

Regulatory Perspective

Bioreactor Projects in Michigan

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Good News Regulatory Story

- USEPA gives states flexibility
- Cooperation between Michigan industry, regulators, and Legislature
- Successful passage of research, development, and demonstration project (RDDP) legislation



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USEPA's March 2004 Final Rule

- Promotes research, development, and demonstration projects (RDDPs).
- States can issue permits to provide variances from run-on control system requirements, liquids restrictions, and final cover requirements for Type II landfills.
- Requires USEPA determination of adequacy.



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An Opportunity for Michigan

- Research alternatives to improve landfill design and operation
- Increase the active life of landfills
- Alternative to land application of septage



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Hurdles to Overcome

- Agreement on administrative and technical requirements
- Amend Michigan's permitting program
- Obtain USEPA approval
- Time



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Michigan's Approach

- Variance only from liquids restrictions
- Ensure adequate controls
- Limit the number of projects
- No rushed permit decisions
- Statutory provisions alone



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Michigan's RDDP Permit Program

- Legislation effective November 22, 2005
 - PA 236, 243 amend Part 115
 - PA 199 amends Part 117
- Project abstract required
- Additional application requirements
- Additional technical requirements
- Extension of permitting deadline

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Federal Approval

- USEPA sought comment on a determination of adequacy of Michigan's RDDP permitting program, published in the Federal Register on August 30, 2006
- Determination of adequacy became effective October 30, 2006

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RDDP Permitting

- Construction permit
 - Overlays existing construction permit
 - Special conditions
- Operating license
 - New operating license needed before RDDP begins
 - Integrates both the facility construction permit and RDDP construction permit
 - Special conditions

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Looking Ahead

- Cooperative relationships among DEQ, counties, and landfills will resolve any unintended consequences
- Already have option in statute to allow for full-scale/long-term operation if USEPA changes its regulations accordingly
- Optimistic

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