

**SENATE BILL NO. 642**

July 2, 1997, Introduced by Senator BOUCHARD and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5502 (MCL 324.5502), as amended by 1995 PA 227.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5502. (1) Except as provided in subsection (2), the  
2 department shall not issue a permit to install or an operating  
3 permit to a municipal solid waste incinerator unless the municipi-  
4 pal solid waste incinerator is located at least 1,000 feet from  
5 all of the following:

- 6       (a) ~~Any~~ A residential dwelling.  
7       (b) A public or private elementary or secondary school.  
8       (c) A preschool facility for infants or children.  
9       (d) A hospital.

1 (e) A nursing home.

2 (2) Subsection (1) does not apply to a municipal solid waste  
3 incinerator that existed prior to June 15, 1993, or to the modi-  
4 fication; alteration; expansion, including, but not limited to,  
5 the addition of 1 or more combustion units and any accompanying  
6 features or fixtures; or retrofit of such a municipal solid  
7 waste incinerator after June 15, 1993, regardless of whether the  
8 activity requires a permit.

9 (3) For the purposes of this section, a municipal solid  
10 waste incinerator existed prior to June 15, 1993 if ~~it~~ EITHER  
11 OF THE FOLLOWING APPLIES:

12 (A) IT was issued a permit to operate or a permit to install  
13 for installation, construction, modification, alteration, or ret-  
14 rofit prior to June 15, 1993, unless it was denied a permit to  
15 operate prior to June 15, 1993. ~~A municipal solid waste incin-~~  
16 ~~erator also existed prior to June 15, 1993 if it~~

17 (B) IT is located at a geographical site at which 1 or more  
18 incinerator units incinerated waste during the 6 months prior to  
19 June 15, 1993.

20 ~~(4) The department shall review and study the issue of~~  
21 ~~municipal solid waste siting setbacks from structures listed in~~  
22 ~~subsection (1), and shall issue a report detailing findings and~~  
23 ~~recommendations to the legislature within 2 years after the~~  
24 ~~effective date of the amendatory act that requires the report~~  
25 ~~. Every 6 months, until the report is com-~~  
26 ~~pleted, the department shall report to the chairpersons of the~~  
27 ~~house and senate standing committees of the legislature that~~

**SB0642, As Passed House, January 20, 1998**

SB 642 as amended by the Senate

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1 ~~primarily consider issues pertaining to natural resources and the~~  
2 ~~environment regarding the progress of the report.~~

3 ~~-(5) Subsections (1), (2), and (3) apply only until~~  
4 ~~December 15, 1999.-~~