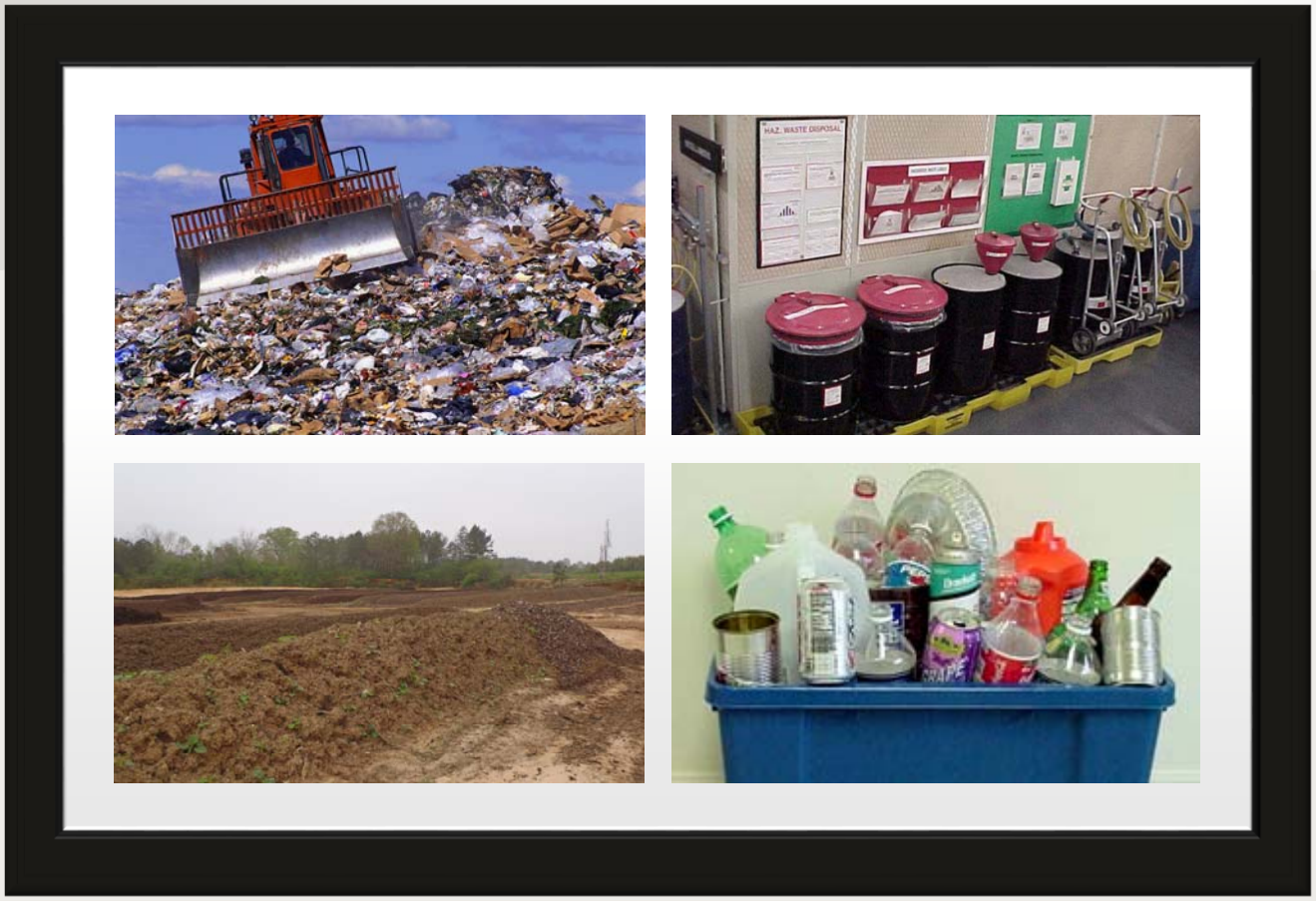


Waste Program Update

Mississippi Department of Environmental Quality

AIR & WASTE MANAGEMENT ASSOCIATION SOUTHERN SECTION

ANNUAL MEETING & TECHNICAL CONFERENCE

SEPTEMBER 21, 2016

MDEQ Re-Organization

- Reorganization Focusing on Office of Pollution Control Divisions:
  - Environmental Permitting Division
  - Environmental Compliance and Enforcement Division
  - Waste Division

MDEQ Re-Organization

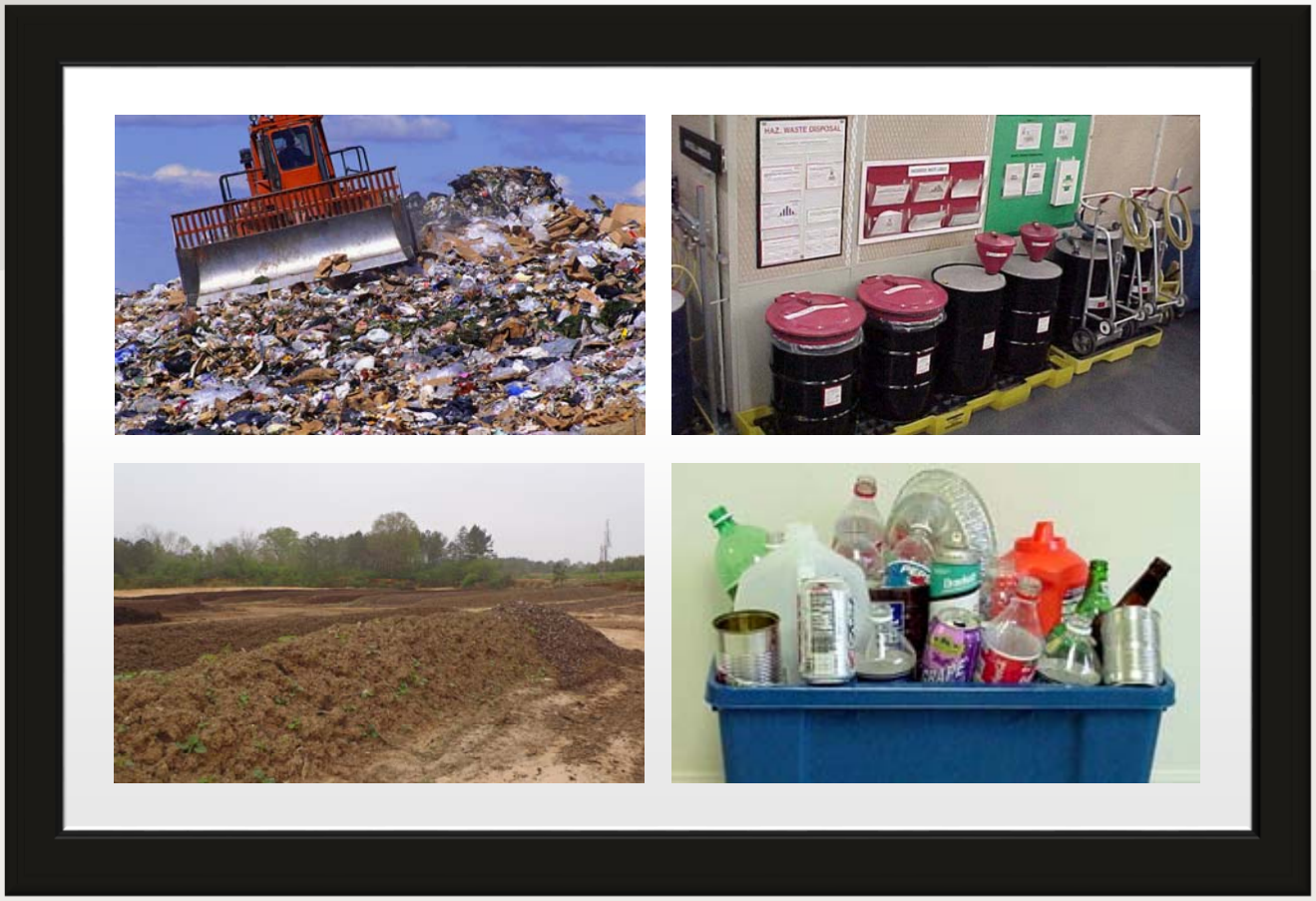
- Divisional Re-Organization Committees Assigned to Work on the Details
- The focus is whether MDEQ's Divisions should maintain multi-media sector based organizational structure or move to a media based organizational structure
- MDEQ Waste Division will be primarily single media.

MDEQ Re-Organization

- Waste Division's "First Step" Involves Transitioning:
  - Solid Waste Branches to Waste Division (Permitting, Compliance, Policy & Planning)
  - 2 "single-media" staff in RCRA Policy and UIC to Waste Division
  - Becomes Effective October 1, 2016
  - The current work, budgets, and physical locations will stay the same in the interim.

MDEQ Re-Organization

- Next Phase of Re-Organization will focus on:
  - Determine the final structure of EPD, ECED and Waste
  - Determine the organization of work and what work flows back from the Waste Division to EPD and ECED
  - Determine the staff positions and persons that will move with the remainder of the RCRA C work and other associated waste staff
  - Determining the path forward for the organizational changes.



Waste Program Area Updates

2016 Legislative Session – House of Rep

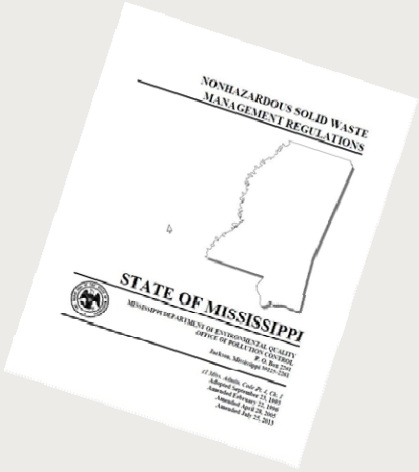
- HB 1313 – Changes to 19-5-105 regarding counties conducting clean up on private properties
- HB 142 – provides for higher penalty levels for violation of burn bans.
- HB 763 – provides clarification that it is unlawful for a scrap metal dealer to purchase metal items that have been generated as the result of illegal burning.
- HB1202 – clarified the authority of Counties to collect fees for rubbish and garbage disposal.
- HB 1506 - authorizes Counties and Cities to extend solid waste collection contracts for an additional four years without rebidding if such contracts do not have additional increases, other than inflationary increases or services changes

2016 Legislative Session - Senate

- SB 2283 - Environmental justice; require meaningful involvement of all people in siting process.
- SB 2294 - Computer and electronic waste; require management plan for recycling and disposal.
- SB 2295 - Environmental Quality; require the department to identify all coal ash dam sites.
- SB 2251 – would conform the penalty for improper passing of, and duty of care for drivers of around sanitation vehicles.
- SB 2789 – Would allow a board of supervisors to provide an exemption for certain persons to a local burn ban.

Revisions to the Mississippi Nonhazardous Solid Waste Management Regulations

- Adopted in 1993, content last updated in 2005 and incorporated into the State Administrative Procedures Act Rules in 2013.
- Sets standards for all solid waste management facilities to ensures the protection of human health and the environment.
- Now referenced as Title 11, Part 4, Chapter 1 Mississippi Commission on Environmental Quality Regulation Regarding Nonhazardous Solid Waste Management Regulations.



Regulatory Revisions Under Consideration

- Exemption Clarifications (Wastewater, Ag wastes, slag)
- Siting Criteria (surface water, drinking water sources, property line, residences, floodplains and geologic buffers)
- Permit procedures (emergency authorizations, short term project permits, R, D & D Permits).
- Landfills (R,D & D, Ind LF FA, etc)
- Storage/Transfer (Closure, Leachate mgt, recycling facilities)
- Rubbish sites (Survey reqts, closure/ post-closure, Fin. Assur., Deed Notation)
- Processing/Composting (New Categories and modified permit reqts)
- Land Application (short term projects, 503 parameters)

Regulatory Revision Process

- Develop and finalize draft internally.
- Hold Preliminary Stakeholder Meeting
- Adjust draft regulations based on stakeholder feedback
- Submit proposed revisions to the Small Business Review Committee for comment.
- Issue public notices and hold public hearings.
- Collect and consider all comments, make changes if deemed necessary.
- Develop and submit final revision to the Commission.
- Allow 30 day appeal period after approval.
- Hold evidentiary hearing if necessary.

EPA/Federal Initiatives

- Final revision to the RD&D Permits Rule for MSW Landfills was published in the Federal Register on May 10th. Revision allows an approved State to increase permit renewals to six, for a total permit term of up to 21 years. Effective date is November 10, 2016.
- Plans to publish Advanced Notice of Proposed Rulemaking seeking comment on the possibility of revising other sections of the MSWLF criteria (40 CFR part 258) to authorize the operation of wet landfills and bioreactors and other possible changes.

Solid Waste Permitting Issues

- Statewide General Permits for Class I and Class II Rubbish Sites
  - Permits Set to Expire December 31, 2016
  - Branch is working on development of draft permits
  - Existing Permit Coverage is considered valid until such time that the permits are re-issued
  - Instructions for re-coverage will be provided upon reissuance
- Statewide General Stormwater Permit for Land Disposal/Solid Waste Ops
  - Hoping to roll the re-issuance of this GP into the process for the 2 Rubbish GP's

Other State Initiatives

- MDEQ working Memorandum of Understanding with State Oil and Gas Board on Regulation of NORM Wastes (Rule 68). The completion of this MOU will likely trigger changes in other disposal rules (Rule 45);
- MDEQ worked with the MS Animal Board of Health on a plan for dealing with a potential avian influenza outbreak and the disposal of carcasses and associated wastes;
- MDEQ working on a policy describing procedures for landfills/other facilities with radiation monitors when such monitors are triggered by incoming wastes;
- MDEQ is conducting an MSW Landfill "Special Waste Survey" on the management of various special materials (bulk liquid wastes, radioactive wastes, asbestos, CERCLA waste, etc).

Solid Waste Planning Update

- Every County and Municipality in Mississippi must have a 20-year local solid waste management plan.
- Working with counties, cities and authorities to update comprehensive 20-year Solid Waste Plans.
  - Provide planning grants to communities to assist in developing the new, updated solid waste plans
  - Advising local governments and disposal facilities where capacity is identified at less than 5 years of life

Solid Waste Planning Update

- Updated Comprehensive SWM Plans have been completed for 36 counties and numerous municipalities (44% of counties);
- 7 additional counties and 1 municipality have draft plans under review with MDEQ currently (8.5%)
- 12 counties are in the midst of development of their updated solid waste plans (14.5%)

Solid Waste Planning Update

- Working on Guidance and Format of demonstration of need
- Beginning an effort to "re-tool" and streamline the process for developing new plans that will focus more support on implementation.
- Beginning an effort to evaluate the need for reporting by communities on an annual basis to confirm the annual review required in state law.

Solid Waste Reporting

- 2015 Annual Facilities Reports indicates the following:
  - Total Landfilled: 4.475 million tons (down from 6.053 million tons in 2014)
  - 4.351 million tons of wastes disposed at commercial disposal sites (down from 4.56 million tons in 2014)
  - 269,974* tons of wastes disposed at non-commercial disposal sites (down from 1.483 million tons) ** does not include facilities claiming conf biz info*
  - 708,709 tons of wastes disposed from out of state sources (12%) (down from 800,000 tons in 2013)

Solid Waste Reporting

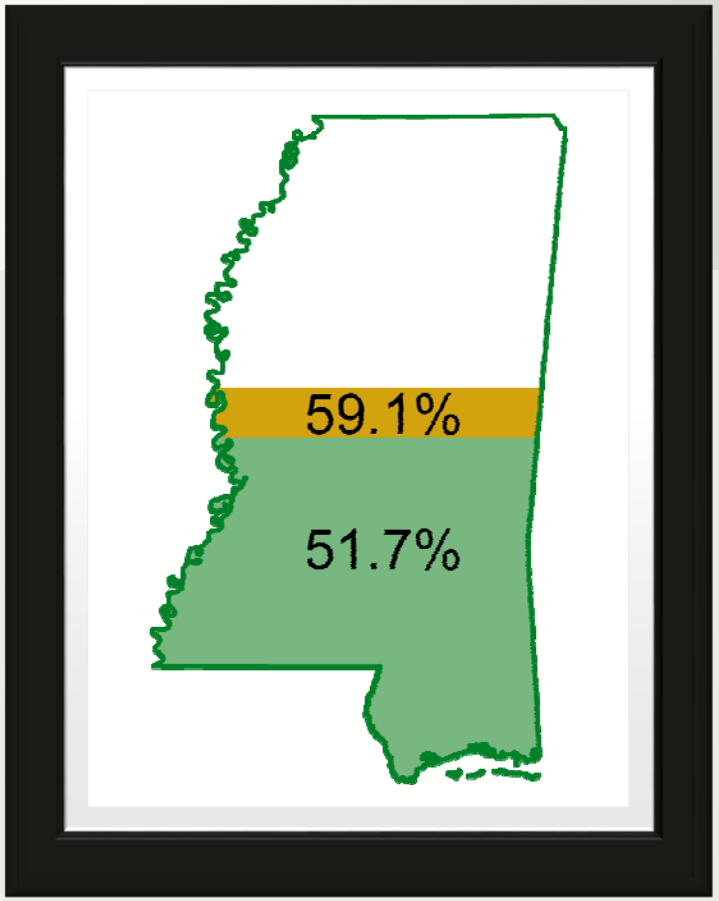
- 2015 Annual Facility Reports indicates the following amounts of wastes managed at non-disposal facilities:
  - Land Application Facilities: 24,030 tons (up from 22,149 tons in 2014)
  - Composting Facilities – 26,560 tons (up from 24,226 tons)
  - Processing Facilities – 132,367 tons (up from 123,387 tons)
  - Transfer Stations – 762,257 tons (up from 753,100 tons)

Recycling Update – State Vision

- Grow recycling access for the State's residents and businesses
  - *Emphasize Waste Reduction Strategies in Community Solid Waste Planning*
  - *Providing Grant Resources for recycling programs*
- Conduct and support Public Outreach Efforts Across the State
- Support and strengthen Small Recycling Businesses/Organizations
  - *Providing Support for the Mississippi Recycling Coalition*
  - *Emphasis on Partnerships with Local Governments*
- Work to develop and strengthen commodity markets
- Establish appropriate reporting and measurement systems

Recycling Update

- A total of 59.1% of Mississippi's population has access to community sponsored recycling programs
  - up from 51.7% in 2013
  - Below the National average of 94% of the U.S. population having access
  - 30% curbside, 29% drop-off



Recycling Update

- Recycling commodity market pricing has seen historic dips in market value, due in part to:
  - Effects of the Worldwide Recession
  - Strength of the Dollar
  - International Trade Issues
  - The Price of Oil
- Miss Recycling Coalition Annual Conference – November 1st and 2nd, 2016 – Beau Rivage Resort, "*Staying the Course with Recycling*"

Grants Programs

- Awarded total of $3.5 M in Grants in FY 2015
- Solid Waste Assistance Grants (SWAG)– FY 2015
  - $1,156,533 - Total Non-Competitive Grants (60 Counties Received Non Competitive Grants)
  - $1,080,496 - Total Competitive Grants (38 Municipalities and Counties Received Competitive Grants)
- Waste Tire Assistance Grants – FY 2015
  - 21 new waste tire grants made to local and regional government organizations totaling $1,160,133

Grants Programs

- Solid Waste Assistance Grants (SWAG)– FY 2016:
  - October 1, 2015 Grants Cycle – MDEQ awarded 15 Competitive Grants for $620K in awards
  - April 1, 2016 Grants Cycle - MDEQ awarded 31 Competitive Grant proposals. Made $822K in awards
  - Total FY 2016 Awards – $1.442 million in Competitive SWAG Awards
- FY 2017 Projected Grant Funds will be down for SWAG's (Approximated at around $1.9 to 2.0 million down from around $2.5 million in FY 16).

Waste Tire Program

- 4.85 Million Passenger Tire Equivalents were collected and processed in Mississippi; (approx. 2.52 million from out-of-state sources)
- Approximately 93% (4.53 million) of these tires were processed for recycling purposes;
- Approximately 736,000 PTE's were collected through local government waste tire collection programs and 94% of these were recycled;
- MDEQ has approximately active 113 registered haulers, 9 commercial processing/collection sites and 154 local government collection sites.

EPA/Federal Initiative on Tire Crumb

- Completed a public comment process on May 2nd on studies on a Federal Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds.
- A draft status report will be released in late 2016 describing the findings and conclusions of the research through that point in time. The report will also outline any additional research needs and next steps.
- More information about the Federal Research Action Plan is online - www.epa.gov/tirecrumb

Electronics Management

- MDEQ continues to promote Local E-Waste Collection and Recycling Events Around the State:
  - Fall Electronics Waste Collection Day at the Mississippi Farmers Market located at 929 High Street in Jackson this **Friday, September 23, from 8:00 a.m. to 2:00 p.m.**
  - Most other events are held in conjunction with HHW Events or Collection Programs
  - Provides Grant Support through Hinds County to JSU Refurbishment Program
- MDEQ has implemented our program to maintain listings of the Certified Electronics Recyclers for State Agencies and Institutions and to Promote E-Waste Recycler Certification.
- MDEQ seeing significant problems locally with televisions and CRT monitors

Biosolids Update

- MDEQ issued a statewide general permit for land application of class B biosolids in the Fall 2015.
- MDEQ is approving Class A biosolids through the Mississippi Beneficial Use program. MDEQ has issued five BUDs to class A biosolids for use in the State.
- MDEQ working to update the Lagoon Closure Guidance to include options for Beneficial Use, General permits, etc.
- Evaluating a regulatory change that will allow for a streamlined permit process for short duration projects.

Industrial Wastes

- MDEQ is not planning to adopt the Federal Coal Combustion Residuals Rule at this time. MDEQ is working to dovetail our solid waste permit requirements with the current CCR Regulations.

- U.S. Congress has adopted Legislation (S 2848 and HR 1734) that grants authority for States to establish permit programs for coal combustion residuals (CCR).

- MDEQ's Industrial Wastewater Lagoon Closure Guidance is in a usable draft format.

Industrial Wastes

- Beneficial Use Program 2015 Numbers :
  - 68 Beneficial Use Determinations have been issued by MDEQ for uses of various material types in the state. Approximately 55 of these remain active;
  - Current reporting figures for 2015 indicate that 956,903 tons of wastes were beneficially used in Mississippi
    - 887,116 tons for construction and
    - 42,308 tons for soil amendment purposes.

- 8 New BUD's have been issued by MDEQ in 2015 and early 2016.

Hazardous Waste Program Update

- MDEQ Submitted the FY 2017 RCRA Work Plan to EPA in Late July, 2016 containing this year's commitments by MDEQ to EPA
- MDEQ Re-Initiating Work on Re-Authorization
- MDEQ has not adopted the Solid Waste Definition Rule but will adopt some the primary portions of the Rule. Currently are evaluating the exemption provisions of the Rule and what discretion we have in the adoption of some of these provisions.

Proposed Rule: Hazardous Waste Generator Improvements

- Rule published on Sept. 25, 2015, comment period ended Dec. 24, 2015, Final Rule anticipated in Fall of 2016.
- Rule proposes an update to the hazardous waste generator regulations to make the rules easier to understand, facilitate compliance, provide greater flexibility in how hazardous waste is managed, and close important gaps in the regulations.
- Two key provisions where EPA is proposing flexibility are:
  1. Allowing a hazardous waste generator to avoid increased burden of a higher generator status when generating episodic waste provided the episodic waste is properly managed and
  2. Allowing a conditionally exempt small quantity generator (CESQG) to send its hazardous waste to a large quantity generator under control of the same person.

Proposed Rule: Hazardous Waste Export-Import Revisions

- Rule published on Oct 19, 2015 and comment period ended Dec. 18, 2015

- Rule would amend existing regulations regarding the export and import of hazardous wastes from and into the U.S. Provides for increased transparency, data sharing and more efficient compliance monitoring for international shipments.

Proposed Rule: Tailoring of Rules for Pharmaceutical Wastes

- Rule published on Sept. 25, 2015 and comment period ended Dec. 24, 2015;
- Proposes tailored, sector-specific set of regulations for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors. It will provide standards to ensure the management of hazardous waste pharmaceuticals is safe and workable within the healthcare setting.

Other Guidance

- School Chemical Laboratory Management Guide – (MDEQ) – Guidance to Schools in Mississippi on options for management and disposal for school chemical/biology laboratories in the State.
- Solvents in the Workplace – (EPA) How to Determine If They Are Hazardous Waste - new EPA guidance to assist industry with determining when spent and unused solvents must be managed as hazardous waste and includes recycling and reuse techniques, and a question and answer section.
- EPA is working on issuing a guide on the recycling of aerosol cans and has plans to propose a universal waste rule for aerosol cans.

Medical Wastes - Pharmaceuticals

- U.S. DEA is administering the recently promulgated Federal "Take Back" Rule. Pharmacies are beginning to develop take-back programs for consumer pharmaceuticals and medications.
- U.S. DEA continuing to sponsor bi-annual take back events for pharmaceuticals with local law enforcement agencies.
  NEXT EVENT: October 22nd, 2016 is the next event.
- Miss. Department of Public Safety offers local collection points for pharmaceuticals at the State's Driver's License Stations.

Medical Wastes – Household Sharps

- MDEQ's household sharps program update:
  - Collection program continues to grow with the addition of more retail pharmacies (adding Freds, Walgreens, etc).
  - Program currently has grown to 269 collection sites across the state.
  - Seeking to add sites in communities without traditional pharmacy collection points. We will consider alternative facilities such as fire stations, police stations, local health departments, etc.

For more information:

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www.deq.state.ms.us/recycling