

# Legislative Analysis

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## LANDFILL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS

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### House Bill 5148

Sponsor: Rep. Phil Pavlov

### House Bill 5149

Sponsor: Rep. Daniel Acciavatti

Committee: Natural Resources, Great Lakes, Land Use, and Environment

Complete to 9-21-05

## A SUMMARY OF HOUSE BILLS 5148 AND 5149 AS INTRODUCED 9-8-05

House Bill 5148 would add a new section to Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act allowing for the establishment of landfill research, development, and demonstration projects (RDDPs). Apparently, these projects would include bioreactor landfills, which are landfills where liquid or air is injected into the waste mass in order to accelerate or enhance degradation and biostabilization. (Traditional landfills are generally designed to limit the entry of water into the landfill, as a means of minimizing the potential for groundwater contamination stemming from the seepage of landfill leachate. This "dry tomb" approach method, however, slows the biodegradation process.)

House Bill 5149 would amend Part 115 of the Natural Resources and Environmental Protection Act to require a legal description of the land on which a landfill is located, and Part 117 (Septage Waste Servicers) of NREPPA to revise the definition of "receiving facility," which receives septage waste for treatment, ostensibly to permit an RDDP to receive septage. House Bill 5148 is tie-barred to House Bill 5149 and Senate Bill 747.

### House Bill 5148

The bill would amend Part 115 (Solid Waste Management) to allow for the establishment of landfill research, development, and demonstration projects (RDDPs) for new or existing Type II landfill units or for a lateral expansion of a Type II landfill unit, under a construction permit issued by the Department of Environmental Quality under Part 115 of NREPA. An RDDP would generally be subject to the same requirements related to permitting, operation, closure, post-closure, financial assurance, and fees as other Type II landfills or landfill units under Part 13 of NREPA or Part 115 of NREPA (and related administrative rules).

#### *Application and Permit*

An application for a RDDP construction permit would have to include the following information, in addition to information required for other Type II landfill construction

applications: (1) a description of the RDDP goals; (2) details of the design, construction, and operation of the RDDP; (3) information on the types of wastes being disposed of, excluded, or added, including the types and amounts of liquid added; (4) information on the types of compliance and operational monitoring that will be performed; (5) methods of addressing potential nuisance conditions.

If an RDDP is intended to accelerate or enhance biostabilization of solid waste, the application would also include the following: (1) an evaluation of the stabilization that will be achieved; (2) an operations management plan; and (3) parameters used by the DEQ to determine when it will authorize closure of the RDDP.

Once a RDDP construction permit is issued, it would expire three years later, although the DEQ could grant an extension for up to three more years, if it receives an application requesting an extension within 90 days before the original expiration date and the RDDP operator provides the DEQ with an assessment of the RDDP and other information. If the DEQ does not make a decision on whether to grant an extension within 90 days after receiving an administratively complete application, the permit would be extended for three years.

### *Operation*

The bill would require an RDDP to meet the following operational requirements:

- Ensure that added liquids are evenly distributed and side slope breakout of liquids is prevented.
- Ensure that daily cover practices or disposal of low permeability solid wastes does not adversely affect the free movement of liquids and gases within the waste mass.
- Include the following:
  - A method of monitoring moisture content and temperature within the waste mass.
  - A secondary liner and leachate collection system to monitor effectiveness of the primary liner.
  - A leachate collection system of adequate size for the anticipated increased liquid production rates.
  - A method of monitoring the depth of leachate on the liner.
  - An integrated active gas collection system of adequate size for the anticipated methane production rates and to control odors.

The director of the DEQ could authorize the conversion of an RDDP to a full-scale operation if the owner or operator demonstrates that the goals of the RDDP have been met and the authorization would not be considered a less stringent permitting requirement than what is required under Subtitle D of the federal Solid Waste Disposal Act.

MCL 324.11511b

## **House Bill 5149**

Under Part 115 of the Natural Resources and Environmental Protection Act, when a sanitary landfill is licensed, an instrument must be filed imposing a restrictive covenant prohibiting the property owners from filling, grading, excavating, drilling, or mining on the property during the first 50 years after the landfill is completed without authorization from the DEQ. The covenant is to be filed with the county Register of Deeds.

The bill adds that a covenant would include a legal description of the facility boundary and a map depicting facility boundary and the solid waste boundary.

Additionally, Part 117 of the Natural Resources and Environmental Protection Act defines "receiving facility" to mean a structure designed to receive septage waste for treatment as a wastewater treatment plant to which the structure is directly connected, and that is available for that purpose as provided for in an ordinance of the local unit of government that operates the wastewater treatment plant or in an operating plan. The bill, instead, would define "receiving facility" to mean a structure that is designed to receive septage waste for treatment and that is available for that purpose as provided for in an ordinance of the local unit of government where the structure is located.

MCL 324.11701

### **FISCAL IMPACT:**

Neither bill would have a fiscal impact on the state or local governmental units.

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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.