



# SENATE BILL No. 756

November 8, 1995, Introduced by Senator BOUCHARD and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 5502 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," being section 324.5502 of the Michigan Compiled Laws.

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

1 Section 1. Section 5502 of Act No. 451 of the Public Acts  
2 of 1994, being section 324.5502 of the Michigan Compiled Laws, is  
3 amended to read as follows:

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

9 (a) Any residential dwelling.

1 (b) A public or private elementary or secondary school.

2 (c) A preschool facility for infants or children.

3 (d) A hospital.

4 (e) A nursing home.

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

12 (3) For the purposes of this section, a municipal solid  
13 waste incinerator existed prior to June 15, 1993 if it was issued  
14 a permit to operate or a permit to install for installation, con-  
15 struction, modification, alteration, or retrofit prior to  
16 June 15, 1993, unless it was denied a permit to operate prior to  
17 June 15, 1993. A municipal solid waste incinerator also existed  
18 prior to June 15, 1993 if it is located at a geographical site at  
19 which 1 or more incinerator units incinerated waste during the 6  
20 months prior to June 15, 1993.

21 (4) By December 15, 1995, the department shall promulgate  
22 rules pertaining to municipal solid waste siting setbacks from  
23 structures listed in subsection (1). ~~Subsections (1), (2), and~~  
24 ~~(3) apply only until December 15, 1995.~~