

AGENDA & NOTES

LANDFILL & SOLID WASTE FEES RULEMAKING ADVISORY COMMITTEE

Wednesday April 19, 2023

Via conference call/Zoom

Committee Members Present:

☒ Tim Curry ☒ Tyler Field ☒ Bryant Esch ☒ Doug Genthe ☒ Aaron Janusz ☒ Jeff Maxted
☒ John Oswald ☒ Gregory Parins ☒ Betsy Powers ☒ Robin Schmidt ☒ Pat Stevens
☒ Mark Torresani ☒ John Welch

DNR Staff Present:

☒ Brad Wolbert ☒ Kate Strom Hiorns ☒ Joe Lourigan ☒ Ann Bekta ☒ Tyler Sullivan
☒ Tess Brester ☒ Malena Grimm ☒ Duncan Moss ☒ Bart Sponseller ☒ list others: Dustin Sholly, Alicia Zewicki, Tony Peterson, Dan Werner, Casey Krausensky

Others Present (9):

Kari Rabideau, Kristy Neumann, Neal Gebauer, Katie Evans, Charlie Kuhn, Phillip Shaffer, Lynn Morgan, Brian Kalvelage, Chad Doverspike

9:30 a.m.	Meeting Start
Welcome and Introductions 20 minutes	Brad Wolbert, Waste and Materials Management Program Director DNR and Committee Member self-introductions Items committee members are looking forward to during rule writing process: • Efficient and concise process • Interested in being involved in the process • Improvements/updates (overall and technology based) • Understand background on new rules • Fix discrepancies • Incorporate advancements in technology • Ensuring changes are policy/science based • Alternative liner discussions • Incorporating views of owners/operators • EPA may need to review comments/draft code revisions Notes: Not everything will be addressed in this round of rule revisions. Additional rounds of rule revisions may be proposed after the current one.
Roles for DNR and for Committee Members 15 minutes	Kate Strom Hiorns, Recycling and Solid Waste Section Chief and Brad Wolbert Review of Committee Charter • No comments on charter. SharePoint Site how-to, share documents and save comments

	Notes: • Meetings will not be recorded • Open to public as well • DNR staff will take notes and upload to the Landfill Advisory Committee (LAC) SharePoint site. • A WAMS ID is needed for access to SharePoint site. If you do not have access, please contact Kate for assistance. • Committee members requested to be notified when documents are uploaded to SharePoint site. • Committee members requested that department emails requesting feedback have due dates to provide feedback. • When far enough along, form DOA-2049, Economic Impact Analysis needs specific dollar amount of impact. Need to record who provided comments/estimates. Looking for assistance from committee with this form. Note definition of ‘small business.’ Action items: • Provide your WAMS ID to Kate to access the SharePoint site
Goals of Rulemaking Authority Scope Major Themes 30 minutes	Brad Wolbert, Kate Strom Hiorns Notes: • No voting or consensus on final rules, but ideas and comments will be considered during rule making process. • Would like this to be an iterative comment process. Goal to obtain support of rule writing. Work to create consistent rules on an equal playing field. • Guidance vs rule - Laws are often general and allows agency experts to specify details and allows collaboration to set specific rules. Guidance is ‘next level’ down from a rule. Historically viewed as a rule but is not enforceable and is not mandatory. Guidance is a technical assistance document used to provide consistent answers to a larger audience. • Statute vs rulemaking – DNR cannot change items specified in statute but can expand or add clarification to what is required in statute. Duncan Moss will assist in evaluating if proposed rule changes are allowable based on statute. • DNR will attempt to clean up issues between cross programs as authority allows. Brad also highlighted the following department considerations: • Protect environment • Mitigate climate change • Maintain & apply rules consistently • Account for emerging contaminants (PFAS) and incorporate revisions that address those contaminants • Maintain a sustainable waste program by ensuring fees support the program→ economic sustainability, may have to adjust fees • Environmental Justice, apply long term thinking, ensure public confidence and EPA approval
DNR work so far and committee questions/feedback	Ann Bekta, Engineer Joe Lourigan, Hydrogeologist Tyler Sullivan, Hydrogeologist

30 minutes	Overview of draft minor edits to code so far – clarifications, corrections, etc. (sent in advance to committee members) Notes: Current Materials Being Provided by DNR and How to Provide Comments: • Comments can be provided at any time. Please place comment on existing spreadsheets and add to the LAC SharePoint site or send via email to Kate. • Tracking spreadsheet has 2 tabs: Tab for minor edits (e.g., code cite fixes or clarifications) and tab for “other edits” (e.g., updating out of date items, routine conditions that should be codified [annual reports]). • Larger items that don’t fit into the spreadsheet will be put into a word document and made available after internal review. • Read through both tabs and provide comments. Transition from old to new code • DNR will evaluate each case when it comes to this situation. • In general, plan of operation will supersede the code revisions. Summary • Future meetings will allow for more time to comment/discuss proposed changes. • At this time, we are not setting up separate meetings to discuss larger topics but could happen depending on progress of code revisions. • A line strike (official legal format) of the proposed changes will be available in the future. Action Items: • Review and comment on the April 4, 2023 tracking spreadsheet
Break – 5 minutes	
Committee Survey Results 1 hour	Top priorities - Discuss and define what problems need to be fixed and potential strategies Notes: Overall: Specific examples will help the DNR understand your specific concerns and what your preference would be for code revisions. Please send DNR (Kate) any examples you have to support any recommendations. General: • Performance standards vs prescriptive standards. (DNR is open to information from the committee. Prescriptive standards offer equitability in enforcement, evaluation, and provide more clarification on expectations.) • Consider other state codes. • Allow advancements in technology • How to transition from Research, Development and Demonstration (RD&D) plan approval to permeant system. Alternative Liner:

	• DNR is putting together a list of code cites applicable to landfill liners for reference during alternative liner discussions. • Sources of clay materials in respect to location of landfill and impact associated with removing those materials. • Potential for alternative liners to improve overall liner performance. • Allowing foundry sand in the construction of liners/alternative liners. • Economic impacts from using less clay. • DNR not aware of any examples where current liner design has failed. • Alternative should be viewed as an alternative and not replacement of current design. Alternative Cover: • Have been done in the past, do these need to be codified? • Allowing foundry sand in the construction of final covers/alternative final covers. • Investigating options (closure turf, solar caps). • Allow for additional soil in lieu of geomembrane. Owner Financial Responsibility (OFR): • OFR is in place to prevent taxpayers from funding closure of a landfill. • Statute limits some items that can be allowed for methods of establishing OFR. • DNR administration and Governor's office agreement would be needed to propose changes to statute/legislator. • DNR working on revising OFR section to be more flexible and update from referencing old tables/values. Codifying Exemptions: • Chapter 507 has handful of exemptions routinely granted. John Oswald to provide examples. • Equivalency for when exemptions are granted. Other Comments: • How to minimize need for additional plan modifications to allow a site to meet a performance standard (e.g., maintaining 1-foot of leachate head on liner). • How code affects industrial landfills vs MSW landfill (e.g., leachate generation rates). • More leniency on phasing plans in terms of closure • Organic stability plans and what happens if a site is not showing the plan is achieving stability by closure.
Plans for 4/20/23 – 6/21/23 30 minutes	Next focus areas for DNR drafting Information from committee members on alternative liner design, other topics as determined by the committee Action Items: 1. Look at the April 4, 2023 tracking spreadsheet with proposed changes and provide comment.

	2. Find examples to further explain your thoughts/preferences on code language. 3. Send examples of common exemptions that may be codified (include specific code reference). 4. Find/send examples that show the performance of liners and alternative liners to contain PFAS/emerging contaminants.
Public participation 15 minutes	No comments.
Next Meeting Date	June 21, 2023 DNR Central Office, 101 S. Webster St., Madison, Room G09
12:30 p.m.	Meeting adjourned