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Senate Bill 506 (Substitute S-2)
Sponsor: Senator Bruce Patterson
Committee: Natural Resources and Environmental Affairs

Date Completed: 10-7-03

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- **Provide for a two-year moratorium on landfill construction.**
- **Allow the expansion of an existing landfill with less than three years of capacity remaining, for a total of not more than 10 years of capacity.**
- **Prohibit the construction or expansion of a landfill that would be financed with Michigan Strategic Fund money.**
- **Require the Department of Environmental Protection (DEQ) to report to the Legislature regarding Part 115 siting provisions.**

Except as otherwise provided in the bill, and notwithstanding any other provision of Part 115, the bill would prohibit the DEQ from issuing a permit to construct a landfill if the Department received an administratively complete application for a permit after January 1, 2004, and before January 1, 2006.

The bill would allow the DEQ to issue a permit to construct an expansion to an existing landfill if the applicant demonstrates that it had less than three years of remaining disposal capacity, and the applicant otherwise met the requirements of Part 115. The permit could not provide more than a total of 10 years of remaining capacity when added to the capacity remaining before the permit was issued. The amount of time of remaining disposal capacity would have to be calculated based on the average of the three prior years of waste receipt as reported under Section 11507a of the Act. For these purposes, an existing landfill would be one that was licensed under Part 115 to receive waste as of October 1, 2003.

(Section 11507a requires the owner or operator of a landfill to report annually to the State and the county and municipality in which the landfill is located, on the amount of solid waste received by the landfill during the year, itemized to the extent possible to county, state, or country of origin. Under Senate Bill 557 (S-1), the report also would have to indicate the amount of remaining disposal capacity.)

The DEQ could issue a permit to construct a Type III landfill that was a captive facility as defined in Section 11525a, if the application otherwise met the requirements of Part 115.

The bill would prohibit the DEQ from issuing a permit to construct a landfill, including a permit to construct an expansion to an existing landfill, if the landfill or expansion were or would be financed entirely or partly with money from the Michigan Strategic Fund.

By January 1, 2005, the DEQ would have to submit to the Legislature a report providing recommendations for amending the solid waste planning and disposal area siting provisions of

Part 115. The report would have to include recommendations to foster a regional system of solid waste planning and disposal facility siting. The report also would have to recommend methods for securing reasonable and necessary regional and statewide disposal capacity "considering the paramount public concern in the conservation of the natural resources of the state". The DEQ would have to prepare the report based on consultation with affected parties.

Proposed MCL 324.11511a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would result in a two year moratorium on the new construction or expansion of landfills, unless an existing landfill has less than three years of disposal capacity remaining or the application concerns a Type III captive facility (i.e., monofill). Landfill owners pay a construction permit fee ranging from \$250 to \$1,500 for new or expansion projects. The temporary moratorium would result in less revenue to the Solid Waste Management Fund since fewer permit applications would be approved for two years. The bill also could have a long-term impact on the disposal capacity in the State since no new landfills would be constructed in the State for two years.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.