickson Twp	0.0		Dickson Twp	0.0	
Maple Grove Twp	0.0		Maple Grove Twp	0.0	
Onekama Twp	0.0		Onekama Twp	0.0	
Springdale Twp	0.0		Springdale Twp	0.0	
APRIL TOTALS	0.0		OCTOBER TOTAL	0.0	
MAY			NOVEMBER		
Arcadia Twp	0.0		Arcadia Twp	0.0	
Brown Twp	0.0		Brown Twp	0.0	
Cleon Twp	0.0		Cleon Twp	0.0	
Dickson Twp	0.0		Dickson Twp	0.0	
Maple Grove Twp	0.0		Maple Grove Twp	0.0	
Onekama Twp	0.0		Onekama Twp	0.0	
Springdale Twp	0.0		Springdale Twp	0.0	
MAY TOTALS	0.0		NOVEMBER TOTAL	0.0	
JUNE			DECEMBER		
Arcadia Twp	0.0		Arcadia Twp	0.0	
Brown Twp	0.0		Brown Twp	0.0	
Cleon Twp	0.0		Cleon Twp	0.0	
Dickson Twp	0.0		Dickson Twp	0.0	
Maple Grove Twp	0.0		Maple Grove Twp	0.0	
Onekama Twp	0.0		Onekama Twp	0.0	
Springdale Twp	0.0		Springdale Twp	0.0	
JUNE TOTALS	0.0		DECEMBER TOTAL	0.0	
YEAR TO DATE (in lbs.)			108,198.0		
YEAR TO DATE (tons)			54.1		

Year to date comparison by site

Totals in pounds	Mar-20	Mar-21	Totals in tons	Mar-20	Mar-21
Arcadia Twp	6,972.0	9,341.0	Arcadia Twp	3.5	4.7
Brown Twp	4,185.0	4,152.0	Brown Twp	2.1	2.1
Cleon Twp	3,134.0	3,116.0	Cleon Twp	1.6	1.6
Dickson Twp	N/A	1,316.0	Dickson Twp	N/A	0.7
Maple Grove Twp	6,280.0	6,227.0	Maple Grove Twp	3.1	3.1
Onekama Twp	12,356.0	12,452.0	Onekama Twp	6.2	6.2
Springdale Twp	3,227.0	3,116.0	Springdale Twp	1.6	1.6
Totals in pounds	36,154	39,720	Totals in Tons	18.1	19.9

20 MANISTEE CO. 21 SCRAP TIRE EVENTS

SATURDAYS
10:00AM - 2:00PM
JUNE 26
SEPTEMBER 25

**BAY AREA RECYCLING
FOR CHARITIES**
14407 INDUSTRIAL DR.
KALEVA

MANISTEE COUNTY RESIDENTS
ID REQUIRED

LIMIT 10 TIRES PER VEHICLE PER VISIT

FEE OF \$2 PER TIRE, CASH ONLY

MUST BE CLEAN & OFF THE RIM

NO BUSINESSES, NO FARMS

**STANDARD PASSENGER &
LIGHT DUTY TRUCK TIRES ONLY**




IF YOU HAVE ANY QUESTIONS OR
WOULD LIKE TO VOLUNTEER
CALL 855-2GO-ZERO (855-246-9376)



PARTIAL FUNDING FOR SCRAP TIRE DISPOSAL MADE
POSSIBLE BY A MI DEPT OF ENVIRONMENT, GREAT
LAKES & ENERGY SCRAP TIRE CLEANUP GRANT

SEE REVERSE FOR MORE RECYCLING OPPORTUNITIES



Bay Area
Recycling
for Charities

**BAY AREA RECYCLING FOR CHARITIES
WILL BE OFFERING 20% OFF ALL ITEMS DURING
BOTH SCRAP TIRE EVENTS!**

**SATURDAYS
10:00AM - 2:00PM
JUNE 26
SEPTEMBER 25**

**BAY AREA RECYCLING
FOR CHARITIES
14407 INDUSTRIAL DR.
KALEVA**

POPULAR ITEMS

AFTER DISCOUNT

\$12/MATTRESS OR BOX SPRING

\$16-\$32/FLATSCREEN TELEVISION

\$8-24/CRT TELEVISION

\$16/LARGE APPLIANCE

(WASHER, DRYER, STOVE, DISHWASHER)

\$8/SMALL APPLIANCE

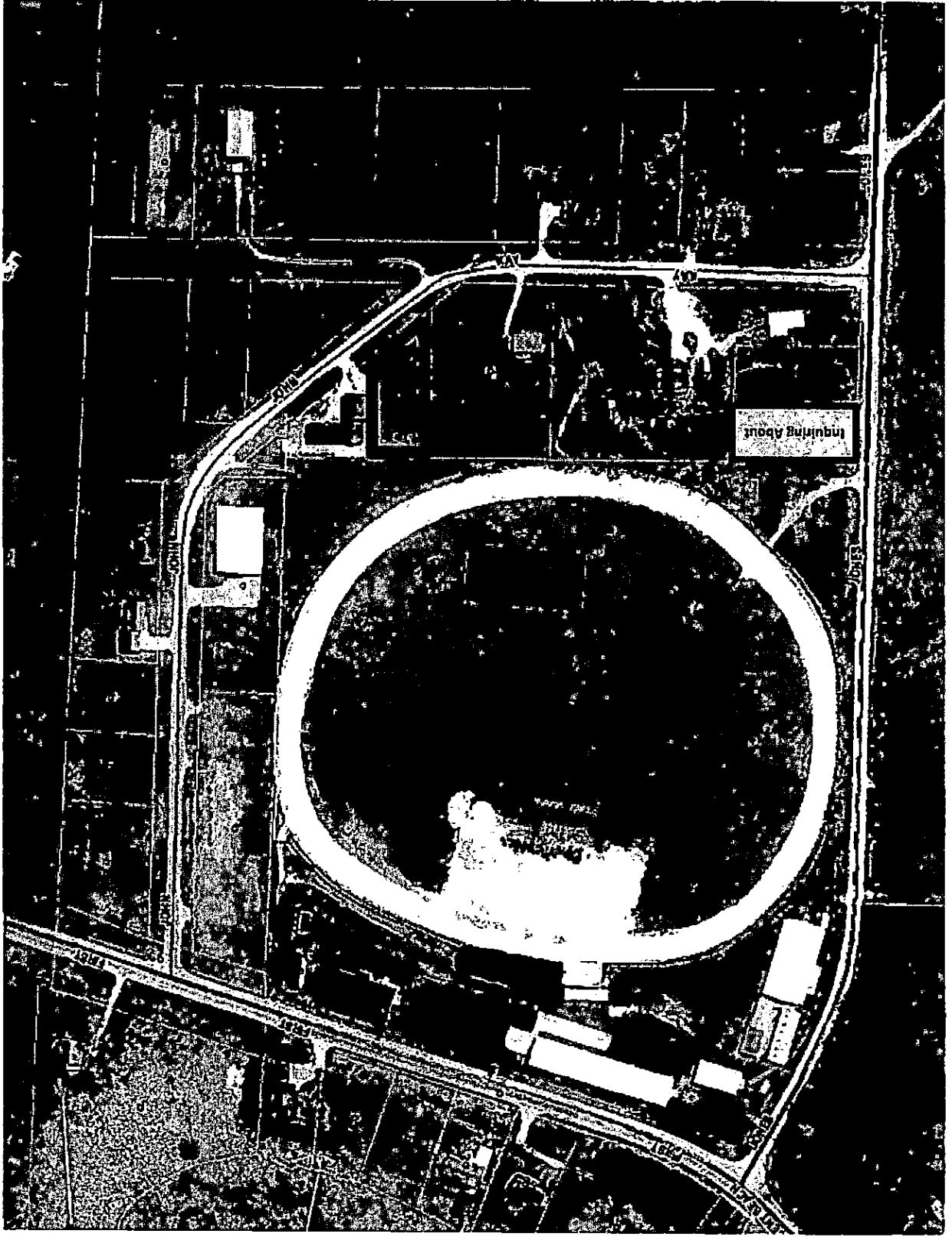
(PRINTERS, VACUUMS, MICROWAVES, TOASTERS ETC.)

\$20/REFRIGERATOR OR FREEZER

**FOR FURTHER INQUIRIES ON RECYCLABLE ITEMS AND
CHARITABLE PROCEEDS VISIT MYBARC.ORG**

APPENDIX E

Onekama Recycling Site Relocation to Manistee County Fairgrounds



Measurable Impact

Manistee County collected 34,847 lbs of hazardous waste in 2020!

Electronics:	7,501 lbs
Oil/Auto Fluids:	4,523 lbs
Oil-based Paints:	6,584 lbs
Pesticides:	3,415 lbs
Pharmaceuticals:	208 lbs
Other Hazardous Waste:	12,616 lbs

Thank you for doing your part!

Safe disposal of hazardous waste not only protects our local natural resources but also our health.

Tips for Safe Transport of Hazardous Materials:

- Keep items in their original and labeled containers.
- Do not mix contents of unknown or unlabeled containers.
- Do not transport containers with open lids.
- Secure all containers so they cannot slide, tip or spill contents; away from passengers.
- 55 gallon drums must be removed from premises by producer.

Volunteers Appreciated

This collection is a service to the community and it takes many volunteers on the day of the event to ensure this program continues.

We are looking for dedicated participants! Volunteers are needed to collect surveys, direct traffic, unload vehicles, and sort electronics. If you would like to be involved, please contact Manistee Conservation District.

Clean Sweep is made possible by a strong and unique state, federal, local, and industry partnership.

Thank you to Michigan
Department of Agriculture's
Clean Sweep Program, the
Manistee Conservation
District, the Household
Hazardous Waste
Committee, United Way,
Manistee County
Community Foundation
Environmental Fund and contributions from
local county government including townships,
villages, and cities within the county.

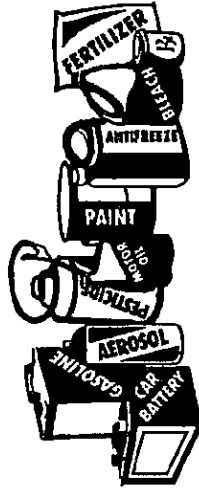


MANISTEE CONSERVATION DISTRICT
8840 Chippewa Highway
Bear Lake, MI 49614
(231) 889-9666
www.manisteed2.org



MANISTEE CONSERVATION DISTRICT
8840 Chippewa Highway
Bear Lake, MI 49614
(231) 889-9666
www.manisteed2.org

HOUSEHOLD HAZARDOUS WASTE COLLECTION 2021



Manistee County

Dispose of unused, unwanted, outdated cleaners, pesticides, pharmaceuticals, electronics, batteries & more

August 21, 2021

9 am – 1 pm

Manistee County Road Commission
8946 Chippewa Hwy • Bear Lake, MI

Suggested Minimum Donation: \$10

Acceptable Materials

From Your House

- Aerosols
- Fluorescent light bulbs
- Appliances
- Household cleaners
- Batteries
- Ink cartridges
- Bug sprays
- Lighter fluid
- Cell phones
- Medicines
- Dry-cleaning solvents
- Mercury
- Dyes
- Muriatic acid
- Rust removers
- Fire extinguishers
- Silver polish
- Floor care products
- Small appliances

From Your Garage

- Antifreeze
- Gasoline
- Brake fluid
- Grease
- Car batteries
- Kerosene
- Car wax
- Motor oil
- Diesel fuel
- Oil/gas mixes
- Engine cleaners
- Oil filters
- Fuel oil
- Transmission fluid

From Your Workshop

- Alcohols
- Paint Products
- Creosote
- Oil-based paint
- Glues/adhesives
- Lead-based paint
- Epoxies
- Car paint
- Paint brush cleaners
- Artist paint
- Polyurethane
- Paint thinners
- Turpentine
- Paint strippers
- Varnish/sealers
- Primer
- Wood stain
- **No Latex Paint

From Your Farm, Yard & Garden

- Algaecides
- Insect killers/repellants
- Fertilizers
- Mouse/rat poison
- Fungicides
- Pesticides
- Herbicides
- Pool chemicals
- Insecticides
- Weed killers

Unacceptable Materials

Items Not Accepted:

- ⇒ Ammunition
- ⇒ Explosives
- ⇒ Household trash
- ⇒ Latex paint
- ⇒ Infectious meds
- ⇒ Radioactive materials
- ⇒ Tires
- ⇒ Styrofoam
- ⇒ Waste from spills
- ⇒ Fiberglass

Disposal options for these items:

- Ammunition/Explosives: Sheriff's dept.
- Latex Paint: Latex paint is not considered HHW and therefore can be disposed of in the trash. Remove lid and add cat litter to dry out the paint prior to disposal.
- Tires: Scrap tire collections are scheduled for June 26 and September 25, 2021 in Manistee (location TBD), or accepted for a \$2.50 (car and light truck) fee at Manistee Tire.

If you miss our collection day, see below for locations that take HHW throughout the year:

- Motor Oil, Antifreeze, Transmission Fluid: Autozone, Advanced Auto Parts and Auto Value take these materials year-round.
- Large Appliances: Larry Bowling accepts free drop-offs. (231) 970-0012.
- Prescription Medications: Pharmaceuticals are accepted through the Red Med Box program. Red Med Boxes are located at Family Fare, Manistee City Police, Manistee Sheriff's office, and The Little River Band of Ottawa Tribal Police Station.

Who can use the program?

Manistee County residents only. Hazardous waste will not be accepted from businesses except for pesticides in which case pesticide users such as agribusinesses, greenhouses, nurseries, and golf courses can use this service.

Which appliances will be accepted?

Small appliances such as microwaves, small refrigerators, dehumidifiers, and window air conditioners. We also accept large appliances including full-size refrigerators, stoves, and freezers. There is a \$10 fee for items containing Freon.

Which electronics will be accepted?

TVs, DVD and CD players, VCRs, radios, phones, gaming systems, answering machines, fax machines, etc. Computers and computer accessories are also accepted including desktop and laptops, keyboards, modems, printers, scanners, and speakers.

Is there a limit to how much I can bring?

Pre-registration is required for amounts exceeding 200 pounds. Please call the Conservation District - (231) 889-9666, extension 3.

Can I drop off HHW before/after the event?

No. Please drop off hazardous waste at collection sites only during scheduled hours. This is an annual event held the 3rd Saturday of August each year.

Is there a fee on collection day?

Donations are crucial to help cover the \$60,000 it takes to host the event in three counties. Suggested minimum donation of \$10 is appreciated!



Legislative Analysis

SOLID WASTE MANAGEMENT AMENDMENTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4454 as introduced
Sponsor: Rep. Gary Howell

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4455 as introduced
Sponsor: Rep. Sara Cambensy

House Bill 4456 as introduced
Sponsor: Rep. William J. Sowerby

House Bill 4459 as introduced
Sponsor: Rep. David W. Martin

House Bill 4457 as introduced
Sponsor: Rep. Yousef Rabhi

House Bill 4460 as introduced
Sponsor: Rep. Scott VanSingel

House Bill 4458 as introduced
Sponsor: Rep. Jack O'Malley

House Bill 4461 as introduced
Sponsor: Rep. Joe Tate

Committee: Natural Resources and Outdoor Recreation
Complete to 3-18-21

SUMMARY:

Taken together, the bills would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act (NREPA) to revise, rewrite, and reorganize the laws regulating solid waste, including coal ash and recyclables, in Michigan. The bills would create topically organized subparts, described below, within Part 115.

House Bill 4454 and 4455 would designate sections 11502 to 11508 of Part 115 as *Subpart 1 (General and Definitions)*. The bills would amend these sections to modify and add definitions for terms employed in the other bills of the package or elsewhere in Part 115. Notably, HB 4455 would amend the section describing the purpose of Part 115 to include the promotion of recycling and reusing materials, with an ultimate goal of achieving a 45% municipal solid waste recycling rate, with a 30% rate by 2029, through benchmark recycling standards that provide goals and time frames for recycling in certain geographic areas of the state. The bill would also add provisions requiring a materials management plan (MMP), which would replace current requirements for solid waste management plans.

MCL 324.11502 and 324.11503 (HB 4454)
 MCL 324.11504 et seq. (HB 4455)

House Bill 4456 would amend the regulations for solid waste disposal areas and waste diversion centers by separating the different kinds of facilities and reorganizing current provisions. Regulations governing solid waste disposal areas would be designated as *Subpart 2 (Disposal Areas)*, while regulations surrounding waste diversion centers would be designated as *Subpart 3 (Waste Diversion Centers)*.

Subpart 2 would govern disposal areas other than a solid waste processing and transfer facility or an incinerator that does not comply with the construction permit and operating license requirements within the subpart. Among other things, it would also do the following:

- Change certain references from Part 115 to the Michigan Administrative Code for new coal ash landfills or impoundments, or new lateral expansions of coal ash landfills or impoundments.
- Increase several of the application fees for a construction permit of a disposal area, a type II and type III landfill operating license, and certain solid waste processing and transfer facility operating licenses by doubling the current amounts.
- Allow an existing industrial waste landfill to accept industrial waste or solid waste that originates from an industrial site and is not hazardous waste regulated under Part 111 (Hazardous Waste Management) of NREPA.
- Allow the Department of Environment, Great Lakes, and Energy (EGLE) or an authorized representative to inspect and investigate, at reasonable times, conditions relating to the generation, storage, processing, transportation, management, or disposal of solid waste or any material regulated under Part 115.
- Regulate closure and postclosure undertakings.

Subpart 3 would regulate waste diversion centers, including the following:

- Requiring that waste diversion centers not receive an amount of solid waste 15% or more, by weight, of the diverted waste received by the facility.
- If the primary function of the entity is to serve as a waste diversion center, notifying EGLE of the waste diversion center upon initial operation and within 45 days after the end of each fiscal year.

MCL 324.11509 et seq.

MCL 324.11521 and 324.11522 (repealed)

House Bill 4457 would amend the financial assurance provisions in Part 115 and designate them as *Subpart 4 (Financial Assurance)*. Among other things, the bill would do the following:

- Increase the available total financial assurance bond amount to \$2.0 million as well as make clear the types of landfills that are subject to the bond.
- Remove the current financial assurance bond rate calculations for a licensed solid waste processing and transfer facility or incinerator and mandate that the bond would be \$20,000.
- Increase the listed standard closure and postclosure cost estimates.
- Increase the maximum required fund amount for a landfill or coal ash impoundment.
- Adjust and add surcharge amounts for landfills and coal ash impoundments and change the calculations from cubic yards to tons of waste.
- Allow an owner or operator of a materials utilization facility, who is required to provide financial assurance, to request that the financial assurance be terminated by submitting to EGLE a statement that the facility has maintained compliance with Part 115 and that all managed material has been removed from the facility.
- Create regulations for a landfill care fund trust fund, applicable to existing type II or III landfills.

MCL 324.11523 et seq.

House Bill 4458 would amend and reorganize provisions of Part 115 as the following:

- *Subpart 5 (Miscellaneous)*, which would generally regulate solid waste haulers and solid waste transporting units, including the inspections of such entities, and require certain solid waste haulers to provide recycling services for single-family residences. This subpart also would change “solid waste” to “managed materials,” require EGLE or a health officer to inspect and file a written report at least four times per year for each licensed disposal area and at least once per year for each approved materials utilization facility, and allow EGLE to promulgate rules to implement Part 115.
- *Subpart 6 (Incinerators and Open Burning)*, which would comprise incinerator and open burning regulations, such as prohibiting the open burning of yard waste in any municipality with a population of 7,500 or more (unless the municipality allows it through a local ordinance) and providing penalties for violations.
- *Subpart 7 (Enforcement)*, which would provide for the enforcement of Part 115, including fines for general violations.

MCL 324.11526 et seq.

MCL 324.11529, 324.11534 to 324.11538, 324.11539a, 324.11547, and 324.11548 (repealed)

House Bill 4459 would amend and reorganize provisions of Part 115 as the following:

- *Subpart 8 (Fund and Grants)*, which would regulate the Solid Waste Management Fund. Among other things, the provisions would expand the list of purposes money from the fund could be used for (such as education and outreach and a full-time equivalent employee for the Michigan Economic Development Corporation to address recycled materials market development), as well as requiring EGLE to provide grants for new programs (such as the recycling markets program, recycling innovation program, and recycling access and voluntary participation program).
- *Subpart 9 (Beneficial Use By-Products)*, which would promote and foster the use of wastes and by-products for recycling or beneficial use.

MCL 324.11550, 324.11553, and 324.11554

House Bill 4460 would add *Subpart 10 (Materials Utilization Facilities)* to regulate compostable materials, including household, commercial, and farming composting activities, as well as anaerobic digesters and innovative technology facilities.

Proposed MCL 324.11555 et seq.

House Bill 4461 would add *Subpart 11 (Materials Management Plans)* to further regulate MMPs in place of current solid waste management plans. The subpart would require EGLE to ensure that each county in Michigan has an approved MMP, which could include two or more counties under the same MMP, as well as outline the procedures for county-approved agencies (CAA) to create, submit, review, monitor, enforce, amend, and fund an MMP. Additionally, EGLE would have to create a Materials Management Planning Grant Program to provide grants to county boards of commissioners or CAAs or, in the absence of either, EGLE, for MMP preparations, implementations, and maintenance.

Proposed MCL 324.11571 et seq.

Each bill would take effect 90 days after its enactment.

House Bills 4454, 4455, 4458, and 4459 are tie-barred to all of the other bills in the package. House Bills 4456, 4457, 4460, and 4461 are all tie-barred to each other and also to HBs 4454 and 4458. A bill cannot take effect unless each bill to which it is tie-barred is also enacted.

FISCAL IMPACT:

House Bills 4454 and 4455 are unlikely to directly affect costs or revenues for EGLE. Local governments that own or operate waste facilities subject to Part 115 of NREPA may experience additional costs in converting their respective solid waste management plans to meet the requirements of the new materials management plan (MMP). These costs are likely to vary, as some facilities' current plans are more in line with MMP requirements than others'. The bills are not likely to affect local government revenues.

House Bill 4456 would increase revenue for EGLE by raising the fees required for various landfill construction permits. This revenue is deposited to the Solid Waste Management Fund, Solid Waste Staff Account. Recent fund revenues are listed below:

FY 2014-15	\$5.4 million
FY 2015-16	\$5.6 million
FY 2016-17	\$5.7 million
FY 2017-18	\$4.9 million
FY 2018-19	\$6.6 million
FY 2019-20	\$3.5 million

The magnitude of annual revenue is partially dependent on the number of fee-subject facilities each year, but an increase of current fee rates is likely to lead to some degree of revenue increase.

The Solid Waste Staff Account is primarily used to support the Solid Waste Management Program. This program permits and regulates municipal and industrial solid waste disposal facilities, including landfills, transfer stations, and processing plants; administers the Electronic Waste Takeback Program; and provides aid to communities for solid waste management planning, recycling, and composting activities. Recent Gross funding for the program is listed below:

FY 2014-15	\$4.9 million
FY 2015-16	\$4.9 million
FY 2016-17	\$5.0 million
FY 2017-18	\$5.1 million
FY 2018-19	\$5.2 million
FY 2019-20	\$5.3 million
FY 2020-21	\$6.7 million

It is important to note that the program receives a minority of its funding from other sources, including the Coal Ash Care Fund and the Electronic Waste Recycling Fund, so the annual appropriations listed above are not solely supported by Solid Waste Management Fund revenues.

The bill would also raise fees for various landfill operating permits. This revenue is deposited to the Solid Waste Management Fund, Perpetual Care Account. The Perpetual Care Account is used for post closure maintenance and monitoring at disposal areas that have been orphaned or not properly closed by the most recent owner or operator.

The bill would increase costs for local governments that own or operate facilities that are subject to the aforementioned fees.

House Bill 4456 would also have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 11549 of NREPA, unless otherwise stated, a person who violates any provision within Part 115 of the act is guilty of a misdemeanor punishable by a fine, or jail time if in default of payment of fine and costs. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision, and fewer misdemeanor convictions would reduce those costs. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any change in penal fine revenue received from misdemeanor convictions would affect funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, and, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no way to determine the number of violations that would occur under provisions of the bill, it is not possible to estimate the amount of additional costs or revenue to the state or to local units.

House Bill 4457 may increase costs for local governments that own or operate materials utilization facilities, including materials recovery facilities or composting facilities, by requiring a financial assurance of at least \$20,000 to be held until closure certification is received from EGLE. All facilities subject to Part 115 are required to maintain a financial assurance until EGLE certifies facility closure which may represent a cost increase to certain local governments.

House Bill 4458 would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 11549 of NREPA, unless otherwise stated, a person who violates any provision within Part 115 of the act is guilty of a misdemeanor punishable by a fine, or jail time if in default of payment of fine and costs. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision, and fewer misdemeanor convictions would reduce those costs. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any change in penal fine revenue received from misdemeanor convictions would affect funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, and, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be

increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no way to determine the number of violations that would occur under provisions of the bill, it is not possible to estimate the amount of additional costs or revenue to the state or to local units.

House Bill 4459 is likely to increase costs for EGLE by requiring the department to inspect licensed materials utilization facilities for compliance with Part 115 of NREPA, similar to inspection required of license solid waste disposal areas.

The bill would also increase costs for local governments that own or operate solid waste incinerators by requiring the submission of a plan that reduces the incineration of noncombustibles, dangerous combustibles, and hazardous by-products.

Allowable uses of the Solid Waste Management Fund, Solid Waste Staff Account would also be expanded under the bill to include the following:

- Materials management planning
- Materials utilization education and outreach
- Development of a materials utilization and recycled materials market directory
- Administration of grants and loans as provided under Part 115
- Up to one full-time employee to develop markets for recycled materials

The bill would allow EGLE to provide grants for a recycling markets program, a local recycling innovation program, and a recycling access and voluntary participation program. The department would be required to establish criteria upon which award applications would be evaluated.

House Bill 4460 would increase costs for EGLE by requiring ongoing reports and record-keeping of materials utilization facilities, including materials recovery facilities, compositing facilities, and innovative technology facilities. The bill would also increase revenue for the department by requiring the owners and operators of these facilities, usually the larger scale facilities, to pay permit fees ranging from \$750 to \$1,000 for a five-year term (innovative technology facility permits would last for two years). These revenues would be deposited to the Solid Waste Management Fund, Perpetual Care Account like landfill operating permits.

House Bill 4461 would establish a materials management planning grant program for counties or their designees. Grants would be used to cover costs incurred in the preparation, implementation, and maintenance of materials management plans. Program funding would be contingent on appropriation by the legislature and may be supported by the expanded uses of (HB 4459) and increased revenue from (HB 4456) the Solid Waste Management Fund, Solid Waste Staff Account.

Legislative Analyst: Emily S. Smith
 Fiscal Analysts: Austin Scott
 Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.



Manistee County Courthouse
415 Third Street · Manistee, Michigan 49660

Board of Commissioners

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Eric Gustad
Pauline Jaquish
Nikki Koons
Richard Schmidt

**Resolution #2021-10
Manistee County Board of Commissioners**

**Resolution of Support for
Updating Part 115, Michigan’s Solid Waste Law**

At a regular meeting of the Manistee County Board of Commissioners held in the Manistee County Courthouse & Government Center, 415 Third Street, Manistee, Michigan, on the 18th day of May, 2021.

PRESENT:

ABSENT:

The following resolution was offered by _____ and seconded by _____:

Whereas, the Michigan Department of Environment, Great Lakes, and Energy has been working with a wide range of stakeholders to substantially update and amend Part 115, Michigan’s solid waste statute, to prioritize sustainable materials management, specifically the recovery and diversion of discarded materials for productive use;

Whereas, Manistee County’s Solid Waste Plan approved in 1999 and is long overdue for an update. Manistee County would receive funding to facilitate a new planning process, in which all pertinent local stakeholders would work to update the county’s plan under the updated system. Plans will be required to show how progress will be made to meet established benchmark recycling standards and State recycling goals based on the needs and interests of the county as determined by local participants. These new plans will be designated as Materials Management Plans, reflecting the shift in priorities to reduce the disposal of resources;

Whereas, Part 115 updates aim to support sustainable materials management methodologies such as recycling, composting, anaerobic digestion, and other beneficial utilization activities, by:

- Incentivizing counties to set recycling goals and plan for holistic discards management.
- Consider and plan for the development of facilities necessary to manage these materials in ways that protect human health and the environment, as well, as making materials available for remanufacturing.

- Making funding available with the goal of tripling Michigan’s recycling rate. The funding would cover:
 - County Materials Management Planning,
 - Recycling infrastructure development,
 - Development of markets for recyclable materials, and
 - Education to help residents use recycling systems effectively.

Whereas, Manistee County recycles less than 10% of its municipal waste stream and would benefit from a fresh take on waste, funded planning, and state grants, including funding for:

- Improved recycling infrastructure and services
- Public education

Whereas, Public Act 588 enrolled in the 2018 Legislation makes annual funding available to support the amendments proposed to Michigan Solid Waste Laws;

Accordingly, it is hereby resolved that the County of Manistee supports the substantial update of Michigan solid waste laws, Part 115, for the advancement of local, county, regional, and state recycling goals and county materials management planning.

Adopted by the County of Manistee on this day, May 18, 2021

Signed:

Chairman of the Manistee County Board of Commissioners

STATE OF MICHIGAN)
)ss.
 COUNTY OF MANISTEE)

I, Jill Nowak, County Clerk, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Manistee County Board of Commissioners at a regular meeting held on the 18th day of May, 2021 by the following vote:

YEAS:
 NAYS:
 NOT VOTING:

I further certify that the foregoing Resolution is a true, correct and complete transcript of the original of said Resolution appearing on file and of record in my office. I further certify that the meeting was held and the minutes therefore were filed in compliance with Act No. 267 of the Public Acts of 1976.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the County of Manistee this 18th day of May, 2021.

CLERK OF THE COUNTY COMMISSION
MANISTEE COUNTY, MICHIGAN

Jill Nowak, County Clerk