



HOUSE BILL No. 4268

February 1, 1995, Introduced by Rep. Nye and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 25 of Act No. 641 of the Public Acts of 1978, entitled as amended "Solid waste management act," as amended by Act No. 153 of the Public Acts of 1994, being section 299.425 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 25 of Act No. 641 of the Public Acts of
2 1978, as amended by Act No. 153 of the Public Acts of 1994, being
3 section 299.425 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 25. (1) ~~Each~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
6 EACH solid waste management plan shall include an enforceable
7 program and process to assure that the nonhazardous solid waste
8 generated or to be generated in the planning area for a period of
9 10 years or more is collected and recovered, processed, or

1 disposed of at disposal areas which comply with state law and
2 rules promulgated by the department governing location, design,
3 and operation of the disposal areas.

4 (2) An initial solid waste management plan shall be prepared
5 and approved under this section and shall be submitted to the
6 director not later than January 5, 1984. Following submittal of
7 the initial plan, the solid waste management plan shall be
8 reviewed and updated every 5 years. An updated plan and an
9 amendment to a plan shall be prepared and approved as provided in
10 sections 25, 26, 27, 28, 29, and 29a. The solid waste management
11 plan shall encompass all municipalities within the county. The
12 solid waste management plan shall at a minimum comply with the
13 requirements of sections 29a and 30. The solid waste management
14 plan shall take into consideration solid waste management plans
15 in contiguous counties and existing local approved solid waste
16 management plans as they relate to the county's needs. At a min-
17 imum, a county preparing a solid waste management plan shall con-
18 sult with the regional planning agency from the beginning to the
19 completion of the plan. BEGINNING ON THE EFFECTIVE DATE OF THE
20 1995 AMENDATORY ACT THAT ADDED THIS SENTENCE, AN UPDATED SOLID
21 WASTE MANAGEMENT PLAN THAT IS IN THE PROCESS OF BEING OR IS PRE-
22 PARED UNDER THIS ACT SHALL INCLUDE A PLANNING PERIOD OF 5 YEARS.
23 HOWEVER, IF CONGRESS AUTHORIZES STATES TO LIMIT THE IMPORTATION
24 OF SOLID WASTE GENERATED OUTSIDE OF THE STATE, EACH UPDATE TO A
25 SOLID WASTE MANAGEMENT PLAN PREPARED UNDER THIS ACT AFTER THE
26 CONGRESSIONAL AUTHORIZATION SHALL INCLUDE A PLANNING PERIOD OF 10
27 YEARS.

1 (3) Not later than July 1, 1981, each county shall file with
2 the department and with each municipality within the county on a
3 form provided by the department, a notice of intent, indicating
4 the county's intent to prepare a county solid waste management
5 plan or to upgrade an existing plan. The notice shall identify
6 the designated agency which shall be responsible for preparing
7 the county solid waste management plan.

8 (4) If the county fails to file a notice of intent with the
9 department within the prescribed time, the department immediately
10 shall notify each municipality within the county and shall
11 request those municipalities to prepare the county solid waste
12 management plan and shall convene a meeting to discuss the plan
13 preparation. Within 4 months following notification by the
14 department, the municipalities shall decide by a majority vote of
15 the municipalities in the county whether or not to file a notice
16 of intent to prepare the county solid waste management plan.
17 Each municipality in the county shall have 1 vote. If a majority
18 does not agree, then a notice of intent shall not be filed. The
19 notice shall identify the designated agency which is responsible
20 for preparing the county solid waste management plan.

21 (5) If the municipalities fail to file a notice of intent to
22 prepare a county solid waste management plan with the department
23 within the prescribed time, the department shall request the
24 appropriate regional solid waste management planning agency to
25 prepare the county solid waste management plan. The regional
26 solid waste management planning agency shall respond within
27 90 days after the date of the request.

1 (6) If the regional solid waste management planning agency
2 declines to prepare a county solid waste management plan, the
3 department shall prepare the solid waste management plan for the
4 county and that plan shall be final.

5 (7) A solid waste management planning agency, upon request
6 of the department, shall submit a progress report in preparing
7 its solid waste management plan.