

# Legislative Analysis



## LATERAL EXPANSION TO ACCOUNT FOR THE BOUNDARY OF EXISTING COAL ASH LANDFILL

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<http://www.house.mi.gov/hfa>

**House Bill 5496 (H-1) as referred to second committee**

Analysis available at  
<http://www.legislature.mi.gov>

**Sponsor: Rep. Gary Howell**

**1st Committee: Natural Resources and Outdoor Recreation**

**2nd Committee: Ways and Means**

**Complete to 3-16-20**

### SUMMARY:

House Bill 5496 would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to amend the definition of *lateral expansion* of a coal ash landfill to include a horizontal expansion beyond the solid waste boundary of an existing coal ash landfill.

Currently under the act, *lateral expansion* includes a horizontal expansion of the solid waste boundary of a coal ash landfill, if the expansion is beyond the limit established in a construction permit issued after December 28, 2018. Under the bill, a lateral expansion of a coal ash landfill would also include an expansion made after October 19, 2015, that is a horizontal expansion of the outermost boundary, as defined by a construction certification or operating license, of an *existing coal ash landfill*.

*Existing coal ash landfill* would mean a coal ash landfill to which either of the following applied:

- The landfill received coal ash both before and after October 19, 2015.
- Construction of the landfill commenced before October 19, 2015, and the landfill received coal ash on or after October 19, 2015. For the purposes of this definition, construction of a landfill commenced before October 19, 2015, if both of the following requirements were met before that date:
  - The owner or operator obtained the federal, state, and local approvals or permits necessary to begin physical construction.
  - A continuous, on-site physical construction program began.

MCL 324.11503 and 324.11504

### FISCAL IMPACT:

House Bill 5496 would not affect revenues or costs for the Department of Environment, Great Lakes, and Energy or local governments.

## POSITIONS:

A representative of DTE Energy testified in support of the bill. (3-3-20)

The following entities indicated support for the bill (3-10-20):

- Department of Environment, Great Lakes, and Energy
- Consumers Energy
- Michigan Chamber of Commerce

The following organizations indicated a neutral position on the bill (3-10-20):

- Michigan Environmental Council
- Michigan League of Conservation Voters

Legislative Analyst: Emily S. Smith  
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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.