A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding subpart 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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SUBPART 11 MATERIALS MANAGEMENT PLANS

Sec. 11571. (1) The department shall ensure that each county
has an approved materials management plan. The approved solid waste
management plan in effect on the effective date of the amendatory
act that added this section remains in effect until a materials
management plan has been approved for the planning area under this
subpart.

(2) The planning area of a single MMP may include 2 or more counties if the county boards of commissioners for those counties agree to the joint exercise of their powers and performance of their duties under this subpart and to the joint performance by the counties of the duties of the county approval agency. In addition, if the department is responsible for preparing the MMP for 2 or more counties under section 11575, the department may include those counties in the planning area of a single MMP and may exercise its powers and perform its duties under this subpart for those counties jointly.

(3) Multicounty MMPs are subject to the same procedure for approval as single-county MMPs, and each county board of commissioners shall take formal action on a multicounty MMP as appropriate. A multicounty MMP shall include a process to ensure that the requirements of section 11578 are met.

(4) All of the municipalities of a county shall be included in the planning area of a single MMP. However, a municipality located in 2 counties that are not in the same planning area may request that the entire municipality be included in the planning area for 1 of those counties and excluded from the planning area of the other county. A municipality that is adjacent to a county boundary may request that it be included in the planning area of the MMP for the adjacent county. A request under this subsection shall be submitted to and is subject to the approval of the county board of commissioners of each of the affected counties. If a county board of commissioners fails to approve a request under this subsection within 90 days after the request is submitted to the county board, the municipality making the request may appeal to the department.
The department shall issue a decision on the appeal within 45 days after the appeal is filed with the department. The decision of the department is final.

(5) Within 180 days after the effective date of the amendatory act that added this section, the department shall, in writing, request the county board of commissioners of each county to submit to the department a notice of intent to prepare an MMP. Within 180 days after the request is delivered, the county board of commissioners shall submit the notice of intent. If the county board of commissioners declines to prepare an MMP, all of the following apply:

(a) The county board of commissioners shall notify the municipalities in the county and the regional planning agency for the county of its decision.

(b) All the municipalities in the county, acting jointly, or the regional planning agency may, within the remaining balance of the 180-day time period applicable to the county board of commissioners, submit to the department a notice of intent to prepare an MMP.

(c) Upon request of the municipalities or regional planning agency, the department may extend the deadline under subdivision (b) to allow the municipalities and regional planning agency an opportunity to determine which will submit the notice of intent.

(6) If a notice of intent is not submitted to the department by the applicable deadline under subsection (5), the department may prepare an MMP for the county, subject to section 11575(11).

(7) A notice of intent under subsection (5) shall meet both of the following requirements:

(a) State that the county board of commissioners, all the
municipalities in the county, acting jointly, or the regional planning agency for the county, whichever submits a notice of intent under subsection (5), will prepare an MMP and will be the county approving agency.

(b) Be accompanied by documentation evidencing that the county consulted with adjacent counties regarding the feasibility of preparing a multicounty MMP pursuant to the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, and documentation of the outcome of the consultations, including a copy of any interlocal agreement identifying the process for creating a multicounty MMP.

(8) The submittal of a notice of intent under subsection (5) commences the running of a 3-year deadline for municipal approval of the MMP and submission of the MMP to the department under section 11575.

(9) Not more than 30 days after the submission of a notice of intent to the department under subsection (5), the CAA shall do all of the following:

(a) Submit a copy of the notice of intent to the legislative body of each municipality located within the planning area.

(b) Publish the notice of intent in a newspaper of general circulation in the planning area.

(c) Publish the notice of intent on websites of local units of government in the planning area and other multimedia outlets as appropriate.

(10) The CAA shall also do all of the following:

(a) Within 120 days after submitting the notice of intent, designate a planning agency and an individual within the DPA who shall serve as the DPA's contact person for the purposes of this
subpart.

(b) Appoint a planning committee under section 11572.

(c) Oversee the creation and implementation of the DPA's work program under section 11587(4).

(d) Upon request of the department, submit a report on progress in the preparation of the MMP.

(11) All submittals and notices under this section and sections 11572 to 11576 shall be in writing. A written notice may be given by electronic mail if the recipient has indicated by electronic mail that the recipient will receive notice by electronic mail at the electronic mail address to which the notice is sent.

Sec. 11572. (1) Within 120 days after the CAA submits a notice of intent to the department under section 11571, the CAA shall appoint a planning committee. The planning committee is a permanent body. Initial planning committee members shall be appointed for 5-year terms. Their immediate successors shall be appointed for 2-, 3-, 4-, or 5-year terms such that, as nearly as possible, the same number are appointed for each term length. Subsequently, members shall be appointed for terms of 5 years. A member may be reappointed.

(2) If a vacancy occurs on the planning committee, the CAA shall make an appointment for the unexpired term in the same manner as the original appointment. The CAA may remove a member of the planning committee for incompetence, dereliction of duty, or malfeasance, misfeasance, or nonfeasance in office.

(3) The first meeting of the planning committee shall be called by the designated planning agency. At the first meeting, the planning committee shall elect from among its members a chairperson
and other officers as it considers necessary or appropriate. A majority of the members of the planning committee constitute a quorum for the transaction of business at a meeting of the planning committee. The affirmative vote of a majority of the members appointed is required for official action of the planning committee. However, planning committee approval of an MMP requires the affirmative vote of a majority of the full planning committee, without regard to vacancies. A planning committee shall adopt procedures for the conduct of its business.

(4) Except as otherwise provided in this section, a planning committee shall consist of the following members:

(a) A solid waste disposal facility operator that provides services in the planning area.

(b) A representative of a hauler of managed material that provides services in the planning area.

(c) A materials recovery facility operator that provides services in the planning area.

(d) A compost or other organics facility operator that provides services in the planning area.

(e) A waste diversion, reuse, or reduction facility operator that provides services in the planning area.

(f) A representative of an environmental interest group that has members residing in the planning area.

(g) An elected official of the county.

(h) An elected official of a township in the planning area.

(i) An elected official of a city or village in the planning area.

(j) An individual who generates a managed material in the planning area.
(k) A representative of the regional planning agency whose
territory includes the planning area.

(5) The CAA may appoint to the planning committee 1 additional
representative that does business in or resides in an adjacent
community outside the planning area.

(6) CAAs preparing a multicounty MMP under section 11571 shall
appoint a single planning committee. For each county, both of the
following additional members may be appointed to the planning
committee:

(a) An elected official of the county or a municipality in the
planning area.

(b) A representative from a business that generates managed
materials within the planning area.

(7) If, during the MMP development or amendment process, a
solid waste landfill is proposed to be developed in the planning
area within 2 miles of a municipality in this state that is located
adjacent to the planning area, or if a solid waste processing and
transfer facility or materials utilization facility is proposed to
be developed in the planning area within 1 mile of such a
municipality, the CAA shall notify the adjacent municipality in
writing. If requested by the adjacent municipality, the CAA shall
appoint to the planning committee an additional member
representative of the adjacent municipality to serve as a regular
planning committee member.

(8) If the CAA has difficulty finding qualified individuals to
serve on the planning committee, the department may approve a
reduction in the number of members of the planning committee.
However, at a minimum, the planning committee shall include all of
the following members:
(a) A representative of the solid waste disposal industry providing services in the planning area.

(b) A representative of a materials utilization facility providing services in the planning area.

(c) Two representatives of environmental interest groups that have members residing in the planning area or the regional planning agency.

(d) An elected official of the county.

(e) An elected official of a township in the planning area.

(f) An elected official of a city or village in the planning area.

Sec. 11573. In addition to its other responsibilities under part 115, the planning committee shall do all of the following:

(a) Direct the DPA in the preparation of the MMP.

(b) Review and approve the DPA's work program under section 11587(4).

(c) Identify relevant local materials management policies and priorities.

(d) Ensure coordination in the preparation of the MMP.

(e) Advise counties and municipalities with respect to the MMP.

(f) Ensure that the DPA is fulfilling all of the requirements of part 115 as to both the content of the MMP and public participation. The planning committee shall notify the DPA of any deficiencies. If the deficiencies are not addressed by the DPA to the planning committee's satisfaction, the planning committee shall notify the CAA. If the deficiencies are not addressed by the CAA to the planning committee's satisfaction, the planning committee shall notify the department. The department shall address the
deficiencies and may prepare the MMP under section 11575(11).

Sec. 11574. (1) In addition to its other responsibilities under part 115, a DPA shall do all of the following:

(a) Serve as the primary government resource in the planning area for information about the MMP and the MMP development process.

(b) Under the direction of the planning committee, prepare an MMP.

(c) During the preparation of an MMP, solicit the advice of and consult with all of the following:

\( (i) \) Periodically, the municipalities, appropriate organizations, and the private sector, including materials management facility operators, in the planning area.

\( (ii) \) The appropriate county or regional planning agency.

\( (iii) \) Counties and municipalities, in adjacent counties, that may be significantly affected by the MMP.

(d) Not less than 10 days before each public meeting at which the DPA will discuss the MMP, give notice of the meeting to the chief elected official of each municipality within the planning area and any other person within the planning area that requests notice. The notice shall indicate as precisely as possible the subject matter being discussed.

(e) Obtain written approval of the MMP from the planning committee.

(f) Submit a copy of the MMP as approved by the planning committee to all of the following with a notice specifying the end of the public comment period under subdivision (h):

\( (i) \) The department.

\( (ii) \) Each municipality within the planning area.

\( (iii) \) Counties and municipalities adjacent to the planning area.
that may be significantly affected by the MMP or that have requested the opportunity to review the MMP.

(iii) The regional planning agency for each county included in the planning area.

(g) Publish a notice in a newspaper or by electronic media having major circulation or viewership in the planning area. The notice shall indicate a location where copies of the proposed MMP are available for public inspection or copying at cost, specify the end of the public comment period under subdivision (h), and solicit public comment.

(h) Receive public comments on the MMP for not less than 60 days after the publication of the notice under subdivision (g).

(i) During the public comment period under subdivision (h), conduct a public hearing on the MMP. The planning committee shall publish a notice for not less than 30 days before the hearing in a newspaper or by electronic media having major circulation or viewership in the planning area. The notice shall indicate a location where copies of the proposed MMP are available for public inspection or copying at cost and shall indicate the time and place of the public hearing. The same notice may be used to satisfy the requirements of this subdivision and subdivision (g). The planning committee shall submit to the department proof of notice publication under this subdivision and subdivision (g).

(j) Submit to the planning committee a summary of the comments received during the public comment period.

(2) The DPA, or the department if the department prepares an MMP, shall use a standard format in preparing the MMP. The department shall prepare the standard format and provide a copy of the standard format to each DPA that the department knows will
prepare an MMP. The department shall provide the standard format to any other person upon request.

(3) The planning committee shall consider the comment summary received from the DPA under subsection (1)(j) and may direct the DPA to revise the MMP. The DPA shall revise the MMP as directed by the planning committee. Not more than 30 days after the end of the public comment period, the DPA shall submit the proposed MMP, as revised, if applicable, to the planning committee.

(4) Not more than 30 days after the MMP is submitted to the planning committee under subsection (3), the planning committee shall take formal action on the MMP and, if the planning committee approves the MMP in compliance with section 11572(3), the DPA shall submit the MMP to the CAA.

Sec. 11575. (1) Not more than 60 days after the MMP is submitted to the CAA under section 11574(4), the CAA shall approve or reject the MMP and notify the planning committee. A notice that the CAA rejects the MMP shall include the specific reasons in writing for the rejection.

(2) Not more than 30 days after notice of the rejection of the MMP is sent under subsection (1), the planning committee may revise the MMP and submit the revised MMP to the CAA. After a revised MMP is timely submitted to the CAA under this subsection or the 30-day period expires and a revised MMP is not submitted, the CAA shall approve or reject the revised MMP or original MMP, respectively, and notify the planning committee.

(3) If the CAA rejects the MMP under subsection (2), the CAA shall prepare and approve an MMP, subject to the continued running of the 3-year period under section 11571(8).

(4) Not more than 10 business days after the CAA approves an
MMP under subsection (1), (2), or (3), the DPA shall submit a copy of the MMP to the legislative body of each municipality located within the planning area.

(5) Not more than 120 days after the MMP is submitted to the legislative body of a municipality, the legislative body may approve or reject the MMP. The legislative body shall notify the DPA of an approval or rejection.

(6) Within 30 days after the deadline for municipal notification to the DPA under subsection (5), the DPA shall notify the department which municipalities timely approved the MMP, which timely rejected the MMP, and which did not timely notify the DPA of approval or rejection. The notice shall be accompanied by a copy of the MMP. If the MMP is not approved by at least 2/3 of the municipalities that timely notify the DPA of their approval or rejection under subsection (5), then the department shall proceed under subsection (7) or (9). If the MMP is approved by at least 2/3 of the municipalities that timely notify the DPA of their approval or rejection under subsection (5), then subsection (9) applies.

(7) The department may approve an extension of a deadline under subsections (2) to (6) if the extension is requested by the entity subject to the deadline within a reasonable time after the issues giving rise to the need for an extension arise.

(8) If the MMP is neither approved nor rejected by a deadline established in this subpart, subject to any extension under subsection (7), the MMP is considered automatically approved at that step in the approval process, and the approval process shall continue at the next step. This subsection does not apply to failure of an individual municipality to approve or disapprove the MMP under subsection (5).
(9) Within 180 days after the MMP is submitted to the department under subsection (6), the department shall approve or reject the MMP. The department shall approve the MMP if the MMP complies with part 115. If the department approves the MMP, the MMP is final. If the department rejects the MMP, subsection (11) applies.

(10) Before approving or rejecting an MMP under subsection (9), the department may return the MMP to the CAA with a written request for modifications necessary for approval under subsection (9) or to clarify the MMP. If the department returns the MMP for modifications, the running of the 180-day period is tolled for 90 days or until the CAA responds to the department's request, whichever occurs first. If the CAA does not approve the modifications requested by the department, subsection (11) applies.

(11) Subject to subsection (9), if a CAA does not prepare an MMP or the MMP does not timely obtain an approval required by part 115, the department may prepare and approve an MMP for the county. An MMP prepared and approved by the department is final. Once the MMP is final, the county shall implement the MMP.

Sec. 11576. (1) Amendments to an MMP shall be made only as provided in subsection (2), (3), or (4).

(2) The department shall initiate the adoption of 1 or more amendments to an MMP if the department determines that the guidance provided by legislation, by this state's solid waste policy, or by reports and initiatives of the department has significantly changed the required contents of an MMP or if as a result of changes in conditions in the planning area the MMP no longer complies with the requirements of part 115. The procedure for adopting amendments to the MMP under this subsection is the same as the procedure for
adoption of an initial MMP.

(3) The CAA may initiate 1 or more amendments by filing a notice of intent with the department. Except as provided in subsection (4), the procedure for adopting an amendment is the same as the procedure for adoption of an initial MMP except as follows:

(a) The county submits a notice of intent on its own initiative rather than in response to a request from the department under section 11571.

(b) If the CAA rejects a revised amendment under section 11575(2), the amendment process terminates.

(c) Section 11575(11) does not apply. Instead, if any required approval is not timely granted, the amendment process terminates and the amendments are not adopted.

(4) If, after a notice of intent is filed under subsection (3), the department determines that the amendment will increase materials utilization or the recovery of managed material and complies with part 115, the department may authorize the CAA to amend the MMP by simply submitting the amendment to the department in writing. The department shall provide the CAA with written approval of the submitted amendment.

(5) A county shall keep its MMP current. The following changes do not require an amendment if made in a supplement to the MMP provided for by the department under section 11574(2) for the purpose of changes not requiring an amendment:

(a) Transportation infrastructure.

(b) Population density.

(c) Materials management facility inventory.

(d) Local ordinances that do not control the development of a materials management facility and that minimally control the
operation of the materials management facility, such as ordinances addressing landscaping, screening, and other ancillary construction details; hours of operation; operating records and reporting requirements; noise, litter, odor, dust, and other site nuisances; and facility security and safety.

(6) Changes made without amendment under subsection (5) shall be incorporated in the next amendment made under subsection (2) or (3).

(7) By every fifth anniversary date of the approval of the initial MMP, the CAA shall do both of the following:

(a) Complete an MMP review. The purpose of the review is to ensure that the MMP complies with part 115 and to evaluate the progress that has been made in meeting the MMP’s materials management goals, including the benchmark recycling standard.

(b) Submit to the department 1 of the following, as appropriate:

(i) A notice of intent to prepare an MMP amendment.

(ii) A statement indicating that an amendment is not needed to advance the materials management goals.

(8) The department may review an MMP periodically and determine if any amendments are necessary to comply with part 115. If the department determines that an amendment is necessary, all of the following apply:

(a) The department, after notice and opportunity for a public hearing held pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may withdraw approval of the MMP or the noncompliant portion of the MMP.

(b) The department shall establish a schedule for compliance with part 115.
(c) If the planning area does not amend its MMP within the schedule established under subdivision (b), the department shall amend the MMP to address the deficiencies.

Sec. 11577. The goals of an MMP are all of the following:
(a) To prevent adverse effects on the public health or the environment resulting from improper materials management collection, processing, recovery, or disposal, including protection of surface water and groundwater, air, and land.
(b) To sustainably manage materials in a way that benefits the economy, communities, and the environment.
(c) To ensure that all managed material generated in the planning area is collected and recovered, processed, or disposed at materials management facilities that comply with state statutes and rules or managed appropriately at out-of-state facilities.

Sec. 11578. An MMP shall meet all of the following requirements:
(a) Include measurable, objective, and specific goals for the planning area for solid waste diversion from disposal areas, including, but not limited to, the municipal solid waste recycling rate goal under section 11507, the benchmark recycling standard, and the material utilization and reduction activities identified by the MMP.
(b) Include an implementation strategy for the county to demonstrate progress toward or meet the materials management goals by the time of the 5-year MMP review under section 11576(7). The implementation strategy shall include, but is not limited to, all of the following:
(i) How progress will be made to reduce the amount of organic material being disposed of through food waste reduction,
composting, and anaerobic digestion.

(ii) How progress will be made to reduce the amount of recyclable materials being disposed of through increased recycling, including expanding convenient access and recycling at single and multifamily dwellings, businesses, and institutions.

(iii) A process whereby each of a planning area's materials utilization facilities are evaluated based on information contained in reports submitted to the department on an annual basis.

(iv) A description of the resources needed for meeting the materials management goals and how the development of necessary materials utilization facilities and activities will be promoted.

(v) A description of how the benchmark recycling standards will be met.

(vi) A timetable for implementation.

(c) Identify by type and tonnage all managed material generated in the planning area, to determine the planning area's managed material capacity need and all managed material that is included in the planning area's materials management goals. Amounts of material may be estimated using a formula provided by the department.

(d) Require that a proposed materials management facility meet the requirements of part 115 and be consistent with the materials management goals.

(e) To the extent practicable, identify and evaluate current and planned materials management infrastructure and systems that contribute or will contribute to meeting the goal under section 11577(c) and other options to meet that goal.

(f) Include an inventory of the names and addresses of all of the following, subject to subdivision (g):
(i) Existing disposal areas.

(ii) Materials utilization facilities that meet both of the following requirements:

(A) Are in operation on the effective date of the amendatory act that added this section.

(B) On the effective date of the amendatory act that added this section, comply with part 115 or, within 1 year after that date, are in the process of becoming compliant.

(iii) Waste diversion centers for which notification has been given to the department under section 11521b.

(g) Include a materials management facility in the inventory under subdivision (f) only if the owner or operator of the facility has submitted to the county a written acknowledgment indicating that the owner or operator is aware of the proposed inclusion of the facility in the MMP relative to the materials capacity needs identified in subdivision (c) and that the facility has the indicated capacity to manage the materials identified under subdivision (h). The MMP shall include a statement that the owner or operator of each facility listed in the MMP has submitted such an acknowledgment to the county. If the submitted acknowledgments do not document sufficient capacity for disposal or utilization of the identified managed materials to reach the MMP's materials management capacity requirements, including the materials management goals, the MMP shall identify specific strategies, including a schedule and approach to develop and fund capacity.

(h) Describe the facilities inventoried pursuant to subdivision (f), including a summary of the deficiencies, if any, of the facilities in meeting current materials management needs. The description shall, at a minimum, include all of the following
information:

(i) The facility latitude and longitude.

(ii) The estimated facility acreage.

(iii) A description of the materials managed.

(iv) The processes for handling materials at the facility.

(v) The total authorized capacity of the facility.

(i) Ensure that the materials management facilities that are identified as necessary to be sited can be developed in compliance with state law pertaining to protection of the public health and the environment, considering the available land in the planning area and the technical feasibility of, and economic costs associated with, the facilities.

(j) Include an enforceable mechanism to meet the goal of section 11577(c) and otherwise implement the MMP, and identify the party responsible to ensure compliance with part 115. The MMP may contain a mechanism for the county and municipalities in the planning area to assist the department and the department of state police in conducting the inspection program established in section 11526(2) and (3). This subdivision does not preclude the private sector's participation in providing materials management services consistent with the MMP for the planning area.

(k) Calculate the municipal solid waste recycling rate for the planning area.

(l) Describe relevant transportation infrastructure.

(m) Include current and projected population densities and identify population centers and centers of managed materials generation in the planning area, using a formula provided by the department, to demonstrate that the capacity required for managed material is met.
(n) Describe the mechanisms by which municipalities in the planning area will ensure convenient recycling access, such as assignment of the responsibility to the county or an authority, franchise agreements, intergovernmental agreements, municipal services, hauler licensing under an ordinance, or public-private partnership.

(o) Allow a county or a municipality within the planning area, at its discretion, to require haulers operating in its jurisdiction to provide a minimum level of recycling service.

(p) Identify the DPA and the entity or entities responsible for each of the following and document the appropriateness of the DPA and other identified entities to carry out their respective responsibilities:

(i) Implementing the benchmark recycling standards access requirements.

(ii) Identifying the materials utilization framework and the achievement of the materials management goals.

(iii) Otherwise monitoring, implementing, and enforcing the MMP and providing any required reports to the department.

(iv) Administering the funding mechanisms identified in section 11581 that will be used to implement the MMP.

(v) Ensuring compliance with part 115.

This state may serve as a responsible party under this subdivision on behalf of a municipality if the municipality is under a financial consent order or in receivership.

(q) With respect to education and outreach for residents and businesses in the planning area, do both of the following:

(i) Provide a strategic plan that identifies roles, responsibilities, funding sources, and methods for persons
providing the education and outreach services.

(ii) Describe the county or regional role in providing recycling education, including a website, telephone number, and sample recycling guide that will be provided to residents and businesses.

(r) Include a siting process under section 11579 and a copy of any ordinance, law, rule, or regulation of a municipality, county, or governmental authority within the planning area that applies to the siting process.

(s) Take into consideration the MMPs of counties adjacent to the planning area as they relate to the planning area's needs.

(t) Provide for all of the following with respect to any municipality that includes or is located within 2 miles of a proposed solid waste landfill development or expansion that would require a new construction permit or includes or is located within 1 mile of a solid waste processing and transfer facility or materials utilization facility:

(i) Notification of the municipality.

(ii) An opportunity for the municipality to comment on the landfill development or expansion of the solid waste processing and transfer facility or materials utilization facility.

(iii) A requirement that the materials management facility developer and the planning committee address, to the extent practicable, each concern identified by the municipality. The county shall document compliance with this subdivision, if applicable.

(u) Document all opportunities for participation and involvement of the public, all affected agencies and parties, and the private sector in the preparation of the MMP.
Sec. 11579. (1) An MMP shall include a siting process with a set of minimum criteria for the purposes of section 11585(3). (2) A materials utilization facility need not be sited if the CAA demonstrates to the department that the planning area has available capacity sufficient to address the managed materials identified by the MMP as being generated in the planning area. (3) The siting process shall not include siting criteria more restrictive than state law if a materials utilization facility could not be developed anywhere in the planning area under those criteria.

Sec. 11580. (1) In addition to the other requirements of part 115, if the county board of commissioners, municipalities, and regional planning agency do not timely submit a notice of intent to prepare an MMP and the department prepares an MMP as authorized under section 11571, the MMP prepared by the department shall comply with all of the following: (a) Automatically find all materials utilization facilities or solid waste processing and transfer facilities that are exempt from permit and license requirements, that comply with local zoning requirements, and that have been included in the MMP to be consistent with the MMP. (b) Not allow approval of additional solid waste landfill disposal capacity unless the county board of commissioners has made the demonstration required under section 11509(9). (c) Require all haulers serving the planning area to provide recycling access consistent with the benchmark recycling standards. (2) If the department prepares an MMP, the MMP need not contain a requirement for a proposed materials management facility to meet additional siting criteria or obtain host community
Sec. 11581. (1) In addition to the materials management planning grants under section 11587, a municipality or county may utilize any of the following mechanisms, as applicable, to fund implementation of an MMP:

(a) A millage under 1917 PA 298, MCL 123.261.
(b) A municipal utility service fee.
(c) Special assessments under 1957 PA 185, MCL 123.731 to 123.786; 1954 PA 188, MCL 41.721 to 41.738; or 1923 PA 116, MCL 41.411 to 41.419.
(d) A service provider franchise agreement.
(e) Hauler licensing fees.
(f) A voter-approved millage.
(g) A general fund appropriation.
(h) Supplemental fees for service.
(i) A surcharge under section 8a of the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.508a.
(j) A landfill surcharge.
(k) A flow control fee structure.
(l) Any other lawful mechanism.

(2) Appropriate uses for funding described in subsection (1) may include, but are not limited to, the following:

(a) Recycling programs.
(b) Organic materials management.
(c) Education and outreach regarding recycling and materials utilization.
(d) Relevant market development.
(e) Materials reduction and reuse initiatives.

Sec. 11582. (1) The CAA shall certify to the department the
CAA's progress toward meeting all components of its materials management goals. The first certification shall be submitted by the first June 30 that is more than 2 years after the department's approval of the initial MMP or MMP amendment. Subsequent certifications shall be submitted by June 30 every 2 years after the first certification.

(2) If a county does not make progress toward meeting its benchmark recycling standards and ultimately the municipal solid waste recycling rate goal under section 11507, the county is ineligible for assistance from the growing recycling access and voluntary participation program under section 11550(9) until both of the following requirements are met:

(a) The county adopts an ordinance or other enforceable mechanism to ensure that any solid waste hauler providing curbside solid waste hauling service also offers curbside recycling service to dwellings of 4 or fewer units in the planning area.

(b) Any remaining deficiencies in a county's progress toward meeting its materials management goals are addressed.

Sec. 11583. An ordinance, law, rule, regulation, policy, or practice of a municipality, county, or governmental authority created by statute that conflicts with part 115 is not enforceable if either of the following applies:

(a) It prohibits development of a materials management facility and is not incorporated by reference in the MMP for the county.

(b) It violates section 207 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3207, with respect to a materials management facility.

Sec. 11584. (1) A county, municipality, authority, or regional
planning agency that owns or operates a materials management facility may adopt requirements controlling the flow of solid waste or managed material to the materials management facility, to the extent allowed by the interstate commerce clause, clause 3 of section 8 of article I of the Constitution of the United States.

(2) The county board of commissioners may ensure that the necessary materials management authorizations or fees or any other regulatory ordinances or agreements needed to achieve the materials management goals are in effect.

(3) The department shall do all of the following:

(a) Maintain a database for materials management facilities to report to the department certain information required under part 115, as determined by the department.

(b) Provide materials management facilities with instructions necessary to add information to the database.

(c) Provide CAAs access to information in the database.

Sec. 11585. (1) If a disposal area that does not require a license or permit under part 115 or a materials utilization facility is proposed to be located in a local unit of government that has a zoning ordinance, the disposal area or materials utilization facility is consistent with the MMP if it complies with the zoning ordinance and the owner or operator of the proposed disposal area or materials utilization facility presents documentation to the department and the CAA from the local unit of government exercising zoning authority demonstrating that the disposal area complies with local zoning.

(2) A disposal area or materials utilization facility is automatically consistent with the MMP if the specific facility or type of facility is identified in the MMP as being automatically
consistent.

(3) A materials management facility that is not automatically consistent with the MMP is considered consistent if, as determined by the CAA or other entity specified by the MMP and by the department, all of the following requirements are met:

(a) The MMP authorizes that type of materials management facility to be sited by following the siting procedure and meeting the minimum siting criteria included in the MMP under section 11579 or the facility is a captive type III landfill and both of the following apply:

(i) The landfill accepts only waste generated by the owner or operator of the landfill.

(ii) The landfill met local land use requirements when initially sited.

(b) The materials management facility follows the siting procedure and meets minimum siting criteria in the MMP.

(c) The materials management facility meets either of the following requirements:

(i) Has host community approval.

(ii) Meets any supplemental siting criteria in the MMP for materials management facilities that do not have host community approval.

(4) The CAA or other entity specified by the MMP shall promptly notify the owner or operator of the materials management facility in writing of its determination under subsection (3) whether the materials management facility is consistent with the MMP.

(5) The department shall determine whether a materials management facility is consistent with the MMP through an
independent evaluation as part of the review process for an application for a registration, for approval under a general permit, or for a construction permit or operating license. The applicant for a permit for a materials management facility shall include in the application documentation of the facility's consistency with the MMP.

(6) A landfill, other than a captive type III landfill, or a municipal solid waste incinerator need not be sited if the CAA demonstrates to the department through its materials management plan that the planning area has at least 66 months of available solid waste disposal capacity.

(7) An existing captive type III coal ash landfill or existing captive coal ash impoundment, or both, is considered consistent with and included in the MMP if the disposal area continues to accept waste generated only by the owner of the disposal area and meets any of the following requirements:

(a) Was issued a construction permit and licensed for operation under this part.

(b) Met local land use law requirements when initially sited or constructed.

(8) A coal ash impoundment permitted, licensed, or otherwise in existence on the date of approval of the solid waste management plan for the planning area where the coal ash impoundment is located shall be considered to be consistent with the plan and included in the plan.

Sec. 11586. (1) The state solid waste management plan consists of the state solid waste plan and all MMPs approved by the department.

(2) The department shall consult and assist in the preparation
(3) The department may undertake or contract for studies or reports necessary or useful in the preparation of the state solid waste management plan.

(4) The department shall promote policies that encourage resource recovery and establishment of materials utilization facilities.

Sec. 11587. (1) Subject to appropriations, a materials management planning grant program is established to provide grants, to be known as materials management planning grants, to county boards of commissioners for the use of CAAs. If a county board of commissioners is not the CAA, the county board of commissioners shall make awarded grant money available to the CAA within 60 days after receipt. The department may promulgate rules for the implementation of the grant program. Grant funds shall be awarded pursuant to a grant agreement. If the department prepares the MMP, grant funds appropriated for local planning may be used by the department for MMP preparation.

(2) Grants shall be used for administrative costs for preparing, implementing, and maintaining an MMP, including, but not limited to, the following:

(a) Development of a work program as described in subsection (4)(b) and R 299.4704 and R 299.4705 of the Michigan Administrative Code, including a prior work program.

(b) Initial MMP development and MMP amendments.

(c) Ensuring public participation.

(d) Determining whether new materials management facilities are consistent with the MMP.

(e) Costs to collect and submit data for the database utilized
by the department for materials management facility reporting purposes and costs to evaluate data housed in the database for the
planning area.
   (f) Recycling education and outreach.
   (g) Recycling and materials utilization programs.
   (h) Preparation of required reports to the department.
   (i) MMP implementation.
   (3) Materials management planning grants shall cover 100% of eligible costs up to the authorized maximum amount as specified by rule.
   (4) In the first year of the grant program, the initial round of grants shall be awarded for a 3-year period and paid in installments as specified in the grant agreement. To be eligible for a grant in the first year, the CAA must do both of the following:
      (a) Submit a notice of intent to prepare an MMP under section 11571.
      (b) Within 120 days after submitting the notice of intent to prepare an MMP, submit to and obtain department approval of a work program for preparing the MMP. The work program shall be prepared by the DPA and reviewed and approved by the planning committee. The work program shall describe the activities for developing and implementing the MMP and associated costs to be covered by the county and the grant.
   (5) The amount of a grant in the initial round shall equal the sum of the following:
      (a) $60,000.00 for each county in the planning area.
      (b) $0.50 for each resident of the planning area, up to 600,000 residents.
(c) An additional $10,000.00 for each county in the planning area if the planning area includes more than 1 county.

(6) Annual grants shall be awarded for each year after expiration of the 3-year grants under subsection (4). To be eligible for an annual grant, the county must have an approved work program under subsection (4) or an approved MMP. The amount of an annual grant to the CAA shall equal the sum of the following, as applicable:

(a) $60,000.00 for each county in the planning area.
(b) An additional $10,000.00 for each county in the planning area if the planning area includes more than 1 county and the CAAs were responsible for preparing the MMP.

(7) A grantee under this section shall keep records, subject to audit, documenting use of the grant for MMP development and implementation.

(8) For the purpose of determining the number of counties in a planning area under this section, the inclusion or exclusion of a municipality under section 11571(4) shall not be considered.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) Senate Bill No.____ or House Bill No.5812(request no. 06084'20 *).
(b) Senate Bill No.____ or House Bill No.5813 (request no. 06085'20 *).
(c) Senate Bill No.____ or House Bill No.5814(request no. 06086'20 *).
(d) Senate Bill No.____ or House Bill No.5815 (request no. 06087'20 *).
(e) Senate Bill No.____ or House Bill No.5816 (request no. 06088'20 *).