**Michigan Association of Counties – Draft 3 Comments**

Page 25, Line 21 – 15% waste residual for a MMF, I believe is arbitrary and tied to single stream MRF operations that nationally operate at 14% +/- residual on average.  Are there nonresidential source separated operations that could legitimately operate as a MMF with higher residual rates? Should the MDEQ and/or a county/local municipality have the discretion to evaluate on a case by case basis?  Possibly.  Kent County sends MRF residuals to WTE for energy recovery, other operations could have similar arrangements; is there another measure/formula/matrix that tracks better with other utilization technologies or processes?  Construction and demolition debris (C&D) processing often operate with a 50% recovery rates… should they be excluded as a MMF?  It’s very likely that source separation at the point of generation will be challenging in the short and midterm by space constraints for adding additional containers or transportation cost; some comingled materials will likely need to be processed and sorted.  Preprocessing or “dirty MRF” as it has been referred to, has its detractors but is successfully used to remove high volumes of valuable commodities that include organics, OCC, metals and some plastics from waste/materials streams in other parts of the country.  MAC, Dar Baas

Page 30, Line 1-3 – Definition of regional planning agency. Multicounty material management plans developed under a regional umbrella are not necessarily (or likely) to have the same boundaries as a state designated regional planning area.   Unsure what the definition is being used for with the context of Part 115 revisions.  MAC, Dar Baas

Page 34, Line 26 – Definition of a solid waste processing and transfer facility is too narrowly construed if it only includes pyrolysis or gasification technologies by definition.  Either broaden the list to include WTE, anaerobic digestion and other technologies or simply define these technologies as “waste utilization and waste conversion”.   Existing technologies work and new technologies will emerge.  A static, prescriptive definition cannot anticipate market change and technology advances.  MAC, Dar Baas

Page 39, Line 15-25 – Concur with MEC that waste conversion could have its own section; however in addition to gasification and pyrolysis, anaerobic digestion and mass burn incineration (MBI) needs to be listed or simply defined as “waste utilization and waste conversion”.  New conversion technologies are under development, however many are not commercialized nor scaled where they are financially viable.  The vast majority of new WTE facilities that are proposed/next builds in Europe, Asia, Australia, India, Middle East and Africa are MBI technologies… because it works, especially where a homogeneous mix of MSW doesn’t exist.  Gasification can work well, for example, where there is a homogeneous stream of wood waste that can’t otherwise be utilized in a reuse stream, this isn’t necessarily the case for traditional MSW.  The recent North American WTE facility build in Canada meets stringent environmental standards (as it should).   Source separation and waste utilization is preferred but conversion is widely used and a proven technology growing internationally to support ZWTL strategies.  It’s not prudent to put language in statute that is static and precludes viable waste/material conversion technologies.  Technologies are now emerging where 70% of MBI ash can be sorted for ferrous, nonferrous metal, glass, ceramics, aggregate, and the like.  MAC, Dar Baas

Page 59, line 22/Page 60, Line 9/10 – reference to cubic yards; is this a daily, weekly, monthly or annual amount?  Should it be stated explicitly to eliminate any ambiguity?  MAC, Dar Baas

Page 81, line 16 – does “waste” diversion need a new descriptor or does “waste” need a new definition.  Not sure if “waste” diversion is referring to materials management, refuse, by-products, beneficial reuse, conversion or utilization, etc.  As a group we were challenged at times on a common definition that we could all get our arms around.  MAC, Dar Baas

Page 84, Line 12/13 – Need to provide a different financial assurance threshold for county/municipal owned and/or operated facilities.  Municipalities most often issue bonds, provide irrevocable letters of credit and other financial assurance tools using the “full faith and credit” of the county/municipality and they aren’t going anywhere, i.e. bankruptcy and/or out of business.  MAC, Dar Baas

Page 161, Line 8 and ff; Page162, Line 1 – 18 – Capping or setting a limit for grants to a maximum of 80% funding for the planning effort creates the same ongoing challenges MI counties are facing on so many fronts with the State of MI… unfunded or partially funded mandates creating local budget challenges.  Although discussed several times, I’m not aware that reliable cost figures were developed to determine the level of effort and actual funding necessary to develop a comprehensive Materials Management Plan and without a cost determined, evaluating the funding formula provided in the LSB draft isn’t possible.  MAC, Dar Baas