

HOUSE BILL No. 4760

May 10, 2005, Introduced by Reps. Kehrl, Espinoza, McDowell, Miller, Kathleen Law, Alma Smith, Tobocman, Leland, Angerer, Clack, Zelenko, Condino, Meisner, Brown, Spade, Donigan, Anderson, Byrum, Lipsey, Murphy, Ball and Kolb and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11511a (MCL 324.11511a), as added by 2004 PA
38; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11511a. (1) Notwithstanding any other provision of this
2 part, and except as otherwise provided in this section, the
3 department shall not issue a permit to construct a landfill if the
4 administratively complete application for such permit was received
5 after January 1, 2004 and before January 1, ~~2006~~ 2010.

6 (2) The department may issue a permit for a design
7 modification to an existing landfill if the modification does not
8 result in a net increase in remaining disposal capacity as

1 calculated under section 11507a.

2 (3) The department may issue a permit to construct an
3 expansion to an existing landfill if the applicant demonstrates
4 that the landfill has less than ~~5~~ 3 years of remaining disposal
5 capacity as ~~defined in~~ **CALCULATED UNDER** section 11507a and the
6 application otherwise meets the requirements of this part. A permit
7 issued under this subsection shall provide not more than a total of
8 ~~10~~ 8 years of remaining disposal capacity when added to the
9 remaining disposal capacity existing prior to issuance of the
10 permit. The amount of time of remaining disposal capacity shall be
11 calculated based on the average of the 3 prior years of waste
12 receipt as reported under section 11507a.

13 (4) The department may issue a permit to construct a type III
14 landfill that is a captive facility ~~as defined in section~~
15 ~~11525a(10)~~ if the application otherwise meets the requirements of
16 this part.

17 ~~—— (5) The department may issue a permit to construct an~~
18 ~~expansion of an existing landfill if the expansion is authorized~~
19 ~~pursuant to a host community agreement in existence on the~~
20 ~~effective date of this section.~~

21 ~~—— (6) By January 1, 2005, the department shall submit to the~~
22 ~~legislature a report providing recommendations for amending the~~
23 ~~solid waste planning and disposal area siting provisions of this~~
24 ~~part. The report shall also recommend methods for securing~~
25 ~~reasonable and necessary regional and statewide disposal capacity~~
26 ~~considering the paramount public concern in the conservation of the~~
27 ~~natural resources of the state. The department shall prepare this~~

1 ~~report based on consultation with affected parties.~~

2 (5) ~~-(7)-~~ For purposes of this section:

3 (A) "CAPTIVE FACILITY" MEANS THAT TERM AS DEFINED IN SECTION
4 11525A.

5 (B) ~~-(a)-~~ "Existing landfill" means a landfill that was
6 licensed under this part to receive waste as of October 1, 2003.

7 (C) ~~-(b)-~~ "Host community agreement" means a written, legally
8 binding agreement, between the owner or operator of a landfill and
9 the county or municipality in which an expansion of that landfill
10 will be located, governing the operation, location, or development
11 of the landfill in that county or municipality.

12 (6) THIS SECTION IS REPEALED EFFECTIVE JANUARY 1, 2010.

13 Enacting section 1. Enacting section 1 of 2004 PA 38 is
14 repealed.