

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Senators Peters, Stille, DeBeaussaert, Scott, Smith, Schwarz, McCotter, North, Murphy,
Byrum, Young, Bennett, Goschka, Sikkema, Dunaskiss, Johnson, Hoffman, Schuette, Sanborn,
Gougeon, McManus and Miller**

ENROLLED SENATE BILL No. 11

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 5504 (MCL 324.5504).

The People of the State of Michigan enact:

Sec. 5504. (1) Beginning on the effective date of the rules promulgated under subsection (5), a facility that incinerates medical waste shall not be operated unless the facility has been issued an operating permit by the department.

(2) An application for an operating permit under subsection (1) shall be submitted in the form and contain the information required by the department. The department shall issue an operating permit only if the facility is in compliance with this part and the rules promulgated under this part.

(3) A permit issued under this section shall be valid for 5 years. Upon expiration, a permit may be renewed.

(4) Within 2 years after the effective date of the rules promulgated under subsection (5), the department shall review all operating permits issued under this part for facilities that incinerate medical waste that were issued permits prior to the promulgation of the rules under subsection (5). If, upon review, the department determines that the facility does not meet the requirements of the rules promulgated under subsection (5) and cannot be retrofitted to comply with these rules, the department shall issue an interim operating permit that is valid for 2 years only. If the facility only needs retrofitting in order to comply with the rules, the facility shall be granted an interim permit that is valid for 1 year only. However, in either case the facility shall comply with this part and all other rules promulgated under this part for the interim period. An interim operating permit shall provide that if the facility is within 50 miles of another facility that is in compliance with the rules promulgated under subsection (5), the facility operating under the interim operating permit may receive only medical waste that is generated on the site of that facility, at a facility owned and operated by the person who owns and operates that facility, or at the private practice office of a physician who has privileges to practice at that facility, if the facility is a hospital. The department shall renew an operating permit for a facility only if the facility is in compliance with this part and the rules promulgated under this part.

(5) The department shall promulgate rules to do both of the following:

(a) Regulate facilities that incinerate medical waste. These rules shall cover at least all of the following areas:

(i) Incinerator design and operation.

(ii) Ash handling and quality.

(iii) Stack design.

(iv) Receiving medical waste from generators outside the facility.

(v) Air pollution control. At a minimum, the rules shall limit emissions of each pollutant to the average emission levels achieved by the best performing 12% of medical waste incinerators in the United States, as specified in section 129(a)(2) of part A of title I of the clean air act, chapter 360, 69 Stat. 322, 42 U.S.C. 7429. However, notwithstanding any provision of the rules to the contrary, the emission levels shall not exceed those specified in a construction permit for a medical waste incinerator in this state that was in effect on the effective date of the 2002 amendatory act that amended this subsection if those emission levels are more stringent than the emission levels specified in the rules.

(vi) Performance monitoring and testing.

(vii) Record keeping and reporting.

(viii) Inspection and maintenance.

(b) Regulate the operation of facilities that incinerate only pathological waste and limited other permitted solid waste.

(6) Within 18 months after the effective date of the 2002 amendatory act that added this subsection, the department shall submit to the standing committees of the senate and the house of representatives with primary responsibility for environmental quality issues a report reviewing all the methods for disposal of medical waste and ranking these methods based on their effect on the environment. Beginning on the effective date of the 2002 amendatory act that added this subsection and until 180 days after the report is submitted to those committees, the department shall not do either of the following:

(a) Issue a construction permit for a facility that incinerates medical waste.

(b) Renew an operating permit for a facility that incinerates medical waste.

(7) A permit issued under this section may allow a facility to receive pathological or medical wastes that were generated off the site of the facility. However, the owner or operator of the facility shall keep monthly records of the source of the wastes and the approximate volume of the wastes received by the facility.

(8) As used in this section, "medical waste" and "pathological waste" mean those terms as defined in part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Gay E. Randall

Clerk of the House of Representatives.

Approved

.....
Governor.