

Act No. 38  
Public Acts of 2004  
Approved by the Governor  
March 26, 2004  
Filed with the Secretary of State  
March 29, 2004  
EFFECTIVE DATE: March 29, 2004

**STATE OF MICHIGAN  
92ND LEGISLATURE  
REGULAR SESSION OF 2004**

Introduced by Senator Patterson

# **ENROLLED SENATE BILL No. 506**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (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:*

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

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

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

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

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

(6) By January 1, 2005, the department shall submit to the legislature a report providing recommendations for amending the solid waste planning and disposal area siting provisions of this part. The report shall also recommend methods for securing reasonable and necessary regional and statewide disposal capacity considering the paramount public concern in the conservation of the natural resources of the state. The department shall prepare this report based on consultation with affected parties.

(7) For purposes of this section:

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

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

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

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

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Ray E. Randall*

Clerk of the House of Representatives

Approved .....

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Governor