

2009 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2417

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2417

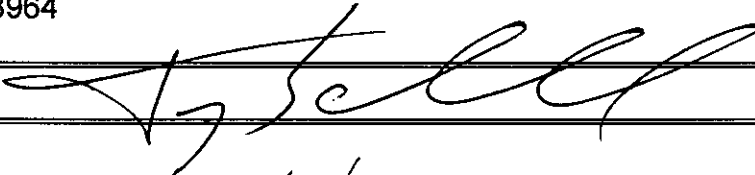
Senate Industry, Business, and Labor Committee

Check here for Conference Committee

Hearing Date: February 9, 2009

Recorder Job Number: 8964

Committee Clerk Signature



Minutes:



Chairman Klein: Open the hearing on SB 2417

Senator Potter: senator from District 35 introduces SB 2417 and the idea here is to start some glass recycling. Bill, the parking lot attendant said something that was very interesting, he said "recycling only works if there is a market for the end product." Glass recycling can be used in construction material. So we thought the Transportation should study the idea. Our economy has not figured out a way to figure out future costs of the "thing" we are throwing away today, or putting in the atmosphere today, or whatever it is. We just haven't figured out how to do that because in the long run...we are all dead. And so in the short run is where we live our lives, and this bill is an attempt to look forward.

Grant Levi: Deputy Director of Engineering for the North Dakota Dept. of Transportation, and I am here to offer neutral testimony on SB 2417. (See attachment #1)

Chairman Klein: In those other applications, does it turn the glass into sand?

Grant Levi: We have not looked at other states specifications, but I would imagine it's probably a combination of things depending on the quality of the glass products they get. It probably would crush down pretty fine and be more of a sand-type particle which is used as a

binder and to connect to the binder in asphalt, also possibly as fill material, such as an embankment.

Chairman Klein: Is there any research to show either this is a short-term solution or not.

Grant Levi: Typically, when you deal with recycled products, the main intent is to remove the product from the landfill. When it's put into construction project, it's done so with the intent of saving something somewhere else and saving something from diminishing.

Chairman Klein: If you had 8300tons of crushed glass, you wouldn't be opposed to trying to make that work into the projects final outcome.

SN: Has anyone in North Dakota tried to do this before?

Grant Levi, Not to my knowledge nobody has tried to use crushed glass in a highway construction type project.

SN: Has anyone tried to recycle glass?

Grant Levi: Not to my knowledge.

Senator Potter: Do you know if surrounding states or provinces used crushed glass and do any of them have glass plants?

Grant Levi: In Minneapolis area, it is my understanding they do use recycled glass coming from a recycle plant.

SB: This has been used someplace because I remember recycling glass

Grant Levi: At one time even Bismarck recycled glass; I believe they have since stopped doing so because they had to haul it someplace in order to be used. So yes there are plants that exist that do recycle it.

Chairman Klein: Grant, you are here seeking use in road materials, but are there other uses for it.

Grant Levi: That is correct

Senator Horne: Told a story about glass being recycled in Florida and used on the beaches.

Senator Potter: Is there any cost associated with this study?

Grant Levi: That depends on the amount of detail we want to go into for a study.

Senator Potter: What are the future costs of NOT doing something? What other states might be able to provide us with information to help us in our search

Grant Levi: I can appreciate the intent of the question, but I don't think the Dept. of Transportation is the practical agency for that.

Jeff Heinz, Public Works Director for the City of Bismarck, testifying in a neutral position. Just to elaborate on the previous testimony, there is a private glass recycler in the Fargo area and he is using as sand blasting material, also using in landscape rock and decorative stones for fish aquariums. With regards to other states, Montana has a non-profit organization that has purchased a glass grinding machine and travel all over the state and grind up their glass for road construction projects. Some of the adverse effects are vermin that infest the storage areas while waiting to be processed. The city of Bismarck would love to have the glass option to recycle. We are presently wording on our options in Bismarck. We have a recycling task force that will meet bi-weekly to come up with answers to our recycling solutions.

Chairman Klein: You have been looking at the glass situation and how it's compounding your waste issues, will you see a tremendous impact being able to recycle this glass more efficiently if we got a method of transporting. Do you see this as a benefit to the city?

Jeff Heinz: Anytime we can reduce the volume of "stuff" that accumulates at the landfill, it definitely a benefit to the city of Bismarck. There are costs though and that is what the DOT has brought to your light. There needs to be a place to take the product, such as point A or B.

The more accessible the public has to recycling, the profitable the end product will become. We have been thinking rail would be the cheapest way to ship these materials.

Senator Potter: Do you have any idea what the cost of a portable glass grinder?

Grant Levi, No

Chairman Klein closed the hearing on SB 2417

Chairman Klein opened discussion on SB 2417

Chairman Klein: I am somewhat leaning towards having it go out to transportation.

Senator Horne: What impressed me was Montana and somebody going around and collecting glass.

Senator Nodland: I'm not trying to bust any bubble, but being a retired banker, none of these have been profitable. There has 3-4 of these tried in North Dakota and I think most it has been transportation. They are shipping the product out, we don't make enough or we don't use enough glass bottles in North Dakota with our small population. I know of 2 that were very unsuccessful. I don't think we have the volume.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2417

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9173

Committee Clerk Signature

Eric Lubet

Minutes:

Senator Potter: The bill as introduced wasn't any good. The amendments make it better. What these will do is turn it into a study resolution and legislative study as opposed to a mandated study. The health department actually put together amendments to this that leave it as a mandated study, that the department of transportation and health department would study this particular issue together. With this amendment broadens it to a legislative study and takes in the whole area of landfills. It says how do we reduce landfills and how can we use landfills for methane production. I believe this is an improvement. I would move this amendment that makes this a study resolution that the legislative counsel can take up or not.

Senator Horne: I will second the motion.

Senator Potter: This is obviously a growing problem and it is in search of a solution. I hope in the two year study we can come up with a way.

Discussion continued.

Roll Call Vote: Yes: 7 No: 0 Absent: 0

Senator Potter: Move a do pass as amended.

Senator Horne: Seconded the motion.

Row Call Vote: Yes: 7 No: 0 Absent: 0

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Senate Industry, Business and Labor Committee
Bill/Resolution No. 2417
Hearing Date: February 11, 2009
Floor Assignment: Senator Potter

PROPOSED AMENDMENTS TO SENATE BILL NO. 2417

Page 1, line 1, after "a" insert "legislative council" and remove "by the department of transportation"

Page 1, line 2, replace "building a glass recycling plant" with "state government facilitating the reduction of landfill waste and the potential for development of methane processing"

Page 1, line 4, replace "**DEPARTMENT OF TRANSPORTATION**" with "**LEGISLATIVE COUNCIL**" and replace "**GLASS RECYCLING**" with "**REDUCTION OF LANDFILL WASTE AND POTENTIAL FOR DEVELOPMENT OF METHANE PROCESSING**"

Page 1, line 5, remove "**PLANT**" and replace "director of the department of transportation" with "legislative council"

Page 1, line 6, replace "building, financing, or encouraging construction of a glass" with "state government facilitating the reduction of landfill waste in North Dakota through encouragement and/or coordination of public and private recycling programs; and an investigation of the potential for development of methane processing from landfills for power generation."

Page 1, remove lines 7 through 13

Re-number accordingly

Date: Feb 11, 2009
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2417

Senate

Committee

Industry, Business and Labor

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Pass Do Not Pass Amended

Motion Made By Senator Potter Seconded By Senator Horne

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm	✓	
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne	✓	
Senator John M. Andrist	✓		Senator Tracy Potter	✓	
Senator George Nodland	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: Feb 11, 2009
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2417

Senate

Committee

Industry, Business and Labor

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken **Pass** **Do Not Pass** **Amended**

Motion Made By Senator Potter Seconded By Senator Horne

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm	✓	
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne	✓	
Senator John M. Andrist	✓		Senator Tracy Potter	✓	
Senator George Nodland	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Potter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2417: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2417 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to the state facilitating the reduction of landfill waste and the potential for development of methane processing.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - REDUCTION OF LANDFILL WASTE AND DEVELOPMENT OF METHANE PROCESSING. During the 2009-10 interim, the legislative council shall study the feasibility and desirability of the state facilitating the reduction of landfill waste in North Dakota through encouragement and coordination of public and private recycling programs and investigate the potential for development of methane processing from landfills for power generation. The legislative council shall report its findings and recommendations, and any legislation necessary to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

2009 HOUSE NATURAL RESOURCES

SB 2417

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2417

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 3--12-09

Recorder Job Number: 10839

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Chairman Porter – Open the hearing on SB 2417.

Senator Potter - This bill was a bill and now it's a study. When it was a bill it should have been killed. What I attempted to do was suggest we needed to product a use for recycled glass. If

you don't have an end use for recycled products you don't get them recycled. 1st) It started out with an idea that the dept. of transportation should study how they might be able to use a glass free cycling facility for road construction use. In many states recycled glass is used in road construction. Testimony was clear from DOT that we just don't have enough glass. We have too few consumers and there just isn't enough glass, even if we recycled every bit of it in ND it just wouldn't matter to the vast projects that DOT has. So that didn't work. At the same time there was an awful lot of testimony from the health dept. and others that recycling really does need a boost in ND. There is a problem with our landfills as we all know. Reducing waste on the front end is a way to appropriately figure the future costs of waste into current things. We often look at things and we say economically that's not feasible in the short run. If you start figuring out the long term implications of filling our landfills and assign some kind of cost to that, then you can back out and go, well that does make sense. You end up with a study directing legislative council to study the feasibility and desirability of looking at how the state

can facilitate the reduction of landfill waste through the encouragement of recycling projects, including private sector recycling. One of the things that came out in testimony is in Fargo there is a private vender doing recycling of glass. He is doing it successfully. In fact wasn't real happy with the idea the state would be in competition with him. This simply says we should look at the ways we could coordinate and encourage public and private recycling programs. 2nd) You see this in line 8, investigate the potential for development of methane processing from landfills for power generation. In talking with MDU I learned they are doing a pilot project in Billings, MT right now. They're extracting methane from the landfill there. Using it for power generation. I'm not sure exactly where else, I don't think it was Fargo, but it might have been Sioux Falls where the methane from the landfill there is being used directly as natural gas. There's real potential here. I just happened to see yesterday, looking at the stimulus package that Grand Forks was getting some money to produce methane from their landfill.

Chairman Porter – Any questions for the Senator? Any further testimony in support of SB 2417? Opposition? Seeing none we will close the hearing of SB 2417.

Rep. DeKrey – I would move a amendment on line 6 to insert the word “consider” between the words “shall” and “study” and put an “ing” on “study”.

Rep. Keiser – 2nd.

Chairman Porter – It would read “legislative council shall consider studying the feasibility”.

Rep. DeKrey – Yes.

Chairman Porter – Any discussion? All in favor of the amendment Yea – unanimous voice vote – opposed – none. Motion carries. We have an amended bill in front of us.

Rep. DeKrey – Move a Do Pass As Amended.

Rep. Hofstad – 2nd.

Chairman Porter – We have a motion for a Do Pass As Amended from Rep. DeKrey and a 2nd from Rep. Hofstad. Any discussion? Seeing none the clerk will call the roll on a Do Pass As Amended on SB 2417.

Yes 12 No 0 Absent 1 Carrier Rep. Hanson

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Adopted by the Natural Resources
Committee

March 12, 2009

VR
3/12/09

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2417

Page 1, line 6, replace "study" with "consider studying"

Renumber accordingly.

Date: 3-12-2009
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2417

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By W. Krey Seconded By H. F. Stad

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hanson	✓	
Vice Chairman Damschen	✓		Rep Hunsakor		
Rep Clark	✓		Rep Kelsh	✓	
Rep DeKrey	✓		Rep Myxter	✓	
Rep Drovdal	✓		Rep Pinkerton	✓	
Rep Hofstad	✓				
Rep Keiser	✓				
Rep Nottestad	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Hanson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2417, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2417 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "study" with "consider studying"

Renumber accordingly

2009 TESTIMONY

SB 2417

SENATE INDUSTRY, BUSINESS AND LABOR COMMITTEE

February 9, 2009

9:45 a.m. –Roosevelt Park Room

**North Dakota Department of Transportation
Grant Levi, Deputy Director for Engineering**

SB 2417

Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to provide some information to the committee as you consider SB 2417.

The Department supports the use of recycled material and where practical, we recycle products to lower our construction costs and preserve natural resources. We presently recycle concrete, asphalt, gravel bases and use byproducts of other industries (fly ash) to complete highway construction projects.

The Department currently has in place a comprehensive research program. This program includes a review of university proposals, department identified research needs, private sector research suggestions and a review of national studies that benefit North Dakota.

Each year our Research Advisory Committee, which consists of state and local representatives, reviews the proposals, research needs and private sector research suggestions. Using this information and reviewing national studies, the department develops a comprehensive research program that supports our goals and objectives. We strive to develop a practical research program that allows us to improve the quality of our products, enhance the state's ride quality and load carrying capacity. Using this process we have completed research projects such as:

- Effects of Water Reducing Admixtures on Concrete Durability
- Use of Thermal Camera During Asphalt Pavement Construction
- Evaluation of Self-Consolidating Concrete (SCC) for use in ND Transportation Projects
- Performance Evaluation of Low Permeable Concrete Bridge Decks

When we became aware of SB 2417 we did complete some preliminary research on the use of glass in transportation projects. Our initial results are as follows:

- Recycled Glass is used by other states in asphalt paving, base construction, and embankment work.
- Typically the percent of glass used does not exceed 20% of the final product.
- The states that are using recycled glass have large population centers that have glass recycling programs. National studies indicated that a person generates 0.0131 tons of recoverable glass per year. With a population of approximately 637,000 people North Dakota would generate approximately 8,344 tons of recoverable glass.
- On a typical grading project approximately 150,000 – 200,000 tons of base material is used.
- Minnesota, Washington and Texas Department of Transportation do allow glass as a substitute for aggregate.

In summary, the department has a comprehensive process to select research projects. It appears that the quantities of recoverable glass that a plant would generate, if all of the recoverable glass for the entire state were delivered to one location for processing, would only amount to approximately 8,344 tons. This quantity of recoverable glass would have no impact on roadway construction. As a result, building a glass recycling plant to supply glass for transportation purposes does not appear to be practical.

Mr. Chairman, this concludes my testimony and I will be happy to answer any questions. Thank you.