



HOUSE BILL No. 5023

August 31, 1993, Introduced by Reps. Nye and London and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 25 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 section 299.425 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 25 of Act No. 641 of the Public Acts of
2 1978, as amended by Act No. 209 of the Public Acts of 1987, being
3 section 299.425 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 25. (1) ~~Each~~ AN INITIAL solid waste management plan
6 shall include an enforceable program and process to assure that
7 the nonhazardous solid waste generated or to be generated in the
8 planning area for a 20-year period is collected and recovered,
9 processed, or disposed of at disposal areas ~~which~~ THAT comply

1 with state law and rules promulgated by the department governing
2 location, design, and operation of the disposal areas.

3 (2) An initial solid waste management plan shall be prepared
4 and approved under this section and shall be submitted to the
5 director not later than January 5, 1984. The initial SOLID WASTE
6 MANAGEMENT plan shall be prepared for a 20-year period and shall
7 be reviewed and updated every 5 years. An updated SOLID WASTE
8 MANAGEMENT plan and an amendment to a plan shall be prepared and
9 approved as provided in sections 25, 26, 27, 28, and 29.

10 BEGINNING ON THE EFFECTIVE DATE OF THE 1993 AMENDATORY ACT THAT
11 ADDED THIS SENTENCE, AN UPDATED SOLID WASTE MANAGEMENT PLAN THAT
12 IS IN THE PROCESS OF BEING OR IS PREPARED UNDER THIS ACT SHALL
13 INCLUDE A PLANNING PERIOD OF 5 YEARS. HOWEVER, IF CONGRESS
14 AUTHORIZES STATES TO LIMIT THE IMPORTATION OF SOLID WASTE GENER-
15 ATED OUTSIDE OF THE STATE, EACH UPDATE TO A SOLID WASTE MANAGE-
16 MENT PLAN PREPARED UNDER THIS ACT AFTER THE CONGRESSIONAL AUTHO-
17 RIZATION SHALL INCLUDE A PLANNING PERIOD OF 20 YEARS. The solid
18 waste management plan shall encompass all municipalities within
19 the county. The SOLID WASTE MANAGEMENT plan shall at a minimum
20 comply with the requirements of section 30. The solid waste man-
21 agement plan shall take into consideration solid waste management
22 plans in contiguous counties and existing local approved solid
23 waste management plans as they relate to the county's needs. At
24 a minimum, a county preparing a solid waste management plan shall
25 consult with the regional planning agency from the beginning to
26 the completion of the plan.

1 (3) Not later than July 1, 1981, each county shall file with
2 the director and with each municipality within the county on a
3 form provided by the director, a notice of intent, indicating the
4 county's intent to prepare a county solid waste management plan
5 or to upgrade an existing plan. The notice shall identify the
6 designated agency which shall be responsible for preparing the
7 county plan.

8 (4) If the county fails to file a notice of intent with the
9 director within the prescribed time, the director immediately
10 shall notify each municipality within the county and shall
11 request those municipalities to prepare the county solid waste
12 management plan and shall convene a meeting to discuss the plan
13 preparation. Within 4 months following notification by the
14 director, the municipalities shall decide by a majority vote of
15 the municipalities in the county whether or not to file a notice
16 of intent to prepare the county solid waste management plan.
17 Each municipality in the county shall have 1 vote. If a majority
18 does not agree, then a notice of intent shall not be filed. The
19 notice shall identify the designated agency which shall be
20 responsible for preparing the county SOLID WASTE MANAGEMENT
21 plan.

22 (5) If the municipalities fail to file a notice of intent to
23 prepare a county solid waste management plan with the director
24 within the prescribed time, the director shall request the appro-
25 priate regional solid waste management planning agency to prepare
26 the county solid waste management plan. The regional solid waste

1 management planning agency shall respond within 90 days after the
2 date of the request.

3 (6) If the regional solid waste management planning agency
4 declines to prepare a county SOLID WASTE MANAGEMENT plan, the
5 director shall prepare the SOLID WASTE MANAGEMENT plan for the
6 county and that plan shall be final.

7 (7) A solid waste management planning agency, upon request
8 of the director, shall submit a progress report in preparing its
9 solid waste management plan.