

HOUSE BILL No. 6177

November 8, 1990, Introduced by Rep. Dunaskiss and referred to the Committee on Conservation, Recreation and Environment.

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 PUBLIC 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) WITHIN 1,000 FEET OF A BODY OF SURFACE WATER.

13 (F) AT A LOCATION THAT IS A SITE IDENTIFIED ON A LIST PRE-
14 PARED PURSUANT TO SECTION 6 OF THE ENVIRONMENTAL RESPONSE ACT,
15 ACT NO. 307 OF THE PUBLIC ACTS OF 1982, BEING SECTION 299.606 OF
16 THE MICHIGAN COMPILED LAWS, UNLESS THE DEPARTMENT HAS APPROVED A
17 REMEDIAL ACTION PLAN PURSUANT TO ACT NO. 307 OF THE PUBLIC ACTS
18 OF 1982, BEING SECTIONS 299.601 TO 299.611 OF THE MICHIGAN
19 COMPILED LAWS AND THE RULES PROMULGATED UNDER THAT ACT, FOR THAT
20 SITE.

21 (G) WITHIN 5 MILES OF AN AIRPORT.

22 (2) AS USED IN THIS SECTION:

23 (A) "PUBLIC WATER SUPPLY" MEANS THAT TERM AS IT IS DEFINED
24 IN SECTION 2 OF THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE
25 PUBLIC ACTS OF 1976, BEING SECTION 325.1002 OF THE MICHIGAN
26 COMPILED LAWS.

1 (B) "PUBLIC WATER SUPPLY WELLHEAD AREA" MEANS AN AREA
2 SURROUNDING THE WELLHEAD OF A PUBLIC WATER SUPPLY THAT IS ANY OF
3 THE FOLLOWING:

4 (i) THE AREA WITHIN THE 99% MAXIMUM EXTENT OF THE STABILIZED
5 CONE OF DEPRESSION OF THAT WELL OR WELL FIELD CONSIDERING THE
6 FLOW SYSTEM AND SEASONAL FLUCTUATIONS OF THE WELL OR WELL FIELD.

7 (ii) THE AREA WITHIN A MINIMUM OF A 2-MILE RADIUS OF THE
8 WELLHEAD.

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

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

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

19 (A) THE RISK AND IMPACT OF CONTAMINATION OF GROUNDWATER AND
20 SURFACE WATER BY LEACHING AND RUNOFF FROM THE PROPOSED LANDFILL.

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

26 (C) THE IMPACT ON FUTURE ECONOMIC DEVELOPMENT IN THE
27 VICINITY OF THE PROPOSED LANDFILL.

1 (D) THE IMPACT ON PROPERTY VALUES IN THE VICINITY OF THE
2 PROPOSED LANDFILL.

3 (E) THE COMPATIBILITY OF THE PROPOSED LANDFILL WITH EXISTING
4 LAND USE PATTERNS AND LAND USE PLANS.

5 (F) THE IMPACT ON ROADS AND TRAFFIC IN THE VICINITY OF THE
6 PROPOSED LANDFILL INCLUDING CONSIDERATION OF THE ADEQUACY OF
7 ACCESS ROADS TO THE LANDFILL AND THE POTENTIAL FOR INCREASED
8 NOISE.

9 (G) THE NATURE OF THE PROBABLE ENVIRONMENTAL IMPACT OF THE
10 PROPOSED LANDFILL, INCLUDING THE SPECIFICATION OF THE PREDICTABLE
11 ADVERSE EFFECTS ON THE FOLLOWING:

12 (i) THE NATURAL ENVIRONMENT AND ECOLOGY.

13 (ii) PUBLIC HEALTH AND SAFETY.

14 (iii) SCENIC, HISTORIC, CULTURAL, AND RECREATIONAL VALUE.

15 (iv) WATER AND AIR QUALITY, AND WILDLIFE.

16 (H) WHETHER THE PROPOSED LANDFILL IS TO BE LOCATED IN A
17 RECHARGE AREA.

18 (I) AN EVALUATION OF MEASURES TO MITIGATE ADVERSE EFFECTS OF
19 THE PROPOSED LANDFILL.

20 (3) AT THE TIME THAT A LANDFILL SITE ASSESSMENT IS SUBMITTED
21 TO THE DIRECTOR, A COPY OF THAT LANDFILL SITE ASSESSMENT SHALL BE
22 FILED WITH THE CLERK OF THE MUNICIPALITY IN WHICH THE LANDFILL IS
23 PROPOSED TO BE LOCATED.

24 (4) AS USED IN THIS SECTION, "RECHARGE AREA" MEANS AN AREA
25 WHERE THE PRECIPITATION INFILTRATING THE SURFACE OF THE EARTH
26 CONTRIBUTES A SUBSTANTIAL AMOUNT OF WATER TO AN AQUIFER AND

1 DIRECTLY INFLUENCES THE MOVEMENT OF GROUNDWATER WITHIN THAT
2 AQUIFER.

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

8 (2) The department shall not ISSUE AN OPERATING license TO a
9 landfill ~~facility~~ operating without an approved hydrogeologic
10 monitoring program until the department receives a hydrogeologic
11 monitoring program and the results of ~~the~~ THAT HYDROGEOLOGIC
12 MONITORING program. The director shall use this information in
13 conjunction with other information required by this act or the
14 rules promulgated ~~pursuant to~~ UNDER this act to determine a
15 course of action regarding licensing of the ~~facility~~ LANDFILL
16 consistent with section 4005 of title ~~2~~ II of the solid waste
17 disposal act, 42 U.S.C. 6945, and with this act and the rules
18 promulgated ~~pursuant to~~ UNDER this act. In deciding a course
19 of action, the director shall consider, at a minimum, the health
20 hazards, environmental degradation, and other public or private
21 alternatives. The director may revoke ~~a~~ AN OPERATING license,
22 or MAY issue a timetable or schedule to provide for compliance
23 for the ~~facility~~ LANDFILL or REQUIRE operation ~~which~~ THAT
24 specifies a schedule of remedial measures, including a sequence
25 of actions or operations, which leads to compliance with this act
26 within a reasonable time period but not later than ~~2 years after~~
27 ~~the effective date of this amendatory act~~ MARCH 30, 1990.

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

19 (4) AS USED IN THIS SECTION:

20 (A) "GROUNDWATER MOVEMENT PROJECTION" MEANS THE LENGTH OF
21 TIME IT TAKES UNDER NATURAL CONDITIONS FOR GROUNDWATER TO MOVE
22 FROM THE POINT AT THE UPPERMOST SURFACE OF THE SATURATED ZONE
23 DIRECTLY BELOW THE SOLID WASTE IN THE LANDFILL TO A POINT AT THE
24 UPPERMOST SURFACE OF THE SATURATED ZONE DIRECTLY BELOW THE CLOS-
25 EST EDGE OF THE BORDER OF THE PARCEL OF PROPERTY ON WHICH THE
26 LANDFILL IS SITUATED.

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

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

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

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

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

17 (iii) An identification of impediments to implementing a
18 recycling and composting program and recommended strategies for
19 removing or minimizing impediments.

20 (iv) How recycling and composting and other processing or
21 disposal methods could complement each other and an examination
22 of the feasibility of excluding site separated material and
23 source separated material from other processing or disposal
24 methods.

25 (v) Identification and quantification of environmental, eco-
26 nomic, and other benefits that could result from the
27 implementation of a recycling and composting program.

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

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

9 (c) A plan that proposes a recycling or composting program,
10 or both, details the major features of that program, including
11 all of the following:

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

14 (ii) Collection methods.

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

17 (iv) Ordinances or regulations affecting the program.

18 (v) The role of counties and municipalities in implementing
19 the plan.

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

22 (vii) Anticipated costs.

23 (viii) On-going program financing.

24 (ix) Equipment selection.

25 (x) Public and private sector involvement.

26 (xi) Site availability and selection.

1 (xii) Operating parameters such as PH and heat range.

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

7 (3) ~~-(2)-~~ The director may promulgate rules as may be neces-
8 sary to implement this section.