

Legislative Analysis



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

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House Bill 5496 (proposed substitute H-1)
Sponsor: Rep. Gary Howell
Committee: Natural Resources and Outdoor Recreation
Complete to 3-9-20

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

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.

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