



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




GRETCHEN WHITMER
 GOVERNOR

LIESL EICHLER CLARK
 DIRECTOR

VIA E-MAIL

TO: Governor Gretchen Whitmer
 Members of the Michigan Legislature

FROM: Liesl Eichler Clark, Director 

DATE: March 31, 2022

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 2021.

If you need further information, please contact Elizabeth M. Browne, Director, Materials Management Division, at 517-284-6551; 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
 Chris Harkins, Director, State Budget Office
 JoAnne Huls, Chief of Staff, Governor's Office
 George W. Cook, III, Legislative Affairs Director, Governor's Office
 Marc Rehmann, Policy Director, Governor's Office
 Ben Dawson, 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
 Amy Epkey, Senior Deputy Director, EGLE
 Travis Boeskool, Legislative Liaison, EGLE
 Paul McDonald, EGLE
 Dale Shaw, EGLE
 Elizabeth M. Browne, EGLE
 Tracy Kecskemeti, EGLE
 Robert Jackson, EGLE
 Alexandra Clark, EGLE
 Lonnie Lee, EGLE
 Rhonda S. Oyer, 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, 2020 – September 30, 2021

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) 2021 were conducted by 38 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:

Two construction permit applications were pending at the beginning of FY 2021.

- (1) During FY 2021, five applications for permits to establish or expand solid waste disposal facilities were received.
- (2) A total of five applications were determined to be administratively complete. There were no applications determined to be administratively incomplete. Also, three applications were approved, and one applicant voluntarily withdrew their application. There were zero applications denied. At the end of FY 2021, there were three applications pending a decision.
- (3) Of the applications that were determined to be administratively complete, 50 percent were decided upon within 120 days of being determined to be administratively complete, as required by Section 11511 of Part 115.¹ Two 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, 2020	2
Number of New Applications Received	5
Number of Applications Administratively Incomplete	0
Number of Applications Withdrawn	1
Number of Permits Issued	3
Number of Applications Denied	0
Number of Pending Applications as of September 30, 2021	3
Percent of Decisions Made on Time	100%

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

At the beginning of FY 2021, 15 operating license applications were pending a decision.

- (1) During FY 2021, 40 applications for new or renewal licenses to operate solid waste disposal facilities were received.
- (2) A total of 40 applications were determined to be administratively complete. There were two applications determined to be administratively incomplete; however, they were resubmitted as complete during FY 2021. A total of 38 applications were approved, one applicant withdrew their application, and one license application was denied. At the end of FY 2021, there were 13 applications pending a decision.
- (3) Of the license applications that were determined to be administratively complete in FY 2021, 95 percent were decided upon within 90 days of being determined to be administratively complete, as required by Section 11516 of Part 115.² Two applicants requested and were granted extensions to the 90-day processing period.

OPERATING LICENSE APPLICATIONS	
Pending Applications as of October 1, 2020	15
Number of New Applications Received	40
Number of Applications Administratively Incomplete	0
Number of Applications Withdrawn	1
Number of Licenses Issued	38
Number of Applications Denied	1
Number of Pending Applications as of September 30, 2021	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 2021, 444 inspections of licensed disposal areas were conducted.³

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

During FY 2021, 40 VNs were sent to licensed disposal areas.⁵

(f) Number of Contested Case Hearings Initiated in FY 2021: Zero.

Number of Contested Case Hearings Completed in FY 2021: Zero.

Number of Civil Actions Initiated in FY 2021: One.

Number of Civil Actions Completed in FY 2021: One – Detroit Renewable Power, LLC: Part 115 was not included in the initial complaint when the suit was filed, but Part 115 requirements were incorporated into the final Consent Judgment entered on January 27, 2021.

Number of Voluntary Consent Orders and Administrative Orders Entered or Issued in FY 2021: Four.

Amount of Fines and Penalties Collected in FY 2021 Through Such Actions or Orders: \$57,270.90.

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

- (1) Southeastern Oakland County Resource Recovery Authority (SOCRRA) – Madison Heights Transfer Facility; 29470 John R. Road, Madison Heights, Oakland County, Michigan:

On October 10, 2020, the MMD entered into an Administrative Consent Order (MMD Order No. 115-06-2020) with SOCRRA for the Madison Heights Transfer Facility. The enforcement action resulted from failure to maintain and operate the Transfer Facility in accordance with the Part 115 Rules. SOCRRA paid a penalty of \$9,027.

³ A total of 823 compliance inspections were conducted in FY 2021. However, 444 are reported here because Subsection 11550(6)(e) only requires the number of inspections at licensed disposal areas. The remaining 379 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 46 VNs were issued in FY 2021. However, 40 are reported here because Subsection 11550 (6)(e) only requires the number of VNs sent to licensed disposal areas. The remaining 6 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 2021 may encompass some inspections made in the last quarter of FY 2020.

- (2) City of Detroit Department of Public Works (Detroit DPW) – Southfield Yard Transfer Station; 12315 Southfield Road, Detroit, Wayne County, Michigan:

On June 6, 2021, the MMD entered into an Administrative Consent Order (MMD Order No. 115-01-2021) with Detroit DPW. The enforcement action resulted from Detroit DPW's failure to maintain and operate the Transfer Facility in accordance with the Part 115 Rules. Detroit DPW paid a penalty of \$10,413.90.

- (3) Waste Recovery Systems, Inc. (WRS); 5003 Clyde Park Avenue SW, Grand Rapids, Michigan:

On June 29, 2021, the MMD entered into a Fast-Track Consent Order (MMD Order No. FTO-115-02-2021) with WRS. The enforcement action resulted from WRS's operation of a solid waste processing facility without first obtaining a Part 115 permit and license. WRS paid a penalty of \$7,950.

- (4) Liberty Environmentalists, Inc., Landfill (LEL); 7900 Meridian Road, Clarklake, Michigan:

On August 24, 2021, the MMD entered into an Administrative Consent Order (MMD Order No. 115-03-2021) with LEL. The enforcement action resulted from LEL's failure to complete new cell construction in accordance with the Part 115 permit and Part 115 Rules. LEL paid a penalty of \$29,880.

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

During FY 2021, EGLE received 83 solid waste complaints, 54 of which were investigated via inspections. The remaining 29 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 2021:

The amount of revenue in the Solid Waste Management Fund Staff Account at the end of FY 2021 was \$5,066,430.