

# HOUSE BILL No. 5148

September 8, 2005, Introduced by Reps. Pavlov, Acciavatti, Jones, Booher, Palmer, Newell, Hildenbrand, Gillard and Pearce and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

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) UNDER SECTION 11509, A PERSON MAY APPLY FOR A  
2 CONSTRUCTION PERMIT, 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, OPERATION, CLOSURE, POSTCLOSURE,  
6 FINANCIAL ASSURANCE, AND FEES, AS APPLY TO OTHER TYPE II LANDFILLS  
7 OR LANDFILL UNITS UNDER PART 13 AND THIS PART AND THE RULES  
8 PROMULGATED UNDER THIS PART, EXCEPT AS PROVIDED IN THIS SECTION.

9           (3) AN APPLICANT FOR AN RDDP CONSTRUCTION PERMIT MAY GRANT THE  
10 DEPARTMENT AN EXTENSION OF THE 120-DAY PROCESSING PERIOD UNDER

1 SECTION 1301.

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

6 (A) A DESCRIPTION OF THE RDDP GOALS.

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

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

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

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

20 (5) THE DEPARTMENT MAY AUTHORIZE THE ADDITION OF LIQUIDS,  
21 INCLUDING, BUT NOT LIMITED TO, SEPTAGE WASTE OR OTHER LIQUID WASTE,  
22 TO SOLID WASTE IN AN RDDP IF THE APPLICANT HAS DEMONSTRATED THAT  
23 THE ADDITION IS NECESSARY TO ACCELERATE OR ENHANCE THE  
24 BIOSTABILIZATION OF THE SOLID WASTE AND IS NOT MERELY A MEANS OF  
25 DISPOSAL OF THE LIQUID. IF AN RDDP IS INTENDED TO ACCELERATE OR  
26 ENHANCE BIOSTABILIZATION OF SOLID WASTE, THE CONSTRUCTION PERMIT  
27 APPLICATION SHALL INCLUDE, IN ADDITION TO THE REQUIREMENTS OF

1 SUBSECTION (4), ALL OF THE FOLLOWING:

2 (A) AN EVALUATION OF THE BIOSTABILIZATION THAT WILL BE  
3 ACHIEVED.

4 (B) AN OPERATIONS MANAGEMENT PLAN THAT INCORPORATES ALL OF THE  
5 FOLLOWING:

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

9 (ii) A DESCRIPTION OF ANY SOLID OR LIQUID WASTE THAT MAY BE  
10 DETRIMENTAL TO THE BIOSTABILIZATION OF THE SOLID WASTE INTENDED TO  
11 BE DISPOSED OF OR TO THE RDDP GOALS.

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

15 (C) PARAMETERS, SUCH AS MOISTURE CONTENT, STABILITY, GAS  
16 PRODUCTION, AND SETTLEMENT, THAT WILL BE USED BY THE DEPARTMENT TO  
17 DETERMINE WHEN IT WILL AUTHORIZE CLOSURE OF THE RDDP. THE  
18 PARAMETERS SHALL ENSURE THAT THE CONDITION OF THE WASTE IS SIMILAR  
19 TO THAT OF WASTE IN A NON-RDDP TYPE II LANDFILL WHEN CLOSURE OF THE  
20 NON-RDDP TYPE II LANDFILL IS AUTHORIZED.

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

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

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

26 (B) ENSURE THAT DAILY COVER PRACTICES OR DISPOSAL OF LOW  
27 PERMEABILITY SOLID WASTES DOES NOT ADVERSELY AFFECT THE FREE

1 MOVEMENT OF LIQUIDS AND GASES WITHIN THE WASTE MASS.

2 (C) INCLUDE ALL OF THE FOLLOWING:

3 (i) A MEANS TO MONITOR THE MOISTURE CONTENT AND TEMPERATURE  
4 WITHIN THE WASTE.

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

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

11 (iv) A MEANS TO MONITOR THE DEPTH OF LEACHATE ON THE LINER,  
12 SUCH AS THE USE OF PIEZOMETERS.

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

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

24 (8) A PERMIT FOR AN RDDP SHALL EXPIRE 3 YEARS AFTER THE DATE  
25 OF ISSUANCE. HOWEVER, THE OWNER OR OPERATOR OF AN RDDP MAY APPLY  
26 FOR AND THE DEPARTMENT MAY GRANT AN EXTENSION OF THE TERM OF THE  
27 PERMIT FOR NOT MORE THAN 3 ADDITIONAL YEARS, SUBJECT TO ALL OF THE

1 FOLLOWING REQUIREMENTS:

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

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

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

14 (9) 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 (10) 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.\_\_\_\_ or House Bill No. 5149(request no.

1 04150'05 \*).

2 (b) Senate Bill No. 747 or House Bill No.\_\_\_\_ (request no.

3 04373'05).