

LANDFILL MORATORIUM

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House Bill 4047 (Substitute H-1)

Sponsor: Rep. Kate Ebli

Committee: Great Lakes and Environment

Complete to 5-3-07

A SUMMARY OF HOUSE BILL 4047 AS REPORTED BY COMMITTEE

In general, the bill (Substitute H-1) would amend Part 115 (Solid Waste Management) of the Natural Resources and Environment Protection Act to prevent the approval of any new landfill construction permits until October 1, 2012 with some exceptions. In particular, the bill would do the following:

- Moratorium on new landfills. The bill would require the Department of Environmental Quality (DEQ) to reject any pending application for a landfill construction permit submitted between March 1, 2007 and the effective date of the bill. In addition, DEQ could not accept any new landfill construction permit applications between the effective date of the bill and October 1, 2012, unless the permit sought fell within one of the exceptions to the moratorium.
- No design modification to an existing landfill that would increase its disposal capacity. The DEQ could accept and approve an application for a design modification permit for an existing landfill only if the modification did *not* result in a net increase in the landfill's remaining disposal capacity as calculated under Section 11507a.
- Expansion of existing landfills with limited remaining disposal capacity allowed under certain circumstances. The DEQ could approve a permit to expand an existing landfill under the following circumstances:
 - The landfill has less than **three** years of remaining disposal capacity (as defined under Section 11507a) and the application otherwise meets all requirements of Part 115.
 - After the expansion, the landfill's remaining disposal capacity would not exceed a total of **eight** years. Years of remaining disposal capacity would be calculated by averaging the three previous years of waste receipt as reported under Section 11507a.
- Exception for a new landfill constructed on property adjacent to an existing landfill under certain circumstances. The DEQ could approve a permit for construction of a new landfill on property adjacent to an existing landfill with limited remaining disposal capacity under the following conditions:

- The proposed new landfill is identified as an expansion project in a county solid waste management plan as of March 1, 2007.
 - The landfill to be expanded is the sole landfill available for public waste disposal in the selected system.
 - The landfill has less than three years of remaining disposal capacity (as defined under Section 11507a).
 - The landfill is located on a site in the county for which it is identified.
 - Expansion of the site is not feasible.
 - Construction of the new landfill occurs on property adjacent to the current landfill site.
 - The permit application otherwise meets the requirements of Part 115.
 - After the expansion, the remaining disposal capacity (presumably of the existing landfill and new landfill added together) could not exceed a total of **eight** years. Years of remaining disposal capacity would be calculated by averaging the three previous years of waste receipt as reported under Section 11507a.
- Type III captive landfill permits still allowed. The moratorium would not cover permits for construction of Type III captive facility landfills (as defined in Section 11525a). A captive facility is defined in existing Section 11525a(10) as "a landfill that accepts for disposal only nonhazardous industrial waste generated only by the owner of the landfill or a nonhazardous industrial waste landfill that is specified in section 11525(3)."
 - Definition of remaining disposal capacity under Section 11507a. The bill would incorporate and use the existing definition of remaining disposal capacity found in MCL 324.11507a as "the permitted capacity less waste in place for any area that has been constructed and is not yet closed plus the permitted capacity for each area that has a permit for construction under this part but has not yet been constructed."

MCL 324.11511c

FISCAL IMPACT:

There would not be a fiscal impact on the State or local governments, at least for the foreseeable future. The only increase that might be expected would be a fee increase charged by private operators to cover future expansion costs or new facilities.

POSITIONS:

The Department of Environmental Quality supports the bill. (4-18-07)

Clean Water Action supports the bill. (4-18-07)

The Ecology Center supports the bill. (4-18-07)

Michigan Environmental Council supports the bill. (4-18-07)

Michigan League of Conservation Voters supports the bill. (4-18-07)

Detroit Regional Chamber opposes the bill. (4-30-07)

Michigan Association of Counties opposes the bill. (4-18-07)

Michigan Municipal League opposes the bill. (4-18-07)

Michigan Manufacturers Association opposes the bill. (4-18-07)

Michigan Waste Industries Association opposes the bill. (4-18-07)

Republic Waste Services opposes the bill. (4-18-07)

Southeast Berrien County Landfill Authority opposes the bill. (4-26-07)

Legislative Analyst: Shannan Kane
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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.