

SENATE BILL No. 392

May 24, 2011, Introduced by Senators KOWALL and CASPERSON and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11715 (MCL 324.11715), as amended by 2004 PA
381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11715. (1) This part does not preempt an ordinance of a
2 governmental unit that prohibits the application of septage waste
3 to land within that governmental unit or otherwise imposes stricter
4 requirements than this part.

5 (2) If a governmental unit requires that all septage waste
6 collected in that governmental unit be disposed of in a receiving
7 facility or prohibits, or effectively prohibits, the application of
8 septage waste to land within that governmental unit, the

1 governmental unit shall make available a receiving facility that
2 **MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

3 (A) THE RECEIVING FACILITY SERVICE AREA INCLUDES THE ENTIRE
4 GOVERNMENTAL UNIT.

5 (B) THE RECEIVING FACILITY can lawfully accept AND HAS THE
6 CAPACITY TO ACCEPT all septage waste generated within that
7 governmental unit that is not lawfully applied to land.

8 (C) IF THE RECEIVING FACILITY IS NOT OWNED BY THAT
9 GOVERNMENTAL UNIT, THE RECEIVING FACILITY IS REQUIRED BY CONTRACT
10 TO ACCEPT ALL SEPTAGE WASTE GENERATED WITHIN THAT GOVERNMENTAL UNIT
11 THAT IS NOT LAWFULLY APPLIED TO LAND.

12 (3) The owner or operator of a receiving facility may require
13 the posting of a surety, including cash in an escrow account or a
14 performance bond, not exceeding \$25,000.00 to dispose of septage
15 waste in the receiving facility.