



**OFFICE OF WASTE MANAGEMENT  
AND RADIOLOGICAL PROTECTION  
POLICY AND PROCEDURE**

DEPARTMENT OF  
ENVIRONMENTAL QUALITY

**Original Effective Date:**  
December 17, 1998

**Subject:**  
Advisory Analysis

**Category:**

- Internal/Administrative  
 External/Non-Interpretive  
 External/Interpretive

**Revised Date:**

**Division/Office and Program Names:**  
OWMRP-Solid Waste Program

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**Number:**  
OWMRP-115-2

**Page:**  
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*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.*

**INTRODUCTION, PURPOSE, OR ISSUE:**

The purpose of this policy and procedure is to provide guidance on performing advisory analyses for solid waste disposal facilities.

**AUTHORITY:**

Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

**BACKGROUND:**

Section 11510(1) of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 115), states the following:

Before the submission of a construction permit for a new disposal area, the applicant shall request a health officer or the department to provide an advisory analysis of the proposed disposal area. However, the applicant, not less than 15 days after the request, and notwithstanding an analysis result, may file an application for a construction permit.

The purpose of an advisory analysis for a landfill construction permit is outlined in Rule 901 of Part 115. The rule states the following:

The purpose of the advisory analysis before application is made for a landfill construction permit under section 11510 of the act is to do all of the following:

- (a) To inform the applicant of other permits that may be required for the proposed disposal area, such as air emission and water discharge permits or soil erosion and sedimentation control permits.
- (b) To provide information on known conditions that may affect the proposed site.
- (c) To discuss the application and submission requirements and procedures.
- (d) To comment on any work plans that are submitted by the applicant to complete the hydrogeologic study or other work that is required to complete a construction permit application.

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The procedure by which a certified health department is to conduct an advisory analysis is further outlined in Rule 203(1)(a) of Part 115.

At the request of an applicant, the certified health department shall provide an advisory analysis of each proposed disposal area within 15 working days of the request. An advisory analysis shall include a site inspection and written report to the applicant regarding the preliminary feasibility of the disposal area as described in R299.4503 . A copy of the advisory analysis shall be provided to the department. Nothing in the advisory analysis shall be considered to constitute an approval or denial for a construction permit or operating license.

Rule 503 describes the purpose of an advisory analysis for transfer stations and processing facilities and states: the purpose of the advisory analysis before application is made for a construction permit is to inform the applicant of other permits which may be required for the proposed facility, such as air emissions, water discharge permits, or soil erosion and sedimentation control permits; to provide information on known conditions and other factors which may affect the proposed site; and to discuss the application and submission requirements and procedures.

**POLICY:**

In order to carry out these requirements, the following procedures shall be followed:

1. An advisory analysis shall be performed whenever it is requested.
2. All requests received by the department for an advisory analysis shall be forwarded to the appropriate district supervisor for action. If the proposed disposal area is in a county with a certified local health department, the local health department shall be responsible for performing the analysis in accordance with Rule 203(1)(a) of Part 115 and this procedure. The district supervisor shall be responsible for forwarding the request for an advisory analysis to the applicable certified health department.
3. An advisory analysis will usually involve a visit to the site and a discussion of Part 115 design and procedural requirements with the applicant.
4. Although the analysis does usually entail a substantial review of hydrogeological data or engineering plans, the applicant may request the review of work plans in accordance with Rule 901(d).
5. Applicants proposing a new disposal area that is a type II landfill shall be advised of the applicable air quality standards under the federal New Source Performance Standards and Emission Guidelines for air emissions from new and existing municipal solid waste landfills. Any landfill that will have a permitted capacity of greater than 2.5 million megagrams and 2.5 million cubic meters will be subject to these requirements. The Air Quality Division District Supervisor shall receive a copy of the completed advisory analysis.
6. It is not necessary that the proposed project first be included in the county solid waste management plan, or that the property be owned by the applicant before an advisory analysis is performed. However, the applicant should be made aware of the requirement that the proposed disposal area must be included in the county solid waste management

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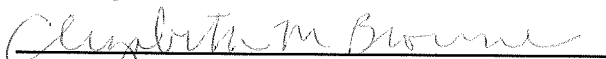
plan before a construction permit can be approved. If the applicant does not own the property, the landowner should provide any necessary permission, if needed, for access.

7. The advisory analysis shall be completed within 15 working days of the request.
8. All advisory analyses shall be completed in the form of a letter to the person requesting the analysis and signed by the district staff that completed the analysis. Example letters for advisory analyses for type II and type III landfills are attached.
9. Although Rule 901 specifies that it is for a landfill construction permit, advisory analyses must also be completed for new disposal areas that are processing facilities and transfer stations (if a construction permit is required). For these facilities, the applicable portions of the Part 9 Rules should be used as guidance in preparing an advisory analysis.
10. If no construction permit application is received for the property described in the advisory analysis within three years of the completion of the advisory analysis, a new advisory analysis should be requested and completed.

Attachments

Attachment 1 - Type II Landfill Advisory Analysis  
Attachment 2 – Type III Landfill Advisory Analysis

OFFICE CHIEF APPROVAL:



Elizabeth M. Browne, Chief  
Office of Waste Management and Radiological Protection



Date

## Attachment 1

**[Note: this is an outline for a type II landfill advisory analysis]**

[Date]

[Name/Address]

Dear:

SUBJECT: Advisory Analysis, [proposed type II landfill], [County]

In accordance with the requirements of Section 11510(1) and Rule 299.4901 of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 115), and your request of [date], an advisory analysis has been conducted for the [proposed facility]. The proposed [facility name] landfill permit area is located in the [location description]. The Department of Environmental Quality (Department) conducted a site visit on [date], and a review of the available information on the site was conducted. The following comments will complete the advisory analysis.

### **County Solid Waste Management Plan**

The proposed landfill must be demonstrated to be consistent with the [county name] County Solid Waste Management Plan (Plan) that is in effect at the time of permit application. You will need to contact the [applicable planning agency] to obtain a determination of consistency. Rule 299.4902(2) of Part 115 discusses the requirements for such a demonstration.

### **Construction Permit**

Rule 299.4902 of Part 115 discusses the required elements of an administratively complete construction permit application. The application shall include, but is not limited to, a completed construction permit application form, construction permit application fees as specified by the Act, an environmental assessment that contains information specified in Rule 299.4903, a hydrogeological report that is in compliance with Rule 299.4904, a hydrogeological monitoring plan that is in compliance with Rule 299.4905, topographic maps that are in compliance with Rule 299.4909, engineering plans and engineering reports as specified in Rule 299.4910, operations plans as specified in Rule 299.4911, the construction quality assurance plans specified in Rule 299.4916, and a demonstration of consistency with the Plan, as discussed above.

You may download a copy of a form entitled "Checklist for Administrative Completeness for Solid Waste Landfill Construction Permit Packet" from the DEQ web site at [www.michigan.gov/deq](http://www.michigan.gov/deq). The Department uses this form during the review of the construction permit application for administrative completeness. The completed form must be submitted with the construction permit application. The proper use of the form greatly expedites the administrative completeness review time. It is also a useful tool for your preparation of the application, and increases the likelihood of your submitting an administratively complete application. Please note that many of the required

elements for the construction permit application such as the environmental assessment, hydrogeological investigation and the monitoring plan were submitted with the original permit issued for the existing Type II and Type III landfill permitted areas. These reports must be submitted again as part of this construction permit application, be updated to meet current conditions at the site, and be consistent with the current Part 115 statute and rules.

### **Location Restrictions**

The citing criteria and location restrictions for Type II landfills are discussed in Rules 299.4411 through 299.4419 of Part 115. Horizontal isolation distances from property lines, roadways, water bodies, water supply wells, airports, and residences are specified. Restrictions regarding unstable areas and seismic impact zones must also be addressed, as applicable.

[address any site specific concerns and applicable rule].

### **Hydrogeological Study and Groundwater Monitoring Program**

Rules 299.4904 and 299.4905 of Part 115 specify the requirements of the hydrogeological report and monitoring plan. [address any site specific concerns or comments on work plans here]

### **Access**

You will need to confirm that the route used to access your proposed landfill is or will be over all-season roads and that the governmental unit with jurisdiction over those roads has approved their use as a landfill access route.

### **Existing Conditions**

[address site specific concerns here, may include existing groundwater contamination, wetlands, right-of-ways, etc, that will need to be addressed as part of application process]

### **State and Federal Air Quality Requirements**

[chose one of the following:

1. **Active MSW landfills with an initial design capacity less than 2.5 million megagrams (Mg) and 2.5 million cubic meters that intend to submit a construction permit application to expand their permitted capacity to or above 2.5 million Mg and 2.5 million m<sup>3</sup>.** These landfills tend to be located in the northern half of the state, accept low to moderate volumes of municipal solid waste, and are not subject to Title V requirements unless associated landfill gas-to-energy or control equipment emissions exceed major source thresholds. Proposed language for this category is as follows:

*Pursuant to 40 CFR 60.752(a)(1) and 40 CFR 60.757(a)(3), the facility is required to submit an amended design capacity report within 90 days from an increase in the permitted volume of the landfill. If the amended design capacity of the facility is equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters, the facility is required to comply with 40 CFR 60.752(b)(2) or calculate a non-methane organic compounds (NMOC) emission rate for the landfill following the procedures specified in 40 CFR 60.754. Additionally, a facility with an amended design capacity equal to or greater than 2.5 million Mg and 2.5 million m<sup>3</sup> is subject to Part 70 permitting requirements and is required to submit a renewable operating permit application within 15 months of issuance of the construction permit pursuant to Rule 336.1210(8)(c)(iii) of Part 55 of Act 451, as amended. Any questions concerning applicable state and federal air quality regulations should be directed to the District Supervisor, Air Quality Division, \_\_\_\_\_ District Office.*

2. **Substantial permitted volume increases at landfills that accept large volumes of municipal solid waste may result in the emission of significant quantities of volatile organic compounds (VOCs) and non-methane organic compounds (NMOC) prior to the regulatory deadline to collect and control landfill gas under federal New Source Performance Standards and Emission Guidelines for MSW landfills.** These landfills tend to be located in the southern half of the state, are subject to Title V requirements, have associated landfill gas-to-energy plants and/or landfill gas control equipment, and consistently report annual waste disposal volumes to WHMD that would rank in the Top 15 – 20 facilities statewide. Proposed language for this category is as follows:

*A municipal solid waste (MSW) landfill that is issued a construction permit for a large modification or increase in their permitted design capacity and disposes of large quantities of MSW (e.g. 0.5 million yd<sup>3</sup> or higher) on an annual basis may emit significant quantities of volatile organic compounds (VOC) and non-methane organic compounds (NMOC) prior to the regulatory deadline to collect and control landfill gas under the federal New Source Performance Standards (NSPS) and Emission Guidelines (EG) for air emissions from new and existing MSW landfills. The emission increases associated with these modifications may subject the facility to Michigan's Permit to Install (PTI) requirements under Rule 336.1201. These modification may also trigger New Source Review (NSR) permitting requirements for major sources under Michigan's Part 18 rules or Rule 336.1220; or the federal requirements found in 40 CFR 52.21 or 40 CFR 51 Appendix S. Upon issuance of a construction permit for an increase in design capacity, the facility shall contact the District Supervisor, Air Quality Division, \_\_\_\_\_ District Office, for determination of the information that is required to be included in an exemption analysis submittal under Rule 336.1278a to determine applicability of PTI and NSR permitting requirements associated with the landfill expansion.*

3. **Active MSW landfills that were required to install an active gas collection and control system (GCCS) under the federal New Source Performance Standards (NSPS) and Emission Guidelines (EG) may need to submit an amended GCCS design plan to address newly permitted vertical or horizontal expansion areas that were not included under a previous GCCS design plan submittal.** These landfills are generally located in the southern half of the state, are subject to Title V requirements, and have calculated Tier 1 and 2 NMOC emissions in excess of 50 megagrams/year and were required to submit a GCCS design plan to the district office pursuant to 40 CFR 60.752(b)(2)(i). AQD staff should verify that the facility has previously submitted a GCCS

design plan before including the following proposed language in the AA letter. Proposed language for this category is as follows:

*Pursuant to 40 CFR 60.752(b)(2)(i), any municipal solid waste landfill having a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters and calculated non-methane organic compound (NMOC) emissions equal to or greater than 50 Mg/year, was required to submit a gas collection and control system (GCCS) design plan to the MDEQ, Air Quality Division within one year. The GCCS design plan was required to comply with 40 CFR 60.752(b)(2)(i)(A) through (D) and meet the design requirements specified in 40 CFR 60.752(b)(2)(ii)(A) for an active collection system or 40 CFR 60.752(b)(2)(ii)(B) for a passive collection system. Issuance of a construction permit for a vertical or horizontal expansion will require the facility to submit an amended GCCS design plan if the expansion area(s) were not accounted for in the previous GCCS design plan submittal. Any questions regarding the need to submit an amended GCCS design plan or other applicable state and federal air quality regulations should be directed to the District Supervisor, Air Quality Division, \_\_\_\_\_ District Office.]*

### **Additional Permits**

Additional permits may be required by State and local authorities. Examples of these include a soil and sedimentation control permit, a National Pollutant Discharge Elimination System (NPDES) storm water permit, a wetlands and/or inland lakes and streams permit and local permits. The wetlands permit, if required, must be obtained prior to the issuance of a construction permit.

If you have any questions regarding this letter, the application process, or Act 451 and the Part 115 rules, please feel free to contact me at the [district name] District Office. [contact information, if necessary]

Sincerely,

[staff name]

[title]

Office of Waste Management and Radiological  
Protection

[telephone]

## Attachment 2

[Note: This is an outline for a type III landfill advisory analysis]

[Date]

[Name/Address]

Dear:

SUBJECT: Advisory Analysis, [proposed type III landfill], [County]

In accordance with the requirements of Section 11510(1) and Rule 299.4901 of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 115), and your request of [date], an advisory analysis has been conducted for the [proposed facility]. The proposed [facility name] landfill permit area is located in the [location description]. The Department of Environmental Quality (Department) conducted a site visit on [date], and a review of the available information on the site was conducted. The following comments will complete the advisory analysis.

### **County Solid Waste Management Plan**

The proposed landfill must be demonstrated to be consistent with the [County Name] County Solid Waste Management Plan that is in effect at the time of permit application. You will need to contact your local planning agency to obtain a determination of consistency. Rule 299.4902(2) of Part 115 discusses the requirements for such a demonstration.

### **Construction Permit**

Rule 299.4902 of Part 115 discusses the required elements of an administratively complete construction permit application. The application shall include, but is not limited to: a completed construction permit application form, construction permit application fees as specified by Part 115 of Act 451, an environmental assessment that contains information specified in Rule 299.4903, a hydrogeological report that is in compliance with Rule 299.4904, a hydrogeological monitoring plan that is in compliance with Rule 299.4905, topographic maps that are in compliance with Rule 299.4909, engineering plans and engineering reports as specified in Rule 299.4910, operations plans as specified in Rule 299.4911, the construction quality assurance plans specified in Rule 299.4916, and a demonstration of consistency with the county solid waste management plan, as discussed above.

You may download a copy of a form entitled "Checklist for Administrative Completeness for Solid Waste Landfill Construction Permit Packet" from the Department web site at [www.michigan.gov/deq](http://www.michigan.gov/deq). The Department uses this form during the review of the construction permit application for administrative completeness. The completed form must be submitted with the construction permit application. The proper use of the form



greatly expedites the administrative completeness review time. It is also a useful tool for your preparation of the application, and increases the likelihood of your submitting an administratively complete application.

**Location Restrictions**

The type III landfill location restrictions are discussed in Rule 299.4305 of Part 115. Horizontal isolation distances from property lines, roadways, water bodies, water supply wells, airports, and residences are specified. You must confirm that your landfill meets the location restrictions in the current Part 115 rules.

[address any site specific concerns and applicable rule].

**Hydrogeological Study and Groundwater Monitoring Program**

Rules 299.4904 and 299.4905 of Part 115 specify the requirements of the hydrogeological report and monitoring plan.

[address any site specific concerns or comments on work plans here]

**Access**

You will need to confirm that the route used to access your proposed landfill is or will be over all-season roads and that the governmental unit with jurisdiction over those roads has approved their use as a landfill access route.

**Additional Permits**

Additional permits may be required by State and local authorities. Examples of these include a soil and sedimentation control permit, a National Pollutant Discharge Elimination System storm water permit, a wetlands and/or Inland Lakes and Streams permit and local permits. The wetlands permit, if necessary, must be obtained prior to the issuance of a construction permit.

If you have any questions regarding this letter, the application process, or Act 451 and the Part 115 rules, please feel free to contact me at the [district name] District Office. [Contact information, if necessary]

Sincerely,

[staff name]  
[title]  
Office of Waste Management and Radiological  
Protection  
[telephone]