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## Letter from the President

As a result of Public Act 96-0044, which swept State solid waste management funds, Illinois EPA has had some difficult funding decisions to make recently. While I'm sympathetic to the decisions they had to make, the criteria provided for how they came to their conclusions is somewhat confusing. While I don't question the importance of the service provided to the communities by the four permanent household hazardous waste collection sites, I wonder how equitable that decision may be. Wouldn't one-day collections spread throughout the State and a reduction of hours at the permanent sites, which are concentrated in the northeast portion of the State (except for the Rockford site), serve Illinois residents in a more equitable fashion? In addition, the Partners for Paint, used tire collection, and I-RID programs, which were all eliminated, at least for the time being, also operated in locations throughout the State. Funding for the enforcement program was cut for all IEPA delegated partners except for three - City of Chicago, DuPage & McHenry Counties, which are all also located in the northeast portion of the State.

In regard to the enforcement funding cuts, IEPA justified their decision by stating they are asking counties that have a revenue source, such as a host agreement or tipping fee, to continue their work under their delegation agreement without financial support from the State. Therefore, if you are a local government that has decided to take responsibility for disposal of your jurisdiction's garbage and, in return, receive revenue through a host or tipping fee, you will inherently be punished through the removal of your enforcement funding. Furthermore, local governments have been having similar funding issues as the State. As a result, local revenues are more frequently being utilized for non-solid waste services or projects. Therefore, many of our members are feeling the pinch from both sides and having to make difficult decisions themselves. We can only hope that an economic recovery is underway and that we will all come out of this stronger and more efficient than in the past.

On a positive note, our fall workshop presented by ICLEI-Local Governments for Sustainability and Rod Fletcher from the City of Urbana was a successful and informative event.



Attendees were presented with the science and reasons for greenhouse gas reduction and the role that solid waste management has in reaching that goal. Amy Malick with ICLEI presented the necessary steps or methods to reach the goal, while Mr. Fletcher explained how the methods developed by ICLEI were utilized and implemented by the City of Urbana. Overall feedback from the attendees was positive and several requests were received to conduct follow-up or additional related workshops.

Results for the Executive Committee election have been tabulated resulting in the slate proposed by the ILCSWMA Board being voted in for a two year term. Therefore, the Executive Committee members that will serve until October 2011 are as follows: President - Dave Hartke; Vice President - Don Terry; Treasurer - Steve Rypkema; and Secretary - Deb LeVault. Also, Courtney Rushforth and Jason Peppmuller were reappointed by the Board as At-Large Representatives.

Finally, ILCSWMA membership renewals for the year 2010 will be mailed to all members in late December. Any members that prefer to renew their membership before then can visit the "Join" page on ILCSWMA's website and download the application form. Early renewal may be beneficial to those wanting to pay for 2010 membership out of the current fiscal year budget.

Best Regards,  
Dave Hartke, President

## USDA SOLID WASTE GRANTS AVAILABLE

USDA offers Solid Waste Management Grants through its Rural Development Program. The objectives of the Solid Waste Management Grant Program are to 1) Reduce or eliminate pollution of water resources in rural areas; and 2) Improve planning and management of solid waste sites in rural areas.

NOTE: Rural areas are defined as any area not in a city or town with a population in excess of 10,000, according to the latest decennial census of the United States.

Entities eligible for Solid Waste Management grants are

- 1) Private nonprofit organizations with tax exempt status designated by the Internal Revenue Service;
- 2) Public bodies;
- 3) Federally acknowledged or State recognized Native American tribes or groups; and
- 4) Academic institutions.

Private businesses, Federal agencies, and individuals are ineligible for these grants. Applications due December 31, 2009. For more information go to <http://www.usda.gov/rus/water/SWMG.htm>.

## ILCSWMA Member News

### CHRISTIAN COUNTY

Due to the discontinuation of IEPA Grant funding, the Christian County Board's Finance Committee voted at their October meeting to eliminate the Inspector position at Christian County Solid Waste Management Department. Regina Bunning spent a total of 10 years as the Inspector for the county handling open dumping and open burning complaints, conducting routine landfill inspections, removing meth labs from the environment and answering countless questions pertaining to IEPA regulations. Regina will remain with the Department until the end of November. Her departure will leave a tremendous void in Christian County's enforcement program.

### JACKSON COUNTY

The Jackson County Board recently approved full County funding of the Jackson County Health Department's solid waste enforcement program through June 30, 2010. This approval became necessary after IEPA eliminated the County's enforcement grant of \$78,000 per year. In spring 2010, the County will be considering all options for the program beyond the end of June.

Jackson County held its second household chemical collection event of the year on October 17. It was a success with 657 vehicles bringing in waste. This was the sixth event the County has sponsored in three years, with a total of 3,857 vehicles coming through the six events. The first five events cost an average of \$43,962, not including advertising, for an average cost per participant of \$68.69.

Jackson County also held a document shredding and printer cartridge recycling event on November 7.

### KENDALL COUNTY

Kendall County presently has two denied landfill applications in front of the Illinois Pollution Control Board (IPCB). The first is the Fox Moraine Landfill located in Fox Township, on the west side of the county. A local business man, Don Hamman, is the land owner, and Groot

Industries is to be the operator. This site is within the City of Yorkville due to strip annexing. The project management firm associated with this project is Shaw Environmental. The IPCB had scheduled a Public Hearing in Yorkville for December 2008, but it has been delayed.

The second site is Willow Run II located in Lisbon Township, at south end of the county. This site is in the unincorporated area of the county and was denied by the County Board. This site is owned by Kendall Land and Cattle LLC and would be operated by Waste Management Inc. Waste Management handled the project management. This group had an earlier application for this site by but withdrew its application after the public hearing but before the decision by the County Board. The interest in Kendall County is due to the physical location of Kendall County in regards to the collar counties of Cook and its Solid Waste Plan allowing landfill applications.



Kendall County was also the first county to have a Yardwaste Application Facility receive approval to apply more yardwaste than the normal agricultural application rate of 20 tons per acre. Hamman Farms received approval of 80 tons per acre from the IEPA. The IEPA conducted a Public Hearing to address citizens concerns. This facility presently has litigation pending from the State Attorney General due to application rate exceedances prior to the approval to apply at over 20 tons per acre and excessive litter. This site is the same site the Fox Moraine landfill is proposed.

## Member News (cont.)

### MACON COUNTY

Due to Governor Quinn and State Legislators approval of the Solid Waste funding sweep, Macon County Solid & Recycling Department and more importantly, the residents of our county, will be denied responsible and environmentally sound disposal options through the following programs and services.

Macon County Recycling Program/Service

Funding lost by Government Sweep of Solid Waste Fund

**Enforcement Program:** Delegated agreement with IEPA to include 24 landfill inspections (open landfill), bi-annual inspections of 5 closed landfills, monthly compost facility inspections, response to resident complaints/concerns dealing with open dumping and burning

**\$45,000.00**



**Partners for Paint Program:** Operated recycling or reuse program for residents since 2000 **\$2,000 to \$4,000** (indirect cost - approximate yearly IEPA cost for paint pick up and recycling in Macon County)

**Waste Tire Recycling Program:** Implemented in 2003 - Location designated for county highway staff and county road commissioners - tires that are dumped along roadsides may be deposited for bi-annual recycling. Macon County Solid Waste & Recycling orchestrated pick up, recycling,

& payment by IEPA

**\$3,000 to \$5,000** (indirect cost - approximate yearly IEPA cost for waste tire recycling in Macon County)

### Household Hazardous Waste

**Collections:** One day collections granted in Macon County for years: 1991, 1996, 2000, 2003, 2005 & 2006.

2003 - IEPA \$41,500/76 - 55 gallon barrels: 2005 IEPA \$56,950 - 165 - 55 gallon barrels: 2006 IEPA \$65,600 - 182 - 55 gallon barrels of hazardous safely disposed and/or recycled.

**\$65,000** (indirect cost - approximate yearly IEPA cost for HHW collections in Macon County)

**TOTAL Funds lost in Macon county due to Solid Waste Fund Sweep \$117,000**

### PEORIA COUNTY

The City of Peoria voted to accept Peoria Disposal Company's (PDC) proposal for city-wide residential waste services collections which will include curbside recycling as part of the program; a change from the subscription program with current provider Waste Management. While residential waste services will change vendors in January 2010, the curbside recycling program will begin April 1, 2010 so PDC can order 95 gallon wheeled carts for homeowners. Participants will have once a month pick up to recycle paper, metal, plastic bottles and glass bottles. Peoria County Recycling is partnering with the City and PDC to educate residents about the program.

Peoria County Recycling is sponsoring four community tire collections events this fall. This program allows residents of specific zip codes to dispose of 5 tires at no cost. Over 5,000 tires have been collected in the four years of the programs existence.

The City and County of Peoria, joint owners of the local landfill, opted to accept PDC's proposal for future landfill expansion #3. PDC's proposal includes several value added features, such as a perpetual care fund, additional recycling drop-offs sites, a citizens' convenience center (a recycling drop off and household hazardous waste service), and education on a website. Landfill #2 is currently operated by Waste Management and has 5-8 years of life remaining.



## Federal News

### *USEPA GHG Reduction Report*

USEPA has released a report outlining the potential for reducing greenhouse gases that can be achieved through recycling, waste reduction, smart growth, and redeveloping brownfields. "Opportunities to Reduce Greenhouse Gas Emissions through Materials and Land Management Practices" finds that 42% of U.S. greenhouse gas emissions are influenced by materials management policies. This includes the impacts from extracting raw materials, food processing and manufacturing, transporting, and disposing of products. Another 16% to 20% of emissions are associated with land management policies, according to the report. That includes emissions from passenger transportation, construction, and from lost vegetation when greenfields are cleared for development. Reducing unnecessary packaging, increasing recycling and using brownfields for renewable energy development also can reduce greenhouse gas emissions, according to the EPA report, which is available at

<http://www.epa.gov/oswer/publication.htm>

### *USEPA Requires GHG Reporting for Larger Sources*

On Jan. 1, 2010, USEPA will, for the first time, require large emitters of heat-trapping emissions to begin collecting greenhouse gas data under a new reporting system. This new program will cover approximately 85% of the nation's GHG emissions and apply to roughly 10,000 facilities. "This is a major step forward in our effort to address the greenhouse gases polluting our skies," EPA Administrator Lisa Jackson said. "For the first time, we begin collecting data from the largest facilities in this country." The EPA will use the information to determine how best to reduce those emissions, she said. EPA's new reporting system will provide a better understanding of where greenhouse gases are coming from and will guide development of the

best possible policies and programs to reduce emissions, according to the EPA. The data will also allow businesses to track their own emissions, compare them to similar facilities and provide assistance in identifying cost effective ways to reduce emissions in the future. Facilities that emit 25,000 metric tons or more of carbon dioxide equivalent per year will be required to report GHG emissions data to EPA annually. The first annual reports for the largest emitting facilities, covering calendar year 2010, will be submitted to EPA in 2011. Vehicle and engine manufacturers outside of the light-duty sector will begin phasing in reporting with model year 2011. More information on the new reporting system and reporting requirements: <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>.

### *USEPA to Consider Regulation of Drugs in Drinking Water*

Pharmaceuticals including a number of estrogens, pesticides, and two major perfluorinated compounds are among the 104 chemicals USEPA recently listed for possible regulation in drinking water. This marks the first time the agency will consider pharmaceuticals for potential regulation under the Safe Drinking Water Act.

Several estrogens made the agency's "contaminant candidate list." Their uses include hormone replacement therapy and birth control pills. Another pharmaceutical, the antibiotic erythromycin, is also listed.

USEPA compiles lists of contaminants known or anticipated to be found in public water systems as a first step toward possible regulation under the Safe Drinking Water Act. The agency says it will continue to collect and evaluate data on the 104 chemicals and 12 microbes, including the hepatitis A virus, that made the new list. The agency says it will determine by 2013 whether to propose drinking water standards for at least five of them. Aside from pharmaceuticals, many of

the listed substances are pesticides, including the fumigant methyl bromide. Others are commercial chemicals, such as the octane booster methyl tert-butyl ether and hydrochlorofluorocarbon-22, which is used as a refrigerant.

EPA says it selected the contaminants for the list after evaluating about 7,500 substances and biological agents. The agency's full list of candidate contaminants is at

<http://www.epa.gov/safewater/ccl/ccl3.html>.

### *New Meth Lab Cleanup Guidance*

Guidance for state and local governments for methamphetamine lab cleanups has been published by USEPA. The Voluntary Guidelines for Methamphetamine Laboratory Cleanup is based on an extensive review of the best available science and practices for cleanup, according to the EPA. Other issues included are best practices for specific items or materials, sampling procedures, and technical resources. The production and use of meth across the country continues to pose considerable challenges because of the environmental hazards caused by meth labs. More information is available at <http://www.epa.gov/oem/methlab.htm>

### *Reduce GHG Emissions and Save Energy Through Home Retrofits*

USEPA and the White House have released the "Recovery Through Retrofit" report, which discusses green job opportunities, potential energy savings and greenhouse gas reductions that can be achieved by retrofitting homes. Opportunities include installing Energy Star-certified appliances, according to EPA Administrator Lisa Jackson. Energy efficiency retrofitting can reduce energy use by 40% per home and lower total associated greenhouse gas emissions by up to 160 million metric tons annually, according to the EPA. Recommendations in the report include: providing homeowners with

## Federal News (cont.)

home energy retrofit information; reducing high upfront costs and providing access to retrofit financing, and establishing national workforce certifications and training standards. The full report and recommendations are available at <http://tinyurl.com/ykke-drp>.

### *NASA Offers Recycling Design Challenge*

NASA is inviting students in grades 5-8 to participate in the Waste Limitation Management and Recycling Design Challenge. The challenge uses real-world scenarios that meet science and mathematics content standards. Students can participate in a formal, informal or home-school setting. Teams of up to six students will design a water recycling system for the unique environment of the moon. Teams will then test their system on a simulated wastewater stream. Proposals and

results are due Feb. 1, 2010.

The winning teams will be announced in May 2010. The top three teams will receive awards. The first place team will receive an expense-paid trip to NASA's Kennedy Space Center in Florida. During the winning team's visit to Kennedy, students will gain firsthand knowledge about NASA's missions, receive behind-the-scenes tours of NASA's launch facilities, and learn about future aerospace and engineering careers. For more information and contest rules, please visit <http://wlmr.nasa.gov/>.



Also available online is the Waste Limitation Management and Recycling Design Challenge Educator Guide. This guide is a starting point for middle school students to research and answer the challenging questions of how to maintain human habitations on the moon and other planets in the solar system. The guide focuses specifically on the need for water recycling. The guide includes background information on topics relating to the moon, Earth's water cycle and water recycling. Several basic classroom activities on water recycling are also included. The guide is available for downloading at <http://tinyurl.com/yfo763c>.

Questions about the Waste Limitation Management and Recycling Design Challenge should be directed to Jay Garland at [jay.l.garland@nasa.gov](mailto:jay.l.garland@nasa.gov).

## Deregulation Law May Have Far Reaching Impact

*Submitted by Walter Willis, Exec. Director, Solid Waste Agency of Lake County*

During the last session of the General Assembly, Senate Bill 2034 was introduced and ultimately enacted into law - Public Act 96-0489. Senate Bill 2034 is a far greater reaching and significant bill than the Solid Waste Agency of Lake County (SWALCO) realized when it was introduced and eventually enacted as State law. In brief, SB 2034 allows waste to be managed as non-waste (i.e., deregulated) after going through what is called a "beneficial use determination" or BUD process for short. SWALCO attempted to have the bill amended during the spring session to exempt any waste taken to a landfill and used in any manner from the BUD process. We believed (and still do) that any waste taken to a landfill, even when used productively at the landfill as alternative daily cover or road building material,

should not be deemed a non-waste, considered a beneficial use or as recycling. We reluctantly went neutral on the bill after the IEPA assured us that it agreed with our position, but wasn't willing to add SWALCO's proposed language.

After the law's passage, the construction and demolition debris recycling industry approached the IEPA about using SB 2034 to BUD the fines and residue coming from their C&D recycling facilities. The IEPA indicated an interest in considering such a request, which prompted SWALCO, Ogle County, Will County and the president of ILCSWMA to meet with the Director of IEPA on September 17, 2009 to express our concerns with this proposal. We have also since been in discussions with Senator Garrett, the sponsor of the bill, regarding the intent and scope of the law and how it may be applied by IEPA. Senator Garrett, in turn, has

opened discussions with IEPA in an attempt to understand its position and plan for implementing the law.

SWALCO is now aware that beneficial use programs have become fairly prevalent across the U.S. as documented in the report entitled, ASTSWMO 2006 Beneficial Use Survey Report (find the report at <http://www.astswmo.org>). The primary purpose of this article is to provide you with some information regarding SB 2034 and what impact it may have in Illinois.

**Overall Concerns with SB 2034.** SWALCO's concern with how IEPA may apply SB 2034 is twofold: philosophical and fiscal. From a philosophical standpoint, we cannot agree that any waste should be granted a BUD if it is ultimately used at a landfill. This, in our opinion, is the very definition of "sham recycling", which is a

primary issue discussed in the ASTSWMO report. We believe that Illinois should take the position that if a material is taken to landfill and put into permitted airspace, this action does not constitute recycling, reuse, or most importantly, a beneficial use. It is still taking up valuable airspace, creating truck traffic, and potentially creating other local environmental and land use impacts. (For example, the odor problems at Countryside Landfill in Lake County last fall were related to the acceptance of ground construction and demolition debris with gypsum in it). It also "cheapens" the time, effort and resources we dedicate to truly diverting materials from the landfill through our recycling and composting programs (as long as the final compost product is not used at a landfill, which, unfortunately, a significant amount is). We have a waste management hierarchy in Illinois, created by the General Assembly, which lists landfilling as the least preferred method of managing our waste. If a waste/material cannot be truly diverted from the landfill and moved "up the waste hierarchy" we have not reduced our reliance on landfills, which was the ultimate goal of the General Assembly.

From a fiscal standpoint, units of local government statewide stand to lose millions each year in host fee and/or local surcharge revenues. Lake County alone could lose hundreds of thousand of dollars in host fee revenues per year if material we were once paid on is granted a BUD and the landfill successfully argues that a host fee payment is no longer applicable because the material is no longer a waste.

This is not what local units of government had in mind when they entered into host agreements with the waste industry. The host agreements were negotiated to compensate units of local government for the environmental, traffic and land use impacts associated with landfills, which typically import

large quantities of waste from outside a given county. If a waste is granted a BUD yet still is taken to the landfill, utilizes valuable airspace, potentially causes environmental issues, and creates truck traffic, why would it be appropriate for the waste industry to no longer pay a host fee on this waste? The same question can be asked with regards to the state and local surcharge fees as well.

**Concerns with Deregulation.** In a word the beneficial use phenomenon is deregulation. While deregulation is not inherently bad, it is if there are not adequate statutes, regulations, procedures, testing, and staffing to administer and enforce BUD requests and approvals. Overall, the sense SWALCO got from the ASTSWMO report is that States are moving too quickly in this area, and are introducing BUD materials into the unregulated arena with little understanding of the long term environmental impacts of such a regulatory shift. This problem is highlighted by the following excerpts from the ASTSWMO report:

The greatest barrier to issuing approvals for beneficial use of waste continues to be the lack of sufficient information to evaluate the risk to human health and the environment. (Page 13 of the Report)

The second greatest barrier for States is the lack of staff resources to review beneficial use requests. States are continuing to experience staffing and funding shortages. (Page 14 of the Report)

When evaluating beneficial use proposals, States continue to place protection of human health and the environment as the most important consideration. However, only 38 percent of the responding States indicated that risk-based evaluations were used consistently in beneficial use determinations. (Page 14 of the Report)

When asked if a material used in compliance with the State/Territorial regulations is exempt from further solid waste regulations, 79 percent of the respondents answered affirmatively, provided the material is managed in compliance with the terms and conditions of the approval. (Page 5 of the Report)

If the science is lacking, staffing is inadequate and only lip service is being paid to the use of risk-based evaluations why are the States rushing in and granting so many BUDs? In addition, who is keeping an eye on these materials once they are de-listed as a waste and no longer governed by a State's environmental regulations? Are delegated counties expected to do this when IEPA has terminated most enforcement grants, thereby reducing resources to monitor landfills' compliance with the BUDs? In summary, we have a deregulation initiative that cannot be effectively implemented, tracked or enforced. This is not a good recipe for success.

I urge each unit of local government with a landfill host agreement to closely examine the potential impact of SB 2034 on your agreement. I also urge all of you to think about whether issuing a BUD for material taken to a landfill and placed in the permitted footprint is truly a beneficial use. The time to make your voice heard is now as we work on potentially amending this law to exempt waste that is landfilled and to also require the IEPA develop rules for the BUD process that are based on sound science and engineering, and allow for ample public review and comment.

## Learn About the Product Stewardship Institute

### *Who is PSI?*

(PSI) is a national non-profit environmental institute with membership from 45 states, over 100 local governments, and more than 50 businesses, environmental groups, and organizations that establishes cooperative agreements to reduce the health and environmental impacts from consumer products. We work with state and local government agencies to partner with waste management firms, manufacturers, retailers, environmental groups, federal agencies, and other key stakeholders. The mission of PSI is to pursue initiatives to ensure that all those involved in the lifecycle of a product share responsibility for reducing its health and environmental impacts.

PSI has worked on a broad range of products, focusing especially on those that have the biggest financial impact on local governments in charge of disposing of them. Some of these products include:

- Electronics
- Fluorescent Lighting
- Gas Cylinders
- Medical Sharps,
- Paint
- Mercury Products,
- Phone Books

And many others! Visit our website at <http://www.productstewardship.us> to learn more about everything we're doing.

### *PSI Services for Local Governments*

Since its inception, the needs and contributions of local governments have been central to PSI's mission and work. The Product Stewardship Institute, Inc. (PSI) was founded in 2000 to provide a unified voice for state and local government, and fiscal relief for government, on waste management issues. Local governments are the primary beneficiaries of the extended producer responsibility (EPR) efforts promoted by PSI. In addition, local governments play a critical role in

the passage of state product stewardship legislation, galvanizing grassroots support and offering first-hand perspectives on product stewardship challenges and opportunities. Recognizing the centrality of local governments in product stewardship, PSI's Board of Directors includes four local government officials (along with seven state government officials). There are over 100 local governments that are PSI members, along with 45 states and 50 partners from business, environmental groups, and other organizations.

The role of local governments in product stewardship has never been more critical. As state budgets tighten, resources for local governments are increasingly constrained. Product stewardship is a critical strategy for relieving local governments of a significant portion of the waste management costs they currently shoulder and achieving higher levels of environmental quality. Spring 2009 has seen the introduction of more than 35 EPR bills calling for producer responsibility of individual products or groups of products. These legislative initiatives move forward with informed and targeted local government support. In light of the current opportunity for significant progress on product stewardship, as well as the need to meet local governments' pressing needs, PSI proposes to increase services to local governments as detailed below. For a total annual fee of \$15,000 (which covers ALL locals within a state - each individual local government does not pay the fee) PSI will:

- Extend Full Member Benefits to All Local Governments in a State
- PSI will extend the following full member benefits to all local governments wishing to play an active role in product stewardship
- Free Participation in all PSI National Dialogues
- Priority access to PSI staff and

contractors

- Priority selection to participate in broad range of PSI pilot projects
- Free Participation in Networking Conference Calls (12/year)
- Free Bi-weekly Product Stewardship E-mail Updates (26/year)
- Free access to monthly Product Stewardship Update Calls
- Receive quarterly PSI Newsletter
- Participation in government product-specific strategy calls
- Discount at the PSI annual Forum
- Full use of website - including product information
- Full use of PSI's 12 product list serves
- Voting capabilities and the ability to serve on the PSI Board of Directors
- Input into PSI's Strategic Plan, which sets PSI's goals and prioritizes initiatives

(Editor's note: ILCSWMA is currently investigating funding sources to cover the \$15,000 annual PSI fee, so that all counties and municipalities in Illinois can participate in this needed product stewardship effort. The ILCSWMA Board has approved a contribution of \$3,000 toward this effort, pending the remaining \$12,000 can otherwise be raised. If you know of organizations or industries that might be willing to contribute, please contact ILCSWMA President Dave Hartke).

To learn more about PSI, please contact Gena Folts, PSI Development Associate, at (617) 236-4771 or [gena@productstewardship.us](mailto:gena@productstewardship.us)