

**SUBSTITUTE FOR
HOUSE BILL NO. 5148**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 11511b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 11511B. (1) A PERSON MAY APPLY FOR A CONSTRUCTION PERMIT**
2 **UNDER SECTION 11509, INCLUDING THE RENEWAL OR MODIFICATION OF A**
3 **CONSTRUCTION PERMIT, AUTHORIZING THE PERSON TO ESTABLISH AN RDDP.**
4 **(2) AN RDDP IS SUBJECT TO THE SAME REQUIREMENTS, INCLUDING,**
5 **BUT NOT LIMITED TO, PERMITTING, CONSTRUCTION, LICENSING, OPERATION,**
6 **CLOSURE, POSTCLOSURE, FINANCIAL ASSURANCE, AND FEES, AS APPLY TO**
7 **OTHER TYPE II LANDFILLS OR LANDFILL UNITS UNDER THIS PART AND THE**
8 **RULES PROMULGATED UNDER THIS PART, EXCEPT AS PROVIDED IN THIS**
9 **SECTION.**

House Bill No. 5148 (H-2) as amended October 5, 2005

1 (3) AN EXTENSION OF THE PROCESSING PERIOD FOR THE PERMIT IS
2 NOT SUBJECT TO THE 20% LIMITATION UNDER SECTION 1307.

3 (4) AN APPLICATION FOR AN RDDP CONSTRUCTION PERMIT SHALL
4 INCLUDE, IN ADDITION TO THE APPLICABLE INFORMATION REQUIRED IN
5 OTHER TYPE II LANDFILL CONSTRUCTION PERMIT APPLICATIONS, ALL OF THE
6 FOLLOWING:

7 (A) A DESCRIPTION OF THE RDDP GOALS.

8 (B) DETAILS OF THE DESIGN, CONSTRUCTION, AND OPERATION OF THE
9 RDDP AS NECESSARY TO ENSURE PROTECTION OF HUMAN HEALTH AND THE
10 ENVIRONMENT. THE DESIGN SHALL BE AT LEAST AS PROTECTIVE OF HUMAN
11 HEALTH AND THE ENVIRONMENT AS OTHER DESIGNS THAT ARE REQUIRED UNDER
12 THIS PART AND RULES PROMULGATED UNDER THIS PART.

13 (C) A LIST AND DISCUSSION OF THE TYPES OF WASTE BEING DISPOSED
14 OF, EXCLUDED, OR ADDED, INCLUDING THE TYPES AND AMOUNT OF LIQUIDS
15 BEING ADDED AND HOW THEIR ADDITION WILL BENEFIT THE RDDP.

16 (D) A LIST AND DISCUSSION OF THE TYPES OF COMPLIANCE
17 MONITORING AND OPERATIONAL MONITORING THAT WILL BE PERFORMED.

18 (E) SPECIFIC MEANS TO ADDRESS POTENTIAL NUISANCE CONDITIONS,
19 INCLUDING, BUT NOT LIMITED TO, ODORS AND HEALTH CONCERNS AS A
20 RESULT OF HUMAN CONTACT.

21 (5) THE DEPARTMENT MAY AUTHORIZE THE ADDITION OF LIQUIDS,
22 INCLUDING, BUT NOT LIMITED TO, SEPTAGE WASTE OR OTHER LIQUID WASTE,
23 TO SOLID WASTE IN AN RDDP IF THE APPLICANT HAS DEMONSTRATED THAT
24 THE ADDITION IS NECESSARY TO ACCELERATE OR ENHANCE THE
25 BIOSTABILIZATION OF THE SOLID WASTE AND IS NOT MERELY A MEANS OF
26 DISPOSAL OF THE LIQUID. [THE DEPARTMENT MAY SET AS A CONDITION, THAT THE
SEPTAGE WASTE, OR ANY OTHER LIQUID WASTE, ADDED TO AN RDDP ORIGINATE
WITHIN THE COUNTY THE RDDP IS LOCATED AND ANY COUNTY CONTIGUOUS TO THE
COUNTY THE RDDP IS LOCATED.] IF AN RDDP IS INTENDED TO ACCELERATE OR
27 ENHANCE BIOSTABILIZATION OF SOLID WASTE, THE CONSTRUCTION PERMIT

1 APPLICATION SHALL INCLUDE, IN ADDITION TO THE REQUIREMENTS OF
2 SUBSECTION (4), ALL OF THE FOLLOWING:

3 (A) AN EVALUATION OF THE POTENTIAL FOR A DECREASED SLOPE
4 STABILITY OF THE WASTE CAUSED BY ANY OF THE FOLLOWING:

5 (i) INCREASED PRESENCE OF LIQUIDS.

6 (ii) ACCELERATED DEGRADATION OF THE WASTE.

7 (iii) INCREASED GAS PRESSURE BUILDUP.

8 (iv) OTHER RELEVANT FACTORS.

9 (B) AN OPERATIONS MANAGEMENT PLAN THAT INCORPORATES ALL OF THE
10 FOLLOWING:

11 (i) A DESCRIPTION OF AND THE PROPORTION AND EXPECTED QUANTITY
12 OF ALL COMPONENTS THAT ARE NEEDED TO ACCELERATE OR ENHANCE
13 BIOSTABILIZATION OF THE SOLID WASTE.

14 (ii) A DESCRIPTION OF ANY SOLID OR LIQUID WASTE THAT MAY BE
15 DETRIMENTAL TO THE BIOSTABILIZATION OF THE SOLID WASTE INTENDED TO
16 BE DISPOSED OF OR TO THE RDDP GOALS.

17 (iii) AN EXPLANATION OF HOW THE DETRIMENTAL WASTE DESCRIBED IN
18 SUBPARAGRAPH (ii) WILL BE PREVENTED FROM BEING DISPOSED OF IN CELLS
19 APPROVED FOR THE RDDP.

20 (C) PARAMETERS, SUCH AS MOISTURE CONTENT, STABILITY, GAS
21 PRODUCTION, AND SETTLEMENT, THAT WILL BE USED BY THE DEPARTMENT TO
22 DETERMINE WHEN IT WILL AUTHORIZE POSTCLOSURE OF THE RDDP UNDER
23 SUBSECTION (10).

24 (D) INFORMATION TO ENSURE THAT THE REQUIREMENTS OF SUBSECTION
25 (6) WILL BE MET.

26 (6) AN RDDP SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

27 (A) ENSURE THAT ADDED LIQUIDS ARE EVENLY DISTRIBUTED AND THAT

1 SIDE SLOPE BREAKOUT OF LIQUIDS IS PREVENTED.

2 (B) ENSURE THAT DAILY COVER PRACTICES OR DISPOSAL OF LOW
3 PERMEABILITY SOLID WASTES DOES NOT ADVERSELY AFFECT THE FREE
4 MOVEMENT OF LIQUIDS AND GASES WITHIN THE WASTE MASS.

5 (C) INCLUDE ALL OF THE FOLLOWING:

6 (i) A MEANS TO MONITOR THE MOISTURE CONTENT AND TEMPERATURE OF
7 THE WASTE.

8 (ii) A SECONDARY LINER AND LEACHATE COLLECTION SYSTEM TO
9 MONITOR THE EFFECTIVENESS OF THE PRIMARY LINER.

10 (iii) A LEACHATE COLLECTION SYSTEM OF ADEQUATE SIZE FOR THE
11 ANTICIPATED INCREASED LIQUID PRODUCTION RATES. THE DESIGN FACTOR OF
12 SAFETY SHALL TAKE INTO ACCOUNT THE ANTICIPATED INCREASED
13 OPERATIONAL TEMPERATURES AND OTHER FACTORS AS APPROPRIATE.

14 (iv) A MEANS TO MONITOR THE DEPTH OF LEACHATE ON THE LINER.

15 (v) AN INTEGRATED ACTIVE GAS COLLECTION SYSTEM. THE SYSTEM
16 SHALL BE OF ADEQUATE SIZE FOR THE ANTICIPATED METHANE PRODUCTION
17 RATES AND TO CONTROL ODORS. THE SYSTEM SHALL BE OPERATIONAL BEFORE
18 THE ADDITION OF ANY MATERIAL TO ACCELERATE OR ENHANCE
19 BIOSTABILIZATION OF THE SOLID WASTE.

20 (7) THE OWNER OR OPERATOR OF AN RDDP FOR WHICH A CONSTRUCTION
21 PERMIT HAS BEEN ISSUED SHALL SUBMIT A REPORT TO THE DIRECTOR AT
22 LEAST ONCE EVERY 12 MONTHS ON THE PROGRESS OF THE RDDP IN ACHIEVING
23 ITS GOALS. THE REPORT SHALL INCLUDE A SUMMARY OF ALL MONITORING AND
24 TESTING RESULTS, AS WELL AS ANY OTHER OPERATING INFORMATION
25 SPECIFIED BY THE DIRECTOR IN THE PERMIT OR IN A SUBSEQUENT PERMIT
26 MODIFICATION OR OPERATING CONDITION.

27 (8) A PERMIT FOR AN RDDP SHALL SPECIFY ITS TERM, WHICH SHALL

1 NOT EXCEED 3 YEARS. HOWEVER, THE OWNER OR OPERATOR OF AN RDDP MAY
2 APPLY FOR AND THE DEPARTMENT MAY GRANT AN EXTENSION OF THE TERM OF
3 THE PERMIT, SUBJECT TO ALL OF THE FOLLOWING REQUIREMENTS:

4 (A) THE APPLICATION TO EXTEND THE TERM OF THE PERMIT MUST BE
5 RECEIVED BY THE DEPARTMENT AT LEAST 90 DAYS BEFORE THE EXPIRATION
6 OF THE PERMIT.

7 (B) THE APPLICATION SHALL INCLUDE A DETAILED ASSESSMENT OF THE
8 RDDP SHOWING THE PROGRESS OF THE RDDP IN ACHIEVING ITS GOALS, A
9 LIST OF PROBLEMS WITH THE RDDP AND PROGRESS TOWARD RESOLVING THOSE
10 PROBLEMS, AND OTHER INFORMATION THAT THE DIRECTOR DETERMINES IS
11 NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS PART.

12 (C) IF THE DEPARTMENT FAILS TO MAKE A FINAL DECISION WITHIN 90
13 DAYS OF RECEIPT OF AN ADMINISTRATIVELY COMPLETE APPLICATION FOR AN
14 EXTENSION OF THE TERM OF A PERMIT, THE TERM OF THE PERMIT IS
15 CONSIDERED EXTENDED FOR 3 YEARS.

16 (D) AN INDIVIDUAL EXTENSION SHALL NOT EXCEED 3 YEARS, AND THE
17 TOTAL TERM OF THE PERMIT WITH ALL EXTENSIONS SHALL NOT EXCEED 12
18 YEARS.

19 (9) AT ANY TIME THE DIRECTOR DETERMINES THAT THE OVERALL GOALS
20 OF AN RDDP, INCLUDING, BUT NOT LIMITED TO, PROTECTION OF HUMAN
21 HEALTH OR THE ENVIRONMENT, ARE NOT BEING ACHIEVED, THE DIRECTOR MAY
22 ORDER IMMEDIATE TERMINATION OF ALL OR PART OF THE OPERATIONS OF THE
23 RDDP OR MAY ORDER OTHER CORRECTIVE MEASURES.

24 (10) THE POSTCLOSURE PERIOD FOR A FACILITY AUTHORIZED AS AN
25 RDDP BEGINS WHEN THE DEPARTMENT DETERMINES THAT THE UNIT OR PORTION
26 OF THE UNIT WHERE THE RDDP WAS AUTHORIZED HAS REACHED A CONDITION
27 SIMILAR TO THAT WHICH LANDFILLS THAT WERE NOT AUTHORIZED AS RDDPS

1 WOULD REACH PRIOR TO POSTCLOSURE. THE PARAMETERS, SUCH AS MOISTURE
2 CONTENT, STABILITY, GAS PRODUCTION, AND SETTLEMENT, TO ATTAIN THIS
3 CONDITION SHALL BE SPECIFIED IN THE PERMIT. THE PERPETUAL CARE FUND
4 REQUIRED UNDER SECTION 11525 SHALL BE MAINTAINED FOR THE PERIOD
5 AFTER FINAL CLOSURE OF THE LANDFILL AS SPECIFIED UNDER SECTION
6 11525.

7 (11) THE DIRECTOR MAY AUTHORIZE THE CONVERSION OF AN RDDP TO A
8 FULL-SCALE OPERATION IF THE OWNER OR OPERATOR OF THE RDDP
9 DEMONSTRATES TO THE SATISFACTION OF THE DIRECTOR THAT THE GOALS OF
10 THE RDDP HAVE BEEN MET AND THE AUTHORIZATION DOES NOT CONSTITUTE A
11 LESS STRINGENT PERMITTING REQUIREMENT THAN IS REQUIRED UNDER
12 SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT, 42 USC 6941 TO 6949A.

13 (12) AS USED IN THIS SECTION, "RDDP" MEANS A RESEARCH,
14 DEVELOPMENT, AND DEMONSTRATION PROJECT FOR A NEW OR EXISTING TYPE
15 II LANDFILL UNIT OR FOR A LATERAL EXPANSION OF A TYPE II LANDFILL
16 UNIT.

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 93rd Legislature are
19 enacted into law:

20 (a) Senate Bill No. 747.

21 (b) House Bill No. 5149.