

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 642 (as passed by the Senate)
Sponsor: Senator Michael J. Bouchard
Committee: Natural Resources and Environmental Affairs

Date Completed: 10-14-97

RATIONALE

Public Act 227 of 1995 extended for four years, until December 15, 1999, provisions in the Natural Resources and Environmental Protection Act (NREPA) that require a municipal solid waste incinerator to be located at least 1,000 feet from a residence, school, hospital, or nursing home. The provisions were designed to address a situation in Madison Heights that was the subject of a United States Court of Appeals decision, which struck down a municipal ordinance requiring a 900-foot setback on the ground that State law preempted local regulation. The provisions of Public Act 227, however, only apply until the sunset date. There is concern that the emissions from future municipal solid waste incinerators could harm residents if no setback requirements were in place. It has been suggested that the sunset be deleted to ensure a permanent setback requirement.

CONTENT

The bill would amend the NREPA to delete the December 15, 1999, sunset date on provisions that establish a setback requirement for municipal solid waste incinerators.

Currently, the Department of Environmental Quality may not issue an installation or operating permit to a municipal solid waste incinerator unless it is located at least 1,000 feet from a residential dwelling, a public or private elementary or secondary school, a preschool facility for infants or children, or a hospital. (The prohibition does not apply, however, to a municipal solid waste incinerator that existed prior to June 15, 1993, or to the modification, alteration, expansion, or retrofit of an incinerator after that date.)

MCL 324.5502

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Emissions from municipal incinerators could become a potential health hazard to residents and any individuals in the State. The Department of Environmental Quality's (DEQ's) report of findings and recommendations on the issue of municipal solid waste siting setbacks states that current setbacks are desirable for ensuring the protection of public health and preservation of the environment. Being in close proximity to any incinerator may adversely impact the residents' quality of life since incinerators, among other things, can generate fugitive dust and odors, create nuisance situations, and produce heavy traffic. A minimum setback of 1,000 feet would address these nuisances and would not be contrary to any State or Federal requirement.

Response: The DEQ also states that although setback requirements would be a suitable solution, local units of government and local residents would be best able to determine the needs of their communities through zoning and local waste planning.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.