

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 637 (Substitute S-2)

Sponsor: Senator Richard D. Fessler

Committee: Natural Resources and Environmental Affairs

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SUMMARY OF SENATE BILL 637 (Substitute S-2):

The bill would amend the Solid Waste Management Act to do all of the following:

- Impose restrictions on the siting of landfills.
- Require an applicant for a landfill construction permit to include a landfill site assessment.
- Require the testing of residential well water near some landfills.
- Require counties and solid waste management planning agencies to consider the bill's siting criteria when designating appropriate sites for landfills.

Siting Restrictions

The bill would prohibit the Director of the Department of Natural Resources (DNR) from issuing a construction permit for a landfill that was or would be located at any of the following:

- Within a "public water supply wellhead area".
- Within a 100-year floodplain.
- Within a wetland as defined in the Wetland Protection Act.
- Within a quarry, sand or gravel pit, or an area in which mining had changed preexisting groundwater flow or recharge characteristics.
- Within 1,000 feet of a body of surface water.
- At a site identified as contaminated on a list prepared pursuant to the Environmental Response Act, unless the DNR approved a remedial action plan under that Act for that site.

The bill would define "public water supply" as that term is defined in the Safe Drinking Water Act: "a waterworks system which provides water for drinking or household purposes to persons other than the supplier of the water, except those waterworks systems which supply water to only one living unit". A "public water supply wellhead area" would be an area surrounding a wellhead that was any of the following:

- "The area within the 99% maximum extent of the stabilized cone of depression of that well or well field considering its flow system and seasonal fluctuations."
- "The area within a minimum of a 2-mile radius of the wellhead."
- "The area in circumference around the wellhead in which the average amount of rainfall received by the area per day equals the average amount of groundwater pumped from the well per day."

Site Assessment

A landfill site assessment would have to accompany an application for a permit for the construction of a landfill. At a minimum, a landfill site assessment would have to include all of the following:

- The risk and impact of groundwater and surface water contamination by runoff and leaching.
- The impact on the municipality in which the landfill would be located in terms of safety, health, consistency with existing development, and cost.
- The impact on future economic development in the area.
- The impact on local property values.
- The compatibility of the landfill with existing land use plans and patterns.
- The impact on traffic and roads in the vicinity, including the adequacy of access roads and the potential for increased noise.
- The nature of probable impact on the environment, including specifying predictable adverse effects on the natural environment and ecology; public health and safety; the scenic, historic, cultural, and recreational value of the area; water and air quality; and wildlife.
- Whether the landfill would be located in a "recharge area" (i.e., "an area where the precipitation infiltrating the surface of the earth contributes a substantial amount of water to an aquifer and directly influences the movement of groundwater within that aquifer").
- An evaluation of measures to mitigate adverse effects of the landfill.

When a landfill site assessment was submitted to the DNR Director, a copy of the assessment would have to be filed with the clerk of the municipality in which the landfill would be located.

Well Water Testing

If the "groundwater movement projection" for a landfill constructed after the bill's effective date were less than 100 years, the DNR Director would have to require that the owner or operator annually test the water of all residential wells within one mile from the border of the property on which the landfill was located. The tests would have to be for all substances for which there is a State drinking water standard under the Safe Drinking Water Act. If a test were conducted, the owner or operator would have to provide the results of the test to the DNR, the residents of the property in which the water sample was obtained, and the municipality in which that property was located. Test results would have to reveal whether the State drinking water standard for any substance had been exceeded.

"Groundwater movement projection" would mean "the length of time it takes under natural conditions for groundwater to move from the point at the uppermost surface of the saturated zone directly below the solid waste in the landfill to a point at the uppermost surface of the saturated zone directly below the closest edge of the border of the parcel of property on which the landfill is situated". "Saturated zone" would mean "the subsurface zone below which all pore spaces are filled with water and the water is under pressure greater than atmospheric pressure".

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

The Department of Natural Resources stated (12/8/89) that the bill as introduced could have substantive enforcement and litigation costs to State and local government. Fiscal information is not available at this time regarding the substitute bill.

The bill could result in some increased costs to local governments that own or operate landfills by requiring the preparation of site assessment information and annual water testing at certain sites.

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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.

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SFA BILL ANALYSIS

Senate Bill 640

Analysis First

See SB 466

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 640

Analysis First

See SB 466

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 1040

Analysis Second

See HB 4815

SENATE ANALYSIS SECTION

SENATE BILL 640

ANALYSIS Enrolled

SEE SB 466

SFA BILL ANALYSIS

Senate Bill 641

Analysis First

See SB 466

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 641

Analysis First

See SB 466

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 641

Analysis second

See HB 4815

SENATE ANALYSIS SECTION

SENATE BILL 641

ANALYSIS Enrolled

SEE SB 466

SFA BILL ANALYSIS

Senate Bill 644

Analysis First

See SB466

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 644

Analysis First

See SB 460

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 644

Analysis Second

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SENATE ANALYSIS SECTION

SENATE BILL 6244

ANALYSIS Enrolled

SEE SB 466

SFA BILL ANALYSIS

Senate Bill 645

Analysis First

See SB 466

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 645

Analysis First

See SB 466

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 645

Analysis Second

See HB 4815

SENATE ANALYSIS SECTION

SENATE BILL 645

ANALYSIS Enrolled

SEE SB 466