

SENATE 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 SUBMIT TO THE DEPARTMENT A
2 PROJECT ABSTRACT FOR AN RDDP. IF, BASED ON THE PROJECT ABSTRACT,
3 THE DIRECTOR DETERMINES THAT THE RDDP WILL PROVIDE BENEFICIAL DATA
4 ON ALTERNATIVE LANDFILL DESIGN, CONSTRUCTION, OR OPERATING METHODS,
5 THE PERSON MAY APPLY FOR A CONSTRUCTION PERMIT UNDER SECTION 11509,
6 INCLUDING THE RENEWAL OR MODIFICATION OF A CONSTRUCTION PERMIT,
7 AUTHORIZING THE PERSON TO ESTABLISH THE RDDP.

8 (2) AN RDDP IS SUBJECT TO THE SAME REQUIREMENTS, INCLUDING,
9 BUT NOT LIMITED TO, PERMITTING, CONSTRUCTION, LICENSING, OPERATION,

1 CLOSURE, POSTCLOSURE, FINANCIAL ASSURANCE, FEES, AND SANCTIONS AS
2 APPLY TO OTHER TYPE II LANDFILLS OR LANDFILL UNITS UNDER THIS PART
3 AND THE RULES PROMULGATED UNDER THIS PART, EXCEPT AS PROVIDED IN
4 THIS SECTION.

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

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

11 (A) A DESCRIPTION OF THE RDDP GOALS.

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

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

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

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

25 (5) THE DEPARTMENT MAY AUTHORIZE THE ADDITION OF LIQUIDS,
26 INCLUDING, BUT NOT LIMITED TO, SEPTAGE WASTE OR OTHER LIQUID WASTE,
27 TO SOLID WASTE IN AN RDDP IF THE APPLICANT HAS DEMONSTRATED THAT

1 THE ADDITION IS NECESSARY TO ACCELERATE OR ENHANCE THE
2 BIOSTABILIZATION OF THE SOLID WASTE AND IS NOT MERELY A MEANS OF
3 DISPOSAL OF THE LIQUID. THE DEPARTMENT MAY REQUIRE THAT THE SEPTAGE
4 WASTE, OR ANY OTHER LIQUID WASTE, ADDED TO AN RDDP ORIGINATE WITHIN
5 THE COUNTY WHERE THE RDDP IS LOCATED OR ANY COUNTY CONTIGUOUS TO
6 THE COUNTY WHERE THE RDDP IS LOCATED. IF AN RDDP IS INTENDED TO
7 ACCELERATE OR ENHANCE BIOSTABILIZATION OF SOLID WASTE, THE
8 CONSTRUCTION PERMIT APPLICATION SHALL INCLUDE, IN ADDITION TO THE
9 REQUIREMENTS OF SUBSECTION (4), ALL OF THE FOLLOWING:

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

- 12 (i) INCREASED PRESENCE OF LIQUIDS.
13 (ii) ACCELERATED DEGRADATION OF THE WASTE.
14 (iii) INCREASED GAS PRESSURE BUILDUP.
15 (iv) OTHER RELEVANT FACTORS.

16 (B) AN OPERATIONS MANAGEMENT PLAN THAT INCORPORATES ALL OF THE
17 FOLLOWING:

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

21 (ii) A DESCRIPTION OF ANY SOLID OR LIQUID WASTE THAT MAY BE
22 DETRIMENTAL TO THE BIOSTABILIZATION OF THE SOLID WASTE INTENDED TO
23 BE DISPOSED OF OR TO THE RDDP GOALS.

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

27 (C) PARAMETERS, SUCH AS MOISTURE CONTENT, STABILITY, GAS

1 PRODUCTION, AND SETTLEMENT, THAT WILL BE USED BY THE DEPARTMENT TO
2 DETERMINE WHEN IT WILL AUTHORIZE POSTCLOSURE OF THE RDDP UNDER
3 SUBSECTION (10).

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

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

7 (A) ENSURE THAT ADDED LIQUIDS ARE EVENLY DISTRIBUTED AND THAT
8 SIDE SLOPE BREAKOUT OF LIQUIDS IS PREVENTED.

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

12 (C) INCLUDE ALL OF THE FOLLOWING:

13 (i) A MEANS TO MONITOR THE MOISTURE CONTENT AND TEMPERATURE OF
14 THE WASTE.

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

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

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

22 (v) AN INTEGRATED ACTIVE GAS COLLECTION SYSTEM. THE SYSTEM
23 SHALL BE OF ADEQUATE SIZE FOR THE ANTICIPATED METHANE PRODUCTION
24 RATES AND TO CONTROL ODORS. THE SYSTEM SHALL BE OPERATIONAL BEFORE
25 THE ADDITION OF ANY MATERIAL TO ACCELERATE OR ENHANCE
26 BIOSTABILIZATION OF THE SOLID WASTE.

27 (7) THE OWNER OR OPERATOR OF AN RDDP FOR WHICH A CONSTRUCTION

1 PERMIT HAS BEEN ISSUED SHALL SUBMIT A REPORT TO THE DIRECTOR AT
2 LEAST ONCE EVERY 12 MONTHS ON THE PROGRESS OF THE RDDP IN ACHIEVING
3 ITS GOALS. THE REPORT SHALL INCLUDE A SUMMARY OF ALL MONITORING AND
4 TESTING RESULTS, AS WELL AS ANY OTHER OPERATING INFORMATION
5 SPECIFIED BY THE DIRECTOR IN THE PERMIT OR IN A SUBSEQUENT PERMIT
6 MODIFICATION OR OPERATING CONDITION.

7 (8) A PERMIT FOR AN RDDP SHALL SPECIFY ITS TERM, WHICH SHALL
8 NOT EXCEED 3 YEARS. HOWEVER, THE OWNER OR OPERATOR OF AN RDDP MAY
9 APPLY FOR AND THE DEPARTMENT MAY GRANT AN EXTENSION OF THE TERM OF
10 THE PERMIT, SUBJECT TO ALL OF THE FOLLOWING REQUIREMENTS:

11 (A) THE APPLICATION TO EXTEND THE TERM OF THE PERMIT MUST BE
12 RECEIVED BY THE DEPARTMENT AT LEAST 90 DAYS BEFORE THE EXPIRATION
13 OF THE PERMIT.

14 (B) THE APPLICATION SHALL INCLUDE A DETAILED ASSESSMENT OF THE
15 RDDP SHOWING THE PROGRESS OF THE RDDP IN ACHIEVING ITS GOALS, A
16 LIST OF PROBLEMS WITH THE RDDP AND PROGRESS TOWARD RESOLVING THOSE
17 PROBLEMS, AND OTHER INFORMATION THAT THE DIRECTOR DETERMINES IS
18 NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS PART.

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

23 (D) AN INDIVIDUAL EXTENSION SHALL NOT EXCEED 3 YEARS, AND THE
24 TOTAL TERM OF THE PERMIT WITH ALL EXTENSIONS SHALL NOT EXCEED 12
25 YEARS.

26 (9) AT ANY TIME THE DIRECTOR DETERMINES THAT THE OVERALL GOALS
27 OF AN RDDP, INCLUDING, BUT NOT LIMITED TO, PROTECTION OF HUMAN

1 HEALTH OR THE ENVIRONMENT, ARE NOT BEING ACHIEVED, THE DIRECTOR MAY
2 ORDER IMMEDIATE TERMINATION OF ALL OR PART OF THE OPERATIONS OF THE
3 RDDP OR MAY ORDER OTHER CORRECTIVE MEASURES.

4 (10) THE POSTCLOSURE PERIOD FOR A FACILITY AUTHORIZED AS AN
5 RDDP BEGINS WHEN THE DEPARTMENT DETERMINES THAT THE UNIT OR PORTION
6 OF THE UNIT WHERE THE RDDP WAS AUTHORIZED HAS REACHED A CONDITION
7 SIMILAR TO THAT WHICH LANDFILLS THAT WERE NOT AUTHORIZED AS RDDPS
8 WOULD REACH PRIOR TO POSTCLOSURE. THE PARAMETERS, SUCH AS MOISTURE
9 CONTENT, STABILITY, GAS PRODUCTION, AND SETTLEMENT, TO ATTAIN THIS
10 CONDITION SHALL BE SPECIFIED IN THE PERMIT. THE PERPETUAL CARE FUND
11 REQUIRED UNDER SECTION 11525 SHALL BE MAINTAINED FOR THE PERIOD
12 AFTER FINAL CLOSURE OF THE LANDFILL AS SPECIFIED UNDER SECTION
13 11525.

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

20 (12) AS USED IN THIS SECTION, "RDDP" MEANS A RESEARCH,
21 DEVELOPMENT, AND DEMONSTRATION PROJECT FOR A NEW OR EXISTING TYPE
22 II LANDFILL UNIT OR FOR A LATERAL EXPANSION OF A TYPE II LANDFILL
23 UNIT.

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

27 (a) Senate Bill No. 747.

1 (b) House Bill No. 5149.