

**SUBSTITUTE FOR
HOUSE BILL NO. 4486**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a, 11511, 11526a, 11533, 11534, 11535, 11536, 11537, 11538, 11539a, and 11547 (MCL 324.11507a, 324.11511, 324.11526a, 324.11533, 324.11534, 324.11535, 324.11536, 324.11537, 324.11538, 324.11539a, and 324.11547), section 11507a as amended by 2004 PA 39, section 11511 as amended by 2004 PA 325, section 11526a as added by 2004 PA 40, sections 11533, and 11538 as amended by 2004 PA 44, and section 11547 as amended by 1998 PA 466; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11507a. (1) The owner or operator of a landfill shall
2 annually submit a report to the state and **TO** the county and

1 municipality in which the landfill is located. ~~that contains THE~~
2 **REPORT SHALL CONTAIN** information on the amount of solid waste
3 received by the landfill during the year itemized, to the extent
4 possible, by county, state, or country of origin and the amount of
5 ~~remaining disposal capacity at the landfill. Remaining disposal~~
6 ~~capacity shall be calculated as the permitted capacity less waste~~
7 ~~in place for any area that has been constructed and is not yet~~
8 ~~closed plus the permitted capacity for each area that has a permit~~
9 ~~for construction under this part but has not yet been constructed.~~
10 **LANDFILL DISPOSAL CAPACITY AND REMAINING LANDFILL DISPOSAL CAPACITY**
11 **OF THE LANDFILL. THE REPORT SHALL INCLUDE THE AMOUNT OF THE**
12 **GUARANTEED LANDFILL DISPOSAL CAPACITY ALLOCATED ANNUALLY TO EACH**
13 **COUNTY FOR WHICH THE OWNER OR OPERATOR OF THE LANDFILL EXPECTS TO**
14 **PROVIDE DISPOSAL SERVICES AND A BALANCE SHEET SHOWING THAT THE SUM**
15 **OF SUCH GUARANTEED AMOUNTS FOR ALL SUCH COUNTIES DOES NOT EXCEED**
16 **THE LANDFILL DISPOSAL CAPACITY.** The report shall be submitted on a
17 form provided by the department within ~~45~~30 days following the end
18 of each state fiscal year.

19 (2) By January 31 of each year, the department shall submit to
20 the legislature a report summarizing the information obtained under
21 subsection (1).

22 (3) **BY FEBRUARY 28 OF EACH YEAR, EACH COUNTY SHALL SUBMIT TO**
23 **THE DEPARTMENT, ON A FORM AND IN A MANNER PROVIDED BY THE**
24 **DEPARTMENT, A REPORT THAT INCLUDES BOTH OF THE FOLLOWING:**

25 (A) **ESTIMATED EXCESS LANDFILL DISPOSAL CAPACITY IN THE COUNTY.**

26 (B) **INFORMATION AND DOCUMENTATION DEMONSTRATING THE COUNTY'S**
27 **GUARANTEED LANDFILL DISPOSAL CAPACITY.**

1 Sec. 11511. (1) The department shall notify the clerk of the
2 municipality in which the disposal area is proposed to be located
3 and the applicant of its approval or denial of an application for a
4 construction permit within 10 days after the final decision is
5 made.

6 (2) A construction permit shall expire 1 year after the date
7 of issuance, unless development under the construction permit is
8 initiated within that year. A construction permit that has expired
9 may be renewed upon payment of a permit renewal fee and submission
10 of any additional information the department may require.

11 (3) Except as otherwise provided in this subsection, the
12 department shall not issue a construction permit for a disposal
13 area within a planning area unless a solid waste management plan
14 for that planning area has been approved pursuant to sections 11536
15 and 11537 and unless the disposal area complies with and is
16 consistent with the approved solid waste management plan. The
17 department may issue a construction permit for a disposal area
18 designed to receive ashes produced in connection with the
19 combustion of fossil fuels for electrical power generation in the
20 absence of an approved county solid waste management plan, upon
21 receipt of a letter of approval from whichever county or counties,
22 group of municipalities, or regional planning agency has prepared
23 or is preparing the county solid waste management plan for that
24 planning area under section 11533 and from the municipality in
25 which the disposal area is to be located.

26 **(4) THE DEPARTMENT SHALL NOT ISSUE A CONSTRUCTION PERMIT FOR A**
27 **NEW LANDFILL WITHIN A DELINEATED WELLHEAD PROTECTION AREA FOR A**

1 COMMUNITY WATER SUPPLY DEVELOPED THROUGH A HYDROGEOLOGICAL STUDY
2 AND APPROVED BY THE DEPARTMENT UNDER THE SAFE DRINKING WATER ACT,
3 1976 PA 399, MCL 325.1001 TO 325.1023.

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

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

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

24 (c) The country, state, province, or local jurisdiction in
25 which the solid waste was generated is approved by the department
26 for inclusion on the list compiled by the department under section
27 11526b.

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

5 ~~—— (a) The county is not required to identify a site for a new~~
 6 ~~landfill in its solid waste management plan.~~

7 ~~—— (b) An interim siting mechanism shall not become operative in~~
 8 ~~the county unless the county board of commissioners determines~~
 9 ~~otherwise.~~

10 ~~—— (c) The department is not required to issue a construction~~
 11 ~~permit for a new landfill in the county.~~

12 Sec. 11533. (1) **EACH COUNTY IN THIS STATE SHALL HAVE A SOLID**
 13 **WASTE MANAGEMENT PLAN.** Each solid waste management plan shall
 14 include an enforceable program and process to ~~assure~~**ENSURE** that
 15 the nonhazardous solid waste generated or to be generated in the
 16 planning area for a period of 10 years ~~or more~~ is collected and
 17 recovered, processed, or disposed of at disposal areas that comply
 18 with state law and rules promulgated by the department governing
 19 location, design, and operation of the disposal areas. Each solid
 20 waste management plan may include an enforceable program and
 21 process to ~~assure~~**ENSURE** that only items authorized for disposal in
 22 a disposal area under this part and the rules promulgated under
 23 this part are disposed of in the disposal area.

24 ~~—— (2) An initial solid waste management plan shall be prepared~~
 25 ~~and approved under this section and shall be submitted to the~~
 26 ~~director not later than January 5, 1984. Following submittal of the~~
 27 ~~initial plan, the solid waste management plan shall be reviewed and~~

1 ~~updated every 5 years. An updated solid waste management plan and~~
2 ~~an amendment to a solid waste management plan shall be prepared and~~
3 ~~approved as provided in this section and sections 11534, 11535,~~
4 ~~11536, 11537, and 11537a. The solid waste management plan shall~~
5 ~~encompass all municipalities within the county. The solid waste~~
6 ~~management plan shall at a minimum comply with the requirements of~~
7 ~~sections 11537a and~~ **SECTION 11538 AND THE RULES PROMULGATED**
8 **THEREUNDER.** The solid waste management plan shall take into
9 consideration solid waste management plans in contiguous counties
10 and existing local approved solid waste management plans as they
11 relate to the county's needs. ~~At a minimum, a county preparing a~~
12 ~~solid waste management plan shall consult with the regional~~
13 ~~planning agency from the beginning to the completion of the plan.~~

14 **(2) SUBJECT TO SUBSECTION (3), ALL OF THE TERRITORY OF A**
15 **COUNTY SHALL BE INCLUDED IN THE PLANNING AREA OF A SINGLE SOLID**
16 **WASTE MANAGEMENT PLAN. THE PLANNING AREA OF A SINGLE SOLID WASTE**
17 **MANAGEMENT PLAN MAY INCLUDE 2 OR MORE COUNTIES IF THE PLANNING**
18 **ENTITIES FOR THOSE COUNTIES AGREE TO THE JOINT EXERCISE OF THEIR**
19 **POWERS AND PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION AND**
20 **SECTIONS 11534 TO 11537, AS APPLICABLE. IF THE REGIONAL SOLID WASTE**
21 **MANAGEMENT PLANNING AGENCY OR THE DEPARTMENT IS RESPONSIBLE FOR**
22 **PREPARING THE PLAN FOR 2 OR MORE COUNTIES UNDER SUBSECTION (8) OR**
23 **(9), RESPECTIVELY, THE REGIONAL SOLID WASTE MANAGEMENT PLANNING**
24 **AGENCY OR DEPARTMENT MAY DETERMINE THAT THOSE COUNTIES SHALL BE**
25 **INCLUDED IN THE PLANNING AREA OF A SINGLE SOLID WASTE MANAGEMENT**
26 **PLAN AND MAY EXERCISE ITS POWERS AND PERFORM ITS DUTIES FOR THOSE**
27 **COUNTIES JOINTLY UNDER THIS SECTION AND SECTIONS 11534 TO 11537, AS**

1 APPLICABLE.

2 (3) A MUNICIPALITY LOCATED IN 2 COUNTIES MAY REQUEST THAT THE
3 ENTIRE MUNICIPALITY BE INCLUDED IN THE PLANNING AREA OF THE SOLID
4 WASTE MANAGEMENT PLAN OF 1 OF THOSE COUNTIES AND THAT THE
5 MUNICIPALITY BE EXCLUDED FROM THE PLANNING AREA FOR THE SOLID WASTE
6 MANAGEMENT PLAN OF THE OTHER COUNTY. IF A MUNICIPALITY IN 1 COUNTY
7 IS CONTIGUOUS WITH A MUNICIPALITY IN ANOTHER COUNTY, EITHER OF THE
8 MUNICIPALITIES MAY REQUEST THAT IT BE INCLUDED IN THE PLANNING AREA
9 OF THE SOLID WASTE MANAGEMENT PLAN FOR THE COUNTY IN WHICH THE
10 OTHER MUNICIPALITY IS LOCATED. A REQUEST UNDER THIS SUBSECTION MUST
11 BE APPROVED BY THE COUNTY BOARD OF COMMISSIONERS OF EACH OF THE
12 AFFECTED COUNTIES. IF A COUNTY BOARD OF COMMISSIONERS FAILS TO
13 APPROVE A REQUEST UNDER THIS SUBSECTION WITHIN 90 DAYS AFTER THE
14 REQUEST IS SUBMITTED TO THE COUNTY BOARD, THE MUNICIPALITY MAKING
15 THE REQUEST MAY APPEAL TO THE DEPARTMENT. THE DEPARTMENT SHALL
16 ISSUE A DECISION ON THE APPEAL WITHIN 45 DAYS AFTER THE APPEAL IS
17 FILED WITH THE DEPARTMENT. THE DECISION OF THE DEPARTMENT IS FINAL.

18 (4) CHANGES TO A SOLID WASTE MANAGEMENT PLAN SHALL BE MADE
19 ONLY BY A COMPREHENSIVE PLAN UPDATE OR A PLAN AMENDMENT. A PLAN
20 UPDATE SHALL BE ADOPTED THROUGH THE PROCEDURE SET FORTH IN THIS
21 SECTION AND SECTIONS 11534 TO 11537, AS APPLICABLE. A PLAN
22 AMENDMENT SHALL BE ADOPTED BY THE SAME PROCEDURE AS A PLAN UPDATE,
23 EXCEPT AS FOLLOWS:

24 (A) A PLAN AMENDMENT MAY BE ADOPTED AT ANY TIME.

25 (B) A PLAN AMENDMENT SHALL BE INITIATED BY THE PLANNING
26 ENTITY.

27 (C) SUBSECTION (3) AND SUBSECTIONS (5) TO (10) DO NOT APPLY TO

1 A PLAN AMENDMENT.

2 (5) EACH SOLID WASTE MANAGEMENT PLAN SHALL BE REVIEWED AND
3 UPDATED ON A 5-YEAR CYCLE, WITH APPROXIMATELY 20% OF THE PLANS
4 UPDATED EACH YEAR. FOR EACH 5-YEAR CYCLE, NOT LESS THAN 120 DAYS
5 BEFORE INITIATING, UNDER SUBSECTION (6), THE UPDATE PROCESS FOR THE
6 FIRST SOLID WASTE MANAGEMENT PLAN OR PLANS, THE DIRECTOR SHALL
7 SUBMIT A PROPOSED SCHEDULE TO EACH DESIGNATED PLANNING AGENCY AND
8 TO THE COUNTY BOARD OF COMMISSIONERS OF EACH COUNTY. THE PROPOSED
9 SCHEDULE SHALL IDENTIFY WHEN, DURING THE 5-YEAR CYCLE, EACH COUNTY
10 IS REQUIRED TO PROVIDE A SOLID WASTE MANAGEMENT PLAN TO THE
11 DEPARTMENT FOR APPROVAL. FOR 60 DAYS AFTER THE PROPOSED SCHEDULE
12 HAS BEEN SO SUBMITTED, THE DIRECTOR SHALL RECEIVE COMMENTS ON THE
13 PROPOSED SCHEDULE. NOT LESS THAN 45 DAYS BEFORE INITIATING THE
14 UPDATE PROCESS FOR THE FIRST SOLID WASTE MANAGEMENT PLAN OR PLANS,
15 THE DIRECTOR SHALL SUBMIT TO EACH DESIGNATED PLANNING AGENCY AND TO
16 THE COUNTY BOARD OF COMMISSIONERS OF EACH COUNTY A COPY OF THE
17 FINAL SCHEDULE. THE DEPARTMENT SHALL POST A COPY OF A CURRENT
18 PROPOSED OR FINAL SCHEDULE ON ITS WEBSITE.

19 (6) ~~(3) Not later than July 1, 1981, each~~ PURSUANT TO THE
20 SCHEDULE UNDER SUBSECTION (5), THE DIRECTOR SHALL INITIATE THE
21 SOLID WASTE MANAGEMENT PLAN UPDATE PROCESS FOR A COUNTY BY
22 NOTIFYING THE COUNTY IN WRITING THAT IT IS REQUIRED TO PREPARE A
23 SOLID WASTE MANAGEMENT PLAN. WITHIN 30 DAYS AFTER RECEIPT OF THE
24 NOTIFICATION, THE county shall ~~MAY~~ file with the department and
25 with each municipality within the county on a form provided by the
26 department ~~, a notice of intent, indicating the county's intent~~
27 THAT THE COUNTY INTENDS TO ASSUME OVERALL RESPONSIBILITY to prepare

1 a solid waste management plan. ~~or to upgrade an existing solid~~
 2 ~~waste management plan.~~ The notice **OF INTENT** shall ~~identify the~~
 3 ~~designated agency which shall be~~ **DESIGNATE THE AGENCY THAT IS**
 4 responsible for preparing the solid waste management plan.

5 (7) ~~(4)~~—If the county fails to file a notice of intent with
 6 the department within the prescribed time, the department
 7 immediately shall notify each municipality within the county, ~~and~~
 8 ~~shall request those municipalities to prepare a solid waste~~
 9 ~~management plan for the county, and shall convene a meeting to~~
 10 discuss the plan preparation. Within 4 months following
 11 notification by the department, the municipalities shall decide by
 12 a majority vote of the municipalities in the county whether or not
 13 to file a notice ~~of intent~~ **INDICATING THAT THE MUNICIPALITIES**
 14 **INTEND TO ASSUME OVERALL RESPONSIBILITY** to prepare the solid waste
 15 management plan. Each municipality in the county shall have 1 vote.
 16 If a majority does not agree **TO ASSUME SUCH RESPONSIBILITY**, then a
 17 notice of intent shall not be filed. The notice shall ~~identify the~~
 18 ~~designated agency which~~ **DESIGNATE THE AGENCY THAT** is responsible
 19 for preparing the solid waste management plan.

20 (8) ~~(5)~~—If the municipalities fail to file a notice of intent
 21 **TO ASSUME OVERALL RESPONSIBILITY** to prepare a solid waste
 22 management plan with the department within the prescribed time, the
 23 department shall request the ~~appropriate~~ regional solid waste
 24 management planning agency **FOR THE REGION IN WHICH THE COUNTY IS**
 25 **LOCATED** to ~~prepare~~ **BE RESPONSIBLE FOR PREPARING** the solid waste
 26 management plan. The regional solid waste management planning
 27 agency shall respond within 90 days after the date of the request.

1 (9) ~~(6)~~—If the regional solid waste management planning agency
 2 declines to prepare a solid waste management plan, the department
 3 shall prepare a solid waste management plan for the county, and
 4 that plan shall be **IS** final.

5 (10) ~~(7)~~ ~~A solid waste management~~ **A DESIGNATED** planning
 6 agency, upon request of the department, shall submit a ~~progress~~
 7 report **ON ITS PROGRESS** in preparing ~~its~~ **A** solid waste management
 8 plan.

9 Sec. 11534. (1) The county executive of a charter county that
 10 elects a county executive and that chooses to prepare a solid waste
 11 management plan under section ~~11533~~ ~~or~~ **11533(6)**, the county board
 12 of commissioners in all other counties choosing to prepare ~~an~~
 13 ~~initial solid waste management~~ **A** plan under section ~~11533~~ **11533(6)**,
 14 or the municipalities preparing ~~an initial solid waste management~~ **A**
 15 plan under section ~~11533(4)~~ **11533(7)**, shall appoint a planning
 16 committee. ~~to assist the agency designated to prepare the plan~~
 17 ~~under section 11533.~~ If the county charter provides procedures for
 18 approval by the county board of commissioners of appointments by
 19 the county executive, an appointment under this subsection shall be
 20 **IS** subject to that approval. A planning committee ~~appointed~~
 21 ~~pursuant to this subsection~~ shall be appointed for terms of 2
 22 years. ~~A planning committee appointed pursuant to this subsection~~
 23 ~~may be reappointed for the purpose of completing the preparation of~~
 24 ~~the initial solid waste management plan or overseeing the~~
 25 ~~implementation of the initial plan.~~ Reappointed members of a
 26 ~~planning committee shall serve for terms not to exceed 2 years as~~
 27 ~~determined by the appointing authority.~~ An initial solid waste

1 ~~management plan shall only be approved by a majority of the members~~
2 ~~appointed and serving.~~

3 (2) A planning committee ~~appointed pursuant to this section~~
4 **FOR A PLANNING AREA WITH A POPULATION OF 100,000 OR MORE** shall
5 consist of 14 ~~members~~-**INDIVIDUALS**. Of the members appointed, 4
6 shall represent the solid waste management industry, 2 shall
7 represent environmental interest groups, 1 shall represent county
8 government, 1 shall represent city government, 1 shall represent
9 township government, 1 shall represent the regional solid waste
10 **MANAGEMENT** planning agency, 1 shall represent industrial waste
11 generators, and 3 shall represent the general public.

12 (3) **A PLANNING COMMITTEE FOR A PLANNING AREA WITH A POPULATION**
13 **OF LESS THAN 100,000 SHALL BE A 14-MEMBER PLANNING COMMITTEE AS**
14 **DESCRIBED IN SUBSECTION (2) OR A 7-MEMBER PLANNING COMMITTEE AS**
15 **DESCRIBED IN THIS SUBSECTION. OF THE MEMBERS APPOINTED TO A 7-**
16 **MEMBER PLANNING COMMITTEE, 2 SHALL REPRESENT THE SOLID WASTE**
17 **INDUSTRY OR INDUSTRIAL GENERATORS, 2 SHALL REPRESENT THE GENERAL**
18 **PUBLIC, ENVIRONMENTAL GROUPS, OR THE REGIONAL SOLID WASTE**
19 **MANAGEMENT PLANNING AGENCY, 1 SHALL REPRESENT TOWNSHIP GOVERNMENT,**
20 **1 SHALL REPRESENT CITY OR VILLAGE GOVERNMENT, AND 1 SHALL REPRESENT**
21 **COUNTY GOVERNMENT.**

22 (4) A member appointed to represent a county, city, or
23 township government **ON A PLANNING COMMITTEE** shall be an elected
24 official of that government or the designee of ~~that~~-**AN** elected
25 official. Vacancies shall be filled in the same manner as the
26 original appointments. A member may be removed for nonperformance
27 of duty.

1 (5) ~~(3)~~ A planning committee appointed pursuant to this
 2 ~~section~~ shall annually elect a chairperson and shall establish
 3 procedures for conducting the **PLANNING** committee's activities and
 4 for reviewing the matters to be considered by the **PLANNING**
 5 committee.

6 (6) **A PLANNING COMMITTEE SHALL ASSIST THE DESIGNATED PLANNING**
 7 **AGENCY. IF THE APPOINTMENT OF A PLANNING COMMITTEE IS REQUIRED BY**
 8 **SUBSECTION (1), THE PLAN SHALL NOT TAKE EFFECT UNLESS IT HAS BEEN**
 9 **APPROVED BY A MAJORITY OF THE MEMBERS OF THE PLANNING COMMITTEE,**
 10 **EXCEPT AS PROVIDED FOR IN SECTION 11536(3).**

11 Sec. 11535. A ~~county or regional solid waste management~~
 12 **DESIGNATED** planning agency preparing a solid waste management plan
 13 shall do all of the following:

14 (a) Solicit the advice of and consult periodically ~~during the~~
 15 ~~preparation of the plan with the~~ **ALL OF THE FOLLOWING:**

16 (i) **THE COUNTY.**

17 (ii) **THE** municipalities, appropriate organizations, and the
 18 private sector in the county, **AS PROVIDED IN RULES PROMULGATED**
 19 under section 11538(1). ~~and solicit the advice of and consult with~~
 20 ~~the appropriate county or~~

21 (iii) **THE** regional solid waste management planning agency, ~~and~~
 22 ~~adjacent~~ **IF THE DESIGNATED PLANNING AGENCY IS NOT THE REGIONAL**
 23 **SOLID WASTE MANAGEMENT PLANNING AGENCY.**

24 (iv) **ADJACENT** counties, and municipalities **LOCATED** in adjacent
 25 counties, ~~which~~ **THAT** may be significantly affected by the solid
 26 waste management plan. ~~for a county.~~

27 (b) If a planning committee has been appointed, ~~under section~~

1 ~~11534~~, prepare the plan with the advice, consultation, and
2 assistance of the planning committee.

3 (c) Notify by letter the chief elected official of each
4 municipality within the county and any other person within the
5 county so requesting, not less than 10 days before each public
6 meeting of the **DESIGNATED** planning agency, ~~designated by the~~
7 ~~county, if that~~ **THE DESIGNATED** planning agency plans to discuss the
8 ~~county~~ plan. The letter shall indicate as precisely as possible the
9 subject matter ~~being~~ **TO BE** discussed.

10 (d) Submit for review a copy of the proposed ~~county or~~
11 ~~regional~~ solid waste management plan to the department, to each
12 municipality within the affected county, and to adjacent counties
13 and municipalities **LOCATED IN ADJACENT COUNTIES**, that may be
14 affected by the plan or that have requested the opportunity to
15 review the plan. The ~~county~~ plan shall **ALSO** be submitted for review
16 to the ~~designated~~ regional solid waste management planning agency
17 for that county, **IF IT IS NOT THE DESIGNATED PLANNING AGENCY**.
18 Reviewing agencies shall be allowed an opportunity of not less than
19 3 months to review and comment on the plan before adoption of the
20 plan by the ~~county or a designated regional solid waste management~~
21 ~~planning agency~~. The comments of a reviewing agency shall be
22 submitted with the plan to the county board of commissioners ~~or~~
23 **AND, IF IT IS NOT THE DESIGNATED PLANNING AGENCY**, to the regional
24 solid waste management planning agency.

25 (e) Publish a notice, at the time the plan is submitted for
26 review under subdivision (d), of the availability of the plan for
27 inspection or copying, at cost, by an interested person.

1 (f) Conduct a public hearing on the proposed ~~county solid~~
 2 waste management plan before formal adoption. ~~A notice~~ **NOTICE OF**
 3 **THE HEARING** shall be published not less than 30 days before ~~a~~ **THE**
 4 hearing in a newspaper having a major circulation within the
 5 county. The notice shall indicate a location where copies of the
 6 plan are available for public inspection and shall indicate the
 7 time and place of the public hearing.

8 Sec. 11536. ~~(1) A municipality located in 2 counties or~~
 9 ~~adjacent to a municipality located in another county may request to~~
 10 ~~be included in the adjacent county's plan. Before the municipality~~
 11 ~~may be included, the request shall be approved by a resolution of~~
 12 ~~the county boards of commissioners of the counties involved. A~~
 13 ~~municipality may appeal to the department a decision to exclude it~~
 14 ~~from an adjacent county's plan. If there is an appeal, the~~
 15 ~~department shall issue a decision within 45 days. The decision of~~
 16 ~~the department is final.~~

17 ~~—— (2) Except as provided in subsection (3), the county board of~~
 18 ~~commissioners shall formally act on the plan following the public~~
 19 ~~hearing required by section 11535(f).~~

20 (1) ~~(3) If a planning committee has been appointed by the~~
 21 ~~county board of commissioners under section 11534(1)~~ **IF A SOLID**
 22 **WASTE MANAGEMENT PLAN IS PREPARED UNDER SECTION 11533(6)**, the
 23 county board of commissioners ~~, or if~~ **SHALL CONDUCT AT LEAST 1**
 24 **PUBLIC HEARING ON THE PLAN. IF** a plan is prepared under section
 25 ~~11533(4)~~ **11533(7)**, the municipalities in the county ~~who~~ **THAT** voted
 26 in favor of filing a notice of intent to prepare a ~~county solid~~
 27 ~~waste management~~ **THE** plan ~~,~~ **shall JOINTLY CONDUCT AT LEAST 1 PUBLIC**

1 HEARING ON THE PLAN. THE COUNTY BOARD OF COMMISSIONERS OR THOSE
 2 MUNICIPALITIES, RESPECTIVELY, SHALL take formal action on the plan
 3 WITHIN 190 DAYS after the completion of public hearings and ~~BUT~~
 4 only after the plan has been approved by a ~~majority of the~~ planning
 5 committee as provided in section ~~11534(1)~~ **11534(6)**. If the county
 6 board of commissioners, ~~or, if a plan is prepared under section~~
 7 ~~11533(4),~~ a majority of the municipalities in the county ~~who~~ **THAT**
 8 voted in favor of filing a notice of intent to prepare a county
 9 solid waste management plan, ~~does or~~ **RESPECTIVELY**, do not approve
 10 the plan as submitted, the plan shall be returned to the planning
 11 committee along with a **WRITTEN** statement of objections to the plan.
 12 Within 30 days after receipt, the planning committee shall review
 13 the objections and shall return the plan with its recommendations.

14 (2) ~~(4) Following approval, the county plan shall be~~ **WITHIN 10**
 15 **DAYS AFTER APPROVAL UNDER SUBSECTION (1) OF A SOLID WASTE**
 16 **MANAGEMENT PLAN PREPARED UNDER SECTION 11533(6) OR (7) OR APPROVAL**
 17 **BY THE REGIONAL SOLID WASTE MANAGEMENT PLANNING AGENCY OF A PLAN**
 18 **PREPARED UNDER SECTION 11533(8), THE DESIGNATED PLANNING AGENCY**
 19 **SHALL SUBMIT THE PLAN TO THE GOVERNING BODIES OF ALL OF THE**
 20 **MUNICIPALITIES WITHIN THE COUNTY FOR REVIEW AND APPROVAL OR**
 21 **DISAPPROVAL. A GOVERNING BODY HAS 120 DAYS FROM THE DATE OF**
 22 **SUBMITTAL OF THE PLAN UNDER THIS SUBSECTION TO APPROVE OR**
 23 **DISAPPROVE THE PLAN. IF A GOVERNING BODY DISAPPROVES THE PLAN, THE**
 24 **GOVERNING BODY SHALL STATE IN WRITING THE SPECIFIC REASONS FOR ITS**
 25 **DISAPPROVAL. THE PLAN SHALL NOT BE CONSIDERED TO BE APPROVED UNDER**
 26 **THIS SUBSECTION UNLESS IT IS** approved by the governing bodies of
 27 ~~not less than~~ **AT LEAST** 67% of the municipalities within each

1 ~~respective county before the plan may take effect~~ **THAT VOTED WITHIN**
 2 **THE 120-DAY PERIOD.**

3 ~~—— (5) A county plan prepared by a regional solid waste~~
 4 ~~management planning agency shall be approved by the governing~~
 5 ~~bodies of not less than 67% of the municipalities within each~~
 6 ~~respective county before the plan may take effect.~~

7 (3) ~~(6)~~ If, after the plan has been adopted, the governing
 8 bodies of ~~not less than~~ **AT LEAST** 67% of the municipalities **THAT**
 9 **VOTED WITHIN THE 120-DAY PERIOD** have not approved the plan **UNDER**
 10 **SUBSECTION (2)**, the department shall prepare a plan for the county,
 11 including those municipalities that did not approve the county
 12 plan. A plan prepared by the department ~~shall be~~ **IS** final.

13 Sec. 11537. (1) **IF A PLAN IS APPROVED UNDER SECTION 11536 (2),**
 14 **THE DESIGNATED PLANNING AGENCY SHALL SUBMIT THE PLAN TO THE**
 15 **DEPARTMENT.** The department shall, within 6 months after a plan has
 16 been submitted for approval, approve or disapprove the plan. ~~An~~
 17 ~~approved plan shall at a minimum meet the requirements set forth in~~
 18 ~~section 11538(1).~~ **THE DEPARTMENT SHALL NOT APPROVE A PLAN UNLESS IT**
 19 **MEETS THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER**
 20 **THIS PART. THE DEPARTMENT MAY APPROVE A PLAN WITH MODIFICATIONS TO**
 21 **BRING THE PLAN INTO COMPLIANCE WITH THIS PART AND THE RULES**
 22 **PROMULGATED UNDER THIS PART. IF THE DEPARTMENT HAS RETURNED THE**
 23 **PLAN TO THE DESIGNATED PLANNING AGENCY FOR CONSENT TO MODIFICATIONS**
 24 **OR FOR CLARIFICATION, THE DEPARTMENT MAY EXTEND THE 6-MONTH PERIOD**
 25 **TO APPROVE OR DISAPPROVE THE PLAN FOR UP TO AN ADDITIONAL 6 MONTHS,**
 26 **UPON REQUEST OF THE DESIGNATED PLANNING AGENCY.**

27 (2) The department shall review an approved **SOLID WASTE**

1 **MANAGEMENT** plan periodically and determine if revisions or
2 corrections are necessary to bring the plan into compliance with
3 this part **AND THE RULES PROMULGATED UNDER THIS PART.** The
4 department, after notice and opportunity for a public hearing, held
5 ~~pursuant to the administrative procedures act of 1969, Act No. 306~~
6 ~~of the Public Acts of 1969, being sections 24.201 to 24.328 of the~~
7 ~~Michigan Compiled Laws,~~ may withdraw approval of the plan. If the
8 department withdraws approval of a ~~county~~ plan, the department
9 shall establish a timetable or schedule for compliance with this
10 part.

11 Sec. 11538. (1) ~~Not later than September 11, 1979, the~~ **THE**
12 director shall promulgate rules for the development, form, and
13 submission of ~~initial~~ solid waste management plans. The rules shall
14 require all of the following:

15 (a) The establishment of goals and objectives for prevention
16 of adverse effects on the public health ~~and on~~ **OR** the environment
17 resulting from improper solid waste collection, processing, or
18 disposal including protection of surface and groundwater quality,
19 air quality, and the land.

20 (b) An evaluation of waste problems by type and volume,
21 including residential and commercial solid waste, hazardous waste,
22 industrial sludges, pretreatment residues, municipal sewage sludge,
23 air pollution control residue, and other wastes from industrial or
24 municipal sources. **IN CALCULATING THE VOLUME OF WASTE TO BE**
25 **DISPOSED OF, FULL ACHIEVEMENT OF ANY VOLUME REDUCTION GOALS IN THE**
26 **SOLID WASTE MANAGEMENT PLAN MAY BE ASSUMED BY THE PLANNING ENTITY**
27 **IF THE PLAN IDENTIFIES A DETAILED APPROACH TO ENFORCING AND**

1 **ACHIEVING THESE GOALS THROUGH SOLID WASTE DIVERSION PROGRAMS.**

2 (c) An evaluation and selection of technically and
3 economically feasible solid waste management options, which may
4 include sanitary landfill, ~~resource recovery systems, resource~~
5 ~~conservation, or a combination of options~~ **LANDFILLS, INCINERATORS,**
6 **SOLID WASTE DIVERSION, OR A COMBINATION THEREOF.**

7 (d) An inventory and description of all existing facilities
8 ~~where solid waste is being treated, processed, or disposed of,~~
9 ~~including~~ **SOLID WASTE DISPOSAL FACILITIES, SOLID WASTE DIVERSION**
10 **FACILITIES, AND SPECIFIC SOLID WASTE DIVERSION PROGRAMS AND** a
11 summary of the deficiencies, if any, of ~~the~~ **THESE** facilities **OR**
12 **PROGRAMS** in meeting current solid waste management needs.

13 (e) The encouragement and documentation, as part of ~~the~~ **A**
14 solid waste management plan, of all opportunities for participation
15 and involvement of the public, all affected agencies and parties,
16 and the private sector.

17 (f) That ~~the~~ **A** solid waste management plan contain enforceable
18 mechanisms for implementing the plan, including identification of
19 the municipalities within the county responsible for ~~the~~
20 enforcement. ~~and may~~ **A SOLID WASTE MANAGEMENT PLAN MAY ALSO** contain
21 a mechanism for the county and those municipalities to assist the
22 department and the state police in implementing and conducting the
23 inspection program established in section 11526(2) and (3). This
24 subdivision does not preclude the private sector's participation in
25 providing solid waste management services consistent with the solid
26 waste management plan for the county.

27 (g) Current and projected population densities of each county

1 and identification of population centers and centers of solid waste
2 **THE generation OF SOLID WASTE**, including industrial wastes.

3 (h) That the solid waste management ~~plan~~**PLANNING** area has,
4 and will have during the plan period, access to a sufficient amount
5 of available and suitable land, accessible to transportation media,
6 to accommodate the development and operation of solid waste
7 disposal areas ~~,~~ or resource recovery facilities provided for in
8 the plan.

9 (i) That the solid waste disposal areas or resource recovery
10 facilities provided for in the solid waste management plan are
11 capable of being developed and operated in compliance with state
12 law and rules of the department pertaining to protection of the
13 public health and the environment, considering the available land
14 in the ~~plan~~**PLANNING** area ~~,~~ and the technical feasibility of, and
15 economic costs associated with, the facilities.

16 (j) A timetable or schedule for implementing the solid waste
17 management plan.

18 ~~—— (2) Each solid waste management plan shall identify specific~~
19 ~~sites for solid waste disposal areas for a 5 year period after~~
20 ~~approval of a plan or plan update. In calculating disposal need~~
21 ~~requirements to measure compliance with this section, only those~~
22 ~~existing waste stream volume reduction levels achieved through~~
23 ~~source reduction, reuse, composting, recycling, or incineration, or~~
24 ~~any combination of these reduction devices, that can currently be~~
25 ~~demonstrated or that can be reasonably expected to be achieved~~
26 ~~through currently active implementation efforts for proposed volume~~
27 ~~reduction projects, may be assumed by the planning entity. In~~

~~1 addition, if the solid waste management plan does not also identify
2 specific sites for solid waste disposal areas for the remaining
3 portion of the entire planning period required by this part after
4 approval of a plan or plan update, the solid waste management plan
5 shall include an interim siting mechanism and an annual
6 certification process as described in subsections (3) and (4). In
7 calculating the capacity of identified disposal areas to determine
8 if disposal needs are met for the entire required planning period,
9 full achievement of the solid waste management plan's volume
10 reduction goals may be assumed by the planning entity if the plan
11 identifies a detailed programmatic approach to achieving these
12 goals.~~

13 (2) TO THE EXTENT THAT THE 10-YEAR WASTE MANAGEMENT
14 REQUIREMENT UNDER SECTION 11533 IS TO BE MET BY DISPOSAL AT
15 LANDFILLS, FOR THE FIRST 5-YEAR PERIOD AFTER APPROVAL OF THE PLAN,
16 THE PLAN SHALL IDENTIFY SPECIFIC LANDFILLS WITH SUFFICIENT
17 GUARANTEED LANDFILL DISPOSAL CAPACITY FOR SOLID WASTE TO BE
18 GENERATED DURING THAT PERIOD. FOR THE SECOND 5-YEAR PERIOD, THE
19 PLAN SHALL DO 1 OF THE FOLLOWING:

20 (A) IDENTIFY SPECIFIC LANDFILLS WITH SUFFICIENT GUARANTEED
21 LANDFILL DISPOSAL CAPACITY FOR SOLID WASTE TO BE GENERATED DURING
22 THAT PERIOD.

23 (B) INCLUDE AN INTERIM SITING MECHANISM AS DESCRIBED IN
24 SUBSECTIONS (7) AND (8) AND ANNUAL CERTIFICATION PROCESS AS
25 DESCRIBED IN SUBSECTION (9).

26 (3) A SOLID WASTE MANAGEMENT PLAN SHALL INCLUDE INFORMATION
27 AND DOCUMENTATION DEMONSTRATING THE COUNTY'S GUARANTEED LANDFILL

House Bill No. 4486 (H-2) as amended May 3, 2007

1 DISPOSAL CAPACITY UNDER SUBSECTION (2), TO PRECLUDE DUPLICATE
2 COUNTING OF THE SAME LANDFILL DISPOSAL CAPACITY BY MORE THAN 1
3 PLANNING ENTITY.

4 (4) A PLANNING ENTITY SHALL NOT HAVE AGREEMENTS WITH LANDFILLS
5 THAT, CUMULATIVELY, PROVIDE GUARANTEED LANDFILL DISPOSAL CAPACITY
6 IN AN AMOUNT THAT IS MORE THAN 125% OF THE LANDFILL DISPOSAL
7 CAPACITY REQUIRED TO MEET THE 10-YEAR WASTE MANAGEMENT REQUIREMENT
8 UNDER SECTION 11533. THIS SUBSECTION DOES NOT INVALIDATE AN
9 AGREEMENT BETWEEN A PLANNING ENTITY AND A LANDFILL ENTERED INTO
10 BEFORE THE EFFECTIVE DATE OF THE 2007 AMENDATORY ACT THAT ADDED
11 THIS SUBSECTION.

12 (5) IF AN INTERIM SITING MECHANISM IS NOT INCLUDED IN THE
13 SOLID WASTE MANAGEMENT PLAN, THEN A DISPOSAL AREA IS NOT CONSISTENT
14 WITH THE SOLID WASTE MANAGEMENT PLAN, UNLESS 1 OF THE FOLLOWING
15 REQUIREMENTS IS MET:

16 (A) THE DISPOSAL AREA IS SPECIFICALLY IDENTIFIED IN THE SOLID
17 WASTE MANAGEMENT PLAN AS REQUIRED UNDER SUBSECTION (11).

18 (B) [THE PLAN SHOWS 10 OR MORE YEARS OF DISPOSAL CAPACITY, AND] THE
19 DISPOSAL AREA IS APPROVED UNDER A PROCESS THAT IS
20 AUTHORIZED BY THE PLAN AND THAT REQUIRES SPECIFICATION OF THE TOTAL
21 LANDFILL PLANNING CAPACITY CONSIDERED TO BE CONSISTENT WITH THE
22 PLAN FOR PURPOSES OF SECTION 11509(1).

23 (6) If ~~a~~AN INTERIM siting mechanism is not included IN THE
24 SOLID WASTE MANAGEMENT PLAN, and GUARANTEED LANDFILL disposal
25 capacity falls to less than THAT REQUIRED FOR 5 years of ~~capacity,~~
26 ~~a county~~THE COUNTY'S LANDFILL DISPOSAL NEEDS, THE PLANNING ENTITY
27 shall amend the ~~solid waste management plan~~ for that county to
resolve the shortfall BY IDENTIFYING SPECIFIC LANDFILLS WITH

1 SUFFICIENT GUARANTEED LANDFILL DISPOSAL CAPACITY, BY IDENTIFYING
 2 HOW THE COUNTY WILL INCREASE SOLID WASTE DIVERSION TO REDUCE THE
 3 COUNTY'S LANDFILL DISPOSAL NEEDS, OR BY INCLUDING AN INTERIM SITING
 4 MECHANISM.

5 (7) ~~(3) An~~ IF AN interim siting mechanism shall include IS
 6 INCLUDED IN THE SOLID WASTE MANAGEMENT PLAN, THE INTERIM SITING
 7 MECHANISM SHALL DO ALL OF THE FOLLOWING:

8 (A) IDENTIFY ANY AUTHORIZED DISPOSAL AREA TYPES THAT MAY BE
 9 SITED UTILIZING THE INTERIM SITING MECHANISM.

10 (B) WHEN USED TO SITE A LANDFILL, REQUIRE SPECIFICATION OF THE
 11 TOTAL LANDFILL PLANNING CAPACITY CONSIDERED TO BE CONSISTENT WITH
 12 THE COUNTY PLAN FOR PURPOSES OF SECTION 11509(1).

13 (C) INCLUDE both a process and a set of minimum siting
 14 criteria, both of which are not subject to interpretation or
 15 discretionary acts by the planning entity, and which if met by an
 16 applicant submitting a disposal area proposal, will guarantee a
 17 finding of consistency with the SOLID WASTE MANAGEMENT plan. The

18 (8) AN interim siting mechanism shall be operative upon the
 19 call of the COUNTY board of commissioners or shall automatically be
 20 operative whenever the annual certification process shows that
 21 available ~~GUARANTEED LANDFILL~~ disposal capacity will NOT provide
 22 for less than ~~AT LEAST~~ 66 months of THE COUNTY'S LANDFILL disposal
 23 needs. In the latter event, applications for a finding of
 24 consistency from the ~~proposers of~~ PERSONS PROPOSING NEW LANDFILL
 25 disposal area capacity will ~~will~~ SHALL be received by the planning
 26 agency ~~ENTITY~~ commencing on January 1 following completion of the
 27 annual certification process. Once operative, an interim siting

1 mechanism ~~will remain~~ **REMAINS** operative for at least 90 days or
2 until ~~more than 66 months of~~ **GUARANTEED LANDFILL** disposal capacity
3 ~~is once again available~~ **WILL PROVIDE FOR AT LEAST 66 MONTHS OF THE**
4 **COUNTY'S LANDFILL DISPOSAL NEEDS**, either by the approval of a
5 request for consistency or by the adoption of a new annual
6 certification process which ~~concludes~~ **SHOWS** that ~~more than~~
7 **GUARANTEED LANDFILL DISPOSAL CAPACITY WILL PROVIDE FOR AT LEAST 66**
8 months of **LANDFILL** disposal ~~capacity is available~~ **NEEDS**.

9 (9) ~~(4)~~ An annual certification process shall be concluded by
10 June 30 of each year, commencing on the first June 30 ~~which~~ **THAT** is
11 more than 12 months after the department's approval of the solid
12 waste management plan. ~~or plan update.~~ The certification process
13 ~~will~~ **SHALL** examine the ~~remaining~~ **GUARANTEED LANDFILL** disposal area
14 capacity ~~available~~ for solid wastes generated within the planning
15 area. In calculating ~~disposal need requirements~~ **LANDFILL DISPOSAL**
16 **NEEDS** to ~~measure~~ **DETERMINE** compliance with this section, only those
17 existing waste stream volume reduction levels achieved through
18 ~~source reduction, reuse, composting, recycling,~~ **SOLID WASTE**
19 **DIVERSION** or incineration, ~~or any combination of these reduction~~
20 ~~devices~~ **BOTH**, that can currently be demonstrated or that can be
21 reasonably expected to be achieved through currently active
22 implementation efforts for proposed volume reduction projects ~~may~~
23 be assumed. The annual certification of **GUARANTEED LANDFILL**
24 disposal capacity shall be approved by the board of commissioners.
25 Failure to approve an annual certification by June 30 is equivalent
26 to a finding that ~~less than a sufficient amount of~~ **GUARANTEED**
27 **LANDFILL DISPOSAL** capacity is available ~~is available~~ **NOT SUFFICIENT**, and the

1 interim siting mechanism will then be operative on the first day of
2 the following January. As part of the department's responsibility
3 to act on construction permit applications, the department has
4 final ~~decision~~ authority to approve or disapprove **GUARANTEED**
5 **LANDFILL DISPOSAL** capacity certifications and to determine
6 consistency of a proposed disposal area with the solid waste
7 management plan.

8 (10) ~~(5)~~ A **COUNTY** board of commissioners may adopt a new
9 certification of **GUARANTEED LANDFILL** disposal capacity at any time.
10 A new certification of **GUARANTEED LANDFILL** disposal capacity shall
11 ~~supersede~~ **SUPERSEDES** all previous certifications, and become
12 effective **TAKES EFFECT** 30 days after adoption by the **COUNTY** board
13 of commissioners, and ~~remain~~ **REMAINS** in effect until **A** subsequent
14 ~~certifications are~~ **CERTIFICATION IS** adopted.

15 (11) **A PLAN SHALL SPECIFY THE NAME, LOCATION, FACILITY**
16 **ACREAGE, AND TOTAL LANDFILL PLANNING CAPACITY THAT EACH LANDFILL,**
17 **OR EXPANSION THEREOF, LOCATED WITHIN THE COUNTY SHALL HAVE IF THAT**
18 **LANDFILL IS TO BE CONSIDERED CONSISTENT WITH THE PLAN FOR PURPOSES**
19 **OF SECTION 11509(1).**

20 (12) **THE LOCATION OR DEVELOPMENT OF A SOLID WASTE TRANSFER**
21 **FACILITY THAT IS EXEMPT FROM THE CONSTRUCTION PERMIT AND OPERATING**
22 **LICENSE REQUIREMENTS OF THIS PART PURSUANT TO SECTION 11529 SHALL**
23 **BE CONSISTENT WITH THE PLAN AND MAY BE REGULATED BY AN ORDINANCE,**
24 **RULE, OR REGULATION OF A MUNICIPALITY, COUNTY, OR GOVERNMENTAL**
25 **AUTHORITY CREATED BY STATUTE IF THE ORDINANCE, RULE, OR REGULATION**
26 **IS INCORPORATED IN AND CONSISTENT WITH THE APPROVED SOLID WASTE**
27 **MANAGEMENT PLAN FOR THE COUNTY.**

1 (13) ~~(6)~~—In order for a disposal area to serve the disposal
2 needs of another county, state, or country, the service, including
3 the disposal of municipal solid waste incinerator ash, must be
4 explicitly authorized in the approved solid waste management plan
5 of the receiving county. With regard to intercounty service within
6 Michigan, the service must also be explicitly authorized in the
7 solid waste management plan of the exporting county.

8 (14) ~~(7)~~—A person shall not dispose of, store, or transport
9 solid waste in this state unless the person complies with the
10 requirements of this part.

11 (15) ~~(8)~~—An ordinance, ~~law,~~ rule, regulation, policy, or
12 practice of a municipality, county, or governmental authority
13 created by statute ~~, which~~ **THAT** prohibits or regulates the location
14 or development of a solid waste disposal area ~~, and which~~ **THAT** is
15 not ~~part of~~ **INCORPORATED IN** or not consistent with the approved
16 solid waste management plan for the county ~~, shall be considered in~~
17 ~~conflict with this part and shall not be enforceable~~ **IS VOID**.

18 Sec. 11539a. ~~(1)~~—The department shall prepare a ~~proposed~~
19 standard format **TO BE USED** for the submittal of ~~updates to solid~~
20 waste management plans ~~. This proposed standard format shall be~~
21 ~~submitted to the standing committees of the legislature that~~
22 ~~address issues primarily pertaining to natural resources and the~~
23 ~~environment by November 1, 1994 for a 30 day review and comment~~
24 ~~period. Following this 30 day period, the department shall finalize~~
25 ~~the standard format and provide a copy of the standard format to~~
26 each **DESIGNATED** planning ~~entity~~ **AGENCY** in the state that the
27 department knows will be preparing ~~an update to a solid waste~~

1 management plan. ~~The standard format shall be submitted to planning~~
2 ~~entities by January 1, 1995.~~ Additionally, the department shall
3 provide the standard format to any other person upon request.

4 ~~—— (2) Notwithstanding any other provision of this part, the~~
5 ~~department shall not require planning entities to begin the process~~
6 ~~for updating solid waste management plans prior to January 1, 1995.~~

7 Sec. 11547. (1) In order for a county to effectively implement
8 the planning responsibilities designated under this part, a grant
9 program is established to provide financial assistance to county or
10 regional solid waste management planning agencies. Municipalities
11 joined together with interlocal agreements relating to solid waste
12 management plans, within a county having a city of a population of
13 more than 750,000, are eligible for a separate planning grant in
14 addition to those granted to counties. This separate grant
15 allocation provision does not alter the planning and approval
16 process requirements for county plans as specified in this part.
17 Eighty percent of the money for the program not provided for by
18 federal funds shall be appropriated annually by the legislature
19 from the general fund of the state and 20% shall be appropriated by
20 the applicant. Grant funds appropriated for local planning may be
21 used by the department if the department ~~finds it necessary to~~
22 ~~invoke the department's authority to develop a local~~ **PREPARES THE**
23 **SOLID WASTE MANAGEMENT** plan under section ~~11533(6)~~ **11533(9)**. The
24 department shall promulgate rules for the distribution of the
25 appropriated funds.

26 (2) In order for a certified health department to effectively
27 implement the responsibilities designated under this part, an

1 annual grant shall be appropriated by the legislature from the
2 general fund of the state to provide financial assistance to a
3 certified health department. A certified health department is
4 eligible to receive 100% of reasonable personnel costs as
5 determined by the department based on criteria established by rule.
6 The department shall promulgate rules for the distribution of the
7 appropriated funds.

8 Enacting section 1. Section 11537a of the natural resources
9 and environmental protection act, 1994 PA 451, MCL 324.11537a, is
10 repealed.

11 Enacting section 2. This amendatory act does not take effect
12 unless House Bill No. 4485 of the 94th Legislature is enacted into
13 law.