

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 57

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 11526c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11526c. (1) The director may issue an order
2 restricting or prohibiting the transportation or disposal in this
3 state of solid waste originating within or outside of this state
4 if both of the following apply:

5 (a) The director, after consultation with appropriate
6 officials, has determined that the transportation or disposal of
7 the solid waste poses a substantial threat to the public health
8 or safety or to the environment.

9 (b) The director determines that the restriction or
10 prohibition on the transportation or disposal of the solid waste
11 is necessary to minimize or eliminate the substantial threat to

1 public health or safety or to the environment.

2 (2) At least 30 days before the director issues an order
3 under subsection (1), the department shall post the proposed
4 order and its effective date on its website with information on
5 how a member of the public can comment on the proposed order and
6 shall provide a copy of the proposed order to the members of the
7 standing committees of the senate and house of representatives
8 that consider legislation pertaining to public health or the
9 environment. Before issuing the order, the director shall
10 consider comments received on the proposed order. The department
11 shall post the final order on its website beginning not later
12 than the final order's effective date. This subsection does not
13 apply in an emergency situation described in subsection (3).

14 (3) In an emergency situation posing an imminent and
15 substantial threat to public health or safety or to the
16 environment, the director, before issuing an order under
17 subsection (1), shall provide a copy of the proposed order to the
18 members of the standing committees of the senate and house of
19 representatives that consider legislation pertaining to public
20 health or the environment and publicize the proposed order in any
21 manner appropriate to help ensure that interested parties are
22 provided notice of the proposed order and its effective date.
23 The department shall post the final order on its website as soon
24 as practicable.

25 (4) An order issued pursuant to this section shall expire 60
26 days after it takes effect, unless the order provides for an
27 earlier expiration date.

1 (5) Subsections (2) and (3) do not apply to the reissuance of
2 an order if the reissued order takes effect upon the expiration
3 of the identical order it replaces. However, the department
4 shall post the reissued order on its website beginning not later
5 than the reissued order's effective date.

6 (6) A person may seek judicial review of an order issued
7 under this section as provided in section 631 of the revised
8 judicature act of 1961, 1961 PA 236, MCL 600.631.

9 (7) The director shall rescind an order issued under this
10 section when the director determines that the threat upon which
11 the order was based no longer exists.