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## LANDFILLS NEAR AIRPORTS

### House Bill 4611 with committee amendments First Analysis (3-19-98)

**Sponsor: Rep. Michael Nye**  
**Committee: Conservation, Environment  
and Recreation**

#### **THE APPARENT PROBLEM:**

The provisions of the Natural Resources and Environmental Protection Act (NREPA) that regulate solid waste management practices require that the Department of Environmental Quality (DEQ) notify the Michigan Aeronautics Commission when it receives a construction permit application for a landfill that is to be located within 10,000 feet of an airport runway. However, Federal Aviation Administration guidelines (FAA Order 5200.5A) specify that the owner of a proposed landfill located "within a five-mile radius of any airport runway end that is used by turbojet or piston-type aircraft shall notify the affected airport and the federal aviation administration" so as to provide an opportunity to review and comment on the site. The Environmental Protection Agency subsequently adopted this five-mile standard in subtitle D of the federal Solid Waste Disposal Act (42 U.S.C. 945), and it was incorporated by the DEQ in the administrative rules that govern solid waste management (R. 299.4414[2]). Accordingly, the Michigan Aeronautics Commission within the Department of Transportation has recommended legislation that would provide consistency between state and federal requirements.

#### **THE CONTENT OF THE BILL:**

Part 115 of the Natural Resources and Environmental Protection Act (NREPA), which regulates solid waste management, specifies that, in addition to other requirements, the Department of Environmental Quality (DEQ) must notify the Michigan Aeronautics Commission when it receives a construction permit application for a sanitary landfill that will be located within 10,000 feet of an airport runway or a proposed runway extension that is regulated by the commission. House Bill 4611 would amend the act to specify, instead, that the provision would apply when a proposed landfill was to be located within five miles of a runway or proposed runway extension, and the landfill was a new site, or a lateral extension or

vertical expansion of an existing unit. In addition, the bill would require the Michigan Aeronautics Commission to notify the DEQ and the owner or operator of a landfill if the commission is considering approving a plan that would provide for a runway (or an extension of a runway) within five miles of the landfill.

MCL 324.11510

#### **FISCAL IMPLICATIONS:**

According to the House Fiscal Agency (HFA), the bill would have a minimal fiscal impact of less than \$1,000 on the state. (3-18-98)

#### **ARGUMENTS:**

##### **For:**

The bill would provide consistency between state and federal notification requirements for the owners of landfills that are to be located within five miles of an airport runway. In addition, the bill would require that the Michigan Aeronautics Commission notify the Department of Environmental Quality (DEQ) and the landfill owner or operator when it considers approving a plan for a runway within the five-mile radius. According to the Federal Aviation Administration (FAA), these guidelines are necessary because the birds that are attracted to landfills present a hazard to aircraft.

##### **POSITIONS:**

The Michigan Aeronautics Commission in the Department of Transportation supports the bill. (3-18-98)

The Department of Environmental Quality supports the bill. (3-18-98)

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The Michigan Townships Association supports the bill.  
(3-18-98)

The Michigan Municipal League supports the bill. (3-18-98)

The Michigan Waste Industries Association supports the bill. (3-18-98)

Analyst: R. Young

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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.