

HOUSE BILL No. 5633

January 17, 2008, Introduced by Rep. Gaffney and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 11511c; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11511C. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 PART, AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
3 DEPARTMENT SHALL REJECT ANY APPLICATION FOR A PERMIT TO CONSTRUCT A
4 LANDFILL SUBMITTED AFTER MARCH 1, 2007 AND BEFORE THE EFFECTIVE
5 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND SHALL NOT
6 ACCEPT AN APPLICATION FOR A PERMIT TO CONSTRUCT A LANDFILL
7 SUBMITTED ON OR AFTER THAT EFFECTIVE DATE AND BEFORE 6 YEARS AFTER

1 THAT EFFECTIVE DATE.

2 (2) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
3 PERMIT FOR A DESIGN MODIFICATION TO AN EXISTING LANDFILL IF THE
4 MODIFICATION DOES NOT RESULT IN A NET INCREASE IN REMAINING
5 DISPOSAL CAPACITY CALCULATED AS PROVIDED UNDER SECTION 11507A.

6 (3) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
7 PERMIT TO CONSTRUCT AN EXPANSION TO AN EXISTING LANDFILL IF THE
8 APPLICANT DEMONSTRATES THAT THE LANDFILL HAS LESS THAN 3 YEARS OF
9 REMAINING DISPOSAL CAPACITY CALCULATED AS PROVIDED UNDER SECTION
10 11507A AND THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS
11 PART. A PERMIT ISSUED UNDER THIS SUBSECTION SHALL PROVIDE NOT MORE
12 THAN A TOTAL OF 8 YEARS OF REMAINING DISPOSAL CAPACITY WHEN ADDED
13 TO THE REMAINING DISPOSAL CAPACITY EXISTING PRIOR TO ISSUANCE OF
14 THE PERMIT. THE AMOUNT OF TIME OF REMAINING DISPOSAL CAPACITY SHALL
15 BE CALCULATED BASED ON THE AVERAGE OF THE 3 PRIOR YEARS OF WASTE
16 RECEIPT AS REPORTED UNDER SECTION 11507A.

17 (4) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
18 PERMIT TO CONSTRUCT A LANDFILL IDENTIFIED IN A COUNTY SOLID WASTE
19 MANAGEMENT PLAN AS OF MARCH 1, 2007 AS AN EXPANSION OF THE SOLE
20 LANDFILL AVAILABLE FOR PUBLIC WASTE DISPOSAL IN THE SELECTED SYSTEM
21 IF THE APPLICANT DEMONSTRATES THAT THE LANDFILL HAS LESS THAN 3
22 YEARS OF REMAINING DISPOSAL CAPACITY CALCULATED AS PROVIDED UNDER
23 SECTION 11507A, THE LANDFILL IS LOCATED ON A SITE IN THE COUNTY FOR
24 WHICH IT IS IDENTIFIED, EXPANSION ON THE SITE IS NOT FEASIBLE,
25 CONSTRUCTION OCCURS ON PROPERTY ADJACENT TO THE CURRENT LANDFILL
26 SITE, AND THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS
27 PART. A PERMIT ISSUED UNDER THIS SUBSECTION SHALL PROVIDE NOT MORE

1 THAN A TOTAL OF 8 YEARS OF REMAINING DISPOSAL CAPACITY WHEN ADDED
2 TO THE REMAINING DISPOSAL CAPACITY EXISTING PRIOR TO ISSUANCE OF
3 THE PERMIT. THE AMOUNT OF TIME OF REMAINING DISPOSAL CAPACITY SHALL
4 BE CALCULATED BASED ON THE AVERAGE OF THE 3 PRIOR YEARS OF WASTE
5 RECEIPT AS REPORTED UNDER SECTION 11507A.

6 (5) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
7 PERMIT TO CONSTRUCT AN EXPANSION TO AN EXISTING LANDFILL IF THE
8 EXPANSION WAS IDENTIFIED AS PART OF A CONSENT ORDER ENTERED BY THE
9 DEPARTMENT BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
10 ADDED THIS SECTION AND IF THE APPLICATION OTHERWISE MEETS THE
11 REQUIREMENTS OF THIS PART.

12 (6) THE DEPARTMENT MAY ACCEPT AN APPLICATION AND ISSUE A
13 PERMIT TO CONSTRUCT A TYPE III LANDFILL THAT IS A CAPTIVE FACILITY
14 IF THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS PART.

15 (7) A LANDFILL SHALL NOT ACCEPT WASTE GENERATED IN CANADA.

16 (8) AS PROVIDED IN SECTION 5 OF 1846 RS 1, MCL 8.5, THIS ACT
17 IS SEVERABLE.

18 (9) AS USED IN THIS SECTION, "CAPTIVE FACILITY" MEANS THAT
19 TERM AS DEFINED IN SECTION 11525A.

20 (10) THIS SECTION IS REPEALED EFFECTIVE 6 YEARS AFTER THE
21 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.