



GRETCHEN WHITMER
GOVERNOR


STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



DANIEL EICHINGER
ACTING DIRECTOR

VIA EMAIL

TO: Governor Gretchen Whitmer
Members of the Michigan Legislature

FROM: Daniel Eichinger, Acting Director 

DATE: March 13, 2023

SUBJECT: Report on Activities Funded by the Staff Account of the Solid Waste Management Fund

In accordance with Subsection 11550(6) of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, attached is the Department of Environment, Great Lakes, and Energy's (EGLE) Report on Activities Funded by the Staff Account of the Solid Waste Management Fund for fiscal year 2022.

If you need further information, please contact Elizabeth M. Browne, Director, Materials Management Division, at 517-242-2746; or you may contact me at 517-512-5992.

Attachment

cc/att: Kathryn Summers, Director, Senate Fiscal Agency
Mary Ann Cleary, Director, House Fiscal Agency
Christopher M. Harkins, Director, State Budget Office
JoAnne Huls, Chief of Staff, Governor's Office
Curtis Hertel Jr., Director of Legislative Affairs, Governor's Office
Marc Rehmann, Policy Director, Governor's Office
Chris Semrinec, Senate Fiscal Agency
Austin Scott, House Fiscal Agency
Jacques McNeely, State Budget Office
Zach Hendrix, State Budget Office
Aaron B. Keatley, Chief Deputy Director, EGLE
Travis Boeskool, Legislative Liaison, EGLE
Paul McDonald, EGLE
Dale Shaw, EGLE
Elizabeth M. Browne, EGLE
Tracy Kecskemeti, EGLE
Alexandra Clark, EGLE
Rhonda S. Oyer, EGLE
Phil Roycraft, EGLE
Kathy Tetzlaff, EGLE
Jeff Spencer, EGLE
Margie Ring, EGLE



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Legislative Report

REPORT ON ACTIVITIES FUNDED BY THE STAFF ACCOUNT OF THE SOLID WASTE MANAGEMENT FUND

Report Period:

October 1, 2021 – September 30, 2022

Authority:

Subsection 11550(6) of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended

Subsection 11550(6) of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), states in part:

By March 1 annually, the department shall prepare and submit to the governor, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the activities of the previous fiscal year funded by the staff account of the solid waste management fund....

Following is the information as outlined in Subsections 11550(6)(a) through (i):

(a) Full-Time Equivalent (FTE) Positions:

Solid waste activities carried out by the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), in fiscal year (FY) 2022, were conducted by 33 FTEs. These positions included: permitting, licensing, compliance, and enforcement staff, such as geologists, engineers, and environmental quality analysts; district supervisors; and MMD management and administrative support staff.

(b) Construction Permit Application Decisions:

Four construction permit applications were pending at the beginning of FY 2022.

- (1) During FY 2022, eight applications for permits to establish or expand solid waste disposal facilities were received.
- (2) A total of seven applications were determined to be administratively complete; one application was determined to be administratively incomplete. Also, five applications were approved, and one applicant voluntarily withdrew their application. There were zero applications denied. At the end of FY 2022, there were three applications pending a decision.
- (3) Of the applications that were determined to be administratively complete, 57 percent were decided upon within 120 days of being determined to be administratively complete, as required by Section 11511 of Part 115.¹ Three applicants requested and were granted an extension to the 120-day processing period.

¹ The processing deadline is specified in Subsection 1307(1) of Part 13, Permits, of the NREPA, which requires that EGLE approve or deny an application for a construction permit under Section 11509 by the 120-day processing deadline, unless a deadline extension is requested by the applicant.

CONSTRUCTION PERMIT APPLICATIONS	
Pending Applications as of October 1, 2021	4
Number of New Applications Received	8
Number of Applications Administratively Incomplete	1
Number of Applications Withdrawn	1
Number of Permits Issued	4
Number of Applications Denied	0
Number of Pending Applications as of September 30, 2022	5
Percent of Decisions Made on Time	100%

(c) Operating License Applications Received Under Section 11512 of Part 115:

At the beginning of FY 2022, 15 operating license applications were pending a decision.

- (1) During FY 2022, 25 applications for new or renewal licenses to operate solid waste disposal facilities were received.
- (2) A total of 25 applications were determined to be administratively complete. There were four applications determined to be administratively incomplete; however, they were resubmitted as complete during FY 2022. A total of 24 applications were approved, no applicant withdrew their application, and one license application was denied. At the end of FY 2022, there were 13 applications pending a decision.
- (3) Of the license applications that were determined to be administratively complete in FY 2022, 76 percent were decided upon within 90 days of being determined to be administratively complete, as required by Section 11516 of Part 115.² Six applicants requested and were granted extensions to the 90-day processing period.

OPERATING LICENSE APPLICATIONS	
Pending Applications as of October 1, 2021	3
Number of New Applications Received	25
Number of Applications Administratively Incomplete	4
Number of Applications Withdrawn	0
Number of Licenses Issued	24
Number of Applications Denied	1
Number of Pending Applications as of September 30, 2022	13
Percent of Decisions Made on Time	100%

² The processing deadline is specified in Subsection 1307(1) of Part 13, Permits, of the NREPA, which requires that EGLE approve or deny an application for an operating license under Section 11512 by the 90-day processing deadline, unless a deadline extension is requested by the applicant.

(d) Number of Inspections of Licensed Disposal Areas as Required by Section 11519 of Part 115:

During FY 2022, 393 inspections of licensed disposal areas were conducted.³

(e) Number of Violation Notices (VNs)⁴ Sent to Licensed Disposal Areas:

During FY 2022, 44 VNs were sent to licensed disposal areas.⁵

(f) Number of Contested Case Hearings Initiated in FY 2022: Zero.

Number of Contested Case Hearings Completed in FY 2022: Zero.

Number of Civil Actions Initiated in FY 2022: One.

Number of Civil Actions Completed in FY 2022: One. A Consent Judgment between EGLE and Arbor Hills Landfill, Inc., was entered by Ingham County Circuit Court in March 2022 to resolve violations of Part 115 and Part 55, Air Pollution Control, of the NREPA, specified in the lawsuit filed by the Department of Attorney General on behalf of EGLE in October 2020.

Number of Voluntary Consent Orders and Administrative Orders Entered or Issued in FY 2022: Five.

Amount of Fines and Penalties Collected in FY 2022 Through Such Actions or Orders: \$257,885.30⁶.

(g) Description of Corrective Actions Required by Enforcement Actions:

- (1) Southeastern Oakland County Resource Recovery Authority (SOCRRA) – Troy Transfer Facility; 991 Coolidge Highway, Royal Oak, Michigan:

On November 9, 2021, the MMD entered into an Administrative Consent Order (MMD Order No. 115-04-2021) with SOCRRA, for the Troy Transfer Facility. The

³ A total of 501 compliance inspections were conducted in FY 2022. However, 393 are reported here because Subsection 11550(6)(e) only requires the number of inspections at licensed disposal areas. The remaining 108 inspections were conducted either at sites of illegal operations or at Type B solid waste transfer facilities that are authorized to operate by the statute but are not required to have an operating license.

⁴ VNs include written communications from EGLE that give notice of noncompliance with Part 115, such as Compliance Communications and Notices of Violation.

⁵ A total of 55 VNs were issued in FY 2022. However, 44 are reported here because Subsection 11550 (6)(e) only requires the number of VNs sent to licensed disposal areas. The remaining 11 VNs were sent either to owners or to operators of disposal areas that are not required to have an operating license, or to owners or operators of sites determined to be illegal operations. A Type B solid waste transfer facility is an example of a solid waste disposal area that is not required to have a license to legally operate. Although these disposal areas are not licensed, they are inspected for compliance with the operational requirements of Part 115 and the administrative rules promulgated pursuant to Part 115 (Part 115 Rules). The number of VNs sent in FY 2022 may encompass some inspections made in the last quarter of FY 2021.

⁶ A total of \$82,330.80 in penalties were issued through Administrative Orders during FY 2022, and a total of \$80,330.80 was collected during the fiscal year due to installation payments for one or more respondents. A total monetary penalty amount of \$355,109 was collected as a result of the settlement with Arbor Hills Landfill, Inc., and is split between the MMD and Air Quality Division.

enforcement action resulted from failure to maintain and operate the Transfer Facility in accordance with the Part 115 Rules. SOCRRA paid a penalty of \$9,943.20.

- (2) Tay-Ban Corporation – Taymouth Landfill; 4532 East Rathbun Road, Birch Run, Michigan:

On February 11, 2022, the MMD entered into an Administrative Consent Order (MMD Order No. 115-01-2022) with Tay-Ban Corporation. The enforcement action resulted from Tay-Ban’s failure to maintain the Taymouth Landfill in accordance with Part 115 and the Part 115 Rules. Tay-Ban paid a penalty of \$39,202.

- (3) Michigan Environs, Inc.; W6214 Elmwood Road, Menominee, Michigan:

On March 2, 2022, the MMD entered into a Fast-Track Consent Order (MMD Order No. FTO-115-02-2022) with Michigan Environs, Inc. The enforcement action resulted from Michigan Environ, Inc.’s failure to prohibit hazardous waste from entering the Type II landfill. Michigan Environs, Inc., paid a penalty of \$2,700.

- (4) Ever-Green Landfill and Recycling Center, LLC (Ever-Green); 15963 Highway M-38, Ontonagon, Michigan:

On March 30, 2022, the MMD entered into an Administrative Consent Order (MMD Order No. 115-03-2022) with Ever-Green. The enforcement action resulted from Ever-Green’s failure to operate in accordance with the requirements of Part 115, the Part 115 Operating License, and approved plans for the landfill. Ever-Green was issued a penalty of \$8,435.60.

- (5) Tusk MI LLC doing business as Modern Waste Systems; 7219 Brooklyn Road, Napoleon, Michigan:

On April 8, 2022, the MMD entered into a Fast-Track Consent Order (MMD Order No. FTO-115-04-2022) with Tusk MI LLC. The enforcement action resulted from Tusk MI LLC’s failure to obtain an operating license prior to operating the solid waste transfer facility. Tusk MI LLC was issued a penalty of \$22,050.

(h) Number of Solid Waste Complaints Received, Investigated, Resolved, and Not Resolved by EGLE:

During FY 2022, EGLE received 105 solid waste complaints, 56 of which were investigated via inspections. The remaining 49 complaints were resolved by the following: contacting the parties involved; referral to other EGLE divisions, offices, or other agencies; or are still under investigation.

(i) Amount of Revenue Remaining in the Staff Account at the End of FY 2022:

The amount of revenue in the Solid Waste Management Fund Staff Account at the end of FY 2022 was \$5,068,791.