

SENATE BILL No. 561

October 24, 1991, Introduced by Senators DILLINGHAM, O'BRIEN, CHERRY, WELBORN and HART and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend sections 14 and 30a of Act No. 641 of the Public Acts of 1978, entitled as amended

"Solid waste management act,"

section 14 as amended by Act No. 209 of the Public Acts of 1987 and section 30a as amended by Act No. 52 of the Public Acts of 1989, being sections 299.414 and 299.430a of the Michigan Compiled Laws; and to add sections 10a and 10b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 14 and 30a of Act No. 641 of the Public
2 Acts of 1978, section 14 as amended by Act No. 209 of the Public
3 Acts of 1987 and section 30a as amended by Act No. 52 of the
4 Public Acts of 1989, being sections 299.414 and 299.430a of the
5 Michigan Compiled Laws, are amended and sections 10a and 10b are
6 added to read as follows:

1 SEC. 10A. (1) THE DIRECTOR SHALL NOT ISSUE A CONSTRUCTION
2 PERMIT UNDER THIS ACT FOR THE CONSTRUCTION OF A LANDFILL THAT IS
3 LOCATED OR IS PLANNED TO BE LOCATED AT ANY OF THE FOLLOWING:

4 (A) WITHIN A COMMUNITY WATER SUPPLY WELLHEAD AREA.

5 (B) WITHIN A 100-YEAR FLOODPLAIN.

6 (C) WITHIN A WETLAND AS DEFINED IN THE GOEMAERE-ANDERSON
7 WETLAND PROTECTION ACT, ACT NO. 203 OF THE PUBLIC ACTS OF 1979,
8 BEING SECTIONS 281.701 TO 281.722 OF THE MICHIGAN COMPILED LAWS.

9 (D) WITHIN A SAND OR GRAVEL PIT, OR A QUARRY, OR AN AREA
10 WHERE MINING ACTIVITIES HAVE CHANGED PREEXISTING GROUNDWATER FLOW
11 OR RECHARGE CHARACTERISTICS.

12 (E) AT A LOCATION THAT IS A SITE IDENTIFIED ON A LIST PRE-
13 PARED PURSUANT TO SECTION 6 OF THE ENVIRONMENTAL RESPONSE ACT,
14 ACT NO. 307 OF THE PUBLIC ACTS OF 1982, BEING SECTION 299.606 OF
15 THE MICHIGAN COMPILED LAWS, UNLESS THE DEPARTMENT HAS APPROVED A
16 REMEDIAL ACTION PLAN PURSUANT TO ACT NO. 307 OF THE PUBLIC ACTS
17 OF 1982, BEING SECTIONS 299.601 TO 299.618 OF THE MICHIGAN
18 COMPILED LAWS AND THE RULES PROMULGATED UNDER THAT ACT, FOR THAT
19 SITE.

20 (2) AS USED IN THIS SECTION:

21 (A) "COMMUNITY WATER SUPPLY" MEANS A PUBLIC WATER SUPPLY
22 THAT PROVIDES YEAR-ROUND SERVICE TO NOT LESS THAN 15 LIVING UNITS
23 OR THAT REGULARLY PROVIDES YEAR-ROUND SERVICE TO NOT LESS THAN 25
24 RESIDENTS.

25 (B) "COMMUNITY WATER SUPPLY WELLHEAD AREA" MEANS AN AREA
26 SURROUNDING THE WELLHEAD OF A COMMUNITY WATER SUPPLY THAT IS ANY
27 OF THE FOLLOWING:

1 (i) THE AREA WITHIN THE 99% MAXIMUM EXTENT OF THE STABILIZED
2 CONE OF DEPRESSION OF THAT WELL OR WELL FIELD CONSIDERING ITS
3 FLOW SYSTEM AND SEASONAL FLUCTUATIONS.

4 (ii) THE AREA WITHIN A MINIMUM OF A 2-MILE RADIUS OF THE
5 WELLHEAD.

6 (iii) THE AREA IN CIRCUMFERENCE AROUND THE WELLHEAD IN WHICH
7 THE AVERAGE AMOUNT OF RAINFALL RECEIVED BY THE AREA PER DAY
8 EQUALS THE AVERAGE AMOUNT OF GROUNDWATER PUMPED FROM THE WELL PER
9 DAY. AS USED IN THIS SUBPARAGRAPH, AVERAGES SHALL BE CALCULATED
10 ON AN ANNUAL BASIS.

11 (C) "PUBLIC WATER SUPPLY" MEANS THAT TERM AS IT IS DEFINED
12 IN SECTION 2 OF THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE
13 PUBLIC ACTS OF 1976, BEING SECTION 325.1002 OF THE MICHIGAN
14 COMPILED LAWS.

15 SEC. 10B. (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR
16 THE CONSTRUCTION OF A LANDFILL PURSUANT TO SECTION 10 SHALL BE
17 ACCOMPANIED BY A LANDFILL SITE ASSESSMENT.

18 (2) A LANDFILL SITE ASSESSMENT SHALL INCLUDE, AT A MINIMUM,
19 ALL OF THE FOLLOWING:

20 (A) THE IMPACT ON THE MUNICIPALITY WHERE THE PROPOSED LAND-
21 FILL IS TO BE LOCATED IN TERMS OF THE HEALTH, SAFETY, COST, AND
22 CONSISTENCY WITH EXISTING DEVELOPMENT, INCLUDING CONSIDERATION OF
23 LOCAL ORDINANCES OR OTHER LOCAL REQUIREMENTS AND THEIR POTENTIAL
24 RELATIONSHIP TO THE PROPOSED LANDFILL.

25 (B) THE COMPATIBILITY OF THE PROPOSED LANDFILL WITH EXISTING
26 LAND USE PATTERNS AND LAND USE PLANS.

1 (C) THE IMPACT ON ROADS AND TRAFFIC IN THE VICINITY OF THE
2 PROPOSED LANDFILL INCLUDING CONSIDERATION OF THE ADEQUACY OF
3 ACCESS ROADS TO THE LANDFILL AND THE POTENTIAL FOR INCREASED
4 NOISE.

5 (3) AT THE TIME THAT A LANDFILL SITE ASSESSMENT IS SUBMITTED
6 TO THE DIRECTOR, A COPY OF THAT LANDFILL SITE ASSESSMENT SHALL BE
7 FILED WITH THE CLERK OF THE MUNICIPALITY IN WHICH THE LANDFILL IS
8 PROPOSED TO BE LOCATED.

9 Sec. 14. (1) Upon receipt of ~~a~~ AN OPERATING license
10 application, the director or health officer or an authorized rep-
11 resentative of the director or health officer shall inspect the
12 site and determine if the proposed operation complies with this
13 act and the rules promulgated under this act.

14 (2) The department shall not ISSUE AN OPERATING license TO a
15 landfill ~~facility~~ operating without an approved hydrogeologic
16 monitoring program until the department receives a hydrogeologic
17 monitoring program and the results of ~~the~~ THAT HYDROGEOLOGIC
18 MONITORING program. The director shall use this information in
19 conjunction with other information required by this act or the
20 rules promulgated ~~pursuant to~~ UNDER this act to determine a
21 course of action regarding licensing of the ~~facility~~ LANDFILL
22 consistent with section 4005 of title ~~2~~ II of the solid waste
23 disposal act, 42 U.S.C. 6945, and with this act and the rules
24 promulgated ~~pursuant to~~ UNDER this act. In deciding a course
25 of action, the director shall consider, at a minimum, the health
26 hazards, environmental degradation, and other public or private
27 alternatives. The director may revoke ~~a~~ AN OPERATING license,

1 or MAY issue a timetable or schedule to provide for compliance
2 for the ~~facility~~ LANDFILL or REQUIRE operation ~~which~~ THAT
3 specifies a schedule of remedial measures, including a sequence
4 of actions or operations, which leads to compliance with this act
5 within a reasonable time period but not later than ~~2 years after~~
6 ~~the effective date of this amendatory act~~ MARCH 30, 1990.

7 (3) FOR A LANDFILL CONSTRUCTED AFTER THE EFFECTIVE DATE OF
8 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, IF THE GROUNDWATER
9 MOVEMENT PROJECTION FOR THAT LANDFILL SITE IS LESS THAN 100
10 YEARS, THE DIRECTOR SHALL REQUIRE, AS A CONDITION OF AN OPERATING
11 LICENSE, THAT THE OWNER OR OPERATOR OF THE LANDFILL ANNUALLY TEST
12 THE WATER OF ALL RESIDENTIAL WELLS WITHIN 1 MILE FROM THE BORDER
13 OF THE PARCEL OF PROPERTY ON WHICH THE LANDFILL IS SITUATED FOR
14 ALL SUBSTANCES IN WHICH THERE IS A STATE DRINKING WATER STANDARD
15 UNDER THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS
16 OF 1976, BEING SECTIONS 325.1001 TO 325.1023 OF THE MICHIGAN
17 COMPILED LAWS. IF A WATER TEST IS CONDUCTED PURSUANT TO THIS
18 SECTION, THE OWNER OR OPERATOR OF THE LANDFILL SHALL PROVIDE THE
19 RESULTS OF THE TEST TO THE DEPARTMENT, TO THE RESIDENTS OF THE
20 PROPERTY IN WHICH THE WATER WELL SAMPLE WAS OBTAINED, AND TO THE
21 MUNICIPALITY IN WHICH THE PROPERTY IS LOCATED FROM WHICH THE
22 WATER WELL SAMPLE WAS OBTAINED. THE TEST RESULTS SHALL INCLUDE
23 INFORMATION AS TO WHETHER THE STATE DRINKING WATER STANDARD HAS
24 BEEN EXCEEDED FOR ANY SUBSTANCE.

25 (4) AS USED IN THIS SECTION:

26 (A) "GROUNDWATER MOVEMENT PROJECTION" MEANS THE LENGTH OF
27 TIME IT TAKES UNDER NATURAL CONDITIONS FOR GROUNDWATER TO MOVE

1 FROM THE POINT AT THE UPPERMOST SURFACE OF THE SATURATED ZONE
2 DIRECTLY BELOW THE SOLID WASTE IN THE LANDFILL TO A POINT AT THE
3 UPPERMOST SURFACE OF THE SATURATED ZONE DIRECTLY BELOW THE CLOS-
4 EST EDGE OF THE BORDER OF THE PARCEL OF PROPERTY ON WHICH THE
5 LANDFILL IS SITUATED.

6 (B) "SATURATED ZONE" MEANS THE SUBSURFACE ZONE BELOW WHICH
7 ALL PORE SPACES ARE FILLED WITH WATER AND THE WATER IS UNDER
8 PRESSURE GREATER THAN ATMOSPHERIC PRESSURE.

9 Sec. 30a. (1) The director shall not approve a COUNTY SOLID
10 WASTE MANAGEMENT plan update unless:

11 (a) The plan contains an analysis or evaluation of the best
12 available information applicable to the plan area in regard to
13 recyclable materials and all of the following:

14 (i) The kind and volume of material in the plan area's waste
15 stream that may be recycled or composted.

16 (ii) How various factors do or may affect a recycling and
17 composting program in the plan area. Factors shall include an
18 evaluation of the existing solid waste collection system; materi-
19 als market; transportation networks; local composting and recycl-
20 ing support groups, or both; institutional arrangements; the pop-
21 ulation in the plan area; and other pertinent factors.

22 (iii) An identification of impediments to implementing a
23 recycling and composting program and recommended strategies for
24 removing or minimizing impediments.

25 (iv) How recycling and composting and other processing or
26 disposal methods could complement each other and an examination
27 of the feasibility of excluding site separated material and

1 source separated material from other processing or disposal
2 methods.

3 (v) Identification and quantification of environmental, eco-
4 nomic, and other benefits that could result from the implementa-
5 tion of a recycling and composting program.

6 (vi) The feasibility of source separation of materials that
7 contain potentially hazardous components at disposal areas. This
8 subparagraph applies only to plan updates that are due after
9 January 31, 1989.

10 (b) The plan either provides for recycling and composting
11 recyclable materials from the plan area's waste stream or estab-
12 lishes that recycling and composting is not necessary or feasible
13 or is only necessary or feasible to a limited extent.

14 (c) A plan that proposes a recycling or composting program,
15 or both, details the major features of that program, including
16 all of the following:

17 (i) The kinds and volumes of recyclable materials that will
18 be recycled or composted.

19 (ii) Collection methods.

20 (iii) Measures that will ensure collection such as ordi-
21 nances or cooperative arrangements, or both.

22 (iv) Ordinances or regulations affecting the program.

23 (v) The role of counties and municipalities in implementing
24 the plan.

25 (vi) The involvement of existing recycling interests, solid
26 waste haulers, and the community.

1 (vii) Anticipated costs.

2 (viii) On-going program financing.

3 (ix) Equipment selection.

4 (x) Public and private sector involvement.

5 (xi) Site availability and selection.

6 (xii) Operating parameters such as ~~-PH-~~ pH and heat range.

7 (2) IF A COUNTY OR REGIONAL SOLID WASTE MANAGEMENT PLANNING
8 AGENCY DESIGNATES IN ITS UPDATED SOLID WASTE MANAGEMENT PLAN
9 APPROPRIATE SITES FOR THE PLACEMENT OF A LANDFILL, THE COUNTY OR
10 REGIONAL SOLID WASTE MANAGEMENT PLANNING AGENCY SHALL CONSIDER
11 THE CRITERIA SPECIFIED IN SECTION 10A IN DESIGNATING THESE SITES.

12 (3) ~~-(2)-~~ The director may promulgate rules as may be neces-
13 sary to implement this section.