

# HOUSE BILL No. 5773

March 1, 2006, Introduced by Reps. Angerer, Gillard, Waters, Miller, Accavitti, Meisner, Byrum, Brown, Donigan, Gonzales, Vagnozzi, Spade, Clack, Hopgood, Gleason, Byrnes, Polidori, Plakas, Lemmons, Jr., Whitmer, Sak, Tobocman, Bieda, Wojno, Anderson, Cheeks and Lemmons, III 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,"  
(MCL 324.101 to 324.90106) by adding section 11511c; and to repeal  
acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 11511C. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
2        PART, AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
3        DEPARTMENT SHALL REJECT ANY APPLICATION FOR A PERMIT TO CONSTRUCT A  
4        LANDFILL SUBMITTED AFTER DECEMBER 31, 2005 AND BEFORE THE EFFECTIVE  
5        DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, AND SHALL NOT  
6        ACCEPT AN APPLICATION FOR A PERMIT TO CONSTRUCT A LANDFILL  
7        SUBMITTED ON OR AFTER THAT EFFECTIVE DATE AND BEFORE JANUARY 1,  
8        2011.

1           (2) THE DEPARTMENT MAY ISSUE A PERMIT FOR A DESIGN  
2 MODIFICATION TO AN EXISTING LANDFILL IF THE MODIFICATION DOES NOT  
3 RESULT IN A NET INCREASE IN REMAINING DISPOSAL CAPACITY AS  
4 CALCULATED UNDER SECTION 11507A.

5           (3) THE DEPARTMENT MAY ISSUE A PERMIT TO CONSTRUCT AN  
6 EXPANSION TO AN EXISTING LANDFILL IF THE APPLICANT DEMONSTRATES  
7 THAT THE LANDFILL HAS LESS THAN 3 YEARS OF REMAINING DISPOSAL  
8 CAPACITY AS CALCULATED UNDER SECTION 11507A AND THE APPLICATION  
9 OTHERWISE MEETS THE REQUIREMENTS OF THIS PART. A PERMIT ISSUED  
10 UNDER THIS SUBSECTION SHALL PROVIDE NOT MORE THAN A TOTAL OF 8  
11 YEARS OF REMAINING DISPOSAL CAPACITY WHEN ADDED TO THE REMAINING  
12 DISPOSAL CAPACITY EXISTING PRIOR TO ISSUANCE OF THE PERMIT. THE  
13 AMOUNT OF TIME OF REMAINING DISPOSAL CAPACITY SHALL BE CALCULATED  
14 BASED ON THE AVERAGE OF THE 3 PRIOR YEARS OF WASTE RECEIPT AS  
15 REPORTED UNDER SECTION 11507A.

16           (4) THE DEPARTMENT MAY ISSUE A PERMIT TO CONSTRUCT A TYPE III  
17 LANDFILL THAT IS A CAPTIVE FACILITY IF THE APPLICATION OTHERWISE  
18 MEETS THE REQUIREMENTS OF THIS PART.

19           (5) AS USED IN THIS SECTION, "CAPTIVE FACILITY" MEANS THAT  
20 TERM AS DEFINED IN SECTION 11525A.

21           (6) THIS SECTION IS REPEALED EFFECTIVE JANUARY 1, 2011.