

# SENATE BILL No. 1079

September 20, 2016, Introduced by Senator PAVLOV and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11511b (MCL 324.11511b), as amended by 2011 PA  
215.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11511b. (1) A person may submit to the department a  
2 project abstract for an RDDP. If, based on the project abstract,  
3 the director determines that the RDDP will provide beneficial data  
4 on alternative landfill design, construction, or operating methods,  
5 the person may apply for a construction permit under section 11509,  
6 including the renewal or modification of a construction permit,  
7 authorizing the person to establish the RDDP.

8       (2) An RDDP is subject to the same requirements, including,  
9 but not limited to, permitting, construction, licensing, operation,

1 closure, postclosure, financial assurance, fees, and sanctions as  
2 apply to other type II landfills or landfill units under this part  
3 and the rules promulgated under this part, except as provided in  
4 this section.

5 (3) An extension of the processing period for an RDDP  
6 construction permit is not subject to the ~~20% limitation~~  
7 **LIMITATIONS** under section 1307.

8 (4) An application for an RDDP construction permit shall  
9 include, in addition to the applicable information required in  
10 other type II landfill construction permit applications, all of the  
11 following:

12 (a) A description of the RDDP goals.

13 (b) Details of the design, construction, and operation of the  
14 RDDP as necessary to ensure protection of human health and the  
15 environment. The design shall be at least as protective of human  
16 health and the environment as other designs that are required under  
17 this part and rules promulgated under this part.

18 (c) A list and discussion of the types of waste that will be  
19 disposed of, excluded, or added, including the types and amount of  
20 liquids that will be added under subsection (5) and how the  
21 addition will benefit the RDDP.

22 (d) A list and discussion of the types of compliance  
23 monitoring and operational monitoring that will be performed.

24 (e) Specific means to address potential nuisance conditions,  
25 including, but not limited to, odors and health concerns as a  
26 result of human contact.

27 (5) The department may authorize the addition of liquids,

1 including, but not limited to, septage waste or other liquid waste,  
2 to solid waste in an RDDP if the applicant has demonstrated that  
3 the addition is necessary to accelerate or enhance the  
4 biostabilization of the solid waste and is not merely a means of  
5 disposal of the liquid. The department may require that the septage  
6 waste, or any other liquid waste, added to an RDDP originate within  
7 the county where the RDDP is located or any county contiguous to  
8 the county where the RDDP is located. If an RDDP is intended to  
9 accelerate or enhance biostabilization of solid waste, the  
10 construction permit application shall include, in addition to the  
11 requirements of subsection (4), all of the following:

12 (a) An evaluation of the potential for a decreased slope  
13 stability of the waste caused by any of the following:

- 14 (i) Increased presence of liquids.  
15 (ii) Accelerated degradation of the waste.  
16 (iii) Increased gas pressure buildup.  
17 (iv) Other relevant factors.

18 (b) An operations management plan that incorporates all of the  
19 following:

20 (i) A description of and the proportion and expected quantity  
21 of all components that are needed to accelerate or enhance  
22 biostabilization of the solid waste.

23 (ii) A description of any solid or liquid waste that may be  
24 detrimental to the biostabilization of the solid waste intended to  
25 be disposed of or to the RDDP goals.

26 (iii) An explanation of how the detrimental waste described in  
27 subparagraph (ii) will be prevented from being disposed of in cells

1 approved for the RDDP.

2 (c) Parameters, such as moisture content, stability, gas  
3 production, and settlement, that will be used by the department to  
4 determine the beginning of the postclosure period for the RDDP  
5 under subsection (10).

6 (d) Information to ensure that the requirements of subsection  
7 (6) will be met.

8 (6) An RDDP shall meet all of the following requirements:

9 (a) Ensure that added liquids are evenly distributed and that  
10 side slope breakout of liquids is prevented.

11 (b) Ensure that daily cover practices or disposal of low  
12 permeability solid wastes does not adversely affect the free  
13 movement of liquids and gases within the waste mass.

14 (c) Include all of the following:

15 (i) A means to monitor the moisture content and temperature of  
16 the waste.

17 (ii) A leachate collection system of adequate size for the  
18 anticipated increased liquid production rates. The design's factor  
19 of safety shall take into account the anticipated increased  
20 operational temperatures and other factors as appropriate.

21 (iii) A means to monitor the depth of leachate on the liner.

22 (iv) An integrated active gas collection system. The system  
23 shall be of adequate size for the anticipated methane production  
24 rates and to control odors. The system shall be operational before  
25 the addition of any material to accelerate or enhance  
26 biostabilization of the solid waste.

27 (7) The owner or operator of an RDDP for which a construction

1 permit has been issued shall submit a report to the director at  
2 least once every 12 months on the progress of the RDDP in achieving  
3 its goals. The report shall include a summary of all monitoring and  
4 testing results, as well as any other operating information  
5 specified by the director in the permit or in a subsequent permit  
6 modification or operating condition.

7 (8) A permit for an RDDP shall specify the term of the permit,  
8 which shall not exceed 3 years. However, the owner or operator of  
9 an RDDP may apply for and the department may grant an extension of  
10 the term of the permit, subject to all of the following  
11 requirements:

12 (a) The application to extend the term of the permit must be  
13 received by the department at least 90 days before the expiration  
14 of the permit.

15 (b) The application shall include a detailed assessment of the  
16 RDDP showing the progress of the RDDP in achieving its goals, a  
17 list of problems with the RDDP and progress toward resolving those  
18 problems, and other information that the director determines is  
19 necessary to accomplish the purposes of this part.

20 (c) If the department fails to make a final decision within 90  
21 days of receipt of an administratively complete application for an  
22 extension of the term of a permit, the term of the permit is  
23 extended for 3 years.

24 (d) An individual extension shall not exceed 3 years, and the  
25 total term of the permit with all extensions shall not exceed ~~12~~**21**  
26 years.

27 (9) If the director determines that the overall goals of an

1 RDDP, including, but not limited to, protection of human health or  
2 the environment, are not being achieved, the director may order  
3 immediate termination of all or part of the operations of the RDDP  
4 or may order other corrective measures.

5 (10) The postclosure period for a facility authorized as an  
6 RDDP begins when the department determines that the unit or portion  
7 of the unit where the RDDP was authorized has reached a condition  
8 similar to the condition that non-RDDP landfills would reach prior  
9 to postclosure. The parameters, such as moisture content,  
10 stability, gas production, and settlement, to attain this condition  
11 shall be specified in the permit. The perpetual care fund required  
12 under section 11525 shall be maintained for the period after final  
13 closure of the landfill as specified under section 11525.

14 (11) The director may authorize the conversion of an RDDP to a  
15 full-scale operation if the owner or operator of the RDDP  
16 demonstrates to the satisfaction of the director that the goals of  
17 the RDDP have been met and the authorization does not constitute a  
18 less stringent permitting requirement than is required under  
19 subtitle D of the solid waste disposal act, 42 USC 6941 to 6949a.

20 (12) As used in this section, "RDDP" means a research,  
21 development, and demonstration project for a new or existing type  
22 II landfill unit or for a lateral expansion of a type II landfill  
23 unit.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.