



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Part 115 Legislation Update

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WMAWMA Spring Conference

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Historical SW Management in Michigan



- In 2022 a total of 51,990,037 cubic yards of waste were disposed of in Michigan landfills.
- An increase of 1,071,575.30 cubic yards or about 2.1 percent over the FY 2021.

Focus changing to Materials Management

- The eight bill package (HB 4454 to 4461) that passed in December of 2022 and became effective on March 29, 2023, will significantly change the landscape for solid waste in Michigan
- The changes promote materials management with the goals of reducing overall waste generated, providing for innovative reuse of materials, and increased recycling, waste diversion, and utilization.

Solid Waste Legislation

- Updated Materials Management Planning process
- Increased education and awareness of disposal options and techniques
- Provide standards for recycling and composting facilities
- Update landfill requirements
- Improve and increase financial assurance

Facilities Regulated Old and New

- CURRENT

- Solid Waste Landfills
- Solid Waste Processing and Transfer Facilities*
- Municipal Solid Waste Incinerators

- FUTURE

- Materials Recovery Facilities
- Compost Facilities*
- Anaerobic Digester Facilities
- Innovative Technology Facilities

Waste Diversion Facilities



New Facility Authorizations

FACILITY TYPE	FEE	FA	Authorizations Level
Waste Diversion Center			Notification & Report (11521 (g)(k))
DISPOSAL AREA			
Solid Waste Processing and Transfer Facility			
(i) Less than 50 cu yds of solid waste on site at any time			Notification & Report (11513 (1))
(ii) Greater than 50 cu yds but less than 200 cu yds of solid waste on site at any time	X		Registration, Fee, & Report (11513 (2)) Consistency (11508 (1)(c))
(iii) More than 200 cu yds on site at any time	X	X	Operating License/Construction Permit 11512 (18); 11523 (1)(c)(d); 11509 (4); 11508 (1)(c)
MATERIALS UTILIZATION FACILITY			
Material Recovery Facility			
Processes less than 100 tons of material per year and less than 100 tons on site at any time			
Processes more than 100 tons of material per year and less than 100 tons on site at any time	X		Registration & Report 11568 (2)(A) 11568(1)(C)
Has more than 100 tons on-site at any time	X	X	General Permit 11568 & 11523 (2)
Compost Facility			
Small Compost Facility (>500 cy and <1,000 cy of compostable material and <5% is compostable material other than yard waste)			Notification & Report 11568 (3)
Medium Compost Facility (>500 cy and <10,000 cy of compostable material and <10% of compostable material is other than yard waste)	X		Registration 11568 (3)
Large Compost Facility (>500 cy of compost and does not qualify as a medium site)	X	X	General Permit 11568 (3) & 11523 (2)
Any Compost Facility that accepts class 2 materials	X	X	General Permit
Anaerobic Digester			
(i) 20% OR LESS GENERATED OFF-SITE			Notification & Report 11568 (4)
(ii) MANAGES ORGANIC MATERIAL FOR ON-SITE ENERGY PRODUCTION			Registration 11568 (4)
(iii) MANAGES SOURCE SEPARATED MATERIAL GENERATED OFF-SITE OR MANURES BEDDING OR CROP RESIDUALS GENERATED ON-SITE AND UP TO 20% OTHER MATERIALS NOT GENERATED ON SITE	X	X	General Permit 11568 (4) 11523 (2)
New & Innovative Technologies for Waste Utilization	X	X	General Permit 11568(5) & 11523(2)©

Financial Assurance

- Align with third-party costs to the state
- Require from general permit facilities
- Broaden availability of the financial test
- Enable use of state's perpetual care account for facilities with a general permit
- Allow for landfill care fund and risk pooling



Organics Management

- Composting Facilities
 - About 120 currently registered sites (mainly yard waste)
 - Addition of food waste and other organics will grow the number of regulated facilities
- Anaerobic Digesters
 - Currently most are associated with large dairy farms (manure)
 - Less than 10 currently operating 'commercial' digesters
 - May change as companies invest in the technology
- Agricultural Use Approvals (AUAs)
 - Industries land apply agriculturally beneficial by-products
 - ~24 current AUAs



Materials Management Planning (MMP)

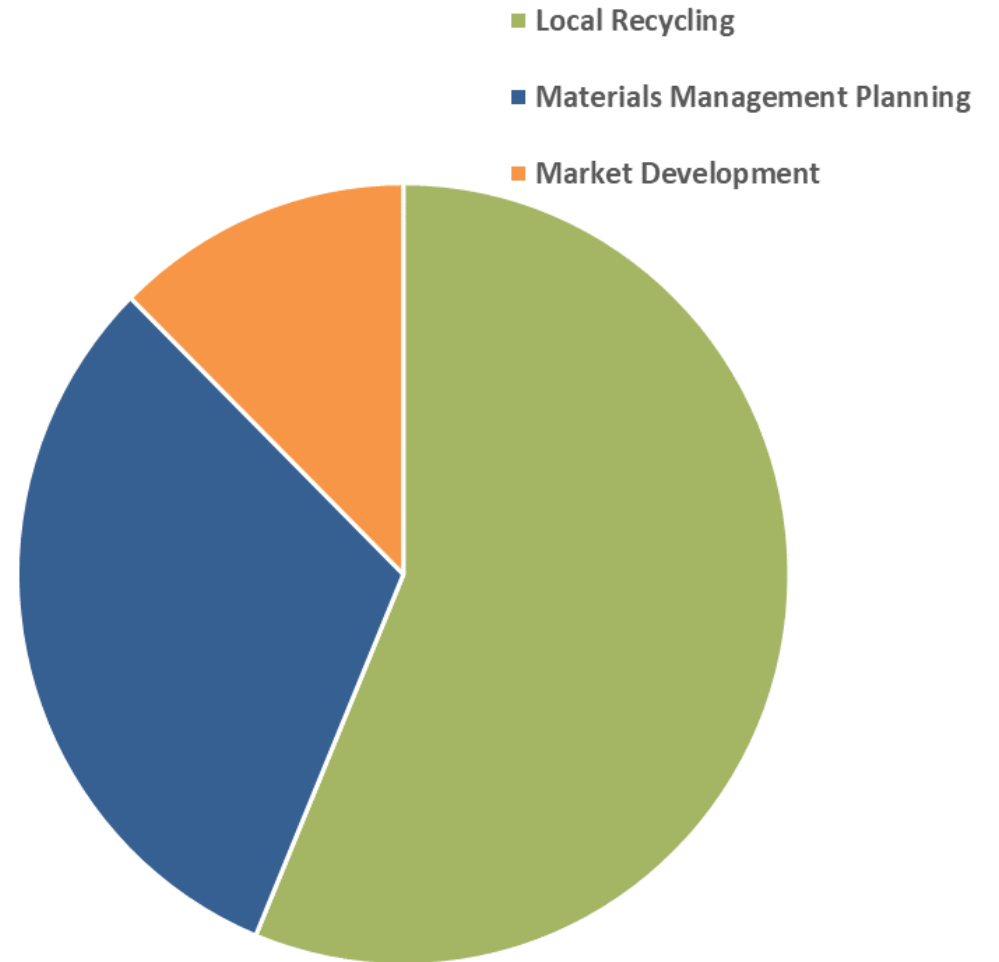
- Ensures materials management facilities that are needed can be developed and provides an avenue for siting of NEW facilities
- Three year process once plans are called for by the EGLE Director – currently anticipate that plans will be called for in early 2024.
- Counties receive a base of \$60,000 per year to work on planning with a per capita increase for the first three years
- Until a Materials Management Plan is approved the current Solid Waste Management Plan remains in effect. This includes import/export restrictions and siting criteria

MMP (cont'd)

- Multi-county/Regional Plans are incentivized (\$10,000 per county)
- Focus is on utilization capacity (versus disposal)
- A municipal solid waste recycling rate needs to be determined
- The Benchmark Recycling Standards that will start to apply in 2026 will have to be evaluated relative to residential access to recycling opportunities
- Requires the counties to develop materials management goals targeted towards utilization and recycling
- Focuses on local zoning for many facility types
- Planning Committee composition has been updated

Renew Michigan Grant Funding

- Local recycling grants
 - Growing recycling access and participation
- Planning grants
 - Preparing, implementing, and maintaining local materials management plans
- Market development grants
 - Providing equipment, research, and development



2023 Solid Waste and Recycling Advisors *

- Andy Hackman
- Bill Lievense
- Bill Whitley
- Liz Browne
- Caroline Liethen
- Conan Smith
- Dana Kirk
- Darwin Baas
- Debbie Johnston
- Ellen McDonald
- Erin Kuhn
- Herasanna Richards
- Jim Frey
- John Dulmes
- John LaMacchia II
- Judy Allen
- Kerrin O'Brien
- Madeline Fata
- Michael Ruddock
- Mike Alaimo
- Mike Johnston
- Paul Sgriccia
- Sean Hammond

* Some recent staffing changes with some organizations are not reflected in this list.

Implementation Activities

- Updated the [Materials Management Planning website](#) with P115 outreach materials.
- Meeting monthly with planning stakeholders to develop outreach materials, discuss statute changes, and develop new MMP format.
- Working with program staff to develop online reporting for new P115 facilities (Solid Waste Processing and Transfer Facility, Materials Recovery Facility, Waste Diversion Facility, and Anaerobic Digestors).
- Staff developing draft MMP format template.
- Developing new MMP grant procedures.
- Letters to the BOCs will be going out soon identifying preplanning items and giving notice that the MMP process will begin early 2024.
- Financial assurance documents have been updated and 16 new LCF documents have been created.
- Staff are working on an excel spreadsheet to calculate the solid waste disposal area cost estimates.
- Applications, licenses, permits and instructions have all been updated and revised for combined processing and transfer facilities. They are all posted online.
- Staff are developing a new streamlined application form for Processing and Transfer facilities.

Implementation Activities (Cont'd)

- The framework for notifications, registrations and reporting will be utilizing one online platform (i.e. ReTrac) which will allow for greater consistency, easier access for the regulated community, and increased efficiencies.
- Working to set up ReTrac to do notifications and registrations for processing and transfer facilities.
- Reviewing statute for clarity and addressing any issues or questions that arise.
- EGLE plans to update the Part 115 rules to reconcile the rules with changes in the statute.
- Implementation of the new Landfill Gas regulations are underway. A number of deadlines for submitting various workplans are upcoming, and landfills were already asked to provide their gas migration plans for review. EGLE sent a letter to all landfill to explain the upcoming requirements and continues to work with industry on implementation.

How can you get involved?

- Use the shared mailbox to continue to ask questions
- Get engaged in the process
- Recommend attending the MRC Conference, May 9-11 that includes a Part 115 Track for the new statutory requirements

The future of waste?

- Focus to date: providing adequate landfill capacity and safe, long-term disposal.
- Focus for the future: a more integrated system, which includes waste minimization, recycling, utilization, sustainability, and promoting “cradle to cradle” manufacturing



Questions?



- Link to the amended Part 115 <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-451-1994-ii-3-115.pdf>.
- Main EGLE Solid Waste Web Page <https://www.michigan.gov/solid-waste>
- Materials Management In Michigan – what EGLE is doing to support the effort : <https://www.michigan.gov/egle/about/organization/materials-management/materials-management-in-michigan>
- To submit questions about the Part 115 amendments and their implementation email: EGLE-MMD-SW@michigan.gov
- Sign up on EGLE’s Gov Delivery site and subscribe to Waste & Materials Management – Recycling Updates; Materials Management News and Info; Solid Waste Law Amendments and Materials Management Planning
<https://public.govdelivery.com/accounts/MIDEQ/subscriber/new>

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