

Act No. 40
Public Acts of 2004
Approved by the Governor
March 26, 2004
Filed with the Secretary of State
March 29, 2004
EFFECTIVE DATE: March 29, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Reps. Acciavatti, Woronchak, Bradstreet, Shackleton, Stakoe, Casperson, Stahl, Hummel, LaJoy, Robertson, Pappageorge, Brandenburg, Amos, Ward, Rocca, Gaffney, Hune, Tabor, Stewart, Newell, Taub, Ehardt, Mortimer, Hager, Palsrok, Accavitti, Wojno, Gielegghem, Bieda, Howell, Elkins, Gleason, Gillard, Voorhees, Law, Moolenaar, Middaugh, Hardman, Waters, Daniels, Plakas, Anderson, Phillips, Minore, Zelenko, Jamnick, Richardville, Spade, Bisbee, Murphy, Kooiman, Julian, Vander Veen, Dennis, Caul, Pumford, Ruth Johnson, Adamini, Palmer, Hunter, Hood, Tobocman, Farrah, Paletko, Pastor, Hopgood, Meisner, Clack, Condino, Vagnozzi, Milosch, Nofs, Byrum, Steil, Van Regenmorter and Sak

ENROLLED HOUSE BILL No. 5234

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," (MCL 324.101 to 324.90106) by adding section 11526a.

The People of the State of Michigan enact:

Sec. 11526a. (1) Beginning October 1, 2004, in order to protect the public health, safety, and welfare and the environment of this state from the improper disposal of waste that is prohibited from disposal in a landfill, and in recognition that the nature of solid waste collection and transport limits the ability of the state to conduct cost effective inspections to ensure compliance with state law, the owner or operator of a landfill shall not accept for disposal in this state solid waste, including, but not limited to, municipal solid waste incinerator ash, that was generated outside of this state unless 1 or more of the following are met:

(a) The solid waste is composed of a uniform type of item, material, or substance, other than municipal solid waste incinerator ash, that meets the requirements for disposal in a landfill under this part and the rules promulgated under this part.

(b) The solid waste was received through a material recovery facility, a transfer station, or other facility that has documented that it has removed from the solid waste being delivered to the landfill those items that are prohibited from disposal in a landfill.

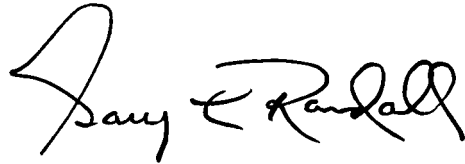
(c) The country, state, province, or local jurisdiction in which the solid waste was generated is approved by the department for inclusion on the list compiled by the department under section 11526b.

(2) Notwithstanding section 11538 or any other provision of this part, if there is sufficient disposal capacity for a county's disposal needs in or within 150 miles of the county, all of the following apply:

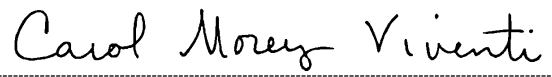
- (a) The county is not required to identify a site for a new landfill in its solid waste management plan.
- (b) An interim siting mechanism shall not become operative in the county unless the county board of commissioners determines otherwise.
- (c) The department is not required to issue a construction permit for a new landfill in the county.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 502 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor