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December 18, 2009

TO: Environmental Quality Council members
FR: Sonja Nowakowski, EQC staff
RE: Recycling background and discussion points

EQC members,

Over the last five months, the EQC has received two background reports discussing issues outlined in Senate Joint Resolution No. 28. (The most recent report is part of the mailing.) Using the draft work plan tasks approved by the EQC as a guideline background reports have discussed:

- recycling laws, rates, and incentives in Montana and a selection of Western states;
- recycling funding mechanisms;
- rural recycling obstacles and successes in Montana; and
- electronic and household hazardous waste recycling.

To assist the EQC as it moves toward developing recommendations and findings for SJR 28, and at the request of the chairman, staff is providing this memo highlighting potential discussion points for the EQC. The information provided is not complete and is simply provided as a starting point for EQC discussion.

State law currently provides targets for the rate of recycling and composting in Montana, which aim to reduce the amount of solid waste that is generated by households, businesses, and governments and that is either disposed of in landfills or burned in an incinerator. The numbers are targets, not mandates, and are as follows:

- (1) 17% of the state's solid waste by 2008;
- (2) 19% of the state's solid waste by 2011; and
- (3) 22% of the state's solid waste by 2015.

The 2006 Integrated Waste Management Plan, the most recent plan as required by state law, identifies recommendations for increasing recycling. Below are a collection of those recommendations, recycling legislation enacted in other states, and additional discussion points raised by recyclers and government entities:

- Encourage collaboration and partnerships between private and public entities to promote recycling markets. Investigate the need for changes to state regulations to allow an alternative source of material.

- Increase the recycling targets currently in state law.
- Require recyclers, brokers, processors, or other recycling businesses to report data to the DEQ. To currently determine Montana's recycling rates, the state relies on voluntary reporting.
- Expand recycling incentives.
 - Last interim the EQC explored the concept of a recycling loan program and pursued House Bill No. 35 during the 2009 Legislative Session. The bill proposed to create a loan program to assist political subdivisions of the state, including local and tribal governments, and private entities in developing recycling technologies and equipment at local landfills. The bill created a \$1 million recycling equipment revolving loan account to the credit of the DEQ. The money was a one-time transfer from the junk vehicle disposal fund into the new account. The bill died.
 - Last interim, the EQC discussed a recycling and waste reduction grant act, similar to a Colorado grant program. Grants would have been used to assist in purchasing equipment, promoting the expansion of waste reduction and recycling businesses, researching and demonstrating how waste reduction and recycling can be applied to Montana markets, assisting in market development activities that develop local uses for recycled materials, and conducting educational activities. Two alternative funding mechanisms were reviewed to provide about \$440,000 for the program. The first funding mechanism was a 35 cent per ton fee on solid waste. The second funding mechanism would have allocated 1.2% of the coal severance tax revenue to fund the program. The EQC did not pursue this concept.
- Support national legislation that requires manufacturers to take back their electronic and hazardous products at the end of their useful life.
- Develop a state program that requires manufacturers to take back their electronic and hazardous products at the end of their useful life.
- Help local government entities prepare integrated waste management plans. Encourage local government entities to establish diversion goals. Incentivize the goals.
- Encourage the DEQ and local governments to establish additional opportunities for collecting recyclables by increasing the number of drop-off sites that are open and increasing the frequency of collections.
- Recognizing that landfills are convenient and relatively inexpensive in Montana, making it difficult for recycling to be an economic choice based on the cost of disposal, provide a source of funding for increased recycling and reuse education programs.
- Encourage local governments to incorporate construction and demolition waste cells at landfills in an effort to better track tonnage and move toward incentives for reducing construction and demolition waste.

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