

SUBSTITUTE FOR
HOUSE BILL NO. 4047

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 11511c; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11511C. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 PART, AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
3 DEPARTMENT SHALL REJECT ANY APPLICATION FOR A PERMIT TO CONSTRUCT A
4 LANDFILL SUBMITTED AFTER MARCH 1, 2007 AND BEFORE THE EFFECTIVE
5 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, AND SHALL NOT
6 ACCEPT AN APPLICATION FOR A PERMIT TO CONSTRUCT A LANDFILL
7 SUBMITTED ON OR AFTER THAT EFFECTIVE DATE AND BEFORE OCTOBER 1,
8 2012.

9 (2) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
10 PERMIT FOR A DESIGN MODIFICATION TO AN EXISTING LANDFILL IF THE
11 MODIFICATION DOES NOT RESULT IN A NET INCREASE IN REMAINING

1 DISPOSAL CAPACITY CALCULATED AS PROVIDED UNDER SECTION 11507A.

2 (3) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
3 PERMIT TO CONSTRUCT AN EXPANSION TO AN EXISTING LANDFILL IF THE
4 APPLICANT DEMONSTRATES THAT THE LANDFILL HAS LESS THAN 3 YEARS OF
5 REMAINING DISPOSAL CAPACITY CALCULATED AS PROVIDED UNDER SECTION
6 11507A AND THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS
7 PART. A PERMIT ISSUED UNDER THIS SUBSECTION SHALL PROVIDE NOT MORE
8 THAN A TOTAL OF 8 YEARS OF REMAINING DISPOSAL CAPACITY WHEN ADDED
9 TO THE REMAINING DISPOSAL CAPACITY EXISTING PRIOR TO ISSUANCE OF
10 THE PERMIT. THE AMOUNT OF TIME OF REMAINING DISPOSAL CAPACITY SHALL
11 BE CALCULATED BASED ON THE AVERAGE OF THE 3 PRIOR YEARS OF WASTE
12 RECEIPT AS REPORTED UNDER SECTION 11507A.

13 (4) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
14 PERMIT TO CONSTRUCT A LANDFILL IDENTIFIED IN A COUNTY SOLID WASTE
15 MANAGEMENT PLAN AS OF MARCH 1, 2007 AS AN EXPANSION OF THE SOLE
16 LANDFILL AVAILABLE FOR PUBLIC WASTE DISPOSAL IN THE SELECTED SYSTEM
17 IF THE APPLICANT DEMONSTRATES THAT THE LANDFILL HAS LESS THAN 3
18 YEARS OF REMAINING DISPOSAL CAPACITY CALCULATED AS PROVIDED UNDER
19 SECTION 11507A, THE LANDFILL IS LOCATED ON A SITE IN THE COUNTY FOR
20 WHICH IT IS IDENTIFIED, EXPANSION ON THE SITE IS NOT FEASIBLE,
21 CONSTRUCTION OCCURS ON PROPERTY ADJACENT TO THE CURRENT LANDFILL
22 SITE, AND THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS
23 PART. A PERMIT ISSUED UNDER THIS SUBSECTION SHALL PROVIDE NOT MORE
24 THAN A TOTAL OF 8 YEARS OF REMAINING DISPOSAL CAPACITY WHEN ADDED
25 TO THE REMAINING DISPOSAL CAPACITY EXISTING PRIOR TO ISSUANCE OF
26 THE PERMIT. THE AMOUNT OF TIME OF REMAINING DISPOSAL CAPACITY SHALL
27 BE CALCULATED BASED ON THE AVERAGE OF THE 3 PRIOR YEARS OF WASTE

House Bill No. 4047 (H-1) as amended May 3, 2007

1 RECEIPT AS REPORTED UNDER SECTION 11507A.

[(5) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A PERMIT TO
CONSTRUCT AN EXPANSION TO AN EXISTING LANDFILL IF THE EXPANSION WAS
IDENTIFIED AS PART OF A CONSENT ORDER ENTERED BY THE DEPARTMENT BEFORE
THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND IF
THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS PART.

2 (6)] THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A

3 PERMIT TO CONSTRUCT A TYPE III LANDFILL THAT IS A CAPTIVE FACILITY

4 IF THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS PART.

[(7) IF ANY PORTION OF THIS ACT OR THE APPLICATION THEREOF TO ANY
PERSON OR CIRCUMSTANCES SHALL BE FOUND TO BE INVALID BY A COURT, SUCH
INVALIDITY SHALL NOT AFFECT THE REMAINING PORTIONS OR APPLICATIONS OF
THIS ACT WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PORTION OR
APPLICATION, PROVIDED SUCH REMAINING PORTIONS ARE NOT DETERMINED BY THE
COURT TO BE INOPERABLE.

5 (8)] AS USED IN THIS SECTION, "CAPTIVE FACILITY" MEANS THAT

6 TERM AS DEFINED IN SECTION 11525A.

[(9) NO LANDFILL IN THE STATE OF MICHIGAN SHALL ACCEPT WASTE
GENERATED IN CANADA.

7 (10)] THIS SECTION IS REPEALED EFFECTIVE OCTOBER 1, 2012.