

WASTE & MATERIALS MANAGEMENT STUDY GROUP – Notes: December 7, 2018


Location: DNR GEF2 - Madison

Member Attendance: Albee, Curry, Doverspike/SWANA, Johnson, Karwoski, Meyer Smith, Morgan by Skype, Sexton,

Welch/WCSWMA Guests: Lee ___(Tetra Tech); George Shereda (TRC Envl.); Karin Steig (Recycling Connections); Tim Speerschneider

DNR Attendance: Lamensky, Semrau, Strom Hiorns, Van Rossum

Time/ Presenter	Topic	Follow-up/Notes
9:30 Meleesa Johnson	Agenda & Notes	<ul style="list-style-type: none"> Notes from 10/2/18 were approved (Sexton, Karwoski motions to approve). Finalized notes can be found on the WMM website. No agenda changes
9:45 Joe Van Rossum	DNR Updates	<p>Staffing</p> <ul style="list-style-type: none"> Recruiting for Business Support-IT Section Chief in Central Office (Madison), hope to have someone hired in January <p>Program updates</p> <ul style="list-style-type: none"> Transition plans for new administration, briefing documents developed to describe program and top issues RDD NR 514 rule going to Natural Resources Board on 12/12, then to governor's office for approval; staff will work with facilities to ensure any RDD agreements that are expiring are covered while final approval going through Beneficial Use NR 538 final Technical Advisory Committee meeting in October. Next phase of economic impact analysis and comment period in early 2019. Annual reporting tools getting ready – Infectious Waste, RU, MRF reports to be submitted first quarter of 2019; online submittals In-person SWIP meeting held October 30 in GEF 2 central office. Presentations and info posted on web. Next meeting will be webcast. Please send topic ideas to Joe V or Casey L. <i>Meleesa – Requested information and balances on Environmental Mngt Fund (Kendra Bonderud at Legislative Fiscal Bureau (LFB) is best source of info) → Kate will send the Enf Fund and Recycling LFB reports to Study Group when they are released in January; John – requested that DNR share state budget info at next SWIP, invite Kendra or Paul Neumann to talk</i> November 15 RU-Storm Debris-E-Cycle workshop held in Kenosha County. About 50 attendees. Rotating locations around the state, next in Eau Claire area in spring. E-Cycle annual report to Legislature and governor posted to website. Collection numbers down, less weight. Report made recommendations for statutory changes. <p>Budget</p> <ul style="list-style-type: none"> Department has submitted its draft budget to DOA under current administration. No additional

		<p>guidance yet from incoming administration.</p> <ul style="list-style-type: none"> • Half-way through fiscal year for the program. Waste Program is looking at status and forecasting. <p>Guidance Documents</p> <ul style="list-style-type: none"> • Guidance for shingle processors and for groundwater monitoring currently with Joe V and needs final secretary's office review, then will post for public comment. → Kate will send notice to this group when they are released for 21-day comment period. • Remediation and Redevelopment program posted its final Exempt Soil Guidance online last week.
<p>10:00 Andrea Keller</p>	<p>Hazardous Waste Rule Revisions</p>	<p>Andrea had a presentation and explained the following upcoming changes and overview:</p> <ul style="list-style-type: none"> ▪ Federal e-manifest regulations, rule development, resources • RCRA cradle to grave philosophy for HW program • E-manifest – even if manifested non-hazardous waste is accepted, must still follow the e-manifest submittals; IL has many non-HW materials listed and could affect sites that accept IL waste; if comes in from IL without a manifest, we won't enforce but if it is manifested we would expect WI facilities to continue that manifest; Offered to work with facilities for assistance • Rule package to update and correct HW NR 600 series regs was effective 8/17/17; new rule package WA-06-17 to match fed regs, focus on definition of solid waste, HW generator improvements, e-manifest, import/export, pharmaceutical reverse distributor regs (maybe – or own rule package), and technical corrections – Note: different definitions of solid waste between HW NR 600/261 Stats and SW NR500/289 Stats <p> 2018_12_07_HWasteProgramUpdates.p</p>
<p>10:35 Kate Strom Hiorns</p>	<p>2018 Re-cap</p>	<ul style="list-style-type: none"> • During 2018, DNR discussed activities and updates throughout the year – asked if the group would like any additional information. →Lynn requested that DNR activities related to PFAS be added to Department Updates at each meeting • During 2018, subgroups gave updates on progress and meetings: Alternative Landfill Caps subgroup submitted recommendations approved by the Study Group and has not met since. The C&D Landfill and Diversion subgroups have met throughout the year and the Landfill subgroup provided recommendations to the Study Group in December. The Groundwater Monitoring group did not meet in 2018, but had submitted recommendations on guidance updates in 2017 – guidance document will be out for public comment in near future. The Food/Organics subgroup has continued to meet and increase external members. The Recycling Innovation subgroup met infrequently and the Study Group will be assessing its continuation. • During 2018, the Group discussed its priorities and direction, and the DNR provided a list of DNR issues on which the Group could focus. These discussions provided direction to the DNR that the Group and industry would like consistency among staff and code interpretations and providing clear paths forward • Kate noted that the DNR would put time towards the alternative landfill caps subgroup

		<p>recommendations, including process for approval of AFC, developing a delayed capping issue brief, and defining a process for moving from RDD studies to permanent activities</p>
<p>11:00 All</p>	<p>Charter, Group Expectations, Subgroup Plans</p>	<p>Meleesa - Group Expectations: Why did you join the Study Group? What did you hope to achieve?</p> <ul style="list-style-type: none"> - Tom: finding out what the department is stuck on, topics not handled because DNR understaffed and that could help out - Bart: discussion on demolitions, provide alternative view point; pick some points and move forward, help develop guidance, potential rule changes - but takes time - Tim: bring awareness to DNR of historic regs and requirements that don't apply currently as well as they should, give understanding of what industry sees, id changes, work towards changes beyond guidance documents - John: great opportunity to see where things apply regarding to changes to waste stream and technology, inconsistencies, fix things that bother us; decisions on best routes to make changes, such as rule change versus guidance versus statutes change and who carries the torch - Lynn: hopes for group to have venue where stakeholders and dept can work collaboratively, such as trends and changes on horizon/big picture/anticipated but doesn't fit with dept current functions; expected to have Group work to resolve problems that have been stymied for the department; statute changes can't come from staff, externals instead; collaboration and partnership to help agency meet needs of stakeholders and dept mission - Meleesa: opportunity to really think about moving solid waste management in WI into 21st century – trends, moving forward and better, id things beyond DNR's ability to advance beyond guidance; potentially develop waste diversion goal for the state <p>2019 – IDEAS/Brainstorming:</p> <ul style="list-style-type: none"> • Parse out just a couple things to focus on with this group and DNR collaboration? • Use external groups or organizations for advocacy of recommendations? Off-board to other groups to take where we can't. • Change the subgroup structure or topics? • How bring ideas to life? Decide who needs to talk with legislators and provide info? • Is it appropriate to go to legislators as members of this Study Group and say "we have made this recommendation."? - Yes, this has happened with the Brownfields study group, it developed suite of legislative proposals/actions and desirable changes. A unique case or example has helped make the need more compelling. Chair of the group has let the group know when he would be talking to law makers on proposals. Often 2-3 people go in to meet as members of the Brownfields Group and share info about the group and its preference. They go to law makers when an opportunity seems to arise, using the pre-existing list of legislative priorities. Tack on to existing rule or bring in new ideas when case or example came up. - Any recommendations from Brownfields Group for this group to model? Lynn wasn't there in early days of the BSG. Our group is young and it takes time to determine what subjects to tackle and how. That group is very focused on desired outcomes, this group is broader.

*** **What does the Group want to tackle?** Put up more narrow scope for our group? Achievable priorities. Focus the meetings on specific topics throughout the year?

- What are our goals? Buy in from department? Like to have narrow focus
- Narrow focus is difficult because of such varied members of this group; may need to replace people on the group if we change focus
- Methods to narrow? Choose specific initiatives to work on collaboratively (capacity could grow later); or narrow scope of entire group. One member noted preference for the first option, be strategic about focus and initiative.
- Develop a list of legislative action items? Targeted.

Next agenda? Take on new topics focused on legislative interest? Look at our interests based on what is achievable beyond this group. →All Group members come up with one or two changes they would like to see. Then determine if it would be on guidance versus rule versus statutory track for changes. →PROVIDE ORIGINAL LIST OF TOPICS TO THE GROUP TO CHOOSE FROM OR ADD TO AND DISCUSS NEXT TIME. →Send along with the Charter for all

- What problem are we hoping to solve? What does success look like? Think of it in those terms to frame the issues. What change are we hoping to achieve? →Members each write paragraph or two to answer these questions on one or two topics chosen to focus on. Ex) Grants distributed to RUs. 1) inequitable? 2) success looks like ____ 3) hope to achieve ____
- Submit these topics to Kate or Casey by 1/25/19 so they can be consolidated and shared before the 2/8/19 meeting
- Each member will identify one or two topics; emphasize to be at the next meeting and this is everyone's task.

Subgroup Plans:

- C&D subgroup proposals (Bart): C&D Landfill Subgroup provide a copy of proposals for Study Group review.



201811 Small Demo
SUB Recommendation

The Subgroup had unanimous agreement on the following recommendations:

- **1 BAD ACTOR CLAUSE:** Include a bad actor clause, similar to ss. for sanitary landfills, for one time demolition landfills under NR 503.08, small (<50,000 cubic yard) demolition landfills under NR 503.09 and intermediate demolition landfills under NR 503.10.
- **2 VOC MONITORING IN GROUNDWATER:** Recommend that the Department make annual VOC monitoring in lieu of semi-annual COD monitoring a requirement for all new sites. Currently the Department has discretion on whether or not to include VOC monitoring. The vast majority of sites do monitor annually for VOCs. During the next NR 503 revision, recommend that Table 1 is amended by removing semi-annual COD monitoring and including annual VOC monitoring. (may → shall)

- **3 OWNER FINANCIAL ASSURANCES (OFR):** Recommend that the Department make OFR a requirement at all new sites. Currently the Department has discretion on whether or not to require OFR, but most active sites do have this. Include OFR as a code requirement under next revision of NR 503. (may → shall)
- **4 MODIFICATION OF SITE EXPANSION RULES:** Allow variances to be requested under NR 503.09(8) regarding the 1,320 feet site separation on a case by case basis and the reduction of this requirement under NR 503.10(8) to a minimum 300 feet. Support Legislative action to expedite these changes particularly for the intermediate sites where there is no apparent reason for the requirement. Recommend that these changes be included in the next revision of NR 503.

Question – external stakeholders were included in subgroup (one owner/operator of small LF (Ken Ness) was on the group and agreed to the above proposals). Bart also discussed this with two of his small C&D clients who would support this.
 Question – legislative change for #4? Bart assumed legislature can make changes to code. Kate suggested going through rule process.

→Group members voted on the above 4 recommendations. No discussion.

- Motion by Bart for Study Group to adopt item #1 as recommended by subgroup. 2nd John. No discussion. All in favor.
- Motion by Bart for Study Group to adopt #2 recommended by Subgroup. 2nd John. No discussion. All in favor.
- Motion by Bart for Study Group to adopt item #3 as recommended by subgroup. 2nd John. No discussion, All in favor.
- Motion by Bart for study group to adopt item #4 as recommended by subgroup. 2nd John. Discussion – this is a step that could increase the number of sites that are placed. May be harder to make this recommendation happen; depends upon legislative route or rule. All in favor.
- All approved by unanimous agreement by WMM Study Group.

The Subgroup did not have unanimous agreement on the following recommendations:

- **5 IMPOSE SITE LIFE LIMITATIONS ON SMALL (<50,000 CUBIC YARD) DEMOLITION LANDFILLS.** Discussion was held on including site life limitations on small (<50,000) cubic yard demolition landfills. An option considered was requiring sites to meet new code requirements within a specified period. **4 aye/3 nay**
- **6 TIPPING FEE SURCHARGES:** Recommend that the Legislature consider imposing a tipping fee surcharge on small demolition landfills akin to current surcharges placed on sanitary landfills at \$12.91/ton. **3 ayes/4 nays.** Alternative proposed was recommendation that the Legislature derive tipping fee surcharges on small demolition landfills with the proceeds to go towards demolition reduction/recycling efforts with the funds to be administered by a non-state government entity. **5 aye/2 nay**

Discussion: #5 option – Idea from DNR staff, suggests a 10-year term for a facility to come up to date with current regs for that size of a facility. Ex, if OFR was required then would have meet current regs at that time.

Tim – would need more information on this topic before voting. Lynn – what authority currently to amend operating

requirements during their active period? (DNR will research and get back, depends on plan of op.) Unilateral plan mod options to bring into compliance? Lynn also said wants more info before moving/voting. These are landfills, want them treated same as other landfills. →Group wants more information re: C&D landfills

#6 – Tipping fee surcharges: the alternative listed. This would take member legislative input/activity. Comment – really still open ended, need to clarify the non-state government entity. No specifics. Don't want these monies used for other purposes. Comment – has merit but proposal needs more work. Possible examples - PaintCare has third party, or Focus On Energy

- Was there a reason that intermediate landfills were not included in this proposal to pay fees? By not including, given them an economic advantage? Subgroup's intention was for all C&D sites, but it was not written in the manner and may not have been voted on by the subgroup.
- Was this in a fiscal estimate a few years ago? What was that result? (Lynn)
- Around 200,000 tons per year guesstimate by Bart on these materials
- With this fee, what if it drives material to MSW landfill instead? Is that the intent? John – no, goal is for more level playing field among landfills. Also, C&Ds don't have the env'l controls, so what was the intent when they were created years ago?
- Bart – these sites are primarily in north and west parts of state. Exempt fees for about 20% of waste stream at this time.
- Meleesa – finding the right fee is key to encourage more recycling of material, but not be punitive of northern part of state that doesn't have other options. Can we throw this back at the subgroup to work on this more?
- Originally C&D landfills created so people had a place to bring these materials rather than a backyard. Does it still apply today? We have transfer stations to get materials anywhere. But now the C&D sites have advantage over MSW because of no fees.
- Would southern, more populated areas be able to do it economically? Maybe not. Fits economically in northern areas.
- Lynn – like the idea proposed, this area needs fixing. Suggest being silent on recommending how fees are to be used and administered, leave it to lawmakers. No argument out there right now to say it should be used to divert/recycle C&D materials instead.
- What incentives or disincentives should be pushed? Tell the "why" story

→Bart will take this discussion back to subgroup and get more info before returning the last two recommendations to the full Study Group

Recycling Innovations (Meleesa):

- No updates at this time. Group is on hold.

FORRM (Meleesa and Karin Stieg):

- Group has changed leadership and participation over a couple years.
- New priorities developed
- At meeting in November, realized the group has gathered a lot of info, but no action steps
- Want to focus, getting AROW involved to be more action-oriented; a lot of base work/information

		<p>gathering done</p> <p>→ Meleesa asking Study Group that FORRM break off from Group and be its own entity when/if it partners with AROW; No decision made, more info to come</p>
<p>12:00 All</p>	<p>Succession/ Leadership Planning</p>	<ul style="list-style-type: none"> • Ran out of time to fully discuss, but request made for others to be chair(s) • Want to see if others want to join the group? Appointed by secretary. Study Group could make rec to add greater than 10 people, make change to charter to do so. Make the case of why to bring into the conversation. • Joe thanked members and non-members for discussions and engagement
<p>12:30 All</p>	<p>Next Meeting/ Adjourn</p>	<ul style="list-style-type: none"> • Friday Feb. 8, 2019 at Portage County Library • Adjourned at 1:12 pm