

HOUSE BILL No. 5874

June 1, 1992, Introduced by Rep. DeBeaussaert and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 12 and 15 of Act No. 641 of the Public Acts of 1978, entitled as amended "Solid waste management act," as amended by Act No. 209 of the Public Acts of 1987, being sections 299.412 and 299.415 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12 and 15 of Act No. 641 of the Public
2 Acts of 1978, as amended by Act No. 209 of the Public Acts of
3 1987, being sections 299.412 and 299.415 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 12. (1) The director shall make a final decision as to
6 whether to issue a construction permit within 120 days after the
7 director receives an administratively complete application. The
8 decision of the director and the reasons for the decision shall
9 be in writing and shall be sent by first class mail to the clerk

1 of the municipality in which the disposal area is proposed to be
2 located and to the applicant within 10 days after the final deci-
3 sion is made. If the director fails to make a final decision
4 within 120 days, the permit shall be considered issued.

5 (2) A construction permit shall expire 1 year after the date
6 of issuance, unless development under the construction permit is
7 initiated within that year. A construction permit that has
8 expired may be renewed upon payment of a permit renewal fee and
9 submission of any additional information the director may
10 require. The permit renewal application fee shall be established
11 on a graduated scale from \$100.00 to \$500.00. The director shall
12 establish the criteria by rule for determining the construction
13 permit renewal application fee. The criteria for determining a
14 renewal application fee for a construction permit for a ~~disposal~~
15 ~~area that is a sanitary~~ landfill shall include, at a minimum,
16 site size, projected waste volume, nature of the waste, and
17 hydrogeological characteristics. The criteria for determining a
18 renewal application fee for a construction permit for a disposal
19 area that is a solid waste transfer facility or processing plant
20 shall include, at a minimum, the projected waste volume and the
21 nature of the waste.

22 (3) Beginning on ~~the effective date of the amendatory act~~
23 ~~which adds this subsection~~ MARCH 30, 1988 and except as other-
24 wise provided in this subsection, the director shall not issue a
25 construction permit for a disposal area within a planning area
26 unless a solid waste management plan for that planning area has
27 been approved pursuant to sections 28 and 29 and unless the

1 disposal area complies with and is consistent with the approved
2 solid waste management plan. The director may issue a construc-
3 tion permit for a disposal area designed to receive ashes
4 produced in connection with the combustion of fossil fuels for
5 electrical power generation in the absence of an approved county
6 solid waste management plan, upon receipt of a letter of approval
7 from whichever county or counties, group of municipalities, or
8 regional planning agency has prepared or is preparing the county
9 solid waste management plan for that planning area under
10 section 25 and from the municipality in which the disposal area
11 is to be located.

12 (4) NOTWITHSTANDING ANY OTHER SECTION OF THIS ACT, BEGINNING
13 ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUB-
14 SECTION AND FOR A 3-YEAR PERIOD FOLLOWING THAT DATE, THE DIRECTOR
15 SHALL NOT ISSUE A CONSTRUCTION PERMIT FOR A LANDFILL. IN ADDI-
16 TION, DURING THIS 3-YEAR PERIOD, THE FAILURE OF THE DIRECTOR TO
17 MAKE A FINAL DECISION WITHIN THE 120 DAYS PRESCRIBED IN
18 SUBSECTION (1) SHALL NOT OPERATE TO ISSUE A PERMIT FOR A
19 LANDFILL.

20 Sec. 15. (1) Subject to subsection (4), the director shall
21 make a final decision on a license application within 90 days
22 after the director receives the application. The decision of the
23 director and the reasons for the decision shall be in writing and
24 shall be sent by first class mail to the clerk of the municipal-
25 ity in which the disposal area is located and to the applicant
26 within 10 days after the final decision is made. If the director

1 fails to make a final decision within 90 days, the license shall
2 be considered issued.

3 (2) An operating license shall expire 2 years after the date
4 of issuance. An operating license may be renewed before expira-
5 tion upon payment of a renewal application fee of \$100.00 if the
6 licensee is in compliance with this act and the rules promulgated
7 under this act.

8 (3) The issuance of a license shall empower the director or
9 a health officer or an authorized representative of the director
10 or health officer to enter at any reasonable time, pursuant to
11 law, in or upon private or public property licensed under this
12 act for the purpose of inspecting or investigating conditions
13 relating to the storage, processing, or disposal of any
14 material.

15 (4) Beginning on ~~the effective date of the amendatory act~~
16 ~~which adds this subsection~~ MARCH 30, 1988 and except as other-
17 wise provided in this subsection, the director shall not issue an
18 operating license for a new disposal area within a planning area
19 unless a solid waste management plan for that planning area has
20 been approved pursuant to sections 28 and 29 and unless the dis-
21 posal area complies with and is consistent with the approved
22 solid waste management plan. The director may issue an operating
23 license for a disposal area designed to receive ashes produced in
24 connection with the combustion of fossil fuels for electrical
25 power generation in the absence of an approved county solid waste
26 management plan, upon receipt of a letter of approval from
27 whichever county or counties, group of municipalities, or

1 regional planning agency has prepared or is preparing the county
2 solid waste management plan for that planning area under
3 section 25 and from the municipality in which the disposal area
4 is to be located.

5 (5) NOTWITHSTANDING ANY OTHER SECTION OF THIS ACT, BEGINNING
6 ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUB-
7 SECTION AND FOR A 3-YEAR PERIOD FOLLOWING THAT DATE, THE DIRECTOR
8 SHALL NOT ISSUE AN OPERATING LICENSE FOR A LANDFILL. IN ADDI-
9 TION, DURING THIS 3-YEAR PERIOD, THE FAILURE OF THE DIRECTOR TO
10 MAKE A FINAL DECISION WITHIN THE 90 DAYS PRESCRIBED IN
11 SUBSECTION (1) SHALL NOT OPERATE TO ISSUE A LICENSE FOR A
12 LANDFILL.