

Legislative Analysis



MORATORIUM ON NEW LANDFILLS

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House Bill 4047

Sponsor: Rep. Kate Ebli

Committee: Great Lakes and Environment

Complete to 1-30-07

A SUMMARY OF HOUSE BILL 4047 AS INTRODUCED 1-22-07

In general, the bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environment Protection Act to prevent the approval of any new landfill construction permits until January 1, 2012. Some expansion of existing landfills with limited remaining capacity and approval of certain "captive facility" landfills would still be allowed. In particular, the bill would do the following:

- Moratorium on new landfills. The bill would require the Department of Environmental Quality (DEQ) to reject any pending application for a landfill construction permit submitted between December 31, 2005 and the effective date of the bill. In addition, after the effective date of the bill, the DEQ would not be allowed to accept any new permit applications until January 1, 2012.
- No design modification to an existing landfill that would increase its disposal capacity. The DEQ could approve a permit for a design modification to an existing landfill only if the modification did *not* result in a net increase in the landfill's remaining disposal capacity.
- Expansion of existing landfills with limited remaining capacity allowed under certain circumstances. The DEQ could approve expansion of an existing landfill only under the following circumstances:
 - The landfill has less than **three** years of remaining disposal capacity and the application otherwise meets all requirements of Part 115.
 - After the expansion, the landfill's remaining disposal capacity would not exceed **eight** years.
- Type III captive landfill permits still allowed. The moratorium would not cover permits for construction of Type III captive facility landfills (as defined in Section 11525a) which, generally speaking, are landfills that accept only nonhazardous industrial waste generated by the owner of the landfill, such as coal ash, wood ash, or cement kiln dust.

MCL 324.11511c

FISCAL IMPACT:

There would not be a fiscal impact on the State or local governments, at least for the foreseeable future. The only increase that might be expected would be a fee increase charged by private operators to cover future expansion costs or new facilities. Again, this may be an unlikely situation.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.