

# HOUSE BILL No. 5412

November 8, 2005, Introduced by Reps. Gaffney, Accavitti, Gleason, Stewart and Ward and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11511a (MCL 324.11511a), as added by 2004 PA  
38; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11511a. (1) Notwithstanding any other provision of this  
2 part, and except as otherwise provided in this section, the  
3 department shall not issue a permit to construct a landfill if the  
4 administratively complete application for such permit was received  
5 after January 1, 2004 and before January 1, ~~2006~~ 2010.

6       (2) The department may issue a permit for a design  
7 modification to an existing landfill if the modification does not  
8 result in a net increase in remaining disposal capacity as  
9 calculated under section 11507a.

1           (3) The department may issue a permit to construct an  
2 expansion to an existing landfill if the applicant demonstrates  
3 that the landfill has less than ~~5~~ 2 years of remaining disposal  
4 capacity as ~~defined in~~ **CALCULATED UNDER** section 11507a and the  
5 application otherwise meets the requirements of this part. A permit  
6 issued under this subsection shall provide not more than a total of  
7 ~~10~~ 8 years of remaining disposal capacity when added to the  
8 remaining disposal capacity existing prior to issuance of the  
9 permit. The amount of time of remaining disposal capacity shall be  
10 calculated based on the average of the 3 prior years of waste  
11 receipt as reported under section 11507a.

12           (4) The department may issue a permit to construct a type III  
13 landfill that is a captive facility ~~as defined in section~~  
14 ~~11525a(10)~~ if the application otherwise meets the requirements of  
15 this part.

16 ~~—— (5) The department may issue a permit to construct an~~  
17 ~~expansion of an existing landfill if the expansion is authorized~~  
18 ~~pursuant to a host community agreement in existence on the~~  
19 ~~effective date of this section.~~

20 ~~—— (6) By January 1, 2005, the department shall submit to the~~  
21 ~~legislature a report providing recommendations for amending the~~  
22 ~~solid waste planning and disposal area siting provisions of this~~  
23 ~~part. The report shall also recommend methods for securing~~  
24 ~~reasonable and necessary regional and statewide disposal capacity~~  
25 ~~considering the paramount public concern in the conservation of the~~  
26 ~~natural resources of the state. The department shall prepare this~~  
27 ~~report based on consultation with affected parties.~~

1           (5) ~~—(7)—~~ For purposes of this section:

2           (A) **"CAPTIVE FACILITY" MEANS THAT TERM AS DEFINED IN SECTION**  
3 **11525A.**

4           (B) ~~—(a)—~~ "Existing landfill" means a landfill that was  
5 licensed under this part to receive waste as of October 1, 2003.

6 ~~———(b) "Host community agreement" means a written, legally~~  
7 ~~binding agreement, between the owner or operator of a landfill and~~  
8 ~~the county or municipality in which an expansion of that landfill~~  
9 ~~will be located, governing the operation, location, or development~~  
10 ~~of the landfill in that county or municipality.~~

11           (6) **THIS SECTION IS REPEALED EFFECTIVE JANUARY 1, 2010.**

12           Enacting section 1. Enacting section 1 of 2004 PA 38 is  
13 repealed.