

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4611 (as reported without amendment)
Sponsor: Representative Michael Nye
House Committee: Conservation, Environment and Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 11-4-98

RATIONALE

Both an administrative rule and the Natural Resources and Environmental Protection Act (NREPA) contain notice requirements that apply when a sanitary landfill is proposed to be located near an airport runway. Under the Act, upon receiving a construction permit application for a new disposal area, the Department of Environmental Quality is required to notify the Michigan Aeronautics Commission if the disposal area is a sanitary landfill proposed to be located within 10,000 feet of a runway. Under the administrative rule, "Owners or operators who propose to site new type II landfill units [municipal solid waste landfills] and extensions of existing units within a 5-mile radius of any airport runway end that is used by turbojet or piston-type aircraft must notify the affected airport and the federal aviation administration" (R 299.4414(2)). Reportedly, this five-mile standard is contained in Federal regulations promulgated under the Federal Solid Waste Disposal Act (42 USC 6945) as well as Federal Aviation Administration guidelines. Accordingly, it has been suggested that the NREPA be amended to provide for consistency between the statute and Federal requirements.

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to revise the notice requirements that apply when a sanitary landfill is proposed to be located near a runway.

Under the bill, Department of Environmental Quality (DEQ) would have to notify the Michigan Aeronautics Commission if a disposal area (proposed in a construction permit application) were a sanitary landfill that was a new site or a lateral extension or vertical expansion of an existing

unit proposed to be located within five miles of a runway or a proposed runway extension of an airport licensed and regulated by the Commission. This provision would replace the current requirement that notice be given when a sanitary landfill is proposed to be located within 10,000 feet of a runway or proposed runway extension.

The Act also provides that if the Commission informs the DEQ, within 60 days, that it finds that operation of the disposal area would present a potential hazard to air navigation, the DEQ may either recommend appropriate changes in the location, construction, or operation of the proposal disposal area, or deny the application for a construction permit. The DEQ must give the applicant an opportunity to rebut a Commission finding that the operation of the disposal area would present a potential hazard. The bill also would require the Commission to notify the DEQ and the owner or operator of a landfill, if the Commission were considering approving a plan that would provide for a runway or the extension of a runway within five miles of a landfill.

MCL 324.11510

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Apparently, the five-mile radius is necessary because birds are attracted to landfills and can present a hazard to aircraft. The NREPA already contains procedures to address potential danger to air navigation when landfills are proposed to be sited near runways. By expanding the distance that triggers the notice requirement from 10,000 feet to

five miles, the bill would enhance the safety of air travel. In addition, the bill would promote consistency between the NREPA and the administrative rule, and reportedly would bring the statute into conformity with Federal regulations.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler
P. Alderfer

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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.