

**SUBSTITUTE FOR  
HOUSE BILL NO. 5817**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding subpart 11 to part 115.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1 SUBPART 11 MATERIALS MANAGEMENT PLANS**

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

**8 (2) The planning area of a single MMP may include 2 or more**  
**9 counties if the county boards of commissioners for those counties**



1 agree to the joint exercise of their powers and performance of  
2 their duties under this subpart and to the joint performance by the  
3 counties of the duties of the county approval agency. In addition,  
4 if the department is responsible for preparing the MMP for 2 or  
5 more counties under section 11575, the department may include those  
6 counties in the planning area of a single MMP and may exercise its  
7 powers and perform its duties under this subpart for those counties  
8 jointly.

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

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



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

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

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

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

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

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

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



1 county approving agency.

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

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

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

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

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

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

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

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

28 (b) Appoint a planning committee under section 11572.

29 (c) Oversee the creation and implementation of the DPA's work



1 program under section 11587(4).

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

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

10 Sec. 11572. (1) Within 120 days after the CAA submits a notice  
11 of intent to the department under section 11571, the CAA shall  
12 appoint a planning committee. The planning committee is a permanent  
13 body. Initial planning committee members shall be appointed for 5-  
14 year terms. Their immediate successors shall be appointed for 2-,  
15 3-, 4-, or 5-year terms such that, as nearly as possible, the same  
16 number are appointed for each term length. Subsequently, members  
17 shall be appointed for terms of 5 years. A member may be  
18 reappointed.

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

24 (3) The first meeting of the planning committee shall be  
25 called by the designated planning agency. At the first meeting, the  
26 planning committee shall elect from among its members a chairperson  
27 and other officers as it considers necessary or appropriate. A  
28 majority of the members of the planning committee constitute a  
29 quorum for the transaction of business at a meeting of the planning



1 committee. The affirmative vote of a majority of the members  
 2 appointed is required for official action of the planning  
 3 committee. However, planning committee approval of an MMP requires  
 4 the affirmative vote of a majority of the full planning committee,  
 5 without regard to vacancies. A planning committee shall adopt  
 6 procedures for the conduct of its business.

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

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

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

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

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

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

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

21 (g) An elected official of the county.

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

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

25 (j) An individual who generates a managed material in the  
 26 planning area.

27 (k) A representative of the regional planning agency whose  
 28 territory includes the planning area.

29 (5) The CAA may appoint to the planning committee 1 additional



1 representative that does business in or resides in an adjacent  
2 community outside the planning area.

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

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

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

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

22 (8) If the CAA has difficulty finding qualified individuals to  
23 serve on the planning committee, the department may approve a  
24 reduction in the number of members of the planning committee.  
25 However, at a minimum, the planning committee shall include all of  
26 the following members:

27 (a) A representative of the solid waste disposal industry  
28 providing services in the planning area.

29 (b) A representative of a materials utilization facility



1 providing services in the planning area.

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

5 (d) An elected official of the county.

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

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

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

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

12 (b) Review and approve the DPA's work program under section  
13 11587(4).

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

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

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

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

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





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

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

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

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

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

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

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

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

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

24 (i) The department.

25 (ii) Each municipality within the planning area.

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

29 (iv) The regional planning agency for each county included in



1 the planning area.

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

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

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

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

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

29 (3) The planning committee shall consider the comment summary



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

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

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

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

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

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



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

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

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

20 (8) If the MMP is neither approved nor rejected by a deadline  
21 established in this subpart, subject to any extension under  
22 subsection (7), the MMP is considered automatically approved at  
23 that step in the approval process, and the approval process shall  
24 continue at the next step. This subsection does not apply to  
25 failure of an individual municipality to approve or disapprove the  
26 MMP under subsection (5).

27 (9) Within 180 days after the MMP is submitted to the  
28 department under subsection (6), the department shall approve or  
29 reject the MMP. The department shall approve the MMP if the MMP



1 complies with part 115. If the department approves the MMP, the MMP  
2 is final. If the department rejects the MMP, subsection (11)  
3 applies.

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

12 (11) Subject to subsection (9), if a CAA does not prepare an  
13 MMP or the MMP does not timely obtain an approval required by part  
14 115, the department may prepare and approve an MMP for the county.  
15 An MMP prepared and approved by the department is final. Once the  
16 MMP is final, the county shall implement the MMP.

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

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

28 (3) The CAA may initiate 1 or more amendments by filing a  
29 notice of intent with the department. Except as provided in



1 subsection (4), the procedure for adopting an amendment is the same  
2 as the procedure for adoption of an initial MMP except as follows:

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

6 (b) If the CAA rejects a revised amendment under section  
7 11575(2), the amendment process terminates.

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

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

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

22 (a) Transportation infrastructure.

23 (b) Population density.

24 (c) Materials management facility inventory.

25 (d) Local ordinances that do not control the development of a  
26 materials management facility and that minimally control the  
27 operation of the materials management facility, such as ordinances  
28 addressing landscaping, screening, and other ancillary construction  
29 details; hours of operation; operating records and reporting



1 requirements; noise, litter, odor, dust, and other site nuisances;  
2 and facility security and safety.

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

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

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

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

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

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

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

21 (a) The department, after notice and opportunity for a public  
22 hearing held pursuant to the administrative procedures act of 1969,  
23 1969 PA 306, MCL 24.201 to 24.328, may withdraw approval of the MMP  
24 or the noncompliant portion of the MMP.

25 (b) The department shall establish a schedule for compliance  
26 with part 115.

27 (c) If the planning area does not amend its MMP within the  
28 schedule established under subdivision (b), the department shall  
29 amend the MMP to address the deficiencies.



1           Sec. 11577. The goals of an MMP are all of the following:

2           (a) To prevent adverse effects on the public health or the  
3 environment resulting from improper materials management  
4 collection, processing, recovery, or disposal, including protection  
5 of surface water and groundwater, air, and land.

6           (b) To sustainably manage materials in a way that benefits the  
7 economy, communities, and the environment.

8           (c) To ensure that all managed material generated in the  
9 planning area is collected and recovered, processed, or disposed at  
10 materials management facilities that comply with state statutes and  
11 rules or managed appropriately at out-of-state facilities.

12           Sec. 11578. An MMP shall meet all of the following  
13 requirements:

14           (a) Include measurable, objective, and specific goals for the  
15 planning area for solid waste diversion from disposal areas,  
16 including, but not limited to, the municipal solid waste recycling  
17 rate goal under section 11507, the benchmark recycling standard,  
18 and the material utilization and reduction activities identified by  
19 the MMP.

20           (b) Include an implementation strategy for the county to  
21 demonstrate progress toward or meet the materials management goals  
22 by the time of the 5-year MMP review under section 11576(7). The  
23 implementation strategy shall include, but is not limited to, all  
24 of the following:

25           (i) How progress will be made to reduce the amount of organic  
26 material being disposed of through food waste reduction,  
27 composting, and anaerobic digestion.

28           (ii) How progress will be made to reduce the amount of  
29 recyclable materials being disposed of through increased recycling,





1 including expanding convenient access and recycling at single and  
2 multifamily dwellings, businesses, and institutions.

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

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

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

11 (vi) A timetable for implementation.

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

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

21 (e) To the extent practicable, identify and evaluate current  
22 and planned materials management infrastructure and systems that  
23 contribute or will contribute to meeting the goal under section  
24 11577(c) and other options to meet that goal.

25 (f) Include an inventory of the names and addresses of all of  
26 the following, subject to subdivision (g):

27 (i) Existing disposal areas.

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



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

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

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

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

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

28 (i) The facility latitude and longitude.

29 (ii) The estimated facility acreage.



1 (iii) A description of the materials managed.

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

3 (v) The total authorized capacity of the facility.

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

10 (j) Include an enforceable mechanism to meet the goal of  
11 section 11577(c) and otherwise implement the MMP, and identify the  
12 party responsible to ensure compliance with part 115. The MMP may  
13 contain a mechanism for the county and municipalities in the  
14 planning area to assist the department and the department of state  
15 police in conducting the inspection program established in section  
16 11526(2) and (3). This subdivision does not preclude the private  
17 sector's participation in providing materials management services  
18 consistent with the MMP for the planning area.

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

21 (l) Describe relevant transportation infrastructure.

22 (m) Include current and projected population densities and  
23 identify population centers and centers of managed materials  
24 generation in the planning area, using a formula provided by the  
25 department, to demonstrate that the capacity required for managed  
26 material is met.

27 (n) Describe the mechanisms by which municipalities in the  
28 planning area will ensure convenient recycling access, such as  
29 assignment of the responsibility to the county or an authority,



1 franchise agreements, intergovernmental agreements, municipal  
 2 services, hauler licensing under an ordinance, or public-private  
 3 partnership.

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

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

11 (i) Implementing the benchmark recycling standards access  
 12 requirements.

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

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

17 (iv) Administering the funding mechanisms identified in section  
 18 11581 that will be used to implement the MMP.

19 (v) Ensuring compliance with part 115.

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

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

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

28 (ii) Describe the county or regional role in providing  
 29 recycling education, including a website, telephone number, and



1 sample recycling guide that will be provided to residents and  
2 businesses.

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

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

9 (t) Provide for all of the following with respect to any  
10 municipality that includes or is located within 2 miles of a  
11 proposed solid waste landfill development or expansion that would  
12 require a new construction permit or includes or is located within  
13 1 mile of a solid waste processing and transfer facility or  
14 materials utilization facility:

15 (i) Notification of the municipality.

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

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

24 (u) Document all opportunities for participation and  
25 involvement of the public, all affected agencies and parties, and  
26 the private sector in the preparation of the MMP.

27 Sec. 11579. (1) An MMP shall include a siting process with a  
28 set of minimum criteria for the purposes of section 11585(3).

29 (2) A materials utilization facility need not be sited if the



1 CAA demonstrates to the department that the planning area has  
2 available capacity sufficient to address the managed materials  
3 identified by the MMP as being generated in the planning area.

4 (3) The siting process shall not include siting criteria more  
5 restrictive than state law if a materials utilization facility  
6 could not be developed anywhere in the planning area under those  
7 criteria.

8 Sec. 11580. (1) In addition to the other requirements of part  
9 115, if the county board of commissioners, municipalities, and  
10 regional planning agency do not timely submit a notice of intent to  
11 prepare an MMP and the department prepares an MMP as authorized  
12 under section 11571, the MMP prepared by the department shall  
13 comply with all of the following:

14 (a) Automatically find all materials utilization facilities or  
15 solid waste processing and transfer facilities that are exempt from  
16 permit and license requirements, that comply with local zoning  
17 requirements, and that have been included in the MMP to be  
18 consistent with the MMP.

19 (b) Not allow approval of additional solid waste landfill  
20 disposal capacity unless the county board of commissioners has made  
21 the demonstration required under section 11509(9).

22 (c) Require all haulers serving the planning area to provide  
23 recycling access consistent with the benchmark recycling standards.

24 (2) If the department prepares an MMP, the MMP need not  
25 contain a requirement for a proposed materials management facility  
26 to meet additional siting criteria or obtain host community  
27 approval under section 11585(3)(c).

28 Sec. 11581. (1) In addition to the materials management  
29 planning grants under section 11587, a municipality or county may



1 utilize any of the following mechanisms, as applicable, to fund  
2 implementation of an MMP:

3 (a) A millage under 1917 PA 298, MCL 123.261.

4 (b) A municipal utility service fee.

5 (c) Special assessments under 1957 PA 185, MCL 123.731 to  
6 123.786; 1954 PA 188, MCL 41.721 to 41.738; or 1923 PA 116, MCL  
7 41.411 to 41.419.

8 (d) A service provider franchise agreement.

9 (e) Hauler licensing fees.

10 (f) A voter-approved millage.

11 (g) A general fund appropriation.

12 (h) Supplemental fees for service.

13 (i) A surcharge under section 8a of the urban cooperation act  
14 of 1967, 1967 (Ex Sess) PA 7, MCL 124.508a.

15 (j) A landfill surcharge.

16 (k) A flow control fee structure.

17 (l) Any other lawful mechanism.

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

20 (a) Recycling programs.

21 (b) Organic materials management.

22 (c) Education and outreach regarding recycling and materials  
23 utilization.

24 (d) Relevant market development.

25 (e) Materials reduction and reuse initiatives.

26 Sec. 11582. (1) The CAA shall certify to the department the  
27 CAA's progress toward meeting all components of its materials  
28 management goals. The first certification shall be submitted by the  
29 first June 30 that is more than 2 years after the department's



1 approval of the initial MMP or MMP amendment. Subsequent  
2 certifications shall be submitted by June 30 every 2 years after  
3 the first certification.

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

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

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

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

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

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

26 Sec. 11584. (1) A county, municipality, authority, or regional  
27 planning agency that owns or operates a materials management  
28 facility may adopt requirements controlling the flow of solid waste  
29 or managed material to the materials management facility, to the





1 extent allowed by the interstate commerce clause, clause 3 of  
2 section 8 of article I of the Constitution of the United States.

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

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

8 (a) Maintain a database for materials management facilities to  
9 report to the department certain information required under part  
10 115, as determined by the department.

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

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

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

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

28 (3) A materials management facility that is not automatically  
29 consistent with the MMP is considered consistent if, as determined



1 by the CAA or other entity specified by the MMP and by the  
2 department, all of the following requirements are met:

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

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

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

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

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

16 (i) Has host community approval.

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

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

25 (5) The department shall determine whether a materials  
26 management facility is consistent with the MMP through an  
27 independent evaluation as part of the review process for an  
28 application for a registration, for approval under a general  
29 permit, or for a construction permit or operating license. The



1 applicant for a permit for a materials management facility shall  
2 include in the application documentation of the facility's  
3 consistency with the MMP.

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

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

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

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

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

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

26 (2) The department shall consult and assist in the preparation  
27 and implementation of MMPs.

28 (3) The department may undertake or contract for studies or  
29 reports necessary or useful in the preparation of the state solid



1 waste management plan.

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

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

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

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

22 (b) Initial MMP development and MMP amendments.

23 (c) Ensuring public participation.

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

26 (e) Costs to collect and submit data for the database utilized  
27 by the department for materials management facility reporting  
28 purposes and costs to evaluate data housed in the database for the  
29 planning area.



1 (f) Recycling education and outreach.

2 (g) Recycling and materials utilization programs.

3 (h) Preparation of required reports to the department.

4 (i) MMP implementation.

5 (3) Materials management planning grants shall cover 100% of  
6 eligible costs up to the authorized maximum amount as specified by  
7 rule.

8 (4) In the first year of the grant program, the initial round  
9 of grants shall be awarded for a 3-year period and paid in  
10 installments as specified in the grant agreement. To be eligible  
11 for a grant in the first year, the CAA must do both of the  
12 following:

13 (a) Submit a notice of intent to prepare an MMP under section  
14 11571.

15 (b) Within 120 days after submitting the notice of intent to  
16 prepare an MMP, submit to and obtain department approval of a work  
17 program for preparing the MMP. The work program shall be prepared  
18 by the DPA and reviewed and approved by the planning committee. The  
19 work program shall describe the activities for developing and  
20 implementing the MMP and associated costs to be covered by the  
21 county and the grant.

22 (5) The amount of a grant in the initial round shall equal the  
23 sum of the following:

24 (a) \$60,000.00 for each county in the planning area.

25 (b) \$0.50 for each resident of the planning area, up to  
26 600,000 residents.

27 (c) An additional \$10,000.00 for each county in the planning  
28 area if the planning area includes more than 1 county.

29 (6) Annual grants shall be awarded for each year after



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

6 (a) \$60,000.00 for each county in the planning area.

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

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

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

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

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

21 (a) House Bill No. 5812.

22 (b) House Bill No. 5813.

23 (c) House Bill No. 5814.

24 (d) House Bill No. 5815.

25 (e) House Bill No. 5816.

