Page 17, Line 18 – leave it ambiguous, since any food processing residuals are fine (dog food, etc.), Sean – MEC

Page 22, Line 24 – Raise to 15000 yards

Page 23, Line 1 (and any other reference) – Strike line, a 5% cap is not practical or based on anything other than fear of odor. Mixing compost requires certain parameters, including up to 30% N, food waste should be allowed in any quantity as long as it does not cause a nuisance. Sean - MEC

Page 24, Line 24 – add (C) Waste Conversion facility and renumber remaining lines. This will be further elaborated on later in the document, but I feel it is important that we draw a definitional line between facilities that recycle waste and facilities that convert waste to energy. Sean- MEC

Page 26, Line 6 – Strike line. Sean - MEC

Page 27, Line 15 – add “or conversion” following “utilization”. Sean-MEC

Page 31, Line 23 – Strike “5%” and replace with “10%”. This seems appropriate to limit small compost facilities to a limit of 10% food waste, as odors are harder to manage. Sean – MEC

Page 39, Line 9 – Strike line. Sean- MEC

Page 39, Line 15 – Add new section (16) Waste Conversion means converting material into energy rather than disposing the material

Replace “Waste Utilization” with Materials utilization

Add new section (17) Waste Conversion Facility is an authorized facility that includes:

1. A gasification plant
2. A pyrolysis facility

Keep (F) in both Materials utilization and Waste conversion

Keep (G) in Waste Conversion

Strike line 15 following “composting” and before “rather”

Strike lines 21-23

Separating these two definitions out is important to us, as there is a fundamental difference between the two types of facility. One totally reuses they product, the other turns some of the product into energy and some into waste. Though at this time I may not translate into many changes in the regulatory piece of the statute, we see a need to ensure that down the line the difference in processes is considered. Additionally, throughout the statute Waste conversion should be put into the same regulation as solid waste processing facilities – Sean, MEC

Page 40, Line 5 – Keep “utilization”– This reflects the changes to the waste utilization definition so that a goal truly pushes us to a new way of thinking – Sean, MEC

Page 41, Line 51 – Insert following “landfilling” “or incineration”. – We feel strongly that incineration should be discouraged in favor of other management methods. – Sean, MEC

Page 64, Lines 20-24 – Strike – Both of these seem to be completely captive processes that should have no part 115 oversight needed. – Sean, MEC

Page 86, Line 4 – This whole section needs to be worked on. From what I have heard, some of these large facilities may take more to clean-up. Additionally, having FA 2 years post-closure for a compost site makes no sense, as long as there is no material left on site there is no environmental risk.- Sean, MEC

Page 91, Line 3 – Strike new language – Financial tests are something we have become increasingly wary of since the noted failures of self-bonding in the coal industry. Any situation that leaves the state of Michigan on the hook for a clean-up should be unacceptable, and self-bonding via financial test increases the chances of a company simply walking away once it becomes insolvent. – Sean, MEC

Page 105, Line 14 ––Add the surcharge to any waste disposed of in a solid waste incinerator. Sean, MEC

Page 114, Line 2 – Strike “30” and insert “50” – Since this number hasn’t been adjusted for inflation, it seems proper to give it a slight bump in addition to the conversion from cubic yard to ton. – Sean, MEC

Page 114, Line 11, Strike 30 and insert 50 – see above

Page 124, Line 12 – I would recommend adding a radius of 50 miles beyond the planning area to allow for better representation. Not every county needs a compost facility or a landfill or a MRF, so finding representatives in the planning area may be difficult. Some language that provides for flexibility is important. – Sean, MEC

Page 144, Line 17 – I also have not seen language that requires this, I support adding – Sean, MEC

Page 147, Line 8 – Technical – strike IF. The language does not work as drafted – Sean, MEC

Page 148, Line 22 – Strike 2028 and replace with 2025. There does not seem to be a compelling reason to extend the timeline for counties with populations of less than 100,000. – Sean, MEC

Page 148, Line 7 (generally) I feel this section has ended in a pretty good compromise from where it was. Enforcement is a major question – what is “progress” for the sake of being eligible for grants. I think instead it may be worthwhile to set up that grant pool as both a carrot and a stick. If you meet benchmarks, that planning area gets a certain amount of funds. Each year as you certify progress toward the benchmarks you get whatever percentage of that set amount that matches the percentage progress toward the benchmark. The rest is eligible for grants. – Sean, MEC

Page 165, Line 15 – Is it necessary that the legislature hold the strings to this fund? It seems this should be a DEQ discretion fund as the point of it is rapid response to postclosure issues – Sean, MEC

Page 175, Line 22 Sec. 11555 generally – Should rename from Exempt, small, medium, large, very large to exempt, small, medium, large, super. This or some other single word should be used instead of the inelegant “very large” – Sean, MEC

Page 181, Line 11 – this is confusingly written and seems to be targeting against speculative accumulation. I would suggest rephrasing this to simply prevent speculative accumulation instead of trying to set an arbitrary material flow standard. – Sean, MEC

Page 182, Line 4 – Generally: This section and many others throughout the composting section should be removed to the rulemaking process. I understand some of the realities of the political climate, but we should start from where it makes sense to start, and that is with composting rules to support the legislation. As written, these composting regulations are confusing and controversial and in my view will potentially derail the entire bill due to the situations we’ve had in southeast Michigan hanging over everything. I will not sections that I think should be removed to rulemaking. Hashing out the minute details of how composting works is something that will take up far too much time and effort in the legislative process. Composters have indicated they are okay with working through the rulemaking process if it creates a more nuanced and thorough set of criteria. I will provide some comments on sections that I think should be kicked to rule in case they are left in

I would suggest moving all of the following to rule:

Page 182, Line 4 – move detailed reporting to rule – put food safety modernization act baseline record keeping in statute (time and temperature of piles)

Page 186, Line 24 – Page 187, Line 8 –this is highly technical and should be worked out through a composting rulemaking

Page 187, Line 16 – 22 –put in statute that stormwater has to be managed according to rule and spell out all the options in a rulemaking process

Page 188, Line 20

Page 189, Line 5-14

Page 189, line 27 – page 190, line 10

Page 197, Lin 25 (sec. 11565)

Sean, MEC

Page 182, Line 6 – Monthly tracking seems like a very large burden, consider changing time frame. Additionally, require time/temperature tracking as that is required to use compost for FSMA – Sean, MEC

Page 183, Line 14 – Change the 5% threshold as discussed elsewhere – Sean, MEC

Page 183, Line 16 – Strike – not an appropriate place to compost – Sean, MEC

Page 183, Line 17 – 200 cubic yards of compost is not a designated threshold anywhere else, should adjust to match one of the other levels. – Sean, MEC

Page 183, Line 25 – Strike “a solid waste processing and transfer facility” – Sean, MEC

Page 187, Line 27 – Page 188, Line 4 – Needs to be reworked. Potentially in rule, but compostable bags don’t necessarily have to be debagged each day, so that standard should be adjusted. – Sean, MEC

Page 189, line 27 – page 190, line 10 – the borings seem like overkill for a compost site, since the water profile pollution profile should be limited to just the active pile area. This should be better coordinated with WRD to ensure that whatever is in these rules/statute lines up perfectly with groundwater permitting requirements. – Sean, MEC

Page 197, Line 7 – This is strangely worded and should be written as a standard for the make-up of class 2 compost and not tied to application – Sean, MEC

Page 199, Line 10 – Strike – this blending does not need to have benefits for ag or even for gardens. This could be used as fill or many other things where a soil like product is needed, so this requirement seems completely out of place – Sean, MEC

Page 201, line 10 – Needs to be reworked. Some equipment could be needed all the time, but not all. Composting goes in cycles depending on whether you are taking things in or turning or letting sit on aerators. This needs to be better defined or scrapped. – Sean, MEC

Page 201 – When the permits start getting listed, it seems duplicative of other sections. Is there a way to make one section for all the permits or split all of them into individual sections instead of putting them in two places? It seems redundant – Sean, MEC

Page 204, Line 27 – suggest increasing this permit fee to 800 or 1000. A brand new tech will likely require a longer review time than a permit tier 2, and should come with a higher price. Or should be exempted from general permits all together and should instead be allowed to apply for a permit to operate. – Sean, MEC