

Spring 2018 SWIP Meeting

Monday, April 23, 2018



Agenda

2:00	Welcome	Joe Van Rossum
2:05	WMM Program updates Staffing Legislative updates Program updates Guidance documents	Joe Van Rossum
2:35	Coal Combustion Residual Rule Update	Joe Van Rossum & Valerie Joosten
2:50	Beneficial Use of Industrial Byproducts Rule Package Update	Phil Fauble
3:00	Recycling Update	Jennifer Semrau
3:10	Questions	

WMM Program Updates

Joe Van Rossum

Staffing Updates

- Regional Supervisors
 - Joe Baeten - SER
 - Kristin Dufresne - NER
- Recycling & Solid Waste Section Chief – Kate Strom Hiorns
- Regional Hydrogeologists
 - Aaron Kent – WCR
 - Mark Peters – SCR
 - David Buser – SER
 - Orin Regier - NER

Staffing Updates

- Regional Hazardous Waste Specialists
 - Maggie Tischauser – WCR
 - Alex Beyer – NER
 - Jordan Pogorzelski – SER
 - Jonathan Stoffer – SER
- Retirements
 - Barb Bickford – Infectious Waste Coordinator
 - Dennis Gawronski – OFR Specialist

Legislative Update

- Act 284 This legislation exempts pyrolysis and gasification facilities from the definition under current law of “solid waste facility.” The bill defines a pyrolysis facility as a facility where post-use plastics are heated until decomposed and then converted into other materials such as liquid fuel. (AB789)
- Act 285 This legislation provides that the definition of “solid waste” does not include certain iron and steel slags; that “solid waste” does not include slag generated by the production or processing of iron or steel and that is managed as an item of value in a controlled manner and is not discarded. (AB941)
- SB 733 Not approved by Legislature: changes to the electronic waste recycling program

Rule Making

- NR 514 related to RD&D rule
 - NRB approved scope statement April 11
 - August 2018 – rule hearing
 - Dec 2018 - NRB for board adoption
 - Legislative review early 2019

Guidance Documents - Upcoming

- Reducing or Terminating Groundwater Monitoring at Solid Waste Landfills
- Shingle Processing Facilities
 - Draft expected to be available for public comment in mid May
- Clean Soil Guidance – Remediation & Redevelopment lead
 - Draft available for comment – Comments Due May 13

Guidance – Final drafting status

- Managing Container Glass in Accordance with Wisconsin's Land Disposal Ban
 - Working through how to address some comments
 - Hope to have it finalized in early June
- Alternative glass use options
 - Comments have been addressed
 - Will release final with Managing Container Glass Guidance

Additional Publications & Documents

- Application for Wood Waste Processing Facilities
- Completeness Checklists – Updated January 2018

<https://dnr.wi.gov/topic/Landfills/Forms.html>

- Initial Site Report
- Feasibility Report
- Design and Construction Criteria
- Plan of Operation
- Construction Documentation

Questions?

Coal Combustion Residuals (CCR) Update

Joe Van Rossum and Valerie Joosten

CCR Definition

CCR – fly ash, bottom ash, boiler slag and flue-gas desulfurization (FGD) waste for purpose of generating electricity by electric utilities and independent power producers

EPA CCR Website:

<https://www.epa.gov/coalash/coal-ash-rule>

Applicability of EPA's CCR Rule

Final Rule – Dec 2014

- Resulted in national regulations and requirements for the disposal of CCR.
- Rule does not apply to boilers that obtain <50% of fuel from coal
- Rule applies to CCR landfills and impoundments that receive CCR material 6 months after publishing
- Does not apply to municipal solid waste (MSW) landfills that also accept CCR
- Does not apply to beneficial use

Key Aspects of CCR Final Disposal Rule

- When the rule was promulgated, subtitle D of RCRA:
 - Did not require States to adopt or implement the regulations or to develop a permit program.
 - Did not provide a mechanism for EPA to approve a state program to operate “in lieu of” the federal regulations.
 - Did not provide EPA with enforcement authority; enforcement by citizen suits.

WIIN Act, CCR Provisions

- States may, but are not required, develop and submit a CCR permit program (or other system of prior approval) to EPA for approval
- State program does not have to be identical to, but must be “at least as protective as” the CCR rule
- State programs can be approved in whole or in part
- Once approved, State permit programs would operate in lieu of the federal rule
- The federal CCR rule applies to a CCR unit until a permit is in effect
- EPA must review State permit programs at least once every 12 years and in certain specific situations

Proposed Rule Amendments (Phase One)

- Current status
 - Signed March 1, 2018
 - Comments due April 30, 2018
- Proposed amendments associated with Judicial Remand
 1. Clarify the type and magnitude of non-groundwater releases that would require a facility to comply with corrective action procedures
 2. Add boron to the list of constituents that trigger corrective action; and
 3. Determine the requirement for proper height of woody and grassy vegetation for slope protection
 4. Alternative closure requirements

Proposed Rule Amendments (Phase One)

- Proposed amendments associated with the WIIN Act: alternative standards, or “flexibilities” for states with approved CCR permit programs
 1. Use of alternative risk-based groundwater protection standards
 2. Modification to the corrective action remedy in certain cases
 3. Suspension of groundwater monitoring requirements if a no migration demonstration can be made
 4. An alternate period of time to demonstrate compliance with the corrective action remedy
 5. Modification of the post-closure care period
 6. Allow Directors of states to issue certifications in lieu of the current requirement to have professional engineers issue certifications
 7. Revision to allow the use of CCR during certain closure situations

Wisconsin Update

- CCR Landfills – currently regulated by
 - NR 500 Series and approvals
 - EPA CCR rule
- CCR Surface Impoundments
 - Not addressed in NR 500 Series
- Currently evaluating requirements for state permit program in Wisconsin
 - Pending EPA rule revisions
 - Would require NR 500 series rule revisions

Questions?

Revisions to NR 538 Beneficial Use Update

Philip Fauble

NR 538 Wis. Adm. Code-Beneficial Use of Industrial Byproducts

Basic Outline of Current Rule:

- Initial Certification – Generator submits ASTM water leach test and totals analysis; based on results, byproduct is assigned a category (1-5)
- List of approved uses for each category; largely self-implementing
- Concurrence from DNR for larger fill projects (5000 cubic yards) and case-specific
- Annual reporting of amounts used
- Periodic re-characterization

Revisions: What We Propose To Keep

- Basic Framework:
 - Initial Certification
 - Define acceptable uses based on analytical data
 - List of acceptable uses; conditions for use
 - Mostly self-implementing (concurrency for certain applications)
 - Annual reporting
 - Periodic re-characterization
 - Case-specific for certain projects

Revisions: Potential Changes

Revised focus away from numeric standards and towards improved reporting and tracking:

- Add legitimacy criteria
- Eliminate categories
- Simplified standards based on exposure risks and groundwater model
- Expanded annual reporting (who and where)
- DNR-developed GIS database
- Addition of procedure for excavating fill sites

Revisions: Potential Changes

Beneficial Uses:

- Streamline DOT uses (embankments, abrasives, etc.) and align terminology and standards with DOT
- Add uses for agricultural fill (CAFOS) and mine reclamation
- Eliminate bridge abutments, decorative stone
- Add uses for soil additive/amendment
 - Liming agents (LKD)
 - FGD gypsum

Progress To Date

- Technical Advisory Committee has met 7 times since March, 2016
- Currently working on groundwater model with UW-Madison
- Plan to have TAC wrapped up by summer 2018; draft revised rules soon after
- Final rule by February 2020

Questions?

Philip Fauble, WDNR, Beneficial Use Coordinator

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Recycling Update

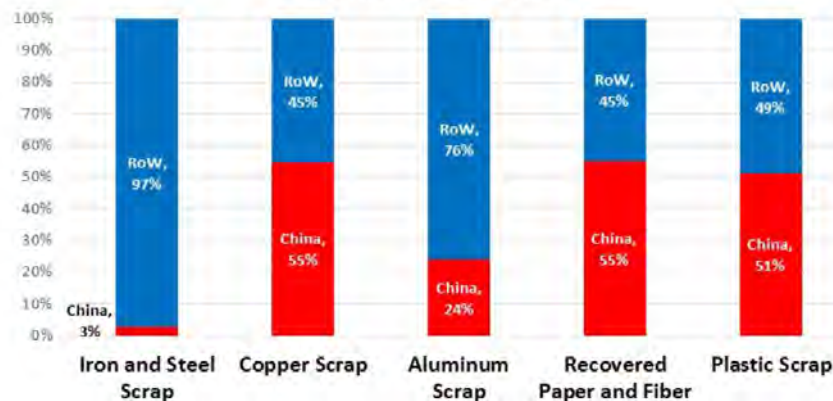
Jennifer Semrau

Global Recycling Marketplace

U.S. is part of a global recycling industry

- Global scrap exports: 160M tons worth \$70B
- U.S. exported 37M metric tons worth \$17.9B
- ~30% of scrap processed in US is exported
- U.S. exports to China worth \$5.6B

Mainland China's Share of Global Imports for Selected Recycled Commodities, 2016(p)
 Source: UN Comtrade Database



China is world's largest importer of fiber and plastic

What is happening in China?

China facing severe environmental issues & dramatic growth

- 60% of groundwater unfit for human consumption
- 19% of arable land contaminated with heavy metals
- 100 million new cars on the road in last decade
- Staggering increase in urbanization
- Lack of enforcement of existing environmental laws
- Decades of putting economic growth above the environment



By yr
2020

China's Environmental Goals

Ministry of Environmental Protection of the People's Republic of China established various goals:

WATER

- Improve quality of >70% of seven key river basins
- Amount of foul water in urban areas not to exceed 10%

SOIL

- Return >5,000 mi² of polluted land to forest & grassland
- Make 90% of farmland safe

AIR

- Reduce carbon intensity 40-45% below 2005

SELF-SUSTAINABILITY IN RECYCLING

Source: ISRI

Actions by China to Control Imports

Late 2016 National Sword initiated

July 2017 WTO notified of bans & carried waste standard;
“Implementation Plan to Enhance Solid Waste Import Management System by Prohibiting the Entry of Foreign Waste” released

July 2017 Country-wide inspections, permits revoked

Jan. 1, 2018 Ban on 24 categories of materials, including post-consumer plastics and mixed paper

Mar. 1, 2018 Carried waste standard (0.5%) into effect

Mar-Dec 2018 ‘Blue Sky’-General Administration of Customs focused on “combating smuggling of foreign garbage” via concealment, false declaration & entrance where no customs

Impact on Wisconsin's Recycling Program

- DNR providing clarification on landfill banned items (#1 & #2 plastic containers, newsprint, cardboard, magazines, office paper)
- Some recycling programs ceased collecting, or MRFs not marketing, #3-#7 or mixed bulky rigid plastics
- Emphasizing education and communication between RUs, haulers and MRFs to reduce contamination
- Considering statewide educational campaign focused on 'recycling right' fashioned after FL DEQ and the Recycling Partnership efforts



Source: ISRI



Looking Ahead

- ISRI, SWANA, NRC and other organizations seeking clarification & offering China assistance
 - Scrap is not waste; commodities with value
 - Unclear definition of “carried waste;” differs from international standards
- Some Chinese manufacturing moving outside of China
 - Import license restrictions resulting in shortfall of 7M tons of plastic scrap needed for manufacturing
- Market growth opportunities in SE Asia, India, Mexico, Canada and the Netherlands
- Potential domestic market growth and infrastructure development in the U.S.
- DNR continue to monitor & encourage quality

DNR Recycling Updates

- In 2018, examination of 'MRF' list with removal of 40+ facilities, which were really transfer stations, recycling drop-offs or sending materials to a subsequent MRF
- No longer required to submit MRF annual report
- Reminder: RU annual reports due 4/30/18
- Welcome new Recycling Program Specialist: Ariana Mankerian
- Reminder: WI Recycling Markets Directory
<https://www.uwgb.edu/shwec/>

Questions?

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Thank you for participating

This presentation will be posted on the
Solid Waste Interested Parties webpage

dnr.wi.gov search “swip”

