

# HOUSE BILL No. 4047

January 22, 2007, Introduced by Reps. Ebli, Angerer, Hopgood, Byrum, Corriveau, Kathleen Law, Valentine, Simpson, Byrnes, Alma Smith, Vagnozzi, Espinoza, Brown, Hammel, Bauer, McDowell, Hammon, Condino, Hood, Griffin, Spade, Dean, Melton, Sheltroun, Gonzales, Donigan and Young and referred to the Committee on Great Lakes and Environment.

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 DECEMBER 31, 2005 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 JANUARY 1,  
8 2012.

9           (2) THE DEPARTMENT MAY ISSUE A PERMIT FOR A DESIGN

1 MODIFICATION TO AN EXISTING LANDFILL IF THE MODIFICATION DOES NOT  
2 RESULT IN A NET INCREASE IN REMAINING DISPOSAL CAPACITY CALCULATED  
3 AS PROVIDED UNDER SECTION 11507A.

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

15 (4) THE DEPARTMENT MAY ISSUE A PERMIT TO CONSTRUCT A TYPE III  
16 LANDFILL THAT IS A CAPTIVE FACILITY IF THE APPLICATION OTHERWISE  
17 MEETS THE REQUIREMENTS OF THIS PART.

18 (5) AS USED IN THIS SECTION, "CAPTIVE FACILITY" MEANS THAT  
19 TERM AS DEFINED IN SECTION 11525A.

20 (6) THIS SECTION IS REPEALED EFFECTIVE JANUARY 1, 2012.