

# NEWSLETTER

## Michigan Coalition for Better Waste Management

1324 Lake Drive, S.E. · Grand Rapids, Michigan 49506

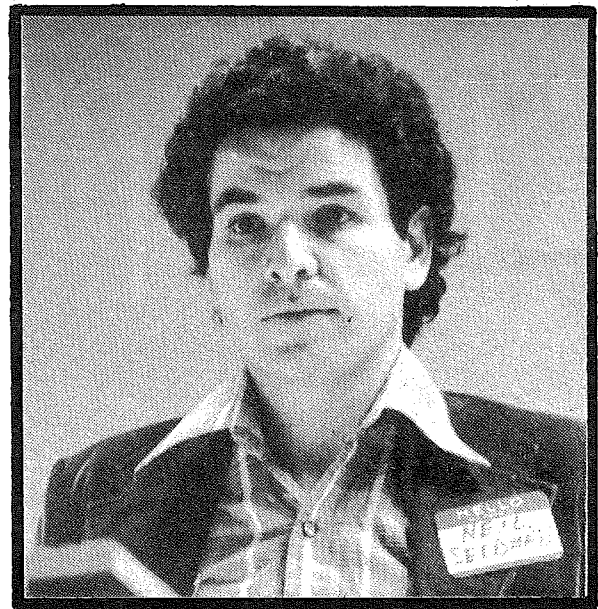
### THE HIGH TECH / LOW TECH BATTLE GOES ON

Unfortunately the somewhat senseless "fire" of high-tech or low-tech resource recovery of solid wastes seems to have found new "fuel" in the President's \$15 million Urban Policy Grants Program that was originally proposed to make some sense out of misguided resource recovery planning and step up the pace of resource recovery. Either out of ignorance of the complexity of resource recovery planning or as part of a scheme to promote the development of sophisticated, capital intensive resource recovery systems, the EPA administered program is off and running to a very shaky start.

To the advocates of low or appropriate technology coupled with source separation of residential and commercial wastes, and the promoters of high-technology processing plants, there is nothing new about the controversy except the stage on which the drama is being acted. The arguments are best summarized in the following excerpt from a report by Denis Hayes of the Worldwatch Institute:

"In several countries, a strong rivalry has developed between the advocates of source separation and the champions of centralized resource recovery facilities. The latter tend to believe the former have laudable ideas, but that their proposals are little more than naive distractions from the real solutions. Source separation is fine as far as it goes, according to the resource recovery school of thought, but it doesn't go very far because people just won't change their life-styles.

"Proponents of source separation, on the other hand, feel that centralized facilities are capital-intensive behemoths that produce little net energy and recover a comparatively small fraction of the material value of trash. Resource recovery centers are viewed by this group as marginally better than landfills as a destination for whatever is not successfully



Neil Seldman of Washington's Institute for Local Self-Reliance: "...Apparently, EPA staff and some consultant panels are biased against and/or are professionally unprepared to deal with source separation recycling."

recovered through source separation. But there is a strong fear that economies of scale will dictate that huge units be built at high

*(continued on page 7)*

## Hazardous Waste Bill Takes Final Shape

On May 2nd the Mathieu Special Committee completed its work and sent Substitute for House Bill No. 4380, the Hazardous Waste Management Act, to the House Public Health Committee for its first standing committee hearing. At that time the bill had the support of all major generators, haulers, disposers, environmental groups, the governor, and the DNR. On June 6th the bill was reported out of the Public Health Committee, altered after a barrage of mostly clean-up amendments were added. All parties were still supporting with only minor differences. One in particular related to a provision introduced by some waste generators to protect the confidentiality of trade secrets and processes. The next stop for the bill was the House Appropriations Committee where the bill was expected to be passed quickly on to the full house for a vote. (At the time of

this writing further details were not available.) It is fair to speculate, however, that further major amendments at this late date would surely topple the delicately balanced support and cooperation that has been built into the bill by all parties involved. It is conceivable that the bill could pass both the House and Senate before the summer recess, which is expected to start the first of August. Any attempt by any legislator or interest group in either the House or Senate to sabotage the bill after the countless hours of work that have gone into it thus far would be political suicide. Some legislators have no fear of political suicide. See Editorial this issue:

*(Continued on page 9)*

## HOW TO MAKE LAWS GOOD

On May 2nd the Special Legislative Committee on Hazardous Waste Management, chaired by Representative Tom Mathieu (D, Grand Rapids), finished the task of drafting a Hazardous Waste Bill. The bill, which will be known as Substitute for House Bill 4380, is the product of nearly three months of intensive work by the bi-partisan Committee and a work group representing all of the various interests involved in the issue.

The process by which the bill was put together is nearly as important as the bill itself. Nearly sixty hours of work meetings were characterized by vigorous debate, laborious compromise and unprecedented cooperation between generators, haulers, disposers, regulatory agencies, environmentalists, local government officials and politicians. Without the cultivated and respected

leadership of Mathieu it is doubtful that the tension and heat of argument would have been held together.

Important for the residents of Michigan is the fact that the process did work, and out of it has emerged a tough hazardous waste management bill that has broad based political acceptability. A solid coalition of support representing industry, government and environmental interests has vowed to see that the bill is passed and not altered as it begins its movement through the legislative process.

In a time when there is widespread pessimism about political hocus-pocus, it is refreshing to have participated in, and observed, a process that truly represents good government.

## PUBLIC EDUCATION MUST COME FIRST

Editorial from Sludge Magazine, March-April 1979

Public participation in sludge management decisions is not only desirable, it is unavoidable. Closing the process, or keeping it quiet, will neither silence nor weaken the negative voices. It may, in fact, make them considerably stronger by depriving the project of deserved support.

Why, for example, should a community opinion leader risk political capital to support a decision he had no part in making? Why should a local environmental group support a project it knows nothing about? Why should the general public even care?

EPA's new public participation rules demand timely and thorough community involvement in most important sludge management decisions. Compliance, however, is no panacea. At best, compliance can improve the odds that the experience will be constructive.

To be really effective, public participation must be preceded and accompanied by public education. EPA is not unaware of this need and has taken steps to begin to meet it.

A new film entitled "The Cleaner The Water . . ." has just been produced by EPA's Office of Water Program Operations to give the public a visual introduction to several successful sludge management projects.

Another new program called "Waste Alert!" has been funded by EPA's Office of Solid Waste to train citizen leaders for participation in sewage sludge and waste management programs.

Public acceptance of environmentally sound and economically rational sludge management and disposal programs is the ultimate goal of these EPA efforts. Absent proven ways to achieve this objective, SLUDGE Magazine encourages these experiments.

March-April 1979

Eric B. Easton

Editor's Note: This editorial has been reprinted with permission from Sludge Magazine which is published bi-monthly by Business Publishers, Inc., 818 Roeder Rd., Silver Springs, MD. 20910. The Coalition believes that this editorial which appeared in a widely-read industry magazine represents a significant positive trend in the attitude of the waste management industry toward understanding and working with the public. It has been our observation in working with the waste management industry on solid and hazardous waste issues in the state that this is the case.

## coalition meets

The next meeting of the Michigan Coalition:

WHEN: Saturday, August 4 (note change from July 28)  
 WHERE: MSU Campus, Natural Resources Bldg., Room 338  
 TIME: 10:00 A.M. to 1:30 P.M. (approximately)

### AGENDA:

- \*Hazardous Waste Bill Strategy
- \*Solid Waste Rules
- \*DNR Municipal Sludge Policy - Dick Sprague, DNR
- \*Bottle Bill Escheats (HB 4046)
- \*DNR Report - Cost of Resource Recovery in Michigan and Proposals to Meet Demands
- \*Fall Coalition Conference
- \*Funding Report
- \*New and Old Business
- \*Possible Showing of Hazardous Waste Movie (see article this Newsletter)

**august 4, 1979**

## WHOOOPS!!

Just when things appeared to be going smoothly the all too frequent political hocus-pocus raised its ugly head again. When the hazardous waste bill was sent to the House Appropriations Committee, chairman Dominic Jacobetti claimed there was no rush on the bill and referred it to Rusty Hellman's Subcommittee on the DNR. Although there was fear that Hellman would level his revengeful "meat ax" to the bill because it gave considerable authority to his open enemy, the DNR, his blade was apparently dulled by the magnitude of the support groups who immediately appealed to Speaker of the House, Bobby Crim, to stop the nonsense. Crim and Mathieu demonstrated supreme leadership before the full Appropriations Committee and did the necessary behind-the-scenes work to thwart off weakening amendments and bring the bill to an unanimous vote of the Appropriations Committee on June 27th. The bill now appears to be headed for swift action on the House floor the first week of July.

## LEGISLATURE STALLS ON RECLAIMING BOTTLE BILL MONEY

Apparently the same kind of political pressure that halted the Legislature when it tried to deal with passage of Michigan's Bottle Bill (later passed by the voters through initiative action) has put the brakes on an effort to reclaim \$20-\$40 million per year for the state in unclaimed deposits that currently will go to the bottle and can industry coffers. It's interesting that in a time when the state budget is so strapped for funds, when the IRS has made a ruling that this money is added income to the companies, and Michigan law clearly gives the right to the state to reclaim this money; why the Legislature and the Governor have chosen to turn up their noses at this potential bonanza.

Under Michigan's Bottle Bill it has been estimated that somewhere between 10%-15% of the bottles and cans sold may not be returned for a deposit due to loss, breakage or whatever. When the bottles and cans are not returned, the 5¢ or 10¢ deposit that was originally paid to the retailer

by the citizen who purchased the beverage is not returned. The retailer does not retain the unclaimed deposit because he passes it along to the distributor, who may keep it, or pass it to the manufacturer depending on which company it is. Thus a deposit that was paid by the public and not returned is retained by the distributor or manufacturer of the beverage. It's hard to believe but this "quirk" of the bottle bill generates an enormous amount of money which for all practical purposes amounts to an economic "wind-fall" for the beverage industry. Industry representatives claim that they need this additional money to offset their costs resulting in implementing the Bottle Bill, however, the deposit was never intended to offset costs. It is simply the incentive for people to return the bottle and was intended to be only a short-term exchanging of monies between manufacturer, distributor, retailer and consumer. It is unclear why the deposit would be factored into the cost of production and pricing of the beverage.

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## ENVIRONMENTAL MEDIATION IN LANDFILL SITING DISPUTES

The 1970's have been distinguished by increasing concern for the environment. There has been an unprecedented amount of federal, state and local legislation and regulation governing environmental quality, and a similarly unequalled amount of citizen organizing for the purposes of promoting and reinforcing such regulations. These factors, as well as the responses they have elicited among industry, individuals, local governmental units, labor organizations, government agencies charged with environmental protection, and others, have filled the courts and regulatory agencies with disputes over the use of natural resources.

Considerable interest is now being focused upon mediation as an alternative technique to be applied to some cases and conflicts in lieu of litigation, or concurrently with legal proceedings, in the hope of finding mutually acceptable settlements. Mediation appears to offer relative speed, less cost, and a problem-solving process whereby the "real" issues are addressed and resolved.

Such settlements are legally and otherwise justifiable in terms of the public interest when certain factors are recognized. In many instances environmental disputes arise out of conflict between equally worthy values such as full employment and unpolluted water. It is frequently clear that the regulatory agencies may rule on these conflicts, but not necessarily with greater wisdom than might be achieved by the combined efforts of the disputing parties. Further, the statutes that govern these issues often provide a discretionary range to be applied by agencies, which allows for a spectrum of acceptable settlement terms. Mediation is by definition voluntary, so that no interested party, including the regulatory agency, may be forced to settle for terms it finds unacceptable.

It is already the case that parties to environmental disputes may negotiate settlements. Mediation simply adds the participation of a neutral person who applies the skills of a conflict resolution specialist. The mediator makes no judgments concerning the content

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## New Solid Waste Law Is Amended

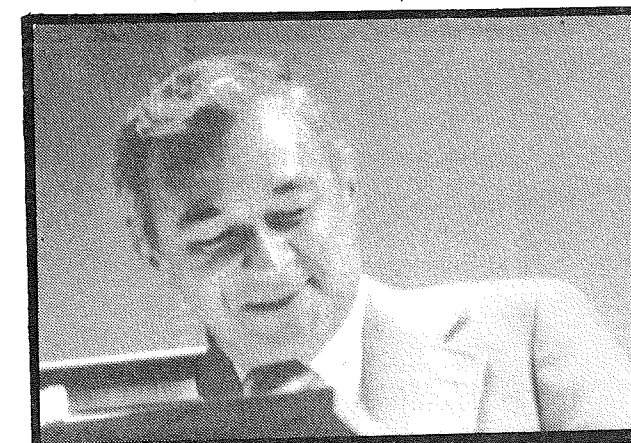
In a remarkable demonstration of the fact that the Legislature can act quickly when it wants to, Michigan's new solid waste law (signed into effect January 11, 1979) has been amended to give more time to counties, municipalities and the DNR to get the administrative machinery in place to implement the new act. Threatened by law suits under the Headlee amendment and recognizing that counties and municipalities were unwilling to sign a "blank check agreement" to prepare plans without knowing specifically what would be required under forthcoming rules (now in progress), the Governor signed Senate Bill 250 into law on the very day that counties were to have notified the DNR of their intent to prepare plans under the new law (May 11th).

SB 250 was initiated by the Governor's office and sponsored by Senator Engler(R), of Mt. Pleasant. It makes several changes in the time periods for implementing the act that will delay implementation, but all parties involved in the drafting of the original bill generally agreed that the changes were necessary. Specifically the bill does the following:

- (1) Changes the time period by which counties must notify the DNR of their willingness to prepare a county solid waste plan from 4 months after the effective date of the act to no later than 4 months after the rules for planning (which must be adopted by the Legislature) take effect.

- (2) Changes from 2 months to 4 months the amount of time that local municipalities have to decide to prepare a county solid waste plan following a decision by a county not to prepare a plan.

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Representative Tom Mathieu (D, Grand Rapids) leads the battle to get \$3 million to fund solid waste law.

## Senator Monsma's Committee to Study the Impact of the Bottle Bill Deposit Law

Subject to approval by the Committee, the Citizens Research Council of Michigan will conduct for the committee what in effect are two separate studies. The Research Council will attempt, first, to determine what changes have occurred in the price of beverages affected by the law. In addition the Research Council will study the industries involved in the production of beverages and report what expenditures have been necessary in order to comply and what savings have resulted from the implementation of the law. The Research Council will report its findings to the committee; it will not attempt to determine any relationship between the two areas.

Since the Research Council is a non-profit organization financed by contributions, it is offering its services without charge to the committee. The committee will pay for out-of-pocket expenses of the Council not to exceed \$2,500.

After watching the activities of the Council over the years and after numerous conversations with Robert Pickup, Vice President and Executive Director of the Council, Senator Monsma has fullest confidence that the Council will be able to conduct a thoroughly objective study.

The Research Council has requested the option to contract the services of an accountant to assist in data collection and analysis. The fee of the accountant, should one prove necessary, will be paid for by the legislature.

## Guide To Solid Waste Decision-Making Available

Since the enactment of Michigan's new solid waste law (PA 641 of 1978, as amended), very little information has been available to describe to the public, governmental officials, and private sector interests what the law will mean and how it will work. Likewise, there has been a general absence of information in the past that describes the various commissions, agencies, laws, etc., that affect solid waste decision-making in Michigan. Now there is a document that should prove highly beneficial in helping a wide variety of people to understand and participate in the solid waste decision-making process in this state.

The GUIDE has been prepared by the Coalition with the assistance and contribution of several individuals and organizations. Assisting in the project have been the Michigan Chapter of the National Solid Waste Management Association (financial), A. J. Dines, Associates (writing

## Two stores get "used oil" recycle centers

The West Michigan Environmental Action Council, in cooperation with Meijer, Inc. and over 50 gas station owners, has established a system of Used Oil Recycling Centers. "Do-it-yourselfers" faced with the question of how to dispose of used oil drained from cars, tractors, or pick-ups can now "recycle" it at any gas station, dealership or service center displaying the bright yellow sign stating "Recycling Used Oil Here".

Two Meijer gas stations now have Oil Recycling Centers. They are located at Store 11 on 28th Street and Store 12 on Plainfield Avenue in Grand Rapids.

Lacking appropriate disposal sites, millions of gallons of used oil are dumped in vacant lots, alleys, or down storm sewers each year in Michigan. In addition to wasting a non-renewable resource, the used oil contaminates existing resources. Your participation in this oil recycling program will make it successful, and also demonstrate that such a program is workable in other Michigan communities.

Since history indicates studies related to container deposit legislation are likely to meet with intense criticism by either pro-bottle bill or anti-bottle bill spokespersons, the Citizens Research Council has recommended that consultants representing each position be made available to the Council. In this way the Research Council will be able to hear and utilize such critiques as the study is in progress.

The U. S. Brewers Association has agreed to provide a consultant to represent the industry point of view. Michigan United Conservation Clubs is taking responsibility for contacting conservation and environmental groups in order to contract the services of a consultant to represent the point of view of those who supported the law.

To summarize the structure of the study, the committee will supply the funds for the two neutral parties, the Research Council and the accountant. Consultants representing a particular point of view will be selected and paid by the parties they represent.

Suggestions or questions regarding the above proposal may be addressed to Senator Monsma or you may contact Carolyn Brock, Committee Aide. Other members of the Committee include Sen. David Plawecki(D), Sen. Richard Allen (R), Rep. Mary Brown(D), Rep. Matthew McNeely(D), and Rep. James Defebaugh(R). May 24, 1979.

and production coordination), Beckett Raeder Rankin, Inc. (graphic design and layout), Michigan State Cooperative Extension Service (financial), and the U.S. EPA Office of Solid Waste (financial). Without the assistance and cooperation of these people and organizations the Guide could not have been prepared and made available.

The GUIDE is a quality piece of work that provides an overview of Who's Who's in Michigan solid waste decision-making (6 pages) and contains a two-sided (17" x 22") poster printed in 4 colors that illustrates the planning process for developing county plans, and the construction permit and license application process under the new solid waste law. The Guide will be available at no charge to Coalition members and a donation will be requested for others wishing to obtain the document. Request should be made by calling or writing the Coalition, at the West Michigan Environmental Action Council offices.

## COALITION T-SHIRT TEST

Put your creative thoughts together and think of a theme phrase or graphic idea for a T-shirt design that would be prepared and sold by the Coalition to raise money for various Coalition activities. Hopefully, the T-shirt will make its debut at the Fall Conference. Submit all ideas to the Coalition as soon as possible. Here are some idea starters:

- \*Survival Thru Waste Management
- \*Waste -- What Do You Do with Yours?
- \*Waste Is a Contagious Disease
- \*Waste Will Bury Us!
- \*Waste Wise - Are You?
- \*Waste Is a Problem That Can't Be Discarded
- \*Waste Is a Social Disease

If your theme idea or art work is used, you will receive 6 free T-shirts.

## EPA Final Public Participation Regs Published

EPA's Public Participation Regulations that will cover public involvement under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act, were published in the Federal Register on Friday, February 16, 1979. Copies of the Federal Register are available at most large libraries or the Regs can be obtained from EPA Region V, Joel Mintz, 230 S. Dearborn, Chicago, Ill. 60604, phone: 312-353-2000.

These regulations are intended to encourage, provide for, and assist public participation under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act. They replace existing regulations for public participation in water programs and interim final regulations for public participation

in solid waste management. The regulations include general provisions which require open processes of government and efforts to promote public awareness in the course of making decisions in programs and activities under the three Acts. Also included are requirements which apply to specific public participation mechanisms, such as public hearings and advisory groups. These regulations do not require the use of the specific mechanisms. The mechanisms must be used only if they are required in program regulations.

Editor's Note: See the reprinted Editorial from Sludge Magazine on the Citizen Participation Reg's elsewhere in this Newsletter.

## rules progressing under pa 641

Draft rules to implement the new solid waste law (P.A. 641 of 1978, as amended) are generally available at this time. It is expected that they will be submitted to the Natural Resources Commission by July 12 for acceptance and scheduling of required public hearings. If things go smoothly, the hearings will probably be held in late August, and the Natural Resources Commission could approve the rules at their September meeting. That would clear the way for the rules to go to the Joint House-Senate Rules Committee by early fall. If approved by the Joint Committee at that time, the rules could go into effect and would coincide nicely with the anticipated available funding to implement the act that would begin October 1, 1979.

Of particular interest will be the rules relating to county planning under the act and those specifying design standards for landfill development. The draft rules now available provide for specific standards for the development of four types of landfills: Type I, Hazardous Wastes; Type II, General Refuse and Solid Waste; Type III, Construction and Demolition Wastes; and Type IV, Inert Wastes. Each type of

landfill has proposed design standards and alternatives for liners, leachate collection and treatment, groundwater separation, clay criteria, etc. The rules also propose requirements for diking, closing procedures, final grades, isolation distances, locations near or in flood plains or wetlands, access, daily cover, intermediate cover, final cover, and more. The draft rules affecting the development of county plans under the act attempt to provide clarification and a better understanding of what is required to meet the mandates of the act. Those rules discuss the duties and functions of the Planning Committee and the Planning Agency, the extent of public participation programs, adoption and updating procedures, plan content and specificity, management strategies, relationships to regional planning agencies, and provide some additional definitions for clarification.

Copies of the draft rules are available and may be obtained from the DNR, Resource Recovery Division Office, P. O. Box 30028, Lansing, Mi. 48909, or call Bill McCracken at 517-322-1315.

## Hazardous Waste Movie Available in August

The West Michigan Environmental Action Council (WMEAC) received a \$20,000 grant from the U.S. EPA late last year to prepare a movie about hazardous waste management. Originally the project was conceived to provide specific focus on the problems of the Upper Midwest, however, the project has since broadened in scope considerably. Following on the tails of the "Killing Ground", the nationally released ABC documentary, WMEAC hopes that the 30 minute film now in the final editing stages will portray not only the tragedies of poor hazardous waste management but also provide hope and a positive angle on the subject. When it was decided to broaden the scope of the movie, EPA came through with an additional \$15,000 and the New England Regional Commission added another \$4000 to the project. The result will be a 28-minute, 16mm color, optical sound-on-film documentary film suitable for a non-technical national television audience. The film should be available through the WMEAC offices sometime after the first of August.

## slide show on rcra available

The Environmental Protection Agency has put together a slide show that describes the major features of the Resource Conservation and Recovery Act of 1976. The show contains 77 slides and takes approximately 20 minutes. It is entitled "Toward Safe Management of Wastes" and is accompanied by a written script that is keyed to the slides.

At this time the Coalition has one copy of the slide show and script available on a loan basis to any group or organization that would like to use it for a presentation. If there is a demand for the show more copies will be made available. Contact the coalition for availability and allow time for mailing.

Filming has included: Love Canal, the Silresim Plant in Lowell, Massachusetts; "The Valley of the Drums", near Louisville, Kentucky; IT Corporation, Martinez; California (good example); Rollins Corporation, Deer Park, Texas (good example), the Minneapolis, Minnesota, problem where local opposition stopped a "high quality, properly engineered" site; Groveland Township, Michigan, where local residents struggle with a proposal by the Stablex Corporation; and a regional approach to hazardous waste management being taken by the New England Regional Commission.

The film will get to the mind of the viewer and show him that if he accepts the affluent standard of life, he must also accept the responsibility of hazardous waste materials that go along with it. Most especially, this will include really considering and wrestling with the phrase, "Not in my backyard . . ."

Filming and production of the movie is being done by Durrin Films, Inc., of Washington, D.C.





- \* The Coalition has received a grant of \$20,142 from the Needmor Foundation in Toledo, Ohio. The money will be used for the annual conference to be held probably in October, the publication of the Newsletter on a bi-monthly basis, and the preparation of a slide/sound show on the problems of solid and hazardous waste management and some additional educational materials.
- \* EPA's New Public Participation Rules—Constructive or Obstructive? Good article in the March-April issue of Sludge Magazine (see Reprinted Editorial from Sludge in this issue for details on Sludge Magazine).
- \* WXYZ-TV, Channel 7, in Detroit, made extensive use of Coalition resources to prepare a five part documentary on the problems of toxic waste disposal in Michigan entitled, "Toxic Troubles". Copies of the video tapes are available from the Coalition on a loan basis. Specification is: 3/4" U-matic videocassette.
- \* TRANET - a relatively new newsletter-directory of, by and for those individuals and groups around the world who are actively developing Appropriate/Alternative Technologies, is available. The fall issue of the Newsletter will provide a directory on Recycling, and Uses for Solid Waste. Office Address is: Tranet, Box 567, Rangeley, Me. 04970, Manager Margaret Ellis. Subscription price for quarterly newsletter is \$15.00.
- \* Worms and Garbage are the subject of an experiment of the Kalamazoo Nature Center (7000 N. Westnedge Ave., Kalamazoo, Mi. 49007). The project is being funded by the National Center for Appropriate Technology and is based on the premise that 2 pounds of worms will transform 1 pound of organic waste into rich humus in one day. Mary Appelhof is the project director.
- \* Phoenix Quarterly, the publication of the 1550 member Institute of Scrap Iron and Steel, is available free by writing the Institute at 1627 K Street, N.W., Washington, D.C. 20006. Recent articles included "Scrap Exports Help Fight U.S. Inflation" and "Women in the Scrap Industry".
- \* Michigan DNR has been awarded a \$504,500 grant under the Toxic Substance Control Act of 1976 (TSCA). The money will be used to develop a toxic substance control program under Michigan's Critical Materials Program.
- \* California's Litter Tax Law is in deep trouble. The law has been widely acclaimed by the can and bottle industry as a better alternative than deposit legislation. The law became effective in California on January 1, 1978, and was to provide some \$25 million for grants and loans for resource recovery from solid wastes. The California Senate scuttled the law in March after enormous protests from businesses receiving their first excise tax bills. Business claimed no knowledge of the law. There is also a hassle over the law from the National Association of Recycling Industries (NARI) which opposes granting of funds to nonprofit community recycling operations that would compete with the recycling industry.
- \* A National Coalition of Recycling/Appropriate Technology advocates is in the developmental stages. The group, known as WASTE WATCH, would attempt to coordinate a national movement to change policy to provide more emphasis on low-technology solutions to solid waste problems. Persons interested should contact Arthur Purcell, Technical Information Project, 1346 Connecticut Ave., N.W., Suite 217, Washington, D.C. 20036, or phone 202-466-2954.
- \* EPA Technical Assistance Panels Program, designed to provide information and technology sharing, will recognize community based recycling organizations as resources to be shared with other communities. Contact Albert A. Peter (WH-563), US EPA, Washington, D.C. 20460, if your organization wishes to be registered as an available consultant, or if your community needs assistance for recycling planning, or if you would like a list of registered community based recycling operations around the country.

tion is available free. To order the catalog write: Solid Waste Information, U.S. EPA, Cincinnati, Ohio 45268, and request publication No. 203.

\* EPA's Guidelines for Landfill Disposal of Solid Waste were published in the Federal Register on March 26, 1979. Required under Section 1008 of RCRA, the guidelines provide a technical and economic description of the level of performance that can be achieved by various available solid waste management practices which provide for the protection of public health and the environment. They cover leachate, gas and runoff control methods, operational practices, site selection and monitoring. Copies of the Guidelines and a Draft Environmental Impact Statement on the Guidelines can be obtained from Bernard Stoll (WH-564), U.S. EPA, Washington, D.C. 20460, or call: 202-755-9116.

## Waste Alert Conference

Mark your calendars for July 26-28, 1979, when WASTE ALERT! comes to Madison, WI. WASTE ALERT! consists of two and a half days of workshops focusing on waste management problems and alternatives in Wisconsin, Ohio, Michigan, Illinois, Indiana and Minnesota.

We will examine the programs under the federal Resource Conservation and Recovery Act of 1976 (RCRA) and the complex hazardous and solid waste problems facing these 6 states. Citizens, public officials, industry representatives and technical experts will get together to take an in-depth look at what kinds of wastes are being produced in this region. We will also explore what kinds of programs are needed to insure that these wastes are handled properly to protect public health and the environment.

WHEN: July 26-28, 1979

WHERE: Sellery Hall, University of Wisconsin-Madison  
West Johnson and North Park Streets  
Madison, WI

No registration fee, but advance reservations are necessary.

Press is Welcome

Inquiries for registration forms and applications for financial assistance should be made to: American Public Health Association, 1015-18th Street, N. W., Washington, D.C. 20036. Attention Mark Murray, Conference Coordinator; or call 202-797-6883.

## DNR Resource Recovery Staff Expanded

Under the leadership of Larry Holcomb, the head of the Resource Recovery Section of the Resource Recovery Division of the Michigan DNR, the program activities and staff have been expanded. Two new "Units" in the Section have been created: Appropriate Technology and Source Reduction and Separation.

The Appropriate Technology Unit is staffed by Mohammed Yusaf and David Lenze. They will be investigating and identifying available technology systems that can be used in managing solid wastes, and will consult with local governments as they plan for solid waste management.

The Source Separation and Reduction Unit will be headed up by Charyl Bartz, formerly with the staff of the Michigan United Conservation Clubs. At present a major emphasis is being placed on assessing the feasibility of an office paper recycling program for state office buildings. The Resource Recovery Division hopes to have a test program under way in their offices some time this summer. Other activities will include getting information on source separation and reduction programs to communities and industry and assessing legislation and policies that may stimulate or inhibit waste reduction in the state.

Information on these programs or activities can be obtained from the Resource Recovery Division, DNR, P.O. Box 30028, Lansing, MI. 48909, or phone: 517-322-1315.

## high tech / low tech

expense to handle the entire current volume of urban waste. Afterward, cities would have a strong vested interest in maintaining the same level of waste in order to maximize the return on their sunk investments. This could lead to official discouragement--or even forbidding--of community recycling schemes.

"This scenario is entirely plausible. Successful source reduction efforts, coupled with successful programs to segregate the remaining wastes at the point of origin, could financially cripple a centralized recovery facility. A more sensible approach would be to first see how much of the problem could be solved by comprehensive programs for reducing waste, recycling, and composting. Appropriately-scaled resource recovery facilities could then be constructed to process the remaining wastes."

Richard B. Scudder, Chairman of the Board of the Garden State Paper Company, and the recipient of Resource Recovery and Energy Review's Man of the Year Award for 1978, says it a slightly different way: ". . . It is absolutely essential that burn facilities be engineered for the garbage mix they will actually receive. Once you plan to burn all garbage, it is too late to remove recoverable, valuable materials." Scudder speaks with a good deal of authority as the driving force behind the company that can claim the title of the world's largest recycler of used newspapers into new newsprint. Garden State Paper Company produces over 10% of the newsprint manufactured in the United States and it all comes from recycled newspapers.

Hayes and Scudder seem to make good sense, particularly in a time when energy considerations are paramount, capital necessary to build any recovery facility is exceedingly scarce, and jobs are needed to curb high unemployment rates. Why then is it so difficult to get the Environmental Protection Agency and others involved in solid waste management to take low-technology materials recovery and waste utilization seriously??

Scudder suggests that there are two reasons: "There is inadequate funding (and) perhaps the necessity for prior planning for materials recovery is too little understood . . . federal advisory teams often do not have adequate expertise. The subject is more complex than it seems and the agencies have trouble finding people who fully understand the benefits of materials recovery." Scudder is quick to admit that he is not against burning the waste, but we should be careful that it is waste. ". . . Let's keep in mind that the most productive solution to the garbage problem--the solution with the broadest base and lowest cost--lies in a combination of materials recovery and burning technologies. . . burning facilities are most profitable when materials recovery is properly carried out."

When the \$15 million Urban Grants program was announced and the Guidelines for the program were written back in October of 1978, it appeared that both of Scudder's concerns were being addressed--money and expertise. Aside from the funding, the Guidelines seem to recognize the necessity for source separation. The program rationale printed in the Federal Register indicated that one of the key tasks which, when not properly addressed, have delayed or prevented implementation of resource recovery facilities included not "considering source separation as a part of the system in early planning." Additionally, the Guidelines went on to indicate planning activities to be performed that seemed to recognize source separation as an integral part of a comprehensive resource recovery planning effort.

Since that time the program has now gotten into full swing and EPA has changed its tune. At the root of the "flip-flop" is a document that was prepared for EPA by the consulting firm of Goordian Associates, known as the Model Scope of Work for Resource Recovery Project Development. This document is being used by each of EPA's Regional Offices and the Region's Technical Assistance Consultants to guide all of the 66 successful grant recipients in the preparation of their local work programs. Whether by design or accident, the document is highly biased toward the high technology energy recovery

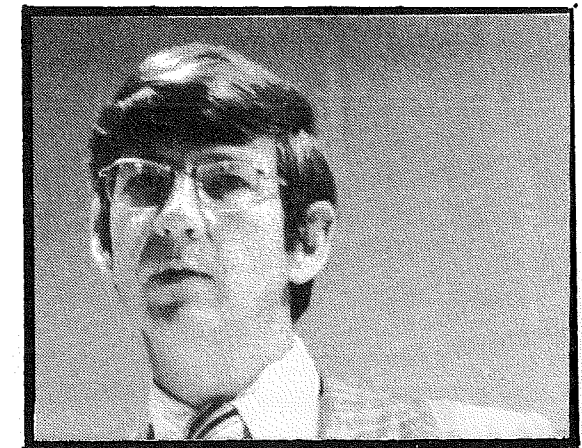
approach. For example, for those communities planning a resource recovery facility, the Phase I Feasibility Analysis makes no mention whatsoever of source separation. It does include a waste stream analysis, a technology assessment and a preliminary project scenario, but in none of these is the analysis of source separation included as part of the overall approach. Local decision makers are asked to pass a resolution "to proceed with the project" in the absence of any consideration of the impact of source separation or existing or potential waste reduction programs. Source separation does not get consideration until Phase II of the project after these preliminary decisions have already been made. This approach flies in the face of EPA's own Program Rationale and the sensible advice of Denis Hayes, Richard Scudder, and countless others, including private sector interest, state agencies, and community based recyclers. How can a community make a "go/no go" decision on a resource recovery project without having first analyzed the extent to which materials can be separated out and recycled so that they know the amount and type of waste that will be delivered to an energy recovery facility? What size should the plant be? What contracts or commitments can be made as to the material that will be delivered to the plant or buyer of the refuse-derived fuel.

Michigan's own state plan for materials and energy recovery that was recently adopted by the State Resource Recovery Commission reaffirms this basic principle;

"Source separation or source reduction techniques should, if possible, be established before the design and construction of a mechanical separation system (high technology) in the same service area."

The Department of Natural Resources now seems to be intent on enforcing this principle as it applies to the three Michigan cities (Detroit, Flint, Muskegon/Grand Rapids) that received grants under the national Urban Policy Program. In a letter dated May 7th to Karl Klepitsch, Chief of EPA's Region V Waste Management Branch, Larry Holcomb, head of DNR's Resource Recovery Section, expressed the state's concern over EPA's implementation of the Urban Policy Program. "If source separation feasibility is not considered at the beginning of a project, there will not be a true picture of the volume of waste available for a resource recovery facility. Without this information, no utility company or other source of energy sales is going to make a commitment to take refuse-derived fuel or steam," Holcomb said. Further detailing the argument, Holcomb says:

". . . An argument is often made that source separation is not an economically viable alternative because of labor costs and low material market value. However, two of the major costs of Resource Recovery/Energy Recovery facilities are the high maintenance costs and high capital costs of the processing and energy recovery equipment. A great amount of the maintenance costs are due to rapid wear because of the abrasiveness of metals and glass. It would be very illuminating to have factual evidence of the cost/benefit of, (a) instituting source separation of wastes at curb-side; (b) separation of materials at the Resource



Larry Holcomb, head of DNR's Resource Recovery Section: "If source separation feasibility is not considered at the beginning of a project, there will not be a true picture of the volume of waste available for a resource recovery facility."

# low tech

(continued from page 7)

Recovery site, and (c) recovery of metals only after incineration, taking into account the cost of maintenance. What I am suggesting is that the total costs of a management system are no greater in some types of appropriate technology materials separation program than it would be for extra capital costs and maintenance costs due to equipment wear, breakdown, and duplicate systems necessary to process mixed waste

Additionally, the draft rules that are being developed under the State's new solid waste law (PA 641 of 1979) include provisions that will require study and investigations of source separation and materials recovery as part of each County Plan that will have to be prepared under that law.

The issue is not going unnoticed at the national level. As a result of the Michigan concern, the Washington based Institute for Local Self-Reliance that has provided national leadership on the recycling issue has stated its concerns to the top levels of EPA's management. In a recent letter to Douglas Costle, EPA's Administrator Neil Seldman of the Institute's Waste Utilization staff says:

"It is long past the time that the attitude of EPA toward appropriate technology could be considered a joke. On the Mall two weeks ago EPA was highly visible, with an interesting emphasis on source separation systems which attracted thousands of interested citizens. However, during that same period, organizations and local and state governments in Michigan were being told by the EPA Regional and National offices that source separation/low technology systems would not be considered in the same light as high technology resource recovery energy recovery systems. Apparently, EPA staff, and some consultant panels are biased against and/or are professionally unprepared to deal with source separation recycling."

Seldman concludes by saying, "The national rhetoric is not keeping pace with the local dispensing of funds or program guidance being delivered by EPA."

Of the three Michigan communities that have been awarded grants under the Urban Policy Program, the Grand Rapids/Muskegon area has been the most vocal in its opposition to EPA's slighting of low technology/source separation/materials recovery. This fact is basically because of the local stronghold of interest groups, private operators, and local officials that have developed a high awareness level of the issue and have been promoting it extensively. The largest community based recycling organization in the state—Recycle Unlimited, an ad hoc citizens group—Citizens for Recycling, and the West Michigan Environmental Action Council have teamed up with private sector recyclers and have convinced many local political leaders of the advantages of low technology materials recovery. Until the completion of a recent report prepared by the Institute for Local Self-Reliance for Kent County, the whole approach was somewhat undefined. However, the report has helped to focus the idea and several options have materialized that are both cost effective and seem to have broadbased political support. Until now many other studies and investigations of high technology energy recovery options have failed to achieve these two critical criteria. The alternatives involve the source separation of residential wastes and low technology materials recovery processing of both residential and commercial wastes at a centralized recovery station. Capital costs range from \$3 to \$5 million and are designed to be recovered by material sales, tipping fees, bag fees, and a series of economic incentives designed to encourage participation by both residents and the business community. At initial start-up participation rates of 25% residential and 50% industrial, it has been estimated that volumes currently going to the landfill could be reduced by 35%-40% or 300-400 tons per day. If implemented it is expected that an ongoing, active educational program and incentives would increase residential participation substantially. Although not specifically detailed in the report, the unrecycled material coming out of the recovery station would be of high quality (without abrasive materials) for burning in small-scaled industrial energy recovery boilers or for composting. Utilization of this "unrecycled material" would further reduce the amount of waste to be landfilled and could perhaps enhance the economics of the system. Several larger industries in the Grand Rapids area are actively considering the installation of the small scale energy recovery boilers to handle their individual waste management problems. Copies of the Kent County Report are

available from the Kent County Department of Public Works, 1500 Scribner, N.W., Grand Rapids, MI. 49504, or by calling 616-774-3694. There is a charge of \$5.00 for the report. It should be recognized that the report is only an alternative concept assessment at this time and additional studies and investigations will be necessary to detail institutional arrangements, costs and system details.

In implementing the President's Urban Policy Grant Program it seems that EPA and many solid waste technicians in their search for a glamorized, technically complex solution to the solid waste problem, have closed their eyes to the realities of high technology resource recovery systems—high costs, technical uncertainties, and political problems of controlling waste streams that are now fragmented between public and private entities. A report of the House Science and Technology Subcommittee on the Environment and the Atmosphere says that the concept has been "overdramatized" while the costs and risks have been understated.

A November 16, 1978 article in the Wall Street Journal sheds some of the realities of the Wheelabrator Frye operation in Saugus, Massachusetts, where one of the most tried and proven of technologies (the waterwall incinerator) has been in operation for three years:

"The Saugus plant that converts 1000 tons of garbage a day from 13 towns into steam for a nearby General Electric Co. plant. Originally expected to be profitable on revenue of \$10 million to \$13 million this year (1978), Resco (Refuse Energy Systems Co.) will have a 1978 loss on sales of \$10 million and may never be profitable, said Mr. Kehoe, the divisional vice president and general manager. (Indeed it's currently considered a 'research and development laboratory' as well as a commercial venture, he said.)

"Why? Mr. Kehoe explained that operating costs exceeded expectations, largely because Saugus raised taxes almost 50% in the three-year period. . .

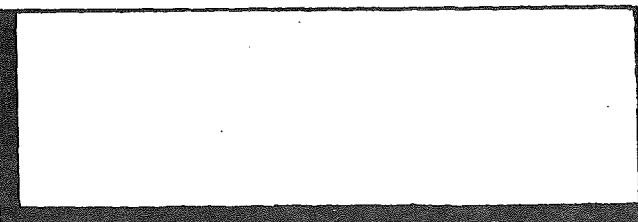
He said that capital costs also were higher than expected, some \$10 million above the original \$40 million cost estimate, because of the technical problems centered on adapting the foreign technology for use in the U.S. and on a much larger scale. . .

Mr. Kehoe cited "horrendous" problems getting enough garbage to make up the difference between the 650 to 700 tons under contract and the 1000 tons needed, because the so-called "tipping" fee of \$14.20 a ton far exceeds area landfill and dump costs. . .

"He added that he has had problems selling steam to General Electric from time to time when the company's needs fell below plant output; that meant that steam went "up the chimney" because it can't be stored or sold elsewhere."

The problems expressed by Mr. Kehoe are not unique to Wheelabrator Frye. It is this same kind of reality that has forced nearly 30 of the 50 companies involved or getting involved in resource recovery 2 years ago, out of business. Estimates are that the number will shrink to 10 or fewer. Wheelabrator's "staying power" can be attributed to its diversified \$620 million annual volume of environmental and energy systems sales (projected at \$1 billion by 1980) of which resource recovery of solid wastes is only a part.

In light of what seems to be a preponderance of evidence indicating problems with the mass implementation of high technology resource recovery systems, it is hoped that EPA will soon open its eyes and change its tune. One demonstration of such a change would be a clear and serious, nationally publicized policy, recognizing the necessity for specific planning and integration of source separation and low technology materials recovery processing of solid wastes as part of any waste management strategy.



# waste bill

(Continued from page 1)

## What the Bill Would Do

\*Definition of Hazardous Waste: Hazardous Wastes is defined and the DNR is required to promulgate by rule a list and criteria for identifying hazardous wastes within 6 months following the bill's enactment. The DNR must hold at least 3 public hearings on any proposed lists of hazardous wastes.

\*Hazardous Waste Planning Committee: The Governor appoints a 14-member committee to prepare a state Hazardous Waste Management Plan that must be approved by the Natural Resources Commission within 2 years following the bill's enactment. The Plan is updated every 5 years. Following plan adoption all permits and licenses for hazardous waste sites must be consistent with the plan. The Committee consists of representatives of city, county and township governments, haulers, disposal operators, environmental and conservation group, 3 public members, and the DNR, Department of Commerce and Department of Public Health.

\*2-Stage Permit and License: Both a Construction Permit and a License to operate a Hazardous Waste site are necessary. Applications for a construction permit require full public disclosure by written notice to units of government and publication in a local paper; and include complete reports of hydrogeological conditions, engineering plans, environmental assessment, closure and monitoring plans. Following review and approval by the DNR (within 120 days) the application is scrutinized by a Siting Board (see below) where additional stipulations may be added, and only then is it eligible for a license to operate after all conditions have been met and the site is constructed accordingly.

\*Siting Board: One of the most unique provisions of the bill which may become a national model calls for the establishment of a 9-member site approval board to review each hazardous waste site proposal that has been given a green light from the DNR. The Board has full authority to approve or deny a construction permit application or to add additional stipulations to the permit. The Board consists of three categories of membership: 3 from State Agencies, 2 Public (technical), and 4, Local Government. The three state agencies include the Departments of Natural Resources, Public Health, and the State Police; and the two members of a state institution represent professional disciplines of geology and chemical engineering. The state and public/technical members constitute permanent positions. The 4 local government representatives are temporary positions that terminate following deliberation and action on the site. Two of the local positions are appointed by the municipality where the site is proposed and two are appointed by the county in which the site is proposed.

The Board's primary responsibility is to identify and attempt to mitigate local concerns regarding the proposal. The Board must conduct a public hearing and at a minimum must consider the risk and impact of accidents, contamination and explosion, relationships with local planning and exiting development, environmental impacts, and the concerns or objections submitted by the public. The Board has final approval authority, and although it must consider local ordinances in making its decision, it is not bound by those ordinances for either the construction or operation of the facility.

\*Waste Haulers: The bill regulates waste haulers; requires a business and license fee, vehicle inspection certification, and proof of financial ability. The waste hauler is also required to participate in the manifest system to track the movement of waste from "cradle to grave" by certifying acceptance of the waste, delivering only to the destination specified by the generator of the waste, and retaining copies of the manifest forms for three years which are available for inspection at any time.

\*Waste Generators: The bill regulates waste generators primarily from their participation in the manifest system. They must: Provide a separate manifest to the hauler for each load and shipment, submit the manifest to the DNR within 10 days following the end of each month, ship loads only to DNR approved sites for that particular waste, utilize proper

labeling and containerization, and compile and submit periodic reports to the DNR on waste generated, stored, transferred, treated, disposed or transported.

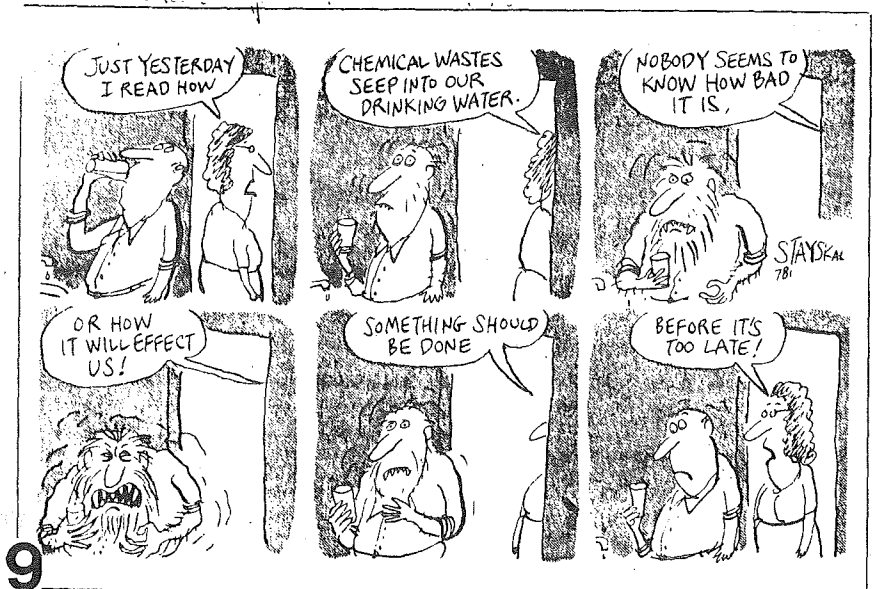
\*Waste Facility Operators: In addition to the other provisions of the Act relating to site development which affect the waste facility operators, they are also required to participate in the manifest system by accepting only waste with a proper generator manifest form, submitting the manifest form to the DNR 10 days after the end of each month, compiling periodic reports on waste disposed of, and certifying to the generator and hauler that each load delivered was properly disposed of. Once a generator has received this certificate of proper disposal from the facility operator, the generator is relieved from liability from those wastes.

\*Restrictive Covenant: All landfill-type disposal sites must contain a restrictive deed covenant recorded with the county register of deeds that states that the site has been used for hazardous waste disposal and that no building or construction activity can take place without approval by the DNR.

\*Closure and Postclosure Requirements: Facility operators are required to have a closure and postclosure monitoring and maintenance plan approved by the DNR and the Siting Board. The details of those plans will be specified in rules of the Act. A surety bond, secured trust fund or other suitable instrument is required to cover the cost of closing, monitoring and long-term maintenance of the facility for a period of 15 years following closure. After the 15-year period, the DNR must review the site and determine if there is a foreseeable alternative use for the site. If not, the state will accept ownership and responsibility for long-term care of the site and the operator's liability is relieved so long as the site has been operated in accordance with the Act and rules. If there is a suitable use the DNR shall make the necessary authorization on the restrictive deed covenant.

\*Disposal Facility Trust Fund: Created in the State Treasury, this fund will be accumulated by assessing a surcharge on all hazardous wastes disposed of at the rate of \$2 million per year for the 15 years following the effective date of the Act. The fund shall not exceed \$30 million nor be less than \$20 million (following initial accumulation) and can be used for payment of all costs relating to long-term care of a disposal facility after the responsibility of the owner has terminated.

\*Hazardous Waste Service Fund: Created in the State Treasury, a fund of \$1 million or more must be appropriated by the Legislature for use in hazardous waste emergencies as defined by rules. The fund can be used when there is a finding of actual or potential hazard to public health or the environment. After an expenditure from the fund the Attorney General must bring action to reclaim the money expended. Expenses may be assessed against the property and collected and treated in the same manner as taxes assessed under the laws of the state.





## waste bill

\*Complaint/Response Procedure: Any person may register a complaint of an alleged violation under the Act, however, a formal procedure is provided for complaints registered by a municipality. Upon receipt of a municipality complaint the DNR must inspect the facility or transporting unit and investigate the allegation within 5 business days. Following the investigation the DNR must make a written report to the municipality within 15 days.

\*Enforcement: The Director of DNR or an authorized representative (including local law enforcement officials) may search without a warrant any vehicle or equipment suspected to be in violation and may seize the vehicle or equipment. Also, the Director of DNR upon receipt of information that indicates there may be an imminent hazard to the public or the environment must order the owner or operator to take immediate corrective action and can order corrective steps to be taken or permanent or temporary cessation of the operation. In issuing an order for corrective action the DNR must specify the precise nature of the corrective action and the specific time limits for performing the corrective action. If the action is not completed within the specified time limit, the Director of the DNR must issue a cease and desist order for the facility or transporting unit and must initiate action to revoke the operating license.

\*Penalties: The Attorney General or any person may bring a civil action for appropriate relief including injunctive relief for a violation under the Act or rules. The court may grant the appropriate relief including restraint or compliance order, impose a civil fine of not more than \$25,000 per day of non-compliance, and may award the cost of litigation, attorney and expert witness fees. Additionally, a person who knowingly violates the Act or rules may be found guilty of a misdemeanor with a maximum fine of \$25,000 per day of violation and imprisonment up to one year. A second misdemeanor conviction may include a maximum \$50,000 fine and imprisonment up to two years. The Attorney General may also bring action to cover the full value of the damage done to the natural resources of the state and the cost of surveillance and enforcement by the state resulting from the violation. Damages collected under this section must be deposited in the fish and game protection fund.

## legislature stalls... (continued from page 3)

House Bill No. 4046, introduced by Representatives Anderson, Tomboulion and Clodfelter, proposes to create a state conservation and recreation fund to be funded by the unclaimed beverage container deposits. The legal theory of the bill is based on the concept of "escheat", which developed out of old feudal law and referred to property reverting to the lord of the manor (the state) when there are no legal heirs. The bill which was originally introduced last year and had one hearing has had one hearing this year since it was reintroduced. The bill proposes that 2% of the fund be used for administration; 40% for grants for environmental education programs, youth conservation corps programs, and matching grants for local solid waste planning and research programs; 10% for management of endangered species of plants and nongame wildlife; and 48% for local (80%-20% match) conservation and recreation projects.

Obviously there have been other suggestions proposed for utilization of the fund monies. The most formally developed of these suggestions has been developed by the Department of Natural Resources. The DNR proposal calls for the fund to be called the "Recycling and Resource Recovery Fund" and would provide major emphasis on solid waste management. The DNR has estimated that a cost-effective program for proper solid waste management utilizing appropriate technology (source separation followed by material/energy recovery) would cost approximately \$600 million for the entire state. Thus, if the state were to provide a 50% matching program \$300 million would be needed. If this were phased over a 10-year period the state would need \$30 million per year. Based on these estimates the DNR has suggested that at least 75% of the unclaimed deposit monies should be used for solid waste management activities. Copies of the DNR proposal are available from the DNR, Resource Recovery Division (517-322-1315) or from the

At this time no action is being taken on either of these proposals. The "can and bottle lobby" have effectively stymied progress on the bill and complained about the inequity of the whole idea. At the same time no organized public counter lobby has been developed. The major support for the bill thus far has been from municipal recreation departments and environmental education interests; however that support could waiver considerably if the funding distribution were altered as suggested by the DNR.

The House Conservation Committee intends to hold a Lansing hearing on the bill either late in July or during the August recess. An alternate proposal that would simply reclaim the money for the state general fund, rather than specify a particular use, might be formulated to avoid the hassle of who gets the money. Also, early figures on the return rate for beverage containers is much higher than originally expected. Current estimates are that more than 95% of the containers are being returned. A 5% non-return rate would reduce the fund to approximately the \$20 million level.

Persons interested in this issue should contact the Coalition.

## amended

(Continued from page 3)

- (3) Changes from 6 months after the effective date of the act (or June 11, 1979) to September 11, 1979 the time by which the director of DNR shall submit rules for developing solid waste plans and other rules to implement the act.
- (4) Changes the time period for completion of county solid waste plans from July 1, 1981 to "within 2 years after the effective date of the rules promulgated" for planning.

Although the additional time allotted to prepare rules and complete the county solid waste plans was necessary, it is important now to recognize that implementation is now keyed to the "formal adoption of rules" under the act. That process can be lengthy and essentially has no time limits. The process requires notices and public hearings to receive comments (DNR usually has three throughout the state); official approval of the Natural Resources Commission, the Attorney General's office, the Legislative Service Bureau, and the Joint House/Senate Legislative Rules Committee. If the Joint House/Senate Rules Committee cannot reach agreement, the rules can be submitted for action by the full Legislature. Usually this process takes at least 6 months and in some cases has taken well over a year. Thus it is imperative that every effort be made to keep the rule-making procedure moving smoothly over the next several months.

In addition to the extension of implementation deadlines under the SB 250 amendment another substantive amendment was made to the section of the bill dealing with refuse transporting units. Previously, under the old solid waste law (PA 87 of 1965) and also under the new PA 641, each vehicle or "refuse transporting unit" (RTU) had to obtain a special license to operate following an annual inspection by local officials and payment of a \$20 fee (\$10 under PA 87). Although seemingly a good idea in theory the practical implementation of this provision proved to be a lot of paperwork for operators, local officials, and DNR, with little effectiveness being the result. One obvious problem was that RTU's, being nearly always on the move, were difficult to track down for a specific inspection and consequently many never were. Secondly, because of the nature of the operation, a good inspection report and license one day had no relation to the condition or adequateness of the vehicle the next day.

Therefore, the licensing provision for RTU's has been dropped from the Act and will commence on the first of March following "the first appropriation by the Legislature to provide financial assistance to a certified local health department . . ." This language was chosen to assure that local health departments would not lose the revenue derived from the RTU program until the required appropriations under the new act are instituted.

The new provision in no way implies that RTU will not be regulated. There will still be rules and law governing the design, maintenance, and operation of RTU's that will

## amended

require safe and sanitary operation. If any hauler is found to be in violation, he will be subject to the penalty provisions of the act, which could amount to \$1000 for each day the violation continues. Also the Director, local health officer, or any law enforcement officer retains the right to inspect a unit at any time and to order the unit "out of service" if it is not being operated in compliance with the act and the rules.

An interesting and very significant sidelight to the passage of SB 250 was the insightful legislative maneuvering of Representative Tom Mathieu, the driving force behind the original passage of PA 641. The Governor was pushing for SB 250 to ward off threats of HEADLEE lawsuits by local units of government that claimed that the money to local units that was promised under the act was not forthcoming. So by delaying the implementation dates the Governor was somewhat off the hook (although that whole Headlee question remains up in the air). At the same time the Governor appeared to be backing off of an informal commitment that he would suggest an amendment to the FY 1980 budget to provide funding for the new solid waste act (approximately \$3 million). Mathieu at that point wielded his power as the legislative leader on solid and hazardous waste and would not support the Governor-backed SB 250 until there was a firm commitment from the Governor's office to amend the FY 1980 budget to include funding for the solid waste act. The Governor's office agreed to Mathieu's demands. Although the smoke has not completely settled, it would seem that the question of funding for the new solid waste act clearly rests with the Legislature at this point. Thus Mathieu now has his work cut out to get the leadership support for including the necessary funds in the FY '80 budget. Signs are hopeful. As of this writing, Mathieu had managed to secure a unanimous vote in the House Appropriations Committee for the inclusion of \$3 million for solid waste in the proposed budget.

## mediation ...

of the parties' settlement. The mediator facilitates the negotiation process by conducting meetings, moderating antagonistic or unconstructive behavior, exploring the parties' priorities and areas of flexibility in caucuses, and generally bringing to bear the skills of an expert in identifying areas of possible compromise not immediately apparent to the parties.

Mediation has proven its worth in employment relations disputes where the technique was developed. Of course, environmental conflicts differ from labor disputes in a number of fundamental ways. For example, environmental conflicts usually involve more than two disputants; no contract is entered when settlement is reached; and there is no continuing relationship among disputants to protect. However, there is some impressive evidence of the transferability of the mediator's technique.

A few environmental mediators have been participating with notable success in land-use and other categories of cases. These efforts, although they are relatively few, show that in some cases the technique is not only viable but potentially a significant alternative to litigation. Mediated settlements have been achieved where all of the interested parties have voluntarily participated. The resolutions have included the interests of organizations and citizens who might not have been able to afford the financial burdens of litigation. They have foreshortened the life of disputes, thereby avoiding extended environmental risks and the mitigation of justice caused by delay. For many disputants, speed has also reduced the costs of delay in construction of a facility and commencing operations. On the other hand, mediation, especially when it is concurrent with litigation, appears to involve no substantial risks for the parties or the environment. It does not retard the legal process, but draws urgency from impending, and never entirely predictable, legal judgments.

Of particular concern herein are disputes over the siting, engineering and operation of solid and hazardous waste disposal sites. A number of factors predict an abundance of landfill siting disputes in the near future. The new federal Resource Conservation and Recovery Act of 1976 and Michigan's Solid Waste Management Act that was recently (January 11, 1979) signed into law will impose tough new standards for disposal of solid wastes and toxic substances. Of approximately 700 land disposal sites in Michigan, only about 300 are presently licensed by the Department of Natural Resources, and few of those 300 sites are expected to meet the new design standards

when they come up for relicensing. To bring all sites into compliance with the new regulations will require a greatly increased level of licensing and relicensing activity in the next few years.

The problem of finding adequate disposal sites is already exacerbated by widespread public fear in Michigan of contamination of groundwaters from improperly buried toxic liquid wastes and leachate from solid waste landfills. The state was shaken by the discovery that most citizens had ingested dairy products contaminated with PBB's. More recently a study, authorized by the Governor, of 2000 Michigan disposal sites operated during the past 20 years revealed more than 120 locations, mostly abandoned dumps and landfills, at which wastes have been improperly buried and may someday imperil public health. "Public" concerns--those expressed by environmental and other citizen groups--generally range from protection of groundwater and waterways to protection from truck traffic, noise, smell and an unsightly facility. Many of these issues cannot be addressed through litigation.

Further, recent history has demonstrated a willingness the part of the various parties to siting disputes to wage long and costly battles. Many designers and regulators of waste disposal facilities are quick to characterize the problem as "the not in my backyard syndrome", and they often claim that because they possess superior knowledge, they "know what's best". On the other hand, residents living near the proposed site often become emotional over common misconceptions about a "dump", even after reasonable precautions have been included in the design. The typical result is that the parties become bitterly polarized and deadlocked in the controversy. Fearing just such a public outcry, designers and regulators tend to operate in a cloak of secrecy which only heightens the distrust of other parties when the project is revealed late in the planning process.

The Coalition has teamed up with the Wisconsin Center for Public Policy and is applying for grant monies for the promotion and demonstration of environmental mediation in landfill siting disputes in Michigan.

The Wisconsin Center for Public Policy (Center), is a nonprofit, nonpartisan research and education foundation located in Madison, Wisconsin. It is devoted to scholarly and applied research on public policy issues of substantial concern. Funded by a grant from the Ford Foundation, the Center is one of the first environmental mediation facilities in the United States. The Center's Environmental Mediation Project makes the services of experienced mediators, Howard S. Bellman and Edward B. Krinsky, available to assist disputants.

Bellman and Krinsky have already begun to work in the solid waste disposal field with success. Their cases have provided the parties (including state agencies, cities, towns, counties, environmental organizations and others) with terms probably unobtainable through litigation. Settlements have normally required only a few meetings, although multiple parties were involved, and have clearly reduced delay and cost.

Some of the groups involved in the Coalition have been adversaries in landfill siting disputes in the past, and many of them are potential disputants in future cases. The Coalition offers the Center access to each type of adversary group in a typical landfill siting dispute, thus it is in an ideal position to help publicize environmental mediation among a multiplicity of parties and to help identify disputes for mediation.

During the proposed project, the Wisconsin Center for Public Policy, in collaboration with the Michigan Coalition for Better Waste Management, would educate potential disputants to the value of mediation by conducting a statewide conference and by publicity through popular and specialized media (journals, organizational newsletters, presentations). At least three test cases would be identified for mediation and concluded if possible. In addition, a program for training and making Michigan-based mediators available would be formulated.

## Michigan Coalition for Better Waste Management

1324 Lake Drive, S.E. - Grand Rapids, Michigan 49506 - (616) 451-3051

*A program of the West Michigan Environmental Action Council*

Yes! I'm concerned and would like to be part of the Coalition!

Name \_\_\_\_\_  
 Affiliation (if applicable) \_\_\_\_\_  
 Address \_\_\_\_\_  
 PHONE \_\_\_\_\_ Date \_\_\_\_\_

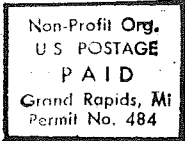
Membership in the Coalition includes a subscription to the bi-monthly Newsletter, periodic alerts, reduced rates on conferences and publications, and information referral. For a small additional fee to cover copying and mailing costs you may also wish to receive the special information mailings of the Coalition Committees.

### MEMBERSHIP CATEGORY

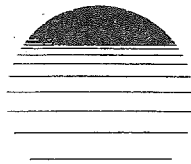
_____ Student	\$ 5.00	_____ Business/Industry	\$35.00
_____ Individual	\$10.00	_____ Government	\$35.00
_____ Non Profit Organization	\$25.00	_____ Sustaining	\$100.00

MEMBERSHIP FEE (see categories above) . . . . .	\$	
SPECIAL COMMITTEE MAILINGS:		
Landfill @ \$10.00 . . . . .	\$	
Hazardous Waste @ \$7.50 . . . . .	\$	
Reduce, Reuse, Recycle @ \$7.50 . . . . .	\$	
Legislation @ \$15.00 . . . . .		\$
SPECIAL TAX DEDUCTABLE CONTRIBUTION FOR EDUCATIONAL ACTIVITIES	\$	
SPECIAL NON-TAX DEDUCTABLE CONTRIBUTION FOR LEGISLATIVE ACTIVITIES		\$
TOTAL TAX DEDUCTABLE CONTRIBUTION (make check payable to WMEAC ED FUND)	\$	
TOTAL NON-TAX DEDUCTABLE CONTRIBUTION (Make check payable to WMEAC, Inc.)		\$

Michigan Coalition for Better Waste Management  
 c/o West Michigan Environmental Action Council  
 1324 Lake Drive, SE  
 Grand Rapids, MI 49506



*"An informational service from the West Michigan Environmental Action Council, Educational Foundation"*



## Michigan Coalition for Better Waste Management

1324 Lake Drive, S.E. · Grand Rapids, Michigan 49506 · (616) 451-3051

### WHAT IS THE MICHIGAN COALITION FOR BETTER WASTE MANAGEMENT?

The Michigan Coalition for Better Waste Management is People. People concerned about the way solid and hazardous wastes are being managed in the State of Michigan. People trying to understand the problems, and willing to do something to improve the situation. The Coalition was organized in the fall of 1976 by the West Michigan Environmental Action Council, a non-profit, non-governmental, environmental organization in Grand Rapids, Michigan.

### WHY WAS THE COALITION FORMED?

It was recognized by many persons throughout Michigan that there were serious problems related to the state's solid and hazardous waste management program:

- \*Legislation was outdated and there was no legislative leadership
- \*Rules and regulations for land disposal of wastes were inadequate and did not reflect state-of-the-art technology
- \*Administration of laws and requirements was inconsistent and haphazardly enforced
- \*Budgets for staff and administration of the programs were grossly inadequate
- \*Citizens and government officials were uninformed and confused about the solid and hazardous waste decisions making process
- \*Expertise of regulatory personnel often did not match the needs for facility evaluation and enforcement
- \*Regulatory personnel, facility designers and operators, in many cases, did not acknowledge the potential hazards of inadequate disposal operations
- \*Large numbers of citizens and local officials were involved in local controversies, but their efforts were fragmented and unknowingly overlapping and uncoordinated
- \*Adequate information on proper procedures and technology was not readily available to citizens and local officials
- \*Time, energy, and money were being wasted at every level of decision making, and mismanagement of waste resulted

To some extent all of these problems still exist and will continue to exist for some-time. However, positive changes in many of these problem areas are now occurring as a direct result of the activities of the Coalition. A trend toward vast improvement in our state Solid and Hazardous Waste program is now evident!!

### HOW DOES THE COALITION HELP SOLVE THESE PROBLEMS?

- \*By providing accurate information on laws, regulations, policies, technology, and procedures to a large body of concerned individuals
- \*By watchdogging and reporting solid and hazardous waste management issues
- \*By coordinating and focusing the participation of scattered and diverse interests into a united voice on issues of common concern
- \*By identifying professional and technical resource people and matching them with those who need their services
- \*By providing a common forum for people to share their experiences and acquire knowledge with others
- \*By identifying problems and educating individuals and decision makers to those problems
- \*By direct participation in solid and hazardous waste decision making

### HOW DOES THE COALITION FUNCTION?

The Coalition does not function as an independent organization, but more as a clearing-house and communication linkage with its broadbased membership. For example, the Coalition does not take a stand on an issue on its own behalf or speak for its membership. Instead, it communicates timely information to members, who initiate their own action if they choose to.



Meetings are held periodically in Lansing (about every 6 weeks) where issues are discussed. However, it is not necessary to attend meetings to be an active member of the Coalition. Detailed meeting notes and information are mailed to all members. When action or response is necessary, special action alerts are mailed to members, explaining the issue and providing guidance on how and to whom to respond. This type of coordinated action has proven very effective.

Additionally, the Coalition will hold a statewide conference on solid and hazardous waste management and will prepare a citizen's guide to Michigan decision making. The Coalition maintains an expansive and up-to-date library of technical information, provides access to resource people, attends and reports on all significant meetings, can provide special consultation on individual problems, and publishes and distributes the Coalition Newsletter.

#### WHO PARTICIPATES IN THE COALITION?

Our thirty organizations and governmental units have officially endorsed the Coalition Position Statement. Detailed mailings and alerts are sent to over 100 persons, and the quarterly Newsletter is distributed to over 500 persons including key regulatory personnel and state legislators. Members consist of environmental organizations as well as township and county governments, industry, colleges and universities, and waste management interest groups.

#### WHAT ARE PEOPLE SAYING ABOUT THE COALITION?

"We have found the Coalition and WMEAC quite beneficial to us in our efforts to make some rational sense out of the solid waste confusion in our state."

Earl Borden, Supervisor  
Avon Township, Oakland County

"The Commission realizes it is being monitored and expected to achieve its objectives."

Barbara Clark  
Off the Beaten Pathfinders  
Houghton, Michigan

"I believe that it is very informative."

Amos Bankston  
United Auto Workers of Michigan

"The Coalition has provided efficient and insightful leadership for public action in the solid and hazardous waste issue."

Betsy McBride  
Grand Rapids Area League of  
Women Voters

#### WHAT DOES THE COALITION STAND FOR?

The Position Statement of the Coalition incorporates the following principles:

- \*Support a comprehensive approach to solid waste management that recognizes the systematic administration of activities which provide for the collection, storage, transportation, transferring and processing, treatment and disposal of solid waste.
- \*Support source reduction, source separation and reuse of solid waste.
- \*Support implementation of resource and energy recovery systems to process solid waste materials
- \*Support management practices, standards, and regulations for proper land disposal of solid wastes providing the highest practical level of protection to the public health and environment.
- \*Support the implementation of comprehensive solid waste management planning by state and local government and expanded citizen participation in the development of such plans.
- \*Support the establishment of a state solid waste management program that has the authority and funds to administer and enforce the effective management of solid and hazardous wastes.
- \*Support improved coordination of administrative activities between federal state and local agencies.
- \*Support programs to broaden public awareness of solid waste management problems to strengthen public commitment to their solutions.
- \*Support research to identify and propose solutions to solid and hazardous waste management problems.