

SENATE BILL No. 475

May 24, 1989, Introduced by Senators KELLY, CHERRY, POLLACK, FAUST, HOLMES, O'BRIEN, VAUGHN, MILLER, CONROY and J. HART and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend Act No. 348 of the Public Acts of 1965, entitled as amended

"Air pollution act,"

as amended, being sections 336.11 to 336.36 of the Michigan Compiled Laws, by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 348 of the Public Acts of 1965, as
2 amended, being sections 336.11 to 336.36 of the Michigan Compiled
3 Laws, is amended by adding section 5a to read as follows:

4 SEC. 5A. (1) NOTWITHSTANDING THE AUTHORITY TO ISSUE PERMITS
5 FOR THE INSTALLATION OF AIR POLLUTION CONTROL FACILITIES AND
6 SOURCE EMISSIONS UNDER SECTION 5, THE COMMISSION SHALL NOT ISSUE
7 A PERMIT TO INSTALL A MUNICIPAL SOLID WASTE INCINERATOR OR A
8 WASTE-TO-ENERGY FACILITY UNLESS THE PERMIT APPLICANT

1 DEMONSTRATES, TO THE SATISFACTION OF THE DIRECTOR OF THE
2 DEPARTMENT OF NATURAL RESOURCES, BOTH OF THE FOLLOWING:

3 (A) THAT THE INCINERATOR OR FACILITY PLAN INCLUDES A PLANNED
4 OR OPERATING RECYCLING PROGRAM THAT PROVIDES FOR THE SEPARATION
5 OF RECYCLABLE MATERIALS, INCLUDING, BUT NOT LIMITED TO, PAPER,
6 GLASS, PLASTIC, AND METALS FOR THE AREA TO BE SERVED BY THE
7 INCINERATOR OR FACILITY. A RECYCLING PROGRAM APPROVED BY THE
8 DIRECTOR SHALL BE IN PLACE AND OPERATING WITHIN 1 YEAR FOLLOWING
9 THE DATE ON WHICH THE PERMIT IS ISSUED.

10 (B) THAT THE RECYCLING PROGRAM REQUIRED UNDER
11 SUBDIVISION (A) ACHIEVES OR WILL ACHIEVE THE MAXIMUM PRACTICABLE
12 RATE OF PUBLIC PARTICIPATION IN THE AREA TO BE SERVED BY THE
13 PROJECT OR FACILITY, AS MEASURED BY THE PERCENTAGE OF THE AREA'S
14 SOLID WASTE STREAM THAT IS DIVERTED AS A RESULT OF THE RECYCLING
15 PROGRAM.

16 (2) NOTWITHSTANDING THE AUTHORITY TO ISSUE PERMITS FOR THE
17 OPERATION OF AIR POLLUTION CONTROL FACILITIES AND SOURCE EMIS-
18 SIONS UNDER SECTION 5, THE DIRECTOR OF THE DEPARTMENT OF NATURAL
19 RESOURCES SHALL NOT ISSUE A PERMIT TO OPERATE A MUNICIPAL SOLID
20 WASTE INCINERATOR OR A WASTE-TO-ENERGY FACILITY UNLESS THE PERMIT
21 APPLICANT DEMONSTRATES, TO THE SATISFACTION OF THE DIRECTOR OF
22 THE DEPARTMENT OF NATURAL RESOURCES, BOTH OF THE FOLLOWING:

23 (A) THAT THE INCINERATOR OR FACILITY PLAN INCLUDES AN OPER-
24 ATING RECYCLING PROGRAM THAT PROVIDES FOR SEPARATION OF RECYCLA-
25 BLE MATERIALS, INCLUDING, BUT NOT LIMITED TO, PAPER, GLASS, PLAS-
26 TIC, AND METALS FOR THE AREA TO BE SERVED BY THE INCINERATOR OR
27 FACILITY.

1 (B) THAT THE RECYCLING PROGRAM HAS ACHIEVED OR WILL ACHIEVE
2 THE MAXIMUM PRACTICABLE RATE OF PUBLIC PARTICIPATION IN THE AREA
3 TO BE SERVED BY THE PROJECT OR FACILITY, AS MEASURED BY THE PER-
4 CENTAGE OF THE AREA'S SOLID WASTE STREAM DIVERTED AS A RESULT OF
5 THE RECYCLING PROGRAM.

6 (3) IN MAKING A DETERMINATION UNDER SUBSECTIONS (1) AND (2),
7 THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL BE CON-
8 SISTENT WITH THE STATE SOLID WASTE POLICY AS ADOPTED BY THE COM-
9 MISSION OF NATURAL RESOURCES. WITHIN 90 DAYS AFTER RECEIVING A
10 COMPLETE APPLICATION FOR A PERMIT, THE DIRECTOR SHALL APPROVE OR
11 DISAPPROVE THE PLANNED OR OPERATING RECYCLING PROGRAM AND STATE
12 THE REASONS IN SUPPORT OF THE APPROVAL OR DISAPPROVAL.

13 (4) AS USED IN THIS SECTION:

14 (A) "MUNICIPAL SOLID WASTE INCINERATOR" MEANS AN INCINERATOR
15 AS DEFINED IN 40 C.F.R. 260.10 THAT IS OWNED OR OPERATED BY ANY
16 PERSON, AND RECEIVES SOLID WASTE FROM OFF SITE AND BURNS ONLY
17 HOUSEHOLD WASTE FROM SINGLE AND MULTIPLE DWELLINGS, HOTELS,
18 MOTELS, AND OTHER RESIDENTIAL SOURCES, OR THIS HOUSEHOLD WASTE
19 TOGETHER WITH SOLID WASTE FROM COMMERCIAL, INSTITUTIONAL, MUNICI-
20 PAL, COUNTY, OR INDUSTRIAL SOURCES THAT, IF DISPOSED OF, WOULD
21 NOT BE REQUIRED TO BE PLACED IN A DISPOSAL FACILITY LICENSED
22 UNDER THE HAZARDOUS WASTE MANAGEMENT ACT, ACT NO. 64 OF THE
23 PUBLIC ACTS OF 1979, BEING SECTIONS 299.501 TO 299.551 OF THE
24 MICHIGAN COMPILED LAWS.

25 (B) "SOLID WASTE" HAS THE SAME MEANING AS THAT TERM IS USED
26 IN THE SOLID WASTE MANAGEMENT ACT, ACT NO. 641 OF THE PUBLIC ACTS

1 OF 1978, BEING SECTIONS 299.401 TO 299.437 OF THE MICHIGAN
2 COMPILED LAWS.

3 (C) "WASTE-TO-ENERGY FACILITY" MEANS A FACILITY THAT HAS
4 MACHINERY EQUIPMENT AND STRUCTURES INSTALLED FOR THE PURPOSE OF
5 RECOVERING ENERGY THROUGH THE INCINERATION OF SOLID WASTE OR
6 SOLID WASTE LANDFILL GAS.