



**House
Legislative
Analysis
Section**

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MUNICIPAL SOLID WASTE ASH

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House Bills 4304 and 4311
Sponsor: Rep. Michael J. Griffin
Committee: Conservation, Recreation, &
Environment

Complete to 3-13-89

A SUMMARY OF HOUSE BILLS 4304 AND 4311 AS INTRODUCED 2-23-89

House Bill 4311 would amend the Solid Waste Management Act to regulate the handling of municipal solid waste incinerator ash.

Specifically, the bill would detail three types of disposal areas in which the ash could be disposed. Under the bill, municipal ash could be disposed in a disposal area that was in compliance with the bill and was used exclusively for the disposal of municipal solid waste incinerator ash. The disposal area would have groundwater monitoring and a leachate collection system. The leachate would be monitored and tested in accordance with the bill, and the disposal area would have either a single composite liner or a single liner that was at least 30 mils thick and met additional requirements set forth in the bill. The second type of disposal area provided for in the bill would have groundwater monitoring and leachate collection systems above and between the liners and would have two composite liners. The bill would provide for a third type of disposal area utilizing an alternative design. An alternative design could be used for a disposal area if the design demonstrated, and the director of the DNR found, that the alternative design and operating practices together with location characteristics would prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as design requirements specified in the bill.

In addition, municipal solid waste incinerator ash could be stored in a sanitary landfill licensed under the bill and that was created as a result of vertical expansion of an existing landfill until eighteen months after the bill became effective or until the effective date of rules promulgated under the bill, whichever was later. However, after that date, municipal ash could not be stored in a landfill created as a result of vertical expansion unless the person proposing the storage demonstrated, and the director found, that there would be no settling of the waste upon which the disposal area was built that would impair the integrity of any liner system required by the act or the rules promulgated under the act.

As an alternative to disposal areas detailed in the bill, the owner or operator of a municipal solid waste incinerator could process municipal ash through mechanical or chemical methods, or both, to limit the leachability of constituents if the following occurred:

- * processing was performed on the site of the incinerator;
- * the process had been approved by the director of the DNR; and
- * the ash was tested after processing in accordance with a protocol approved by the director.

Ash processed through mechanical or chemical methods, as described above, could be disposed of in a Type II landfill. If ash was processed in accordance with these specifications, but did not satisfy testing protocol,

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the ash would be disposed of in accordance with disposal methods outlined in the bill.

The bill would require the director, within 24 months after the effective date of the bill, to submit rules to the Joint Committee on Administrative Rules that were consistent with the bill regarding the following:

- * management of municipal ash as necessary to protect human health and the environment;

- * requiring owners and operators of municipal solid waste incinerators to prepare ash management plans that would include demonstration of adequate capacity to recycle, reuse, or dispose of the ash produced by the incinerator in compliance with the bill;

- * reuse and recycling of incinerator ash as was necessary to protect human health and the environment. The bill would specify certain measures that the director would have to consider when developing the rules.

Prior to the effective date of the rules, the disposal of ash would be permitted in accordance with measures currently detailed in the bill. The disposal of ash within a disposal area that was one of the three types provided for in the bill would not constitute a new proposal for which a new construction permit was required if a construction permit had previously been issued under the bill for the disposal area. The disposal of ash could continue in a sanitary landfill that was used exclusively for the disposal of ash if the landfill met the following requirements:

- * it was licensed under a former act that was repealed by the current Solid Waste Management Act;

- * it was licensed under the act prior to the effective date of the bill;

- * it was owned and operated by an authority that regulates trash and dog pounds.

The bill is tie-barred to House Bill 4304.

MCL 299.405 et al.

House Bill 4304 would amend the Hazardous Waste Management Act to switch the regulation of the generation, transportation, treatment, storage, disposal, reuse, and recycling of municipal solid waste incinerator ash from the act to the Solid Waste Management Act. Under the bill, the definition of the term "hazardous waste" currently excludes certain waste that is a point source subject to permits under the Clean Water Act; the bill would substitute a reference to the Federal Water Pollution Control Act. The bill would also amend the act to include a definition for the term municipal solid waste incinerator and municipal solid waste incinerator ash consistent with the definitions of those terms in House Bill 4311.

The bill is tie-barred to House Bill 4311.

MCL 299.504 and 299.506a

H.B. 4304 (4-12-89)