

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

OPERATIONAL MEMO - 115-2

December 17, 1998

TO: All Waste Management Division Supervisors
FROM: Jim Sygo, Chief, Waste Management Division
SUBJECT: Advisory Analysis

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

Before the submission of a construction permit application 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 is outlined in Rule 901. This rule states the following:

The purpose of the advisory analysis before application is made for a landfill construction permit pursuant to the provision of Section 11(l) [now 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 hydrogeological study or other work that is required to complete a construction permit application.

The procedure by which a certified Health Department is to conduct an advisory analysis is further outlined in Rule 203(1)(a):

At the request of an applicant, [the 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 R 299.4503. A copy of the advisory analysis shall be provided to the Department of Environmental Quality. Nothing in the advisory analysis shall be considered to constitute an approval or denial for a construction permit or operating license.¹

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 of Environmental Quality 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 memo. 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. The analysis does not entail substantial review of hydrogeological data or proposed engineering plans.
5. It is not necessary that the proposed project first be included in the county solid waste management plan 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 plan before a construction permit can be approved.
6. Every attempt shall be made to complete the advisory analysis within 15 working days of the request.
7. All advisory analyses shall be completed in the form of a letter to the person requesting the analysis and signed by the District staff who completed the analysis.

¹ NOTE: The above rule citation includes a reference to Rule 299.4503. This is an error, and the correct rule should be R 299.4901.