

9/26/18

## CHAIRMAN HOWELL REMARKS ON HB 6269—CCR LANDFILLS

- House Bill 6269 will update the permitting program within the Michigan Department of Environmental Quality to provide new, more restrictive, minimum standards and additional regulation of coal ash landfills and impoundments in Michigan.
- The legislative changes are necessary to address a 2015 EPA rule that established baseline regulatory requirements for the final disposal of coal ash that applied to every state. The rule was unique in that it required utility providers to self-implement the new requirements on the structural integrity of the disposal site, protecting groundwater, and posting of compliance records to a publicly available website.
- Recognizing the challenges of a self-implementing program, in December 2016, as part of the federal WIIN Act, Congress granted the EPA the ability to pass the regulatory authority to states with programs equivalent to the federal requirements.
- In Michigan, unlike some other states, coal ash landfills and impoundments have been subject to regulation under Michigan's solid waste and water protection laws since 1978. The changes at the federal level in 2015 subjected these landfills and impoundments to dual regulation and oversight.
- HB 6269 would take the new federal requirements and codify them into state law, allowing the state to again be the primary regulator of coal ash landfills and impoundments in Michigan. This legislation is a result of discussions between the utilities, the DEQ, and EPA on creating a Michigan-specific program.
- The changes encompassed in the legislation before us will streamline compliance requirements, enhance reporting, and reduce costs to utility customers, while minimizing risk to human health and the environment through more stringent monitoring and design standards.
- Specifically, HB 6269 would:
  - Update the licensing requirements of CCR disposal sites to incorporate the new federal standards
  - Increase water quality monitoring requirements to ensure there is no connection between the disposal site and issues with surface or groundwater
  - Require coal ash landfills and impoundments to meet more stringent water quality standards or cease operation
  - Create additional public participation opportunities in communities where the landfills and impoundments are located (this language will be added to the substitute)
  - Assess an annual licensing fee to allow for adequate regulatory oversight of the state program
  - Allows for coal ash landfills and impoundments to use the state's risk-based approach to cleanups already established under Part 201 for achieving closure
  - Provide for long-term monitoring of the landfills to assure no adverse harm to human health or the environment
  - Provide for financial assurance for coal ash landfills and impoundments
- It is important to note that the legislation is part of a larger package that the Michigan DEQ will have to submit to the EPA to gain approval for a state program.
- I want to thank the DEQ and regulated entities for working together on this important legislation.