

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 506

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11511a. (1) Notwithstanding any other provision of
2 this part, and except as otherwise provided in this section, the
3 department shall not issue a permit to construct a landfill if
4 the administratively complete application for such permit was
5 received after January 1, 2004 and before January 1, 2006.

6 (2) The department may issue a permit for a design
7 modification to an existing landfill if the modification does not
8 result in a net increase in remaining disposal capacity as
9 calculated under section 11507a.

10 (3) The department may issue a permit to construct an

Senate Bill No. 506 (H-2) as amended November 13, 2003

1 expansion to an existing landfill if the applicant demonstrates
2 that the landfill has less than 5 years of remaining disposal
3 capacity as defined in section 11507a and the application
4 otherwise meets the requirements of this part. A permit issued
5 under this subsection shall provide not more than a total of 10
6 years of remaining disposal capacity when added to the remaining
7 disposal capacity existing prior to issuance of the permit. The
8 amount of time of remaining disposal capacity shall be calculated
9 based on the average of the 3 prior years of waste receipt as
10 reported under section 11507a.

11 (4) The department may issue a permit to construct a type III
12 landfill that is a captive facility as defined in section
13 11525a(10) if the application otherwise meets the requirements of
14 this part.

15 (5) The department may issue a permit to construct an
16 expansion of an existing landfill if the expansion is authorized
17 pursuant to a host community agreement in existence on the
18 effective date of this section.

19 (6) By January 1, 2005, the department shall submit to the
20 legislature a report providing recommendations for amending the
21 solid waste planning and disposal area siting provisions of this
22 part. [

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24] The report shall also recommend methods for securing
25 reasonable and necessary regional and statewide disposal capacity
26 considering the paramount public concern in the conservation of
27 the natural resources of the state. The department shall prepare

1 this report based on consultation with affected parties.

2 (7) For purposes of this section:

3 (a) "Existing landfill" means a landfill that was licensed
4 under this part to receive waste as of October 1, 2003.

5 (b) "Host community agreement" means a written, legally
6 binding agreement, between the owner or operator of a landfill
7 and the county or municipality in which an expansion of that
8 landfill will be located, governing the operation, location, or
9 development of the landfill in that county or municipality.

10 Enacting section 1. Section 11511a of the natural resources
11 and environmental protection act, 1994 PA 451, MCL 324.11511a, is
12 repealed effective January 1, 2006.

13 Enacting section 2. This amendatory act does not take
14 effect unless Senate Bill No. 557 of the 92nd Legislature is
15 enacted into law.