

SENATE BILL NO. 642

July 2, 1997, Introduced by Senator BOUCHARD and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5502 (MCL 324.5502), as amended by 1995 PA 227.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

- 6 (a) ~~Any~~ A residential dwelling.
7 (b) A public or private elementary or secondary school.
8 (c) A preschool facility for infants or children.
9 (d) A hospital.

1 (e) A nursing home.

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

9 (3) For the purposes of this section, a municipal solid
10 waste incinerator existed prior to June 15, 1993 if ~~it~~ EITHER
11 OF THE FOLLOWING APPLIES:

12 (A) IT was issued a permit to operate or a permit to install
13 for installation, construction, modification, alteration, or ret-
14 rofit prior to June 15, 1993, unless it was denied a permit to
15 operate prior to June 15, 1993. ~~A municipal solid waste incin-~~
16 ~~erator also existed prior to June 15, 1993 if it~~

17 (B) IT is located at a geographical site at which 1 or more
18 incinerator units incinerated waste during the 6 months prior to
19 June 15, 1993.

20 (4) The department shall review and study the issue of
21 municipal solid waste siting setbacks from structures listed in
22 subsection (1), and shall issue a report detailing findings and
23 recommendations to the legislature ~~within 2 years after the~~
24 ~~effective date of the amendatory act that requires the report~~ BY
25 DECEMBER 14, 1997. Every 6 months, until the report is com-
26 pleted, the department shall report to the chairpersons of the
27 house and senate standing committees of the legislature that

1 primarily consider issues pertaining to natural resources and the
2 environment regarding the progress of the report.

3 ~~(5) Subsections (1), (2), and (3) apply only until~~
4 ~~December 15, 1999.~~