

INCINERATOR TEST RESULTS

House Bill 4412 as introduced
First Analysis (4-28-93)

Sponsor: Rep. Ken Sikkema
Committee: Conservation, Environment
and Great Lakes Affairs

THE APPARENT PROBLEM:

When citizens or policymakers try to assess the health or environmental effects of municipal solid waste incinerators, it is often difficult to obtain data that would allow comparison of emissions among similar types of facilities. Although all regulated facilities are required to perform various emissions tests before operating and some may be required to repeat tests at various intervals, there is no uniform requirement for standardized testing at regular intervals. What testing does occur is largely required by operating permits issued by the Department of Natural Resources, which differ from facility to facility; newer facilities operate under requirements pertaining to the specific technology that is in use at the time of their startups. (Additionally, some larger municipal solid waste incinerators will be required to do additional testing by 1996 when the federal Clean Air Act Amendments of 1990 are fully implemented.) Legislation has been proposed to require increased and more frequent emissions testing by municipal solid waste incinerators.

THE CONTENT OF THE BILL:

The bill would amend the Air Pollution Act to require that, effective January 1, 1994, owners or operators of municipal solid waste incinerators conduct annual emission tests on each emitting unit. The testing would be in addition to or in conjunction with any other testing requirements under the act or applicable rules or permits, and would have to be done in a manner approved by the Air Pollution Control Commission. Testing would be required for the following pollutants: particulate matter, mercury, cadmium, hexavalent chromium, lead, arsenic, chlorinated dibenzo-p-dioxins, chlorinated dibenzofurans, hydrogen chloride, sulfur dioxide, carbon monoxide, and nitrogen oxides. The results of the testing would have to be reported numerically in terms of average hourly concentration, pounds per hour, and maximum total

pounds per year, and would have to be submitted to the Department of Natural Resources within 90 days after testing. The department would then publish an annual report containing a list of all municipal solid waste incinerators and the results of the emissions tests required by the bill. The report would have to be submitted to the legislature by October 1 of each year.

MCL 336.15b

BACKGROUND INFORMATION:

According to the Department of Natural Resources, the bill would apply to incinerators located in Wayne County, Grosse Pointe-Clinton, Detroit, Jackson County, and Kent County.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill has no fiscal implications for the state. (4-27-93)

ARGUMENTS:

For:

The bill would require increased, more frequent emissions testing of municipal solid waste incinerators. At the least, incineration is a very controversial method of dealing with solid waste; many people fear that it has harmful effects on human health and the environment. The testing required under the bill would help ensure that emissions stay within lawful levels, and that regulators and community activists have access to comparable data for different facilities operating under different permit requirements. The data will help facility operators and regulators to monitor the efficiency of sophisticated equipment that may deteriorate over time; violations could be uncovered

more easily and dealt with in a timely manner. Incinerator owners and operators would be encouraged to use more up-to-date technology or to recycle in order to lower the emissions of certain substances. Further, the bill would place the responsibility for the expensive testing procedures upon the operators of the facilities, where it belongs. Testing for compliance with health and environmental standards ought to be considered a cost of doing business for those pursuing incineration as an option for dealing with solid waste disposal.

Against:

Many affected incinerators are operated by or in cooperation with local units of government; to the extent that local governments would have to absorb the costs of the required tests, the bill may require state reimbursement to local governments for state mandated costs, as required by the state constitution. Further, the Department of Natural Resources would not be able to police the collection of the test data so the integrity of the data, produced by incinerator operators themselves, could not be ensured. A better approach might be to require that the testing be done by DNR staff, with the provision of sufficient additional resources to support the increased workload.

POSITIONS:

A representative of the Michigan United Conservation Clubs testified in support of House Bill 4412. (4-27-93)

The Department of Natural Resources supports the bill. (4-27-93)

The Michigan Environmental Defense supports the bill with the recommendation that more frequent incinerator testing be required. (4-28-93)

The American Lung Association supports the bill. (4-28-93)

The Michigan Environmental Council supports the bill. (4-28-93)

The Michigan Municipal League generally supports legislation that allows municipalities to choose incineration as one option for solid waste management, but has not yet taken a formal position on House Bill 4412. (4-27-93)