

# HOUSE BILL No. 4484

March 20, 2007, Introduced by Reps. Warren, Hammel, Hammon, Coulouris, Alma Smith, Meadows, Robert Jones, Ebli, Valentine, Condino, Donigan and Young and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11507a, 11539, and 11547 (MCL 324.11507a,  
324.11539, and 324.11547), section 11507a as amended by 2004 PA 39  
and section 11547 as amended by 1998 PA 466.

## 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  
3       municipality in which the landfill is located. ~~that contains~~ **THE**  
4       **REPORT SHALL CONTAIN** information on the amount of solid waste  
5       received by the landfill during the year itemized, to the extent  
6       possible, by county, state, or country of origin and the ~~amount of~~

1 ~~remaining LANDFILL disposal capacity. at the landfill. Remaining~~  
2 ~~disposal capacity shall be calculated as the permitted capacity~~  
3 ~~less waste in place for any area that has been constructed and is~~  
4 ~~not yet closed plus the permitted capacity for each area that has a~~  
5 ~~permit for construction under this part but has not yet been~~  
6 ~~constructed.~~ The report shall be submitted on a form provided by  
7 the department within ~~45~~ 30 days following the end of each state  
8 fiscal year.

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

12 (3) BY OCTOBER 31 OF EACH YEAR, A PERSON WHO ACCEPTS  
13 RECYCLABLE MATERIALS COLLECTED THROUGH CURBSIDE COLLECTION PROGRAMS  
14 OR THROUGH COMMUNITY OR AREAWIDE DROP-OFF PROGRAMS, OR WHO ACCEPTS  
15 RECYCLABLE MATERIALS DIRECTLY FROM COMMERCIAL OR INDUSTRIAL  
16 SOURCES, SHALL SUBMIT A REPORT TO THE COUNTY IN WHICH THE PERSON  
17 CONDUCTS SUCH ACTIVITIES. THE REPORT SHALL SET FORTH THE AMOUNT OF  
18 EACH TYPE OF RECYCLABLE MATERIAL RECEIVED DURING THE PREVIOUS STATE  
19 FISCAL YEAR, BY COUNTY, STATE, OR COUNTRY OF ORIGIN, ALONG WITH THE  
20 NAME AND LOCATION OF THE FACILITY TO WHICH THESE MATERIALS ARE  
21 BEING SENT. A REPORT UNDER THIS SUBSECTION SHALL BE SUBMITTED ON A  
22 FORM TO BE PROVIDED BY THE DEPARTMENT.

23 (4) BY FEBRUARY 28 OF EACH YEAR, EACH COUNTY SHALL SUBMIT TO  
24 THE DEPARTMENT, ON A FORM AND IN A MANNER PROVIDED BY THE  
25 DEPARTMENT, A REPORT SETTING FORTH A SUMMARY OF THE RECYCLING  
26 INFORMATION SUBMITTED TO THE COUNTY UNDER SUBSECTION (3). EACH  
27 COUNTY SHALL EVALUATE THE RECYCLING DATA IT RECEIVES TO ENSURE THAT

1 MATERIALS ARE NOT COUNTED MORE THAN ONCE.

2 Sec. 11539. (1) The director shall not approve a plan ~~update~~  
3 unless:

4 (a) The plan contains an analysis or evaluation of the best  
5 available information applicable to the plan area, **DERIVED FROM**  
6 **REPORTS UNDER SECTION 11507A AND ANY OTHER SOURCES CONSISTENT WITH**  
7 **THOSE REPORTS**, in regard to recyclable materials and all of the  
8 following, **WITH AMOUNTS OF MATERIALS REPORTED IN TONS AND A**  
9 **CONVERSION FACTOR TO CUBIC YARDS:**

10 (i) ~~The kind and volume~~ **AMOUNT OF EACH TYPE** of material in the  
11 plan area's waste stream that may be recycled or composted.

12 (ii) **THE AMOUNT OF WASTE GENERATED ANNUALLY PER CAPITA AND A**  
13 **PROJECTION OF FUTURE WASTE GENERATION.**

14 (iii) **THE AMOUNT OF EACH TYPE OF MATERIAL THAT WAS RECYCLED AND**  
15 **COMPOSTED WITHIN THE COUNTY EACH YEAR SINCE THE LAST PLAN UPDATE.**

16 (iv) **THE AMOUNT OF MUNICIPAL SOLID WASTE GENERATED IN THE**  
17 **COUNTY EACH YEAR SINCE THE LAST PLAN UPDATE THAT WAS DISPOSED OF IN**  
18 **A LANDFILL OR INCINERATOR LOCATED IN THE COUNTY.**

19 (v) **THE AMOUNT OF MUNICIPAL SOLID WASTE GENERATED IN THE**  
20 **COUNTY EACH YEAR SINCE THE LAST PLAN UPDATE THAT WAS DISPOSED OF IN**  
21 **A SOLID WASTE LANDFILL OR INCINERATOR IN ANOTHER COUNTY.**

22 (vi) ~~(ii) How~~ **AN EVALUATION OF HOW** various factors do or may  
23 affect a recycling and composting program in the plan area. Factors  
24 shall include ~~an evaluation of~~ the existing solid waste collection  
25 system; materials market; transportation networks; local composting  
26 and recycling support groups, or both; institutional arrangements;  
27 the population in the plan area; and other pertinent factors.

(vii) ~~(iii)~~—An identification of impediments to implementing a recycling and composting program and recommended strategies for removing or minimizing impediments.

(viii) ~~(iv)~~—How recycling and composting and other processing or disposal methods could complement each other and an examination of the feasibility of excluding site separated material and source separated material from other processing or disposal methods.

(ix) ~~(v)~~—Identification and quantification of environmental, economic, and other benefits that could result from the implementation of a recycling and composting program.

(x) ~~(vi)~~—The feasibility of source separation of materials that contain potentially hazardous components at disposal areas. ~~This subparagraph applies only to plan updates that are due after January 31, 1989.~~

(xi) **THE AMOUNT OF MATERIAL PROCESSED IN THE COUNTY, INCLUDING ORGANIC MATERIAL AND CURBSIDE AND DROP-OFF COLLECTED MATERIAL.**

(xii) **IDENTIFICATION OF FACILITIES WITHIN AND OUTSIDE OF THIS STATE THAT ARE PROCESSING RESIDENTIAL RECYCLABLE MATERIALS COLLECTED IN THE COUNTY AND THE VOLUMES PROCESSED AT EACH OF THOSE FACILITIES.**

(b) The plan ~~either provides~~ **DESCRIBES THE METHODS USED** for recycling and composting recyclable materials from the plan area's waste stream. ~~or establishes that recycling and composting are not necessary or feasible or is only necessary or feasible to a limited extent.~~

(c) ~~A plan that proposes~~ **IF THE PLAN CREATES OR RELIES UPON** a recycling or composting program, or both, **THE PLAN** details the

major features of that program, including all of the following:

(i) ~~The kinds and volumes~~ **VOLUME OF EACH TYPE** of recyclable materials **MATERIAL** that will be recycled or composted.

(ii) Collection methods.

(iii) Measures that will ensure collection, such as ordinances or cooperative arrangements, or both.

(iv) Ordinances or regulations affecting the program.

(v) The role of counties and municipalities in implementing the plan.

(vi) The involvement of existing recycling interests, solid waste haulers, and the community.

(vii) Anticipated costs.

(viii) On-going program financing.

(ix) Equipment selection.

(x) Public and private sector involvement.

(xi) Site availability and selection.

~~Operating~~ **COMPOSTING OPERATING** parameters such as pH and heat range.

(d) ~~The plan includes an evaluation of how the planning entity is meeting the state's waste reduction and recycling goals as established pursuant to section 11541(4)~~ **EXPLAINS HOW THE**

**DESIGNATED PLANNING AGENCY IS UTILIZING A COMPREHENSIVE PLANNING**

**SYSTEM THAT REFLECTS THE STATE'S SOLID WASTE POLICY UNDER SECTION**

**11541(1) AND, IF SUCH A SYSTEM IS NOT YET BEING UTILIZED, DESCRIBES**

**HOW THE DESIGNATED PLANNING AGENCY WILL MAKE PROGRESS IN**

**IMPLEMENTING SUCH A SYSTEM.**

(E) **THE PLAN DESCRIBES HOW, AND BY HOW MUCH, THE COUNTY WILL**

1 INCREASE SOLID WASTE DIVERSION OVER THE 5-YEAR PLAN PERIOD.

2 (F) THE PLAN INCLUDES COPIES OF ENFORCEABLE MECHANISMS, SUCH  
3 AS ANNUAL DISPOSAL CAPS AND WRITTEN AGREEMENTS BETWEEN THE COUNTY  
4 AND DISPOSAL FACILITIES, THAT DEMONSTRATE THAT DISPOSAL CAPACITY IS  
5 AVAILABLE TO THE COUNTY.

6 (G) THE PLAN INCLUDES COPIES OF ALL HOST COMMUNITY AGREEMENTS  
7 BETWEEN THE COUNTY OR MUNICIPALITIES WITHIN THE COUNTY AND DISPOSAL  
8 FACILITIES.

9 (2) The director may promulgate rules as ~~may be necessary~~ to  
10 implement this section.

11 Sec. 11547. ~~(1) In order for a county to effectively implement~~  
12 ~~the planning responsibilities designated under this part, a~~ A grant  
13 program is established to provide financial assistance to ~~county or~~  
14 ~~regional solid waste management~~ **DESIGNATED** planning agencies **IN**  
15 **PERFORMING THEIR DUTIES UNDER THIS PART.** Municipalities joined  
16 together with interlocal agreements relating to solid waste  
17 management plans, within a county having a city ~~of~~ **WITH** a  
18 population of more than 750,000, are eligible for a separate  
19 planning grant in addition to those granted to ~~counties~~ **DESIGNATED**  
20 **PLANNING AGENCIES.** This separate grant allocation provision does  
21 not alter the planning and approval process requirements for county  
22 plans as specified in this part. Eighty percent of the money for  
23 the program not provided for by federal funds shall be appropriated  
24 annually by the legislature from the general fund of the state and  
25 20% shall be appropriated by the applicant. Grant funds  
26 appropriated for local planning may be used by the department if  
27 the department finds it necessary to invoke the department's

1 authority to develop a local plan under section ~~11533(6)~~ **11533(9)** .

2 The department shall promulgate rules for the distribution of the  
3 appropriated funds.

4 ~~—— (2) In order for a certified health department to effectively~~  
5 ~~implement the responsibilities designated under this part, an~~  
6 ~~annual grant shall be appropriated by the legislature from the~~  
7 ~~general fund of the state to provide financial assistance to a~~  
8 ~~certified health department. A certified health department is~~  
9 ~~eligible to receive 100% of reasonable personnel costs as~~  
10 ~~determined by the department based on criteria established by rule.~~  
11 ~~The department shall promulgate rules for the distribution of the~~  
12 ~~appropriated funds.~~