

House Bill 4611

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11510 (MCL 324.11510), as amended by 1996  
PA 358.

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

1       Sec. 11510. (1) Before the submission of a construction  
2 permit application for a new disposal area, the applicant shall  
3 request a health officer or the department to provide an advisory  
4 analysis of the proposed disposal area. However, the applicant,  
5 not less than 15 days after the request, and notwithstanding an  
6 analysis result, may file an application for a construction  
7 permit.

8       (2) Upon receipt of a construction permit application, the  
9 department shall do all of the following:

1 (a) Immediately notify the clerk of the municipality in  
2 which the disposal area is located or proposed to be located, the  
3 local soil erosion and sedimentation control agency, each divi-  
4 sion within the department and the department of natural  
5 resources that has responsibilities in land, air, or water man-  
6 agement, and the designated regional solid waste management plan-  
7 ning agency.

8 (b) Publish a notice in a newspaper having major circulation  
9 in the vicinity of the proposed disposal area. The required pub-  
10 lished notice shall contain a map indicating the location of the  
11 proposed disposal area and shall contain a description of the  
12 proposed disposal area and the location where the complete appli-  
13 cation package may be reviewed and where copies may be obtained.

14 (c) Indicate in the public, departmental, and municipality  
15 notice that the department shall hold a public hearing in the  
16 area of the proposed disposal area if a written request is sub-  
17 mitted by the applicant or a municipality within 30 days after  
18 the date of publication of the notice, or by a petition submitted  
19 to the department containing a number of signatures equal to not  
20 less than 10% of the number of registered voters of the munici-  
21 pality where the proposed disposal area is to be located who  
22 voted in the last gubernatorial election. The petition shall be  
23 validated by the clerk of the municipality. The public hearing  
24 shall be held after the department makes a preliminary review of  
25 the application and all pertinent data and before a construction  
26 permit is issued or denied.

**HB4611, As Passed House, April 2, 1998**

H.B. 4611 as amended April 1, 1998

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1 (d) Conduct a consistency review of the plans of the  
2 proposed disposal area to determine if it complies with this part  
3 and the rules promulgated under this part. The review shall be  
4 made by persons qualified in hydrogeology and sanitary landfill  
5 engineering. A written acknowledgment that the application pack-  
6 age is in compliance with the requirements of this part and rules  
7 promulgated under this part by the persons qualified in hydro-  
8 geology and sanitary landfill engineering shall be received  
9 before a construction permit is issued. If the consistency  
10 review of the site and the plans and the application meet the  
11 requirements of this part and the rules promulgated under this  
12 part, the department shall issue a construction permit that may  
13 contain a stipulation specifically applicable to the site and  
14 operation. Except as otherwise provided in section 11542, an  
15 expansion of the area of a disposal area, an enlargement in  
16 capacity of a disposal area, or an alteration of a disposal area  
17 to a different type of disposal area than had been specified in  
18 the previous construction permit application constitutes a new  
19 proposal for which a new construction permit is required. The  
20 upgrading of a disposal area type required by the department to  
21 comply with this part or the rules promulgated under this part or  
22 to comply with a consent order does not require a new construc-  
23 tion permit.

24 (e) Notify the Michigan aeronautics commission if the dis-  
25 posal area is a sanitary landfill [THAT IS A NEW SITE OR A LATERAL  
EXTENSION OR VERTICAL EXPANSION OF AN EXISTING UNIT] proposed to be  
located within  
26 ~~10,000~~ [20,000 feet 5 MILES] of a runway or a proposed runway  
extension  
27 contained in a plan approved by the Michigan aeronautics

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1 commission of an airport licensed and regulated by the Michigan  
2 aeronautics commission. The department shall make a copy of the  
3 application available to the Michigan aeronautics commission.  
4 If, after a period of time for review and comment not to exceed  
5 60 days, the Michigan aeronautics commission informs the depart-  
6 ment that it finds that operation of the proposed disposal area  
7 would present a potential hazard to air navigation and presents  
8 the basis for its findings, the department may either recommend  
9 appropriate changes in the location, construction, or operation  
10 of the proposed disposal area or deny the application for a con-  
11 struction permit. The department shall give an applicant an  
12 opportunity to rebut a finding of the Michigan aeronautics com-  
13 mission that the operation of a proposed disposal area would  
14 present a potential hazard to air navigation. [THE MICHIGAN  
AERONAUTICS COMMISSION SHALL NOTIFY THE DEPARTMENT AND THE OWNER OR  
OPERATOR OF A LANDFILL IF THE MICHIGAN AERONAUTICS COMMISSION IS  
CONSIDERING APPROVING A PLAN THAT WOULD PROVIDE FOR A RUNWAY OR THE  
EXTENSION OF A RUNWAY WITHIN 5 MILES OF A LANDFILL.]