

SENATE BILL No. 473

June 16, 2011, Introduced by Senators PAVLOV, MARLEAU, CASPERSON, KOWALL, MEEKHOF and GREEN and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11511 and 11511b (MCL 324.11511 and 324.11511b), section 11511 as amended by 2004 PA 325 and section 11511b as added by 2005 PA 236.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11511. (1) The department shall notify the clerk of the
2 municipality in which the disposal area is proposed to be located
3 and the applicant of its approval or denial of an application for a
4 construction permit within 10 days after the final decision is
5 made.

1 (2) A construction permit shall expire 1 year after the date
2 of issuance, unless development under the construction permit is
3 initiated within that year. A construction permit that has expired
4 may be renewed upon payment of a permit renewal fee and submission
5 of any additional **RELEVANT** information the department may require.

6 (3) Except as otherwise provided in this subsection, the
7 department shall not issue a construction permit for a disposal
8 area within a planning area unless a solid waste management plan
9 for that planning area has been approved pursuant to sections 11536
10 and 11537 and unless the disposal area complies with and is
11 consistent with the approved solid waste management plan. The
12 department may issue a construction permit for a disposal area
13 designed to receive ashes produced in connection with the
14 combustion of fossil fuels for electrical power generation in the
15 absence of an approved county solid waste management plan, upon
16 receipt of a letter of approval from whichever county or counties,
17 group of municipalities, or regional planning agency has prepared
18 or is preparing the county solid waste management plan for that
19 planning area under section 11533 and from the municipality in
20 which the disposal area is to be located.

21 Sec. 11511b. (1) A person may submit to the department a
22 project abstract for an RDDP. If, based on the project abstract,
23 the director determines that the RDDP will provide beneficial data
24 on alternative landfill design, construction, or operating methods,
25 the person may apply for a construction permit under section 11509,
26 including the renewal or modification of a construction permit,
27 authorizing the person to establish the RDDP.

1 (2) An RDDP is subject to the same requirements, including,
2 but not limited to, permitting, construction, licensing, operation,
3 closure, postclosure, financial assurance, fees, and sanctions as
4 apply to other type II landfills or landfill units under this part
5 and the rules promulgated under this part, except as provided in
6 this section.

7 (3) An extension of the processing period for ~~the~~ **AN RDDP**
8 **CONSTRUCTION** permit is not subject to the 20% limitation under
9 section 1307.

10 (4) An application for an RDDP construction permit shall
11 include, in addition to the applicable information required in
12 other type II landfill construction permit applications, all of the
13 following:

14 (a) A description of the RDDP goals.

15 (b) Details of the design, construction, and operation of the
16 RDDP as necessary to ensure protection of human health and the
17 environment. The design shall be at least as protective of human
18 health and the environment as other designs that are required under
19 this part and rules promulgated under this part.

20 (c) A list and discussion of the types of waste ~~being~~ **THAT**
21 **WILL BE** disposed of, excluded, or added, including the types and
22 amount of liquids ~~being~~ **THAT WILL BE** added **UNDER SUBSECTION (5)** and
23 how ~~their~~ **THE** addition will benefit the RDDP.

24 (d) A list and discussion of the types of compliance
25 monitoring and operational monitoring that will be performed.

26 (e) Specific means to address potential nuisance conditions,
27 including, but not limited to, odors and health concerns as a

1 result of human contact.

2 (5) The department may authorize the addition of liquids,
3 including, but not limited to, septage waste or other liquid waste,
4 to solid waste in an RDDP if the applicant has demonstrated that
5 the addition is necessary to accelerate or enhance the
6 biostabilization of the solid waste and is not merely a means of
7 disposal of the liquid. The department may require that the septage
8 waste, or any other liquid waste, added to an RDDP originate within
9 the county where the RDDP is located or any county contiguous to
10 the county where the RDDP is located. If an RDDP is intended to
11 accelerate or enhance biostabilization of solid waste, the
12 construction permit application shall include, in addition to the
13 requirements of subsection (4), all of the following:

14 (a) An evaluation of the potential for a decreased slope
15 stability of the waste caused by any of the following:

- 16 (i) Increased presence of liquids.
17 (ii) Accelerated degradation of the waste.
18 (iii) Increased gas pressure buildup.
19 (iv) Other relevant factors.

20 (b) An operations management plan that incorporates all of the
21 following:

22 (i) A description of and the proportion and expected quantity
23 of all components that are needed to accelerate or enhance
24 biostabilization of the solid waste.

25 (ii) A description of any solid or liquid waste that may be
26 detrimental to the biostabilization of the solid waste intended to
27 be disposed of or to the RDDP goals.

1 (iii) An explanation of how the detrimental waste described in
2 subparagraph (ii) will be prevented from being disposed of in cells
3 approved for the RDDP.

4 (c) Parameters, such as moisture content, stability, gas
5 production, and settlement, that will be used by the department to
6 determine ~~when it will authorize~~ **THE BEGINNING OF THE** postclosure
7 ~~of~~ **PERIOD FOR** the RDDP under subsection (10).

8 (d) Information to ensure that the requirements of subsection
9 (6) will be met.

10 (6) An RDDP shall meet all of the following requirements:

11 (a) Ensure that added liquids are evenly distributed and that
12 side slope breakout of liquids is prevented.

13 (b) Ensure that daily cover practices or disposal of low
14 permeability solid wastes does not adversely affect the free
15 movement of liquids and gases within the waste mass.

16 (c) Include all of the following:

17 (i) A means to monitor the moisture content and temperature of
18 the waste.

19 ~~—— (ii) A secondary liner and leachate collection system to~~
20 ~~monitor the effectiveness of the primary liner.~~

21 (ii) ~~(iii)~~ A leachate collection system of adequate size for the
22 anticipated increased liquid production rates. The ~~design~~ **DESIGN'S**
23 factor of safety shall take into account the anticipated increased
24 operational temperatures and other factors as appropriate.

25 (iii) ~~(iv)~~ A means to monitor the depth of leachate on the liner.

26 (iv) ~~(v)~~ An integrated active gas collection system. The system
27 shall be of adequate size for the anticipated methane production

1 rates and to control odors. The system shall be operational before
2 the addition of any material to accelerate or enhance
3 biostabilization of the solid waste.

4 (7) The owner or operator of an RDDP for which a construction
5 permit has been issued shall submit a report to the director at
6 least once every 12 months on the progress of the RDDP in achieving
7 its goals. The report shall include a summary of all monitoring and
8 testing results, as well as any other operating information
9 specified by the director in the permit or in a subsequent permit
10 modification or operating condition.

11 (8) A permit for an RDDP shall specify ~~its~~ **THE** term **OF THE**
12 **PERMIT**, which shall not exceed 3 years. However, the owner or
13 operator of an RDDP may apply for and the department may grant an
14 extension of the term of the permit, subject to all of the
15 following requirements:

16 (a) The application to extend the term of the permit must be
17 received by the department at least 90 days before the expiration
18 of the permit.

19 (b) The application shall include a detailed assessment of the
20 RDDP showing the progress of the RDDP in achieving its goals, a
21 list of problems with the RDDP and progress toward resolving those
22 problems, and other information that the director determines is
23 necessary to accomplish the purposes of this part.

24 (c) If the department fails to make a final decision within 90
25 days of receipt of an administratively complete application for an
26 extension of the term of a permit, the term of the permit is
27 ~~considered~~ extended for 3 years.

1 (d) An individual extension shall not exceed 3 years, and the
2 total term of the permit with all extensions shall not exceed 12
3 years.

4 (9) ~~At any time~~ **IF** the director determines that the overall
5 goals of an RDDDP, including, but not limited to, protection of
6 human health or the environment, are not being achieved, the
7 director may order immediate termination of all or part of the
8 operations of the RDDDP or may order other corrective measures.

9 (10) The postclosure period for a facility authorized as an
10 RDDDP begins when the department determines that the unit or portion
11 of the unit where the RDDDP was authorized has reached a condition
12 similar to ~~that which~~ **THE CONDITION THAT NON-RDDP** landfills ~~that~~
13 ~~were not authorized as RDDDPs~~ would reach prior to postclosure. The
14 parameters, such as moisture content, stability, gas production,
15 and settlement, to attain this condition shall be specified in the
16 permit. The perpetual care fund required under section 11525 shall
17 be maintained for the period after final closure of the landfill as
18 specified under section 11525.

19 (11) The director may authorize the conversion of an RDDDP to a
20 full-scale operation if the owner or operator of the RDDDP
21 demonstrates to the satisfaction of the director that the goals of
22 the RDDDP have been met and the authorization does not constitute a
23 less stringent permitting requirement than is required under
24 subtitle D of the solid waste disposal act, 42 USC 6941 to 6949a.

25 (12) As used in this section, "RDDDP" means a research,
26 development, and demonstration project for a new or existing type
27 II landfill unit or for a lateral expansion of a type II landfill

1 unit.