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BILL



ANALYSIS

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Senate Bill 1079 (as introduced 9-20-16)
Sponsor: Senator Phil Pavlov
Committee: Natural Resources

Date Completed: 9-21-16

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- Increase the total duration of a permit for a landfill research, development, and demonstration project (RDDP) from 12 to 21 years.**
- Revise a reference to an extension of the application processing period for a permit to construct an RDDP.**

Under Part 115, a person may submit to the Department of Environmental Quality (DEQ) a project abstract for an RDDP (a research, development, and demonstration project for a new or existing type II landfill unit (which accepts municipal solid waste) or for a lateral expansion of a type II landfill unit). If the DEQ Director determines, based on the abstract, that the RDDP will provide beneficial data on alternative landfill design, construction, or operating methods, the person may apply for a construction permit authorizing the establishment of the RDDP. The term of an RDDP permit may not exceed three years; the owner or operator, however, may apply for and the DEQ may grant an extension for the permit term of up to three years if certain conditions are met. The total permit term with all extensions may not exceed 12 years. The bill would increase the total term, including extensions, to 21 years.

The processing period for an RDDP permit is 120 days. Part 115 provides that an extension of the processing period for an RDDP construction permit is not subject to the 20% limitation under Section 1307. The bill would refer to the limitations under that section, rather than the 20% limitation.

(Part 13 (Permits) establishes deadlines for the DEQ to process applications for the various permits required under the Act, and requires the Department to extend the processing period upon an applicant's request. Section 1307 requires the DEQ to extend an application processing period by up to 120 days, as specified by the applicant, and allows the Department, upon an applicant's request, to extend the processing period further. In any case, the processing period may not be extended by more than one year after the application is considered to be administratively complete and any applicable fee has been paid.

Previously, Section 1307 authorized the DEQ to extend the processing period by not more than 20%. Public Act 164 of 2012 amended that section to enact the current provisions.)

MCL 324.11511b

Legislative Analyst: Julie Cassidy

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.