



Senate Fiscal Agency
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House Bill 5496 (Substitute H-1 as passed by the House)
Sponsor: Representative Gary Howell
House Committee: Natural Resources and Outdoor Recreation
Ways and Means
Senate Committee: Environmental Quality

Date Completed: 5-5-20

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to modify the definition of "lateral expansion" to include a horizontal expansion of the outermost boundary of an existing coal ash landfill, and define "existing coal ash landfill".

Currently, the Act defines "lateral expansion" as a horizontal expansion of the solid waste boundary of a landfill (other than a coal ash landfill) or a coal ash impoundment, if those expansions meet certain criteria.

In addition, the term also includes a coal ash landfill, if the expansion is beyond the limit established in a construction permit issued after December 28, 2018, or the horizontal limits of coal ash in place on or before October 14, 2015. The bill would modify this part of the term to include a coal ash landfill, if either of the following applied: a) the expansion was beyond the limit established in a construction permit issued after December 28, 2018; and b) the expansion was made after October 19, 2015, and was a horizontal expansion of the outermost boundary, as defined by a construction certification or operating license, of an existing coal ash landfill.

Under the bill, "existing coal ash landfill" would mean a coal ash landfill to which either of the following applies:

- The landfill received coal ash both before and after October 19, 2015.
- The construction of the landfill began before October 19, 2015, and the landfill received coal ash on or after October 19, 2015.

Construction of a landfill would be considered to have begun before October 19, 2015, if both of the following requirements were met before that date: a) the owner or operator obtained the Federal, State, and local approvals or permits necessary to begin physical construction; and b) a continuous, on-site physical construction program began.

MCL 324.11503 & 324.11504

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.