

ENVIRONMENTAL ADVISORY COUNCIL
Lansing, Michigan
Thursday, April 20, 2006 1:00 – 4:00 p.m.

Members in attendance: Jon Allan, Diane McCormick for Mark Bertler, Andy Buchsbaum, Steve Chester, J.D. Lindeberg for Jim Frey, Chuck Hersey, Mike Johnston, Ellen Kohler, Philip Korson, Lisa Locke, Vincent Nathan, Jeff Furton for Rick Plewa, Del Rector, Richard Bayus for Diane Rekowski, Guy Williams, Paul Zugger.

DEQ Staff in attendance: Linda Albro Sparks, Mike Bitondo, Matt Campbell, Jim Janiczek, Jim Johnson, Lynelle Marolf, Carrie Monosmith, Duane Roskoskey, Frank Ruswick, Liane Shekter Smith and Jeff Hukill.

OPENING

Frank began the meeting with an apology to the new members. He mistakenly had not included the new members in his recent EAC e-mails. He thanked everyone for coming today.

CURRENT ISSUES

Director Chester described the Earth Day festivities being held today in Constitution Hall. This is the third year we are hosting this event with the Departments of Natural Resources and Agriculture. This year has more displays, more exhibits and outdoor activities and exhibits. One of the outdoor displays includes a GM Ethanol Vehicle and a small solar vehicle that our visiting students are driving around in. Over 1,200 students will be attending the event this year.

Director Chester commented on how too often we dwell on the negative and the problems that remain to be addressed. He indicated that Earth Day provides an opportunity to celebrate successes that we have had in the past 36 years and think of the challenges ahead. He outlined recent significant accomplishments:

- Passage of water withdrawal legislation that finally fulfills a commitment to create a water management program made in 1985 under the Great Lakes Charter.
- A formal determination by the DEQ that treatment of ballast water available to control invasive species is available. This determination formed the basis of legislation controlling ballast water for aquatic invasive species.
- A law governing sulfide mining which is the strongest in the nation and being used as a model by other states.
- Streamlining the air permitting process and making it more flexible while maintaining environmental protections.

- Legislation, developed with the assistance of SEMCOG that will control ozone in southeast Michigan without the need for a tailpipe emission testing program.
- A recent petition filed with the Environmental Protection Agency for redesignation of 11 counties as attainment for air quality standards.
- A Part 201 roundtable that is crafting improvements to our cleanup and redevelopment programs.
- A new leadership development program, being conducted jointly with the Departments of Natural Resources and Agriculture, that provides the first such opportunity for staff since the DEQ was created.
- Recommendations for an Environmental Justice policy developed by the EAC and submitted to Governor Granholm.

Director Chester also highlighted two recent announcements:

- On Monday Governor Granholm asked the DEQ to develop regulations resulting in a 90 percent reduction in mercury emissions by 2015. This puts Michigan in concert with some other states in efforts to control mercury emissions. The DEQ will be convening a stakeholder group to help craft the regulations. Director Chester estimated that the regulations would be completed in 12 to 18 months.
- Governor Granholm has asked Peter Lark, Director of the Michigan Public Service Commission to draft comprehensive energy plan by the end of this year. It will include a renewable portfolio standard and meet an important need for Michigan. Director Chester was looking forward to participating in this effort.

A member indicated that Senator Carl Levin had sent a letter supporting the renewal of Brownfield legislation. The City of Detroit supports this legislation

DISCUSSION – LAND APPLICATION PROGRAMS

Frank indicated that today's meeting is a continuation of briefings for the EAC on DEQ programs regulating the application of waste materials to the land. Staff will provide overviews of several programs administered by the Water Bureau. These presentations include the Biosolids program, provided by Jim Johnson (Attachment 1), the Septage program, by Matt Campbell (Attachment 2), and Concentrated Animal Feeding Operations (CAFOs) by Mike Bitondo (Attachment 3). Frank encouraged members to ask questions and provide comments during the presentations. Based on those questions and comments, the DEQ will determine how to most effectively structure future discussions leading to EAC recommendations on improvements to land application programs.

The following points were made during the ensuring discussion:

- A pilot project by the City of Ypsilanti to compost biosolids illustrates the conflicts between the biosolids program administered by the Water Bureau and the solid waste program administered by the Waste and Hazardous Materials Division. These conflicts make it difficult for the regulated community to effectively manage and beneficially use these waste materials.
- To assist the EAC's deliberations, the DEQ should provide a roadmap that describes how the various land application programs related to one another. The DEQ should also provide available data on the amount and locations of materials land applied.
- Recent legislation authorized the placement of septage in a landfill as a bioreactor pilot project. This would help address the need to adequately manage this material and the difficulties in finding appropriate land application sites as rural areas develop. The DEQ provided technical assistance in the development of this legislation and supported its passage. A construction permit application for the project has not yet been submitted.
- The DEQ encourages the development of treatment facilities as an alternative to land application of septage and provides incentives to assist.
- Some concerns relating to land application of biosolids apply to septage, most notably those applicable to possible disease vectors. However, the contaminants found in septage are likely to be different than that found in biosolids. For example, because septage does not have industrial inputs it is not likely to have the metals found in biosolids. There may be other contaminants from the disposal of household hazardous waste. There are no testing or specific standards that apply to contaminants in septage.
- Traditionally, there has been less environmental regulation of waste disposal practices associated with agriculture. This is partially because the risks associated with farm waste have been perceived differently. However, this is changing as CAFO's become more prevalent and waste discharges from farms cause environmental harm and create nuisance conditions for neighbors. Addressing the potential for farms to negatively impact water quality may be a matter of equity with municipalities and industries which otherwise have to control their potential impacts.
- The Right to Farm Act provides protection from private nuisance lawsuits, but it does not exempt farms from compliance with environmental laws. However, in some limited instances, such as under the Air program, compliance with Generally Accepted Agriculture Management Practices developed under the Right to Farm Act, qualifies as compliance with environmental requirements.
- It may be appropriate to consider the various land application programs from two points of view: their individual origin and development and the reasons therefore on the one hand, and the similarities and differences in the risks they present on the other.

CLOSING

Frank noted that today's agenda also envisioned a briefing on the groundwater program, but because of the lengthy discussion of the other three programs we were unable to get to it. We will most likely have that presentation in May. There is some uncertainty about the rest of the agenda in May, since the DEQ may ask the EAC for its comments on a preliminary draft of a revised solid waste policy for Michigan

A member asked that the groundwater presentation address the potential for contamination of drinking water supplies as happened in Ontario within the past several years.

Notes by Linda Albro-Sparks; summarized by Frank Ruswick.