



Michigan Waste & Recycling Association

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**WRITTEN TESTIMONY OF KEVIN KENDALL, MWRA PRESIDENT & TANISHA SANDERS, MWRA
LEGISLATIVE CHAIR**

HOUSE COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

PART 115 (HB 4454-4461)

March 18, 2021

Good Morning Chairman Howell, and distinguished members of the House Committee.

My name is Tanisha Sanders and I am the Director of Government Affairs for Waste Management and addressing you today in my role as the Legislative Chair for the Michigan Waste and Recycling Association.

I am joined by MWRA's President, Kevin Kendall who is with Republic Waste Services.

We appreciate the opportunity to comment on Part 115 — the proposed re-write of the state's solid waste rules. The proposed rewrite provides an important and timely opportunity to update Michigan's waste rules, and our association and its members continue to be deeply engaged in the legislative process with our experience, expertise, and perspective.

MWRA's mission reflects the role our members and their facilities and people play each-and-every day of the year to keep Michigan communities clean, safe, and healthy:

MWRA represents businesses and municipalities that provide waste- and recycling-related services. We advocate for safe, economically sustainable, and environmentally sound waste hauling, disposal, recycling, composting, and landfill gas-to-energy programs. Our members provide a way for the Michigan residents and businesses to put discarded items to use as a valuable resource.

We take great pride in our people and the extraordinary service they provide. Our members' 250+ facilities employ more than 8,000 Michigan workers, contribute more than \$990 million to the state's economy and its tax base. Our members safely manage more than 11 million tons of solid waste per year. And, we are essential to the protection of Michigan's environment – its air, land, and water.

On behalf of MWRA, I want to thank everyone who has participated in the process that has led to the development of the bill package before you today.

Michigan's solid waste statute – Part 115 – has stood the test of time for several decades and the time has come for it to be updated to reflect the policy and regulatory needs of today.

The update process has spanned more than six years, and members of MWRA, like many stakeholders in the room, have been deeply involved since day one. We have appreciated the department's leadership and openness, and we have valued the input and thinking of our fellow stakeholders.

These bills present an important policy opportunity for Michigan, and MWRA members seek to be good partners with the state and our communities.

We also seek policies that provide clarity and certainty for our members as we operate our businesses in a highly regulated and competitive environment.

In front of you is a letter endorsed by members of MWRA, The Michigan Chamber of Commerce, Michigan Manufacturers Association, Grand Rapids Chamber and the Lansing Chamber of Commerce. We support the policy goals that the bill sponsors are looking to achieve through an update to the state's solid waste management plan, including the emphasis on improving Michigan's recycling rates and material reuse.

At the same time, our review of the re-introduced package still includes two issues we want to flag – and which we have raised previously. Today we are reiterating concern for pre-emption and adjacent community control provisions that remain included and unaddressed in HB 4461, which as written, would undermine state goals and proper landfill operations, while raising customer disposal costs.

I'd like to turn it over to MWRA President Kevin Kendall to walk you through the specifics of these two concerns.

----- KENDALL -----

Good Morning Chairman Howell and members of the committee.

The waste industry realizes the importance of this legislation and is a leading proponent of sustainably managing materials in a way that benefits the economy, communities and the environment. Our members are vital to Michigan's effective material management system, and we appreciate the opportunity to provide comments for your consideration.

We will focus the remainder of our comments today around outstanding concerns within House Bill 4461, which we are not yet prepared to support.

Material Management Plan Update (HB 4461)

Adjacent Community:

- The proposals contained in 4461 appear to considerably alter the autonomy and responsibilities of host communities and county solid waste planning processes.
- Mechanisms already exist for adjacent communities to participate in county solid waste planning, as well as state permitting processes when applications are under review for expansions or other operational needs. These are orderly, appropriate input and engagement opportunities that ensure solid waste disposal needs of the state continue to be met while also ensuring consideration of community needs.
- Landfills are licensed and regulated by EGLE. Giving an adjacent community regulation over private business investment in their facilities is overreaching and sets a bad precedent. .
- MWRA members recognize the opportunities to engage both our host communities and adjacent jurisdictions. We are committed to maintaining positive working to address long term
- planning needs and resolve concerns when they arise.
- Bottom line, the proposed language currently in HB 4461 – is simply bad public policy, and MWRA proposes striking the proposed language in both (b) and (d).

Pre-emption effect over local ordinances governing disposal areas:

- Part 115 establishes a comprehensive regulatory scheme that governs the collection, transportation, storage, processing, and disposal of Michigan's solid waste.

- The county planning process affords citizens and municipalities with significant input concerning the development and content of county plans; however, once these plans are approved by EGLE, a **cohesive scheme of centralized and uniform controls** emerges.
- The provisions in HB 4461 could improperly allow local ordinances to control certain aspects of the operation and construction of disposal areas.
- Such control over disposal area operation and construction should be the exclusive province of EGLE and should not be ceded to others, even “minimally.”
- MWRA believes that this erosion of Part 115’s preemptive effect is a slippery slope and language pertaining to minimally controlling the operation of a disposal facility, such ordinances addressing landscaping, screening, and other ancillary construction details; hours of operation; operating records and reporting requirements be removed from the bill.
- As individual businesses operating in communities across Michigan, our members understand the benefit of working with our adjoining communities on quality of life matters.

Summary

We appreciate the importance of your work and look forward to discussions with you to ensure this timely update to Michigan’s solid waste management policy is thoughtful, practical and achievable by members of our industry working with government agencies and communities.

The proposed bill package reflects the immense amount of work put forth by all parties. We will continue to be engaged with policy interests to be part of the process and to provide achievable, viable solutions wherever we can.

Thank you again for the time today. We welcome your questions at this time.