

Act No. 227  
Public Acts of 1995  
Approved by the Governor  
December 13, 1995  
Filed with the Secretary of State  
December 14, 1995

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1995**

Introduced by Senator Bouchard

# **ENROLLED SENATE BILL No. 756**

AN ACT to amend section 5502 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," being section 324.5502 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 5502 of Act No. 451 of the Public Acts of 1994, being section 324.5502 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 5502. (1) Except as provided in subsection (2), the department shall not issue a permit to install or an operating permit to a municipal solid waste incinerator unless the municipal solid waste incinerator is located at least 1,000 feet from all of the following:

- (a) Any residential dwelling.
- (b) A public or private elementary or secondary school.
- (c) A preschool facility for infants or children.
- (d) A hospital.
- (e) A nursing home.

(2) Subsection (1) does not apply to a municipal solid waste incinerator that existed prior to June 15, 1993, or to the modification; alteration; expansion, including, but not limited to, the addition of 1 or more combustion units and any accompanying features or fixtures; or retrofit of such a municipal solid waste incinerator after June 15, 1993, regardless of whether the activity requires a permit.

(3) For the purposes of this section, a municipal solid waste incinerator existed prior to June 15, 1993 if it was issued a permit to operate or a permit to install for installation, construction, modification, alteration, or retrofit prior to June 15, 1993, unless it was denied a permit to operate prior to June 15, 1993. A municipal solid waste incinerator also existed prior to June 15, 1993 if it is located at a geographical site at which 1 or more incinerator units incinerated waste during the 6 months prior to June 15, 1993.

(4) The department shall review and study the issue of municipal solid waste siting setbacks from structures listed in subsection (1), and shall issue a report detailing findings and recommendations to the legislature within 2 years after the effective date of the amendatory act that requires the report. Every 6 months, until the report is completed, the

department shall report to the chairpersons of the house and senate standing committees of the legislature that primarily consider issues pertaining to natural resources and the environment regarding the progress of the report.

(5) Subsections (1), (2), and (3) apply only until December 15, 1999.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved -----

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Governor.

