

HOUSE BILL No. 6046

September 18, 1990, Introduced by Reps. Hoekman, Van Regenmorter, Bartnik, Nye, Walberg, Miller, Kulchitsky, Willis Bullard, Hillegonds and Saunders and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend Act No. 641 of the Public Acts of 1978,
entitled as amended

"Solid waste management act,"

as amended, being sections 299.401 to 299.437 of the Michigan
Compiled Laws, by adding sections 11a and 15b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 641 of the Public Acts of 1978, as
2 amended, being sections 299.401 to 299.437 of the Michigan
3 Compiled Laws, is amended by adding sections 11a and 15b to read
4 as follows:

5 SEC. 11A. (1) THE DIRECTOR SHALL NOT ISSUE A CONSTRUCTION
6 PERMIT UNDER THIS ACT FOR THE CONSTRUCTION OF A LANDFILL THAT IS
7 LOCATED OR IS PLANNED TO BE LOCATED AT ANY OF THE FOLLOWING:

8 (A) WITHIN 1/2 MILE OF A BODY OF SURFACE WATER.

1 (B) WITHIN 1/2 MILE OF A WETLAND AS DEFINED IN THE
2 GOEMAERE-ANDERSON WETLAND PROTECTION ACT, ACT NO. 203 OF THE
3 PUBLIC ACTS OF 1979, BEING SECTIONS 281.701 TO 281.722 OF THE
4 MICHIGAN COMPILED LAWS.

5 (C) WITHIN 1/2 MILE OF AN AREA WHERE MINING OR LAND STRIP-
6 PING ACTIVITIES MAY HAVE AFFECTED PREEXISTING GEOLOGIC
7 CHARACTERISTICS.

8 (D) WITHIN A 100-YEAR FLOODPLAIN.

9 (2) THE DIRECTOR SHALL NOT ISSUE A CONSTRUCTION PERMIT UNDER
10 THIS ACT FOR THE CONSTRUCTION OF A LANDFILL UNLESS A HYDROGEOLOG-
11 ICAL STUDY IS PERFORMED AND SUBMITTED BY THE APPLICANT THAT SHOWS
12 THAT SURFACE WATER AND GROUNDWATER WILL NOT BE ADVERSELY IMPACTED
13 BY THE LANDFILL.

14 (3) AS USED IN THIS SECTION, "BODY OF SURFACE WATER" MEANS A
15 NATURAL OR ARTIFICIAL LAKE, POND, OR IMPOUNDMENT; A RIVER,
16 STREAM, OR CREEK THAT MAY OR MAY NOT BE SERVING AS A DRAIN AS
17 DEFINED BY THE DRAIN CODE OF 1956, ACT NO. 40 OF THE PUBLIC ACTS
18 OF 1956, BEING SECTIONS 280.1 TO 280.630 OF THE MICHIGAN COMPILED
19 LAWS; OR ANY OTHER BODY OF WATER THAT HAS DEFINITE BANKS, A BED,
20 AND VISIBLE EVIDENCE OF A CONTINUED FLOW OR CONTINUED OCCURRENCE
21 OF WATER.

22 SEC. 15B. A LANDFILL THAT IS NOT IN OPERATION ON THE EFFEC-
23 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION SHALL NOT
24 BE OPERATED UNLESS THE LANDFILL MEETS THE REQUIREMENTS OF
25 SECTION 11A.