

5-YEAR MORATORIUM ON CERTAIN INCINERATORS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6541

Sponsor: Rep. Bert Johnson

Committee: Great Lakes and Environment

Complete to 12-9-08

A REVISED SUMMARY OF HOUSE BILL 6541 AS INTRODUCED 10-15-08

The bill would amend Part 55 (Air Pollution Control) of the Natural Resources and Environmental Protection Act, specifically Section 5504 (MCL 324.5504) which governs the issuance or renewal of operating permits for facilities that incinerate medical waste and authorizes the Department of Environmental Quality (DEQ) to promulgate rules regulating such facilities.

The bill would replace the current Section 5504 with one that would prohibit the DEQ from issuing a "permit to install" for any of the following during the five-year period beginning after January 1, 2009 and ending before January 1, 2014:

- A new "municipal waste combustor," as defined in federal law at 40 CFR 60.51b.
- A new "municipal waste combustion unit," as defined in 40 CFR 60.3078.
- A new incinerator that would burn "hospital waste," as defined in 40 CFR 60.51c, or "medical infectious waste," as defined in 40 CFR 60.51c, or any combination of those, in a quantity that amounts to least 10 percent by weight of the materials burned at the incinerator per calendar quarter.

"Municipal waste combustor" (also called MWC or municipal waste combustor unit) is defined in 40 CFR 60.51b (7-1-07 Edition) as "any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (i.e., steam generating units), furnaces, (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at a plastics/rubber recycling unit (as specified in §60.50b(m)). Municipal waste combustors do not include cement kilns firing municipal solid waste (as specified in §60.50b(p)). Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems."

"Municipal waste combustion unit" is defined in 40 CFR 60.3078 as "for the purpose of this subpart and subpart EEEE, any setting or equipment that combusts municipal solid waste (as defined in this subpart) including, but not limited to, field-erected, modular, cyclonic burn barrel, and custom built incineration units (with or without energy

recovery) operating with starved or excess air, boilers, furnaces, pyrolysis/combustion units, and air curtain incinerators (except those air curtain incinerators listed in §60.2994(b)).

"Hospital waste" is defined in 40 CFR 60.51c as "discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation."

"Medical/infectious waste" is defined in 40 CFR 60.51c as "any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in paragraphs (1) through (7) of this definition. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in part 261 of this chapter; household waste as defined in §261.4(b)(1) of this chapter; ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment [or cre]mation; and domestic sewage materials identified in §261.4(a)(1) of this chapter."

FISCAL IMPACT:

There would be an indeterminate reduction in Air Surveillance Fee revenue derived from the operating permits which would have been issued under current language in Section 5504. There would be no fiscal impact on local governmental units.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Kirk Lindquist

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