

# HOUSE BILL No. 4486

March 20, 2007, Introduced by Reps. Ebli, Hammon, Hammel, Coulouris, Alma Smith, Meadows, Robert Jones, 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, 11526a, 11533, 11534, 11535, 11536, 11537, 11538, 11539a, and 11547 (MCL 324.11507a, 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 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  
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

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

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

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

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

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

25 Sec. 11526a. ~~(1) Beginning October 1, 2004, in order to~~ **TO**  
 26 protect the public health, safety, and welfare and the environment  
 27 of this state from the improper disposal of waste that is

1 prohibited from disposal in a landfill, and in recognition that the  
2 nature of solid waste collection and transport limits the ability  
3 of the state to conduct cost effective inspections to ensure  
4 compliance with state law, the owner or operator of a landfill  
5 shall not accept for disposal in this state solid waste, including,  
6 but not limited to, municipal solid waste incinerator ash, that was  
7 generated outside of this state unless 1 or more of the following  
8 **REQUIREMENTS** are met:

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

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

18 (c) The country, state, province, or local jurisdiction in  
19 which the solid waste was generated is approved by the department  
20 for inclusion on the list compiled by the department under section  
21 11526b.

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

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

1 ~~—— (b) An interim siting mechanism shall not become operative in~~  
2 ~~the county unless the county board of commissioners determines~~  
3 ~~otherwise.~~

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

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

18 ~~—— (2) An initial solid waste management plan shall be prepared~~  
19 ~~and approved under this section and shall be submitted to the~~  
20 ~~director not later than January 5, 1984. Following submittal of the~~  
21 ~~initial plan, the solid waste management plan shall be reviewed and~~  
22 ~~updated every 5 years. An updated solid waste management plan and~~  
23 ~~an amendment to a solid waste management plan shall be prepared and~~  
24 ~~approved as provided in this section and sections 11534, 11535,~~  
25 ~~11536, 11537, and 11537a. The solid waste management plan shall~~  
26 ~~encompass all municipalities within the county. The solid waste~~  
27 ~~management plan shall at a minimum comply with the requirements of~~

1 ~~sections 11537a and~~ SECTION 11538 AND THE RULES PROMULGATED  
2 THEREUNDER. The solid waste management plan shall take into  
3 consideration solid waste management plans in contiguous counties  
4 and existing local approved solid waste management plans as they  
5 relate to the county's needs. ~~At a minimum, a county preparing a~~  
6 ~~solid waste management plan shall consult with the regional~~  
7 ~~planning agency from the beginning to the completion of the plan.~~

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

23 (3) A MUNICIPALITY LOCATED IN 2 COUNTIES MAY REQUEST THAT THE  
24 ENTIRE MUNICIPALITY BE INCLUDED IN THE PLANNING AREA OF THE SOLID  
25 WASTE MANAGEMENT PLAN OF 1 OF THOSE COUNTIES AND THAT THE  
26 MUNICIPALITY BE EXCLUDED FROM THE PLANNING AREA FOR THE SOLID WASTE  
27 MANAGEMENT PLAN OF THE OTHER COUNTY. IF A MUNICIPALITY IN 1 COUNTY

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

12 (4) CHANGES TO A SOLID WASTE MANAGEMENT PLAN SHALL BE MADE  
13 ONLY BY A COMPREHENSIVE PLAN UPDATE OR A PLAN AMENDMENT. A PLAN  
14 UPDATE SHALL BE ADOPTED THROUGH THE PROCEDURE SET FORTH IN THIS  
15 SECTION AND SECTIONS 11534 TO 11537, AS APPLICABLE. A PLAN  
16 AMENDMENT SHALL BE ADOPTED BY THE SAME PROCEDURE AS A PLAN UPDATE,  
17 EXCEPT AS FOLLOWS:

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

19 (B) A PLAN AMENDMENT SHALL BE INITIATED BY THE PLANNING  
20 ENTITY.

21 (C) SUBSECTION (3) AND SUBSECTIONS (5) TO (10) DO NOT APPLY TO  
22 A PLAN AMENDMENT.

23 (5) EACH SOLID WASTE MANAGEMENT PLAN SHALL BE REVIEWED AND  
24 UPDATED ON A 5-YEAR CYCLE, WITH APPROXIMATELY 20% OF THE PLANS  
25 UPDATED EACH YEAR. FOR EACH 5-YEAR CYCLE, NOT LESS THAN 120 DAYS  
26 BEFORE INITIATING, UNDER SUBSECTION (6), THE UPDATE PROCESS FOR THE  
27 FIRST SOLID WASTE MANAGEMENT PLAN OR PLANS, THE DIRECTOR SHALL

1 SUBMIT A PROPOSED SCHEDULE TO EACH DESIGNATED PLANNING AGENCY AND  
 2 TO THE COUNTY BOARD OF COMMISSIONERS OF EACH COUNTY. THE PROPOSED  
 3 SCHEDULE SHALL IDENTIFY WHEN, DURING THE 5-YEAR CYCLE, EACH COUNTY  
 4 IS REQUIRED TO PROVIDE A SOLID WASTE MANAGEMENT PLAN TO THE  
 5 DEPARTMENT FOR APPROVAL. FOR 60 DAYS AFTER THE PROPOSED SCHEDULE  
 6 HAS BEEN SO SUBMITTED, THE DIRECTOR SHALL RECEIVE COMMENTS ON THE  
 7 PROPOSED SCHEDULE. NOT LESS THAN 45 DAYS BEFORE INITIATING THE  
 8 UPDATE PROCESS FOR THE FIRST SOLID WASTE MANAGEMENT PLAN OR PLANS,  
 9 THE DIRECTOR SHALL SUBMIT TO EACH DESIGNATED PLANNING AGENCY AND TO  
 10 THE COUNTY BOARD OF COMMISSIONERS OF EACH COUNTY A COPY OF THE  
 11 FINAL SCHEDULE. THE DEPARTMENT SHALL POST A COPY OF A CURRENT  
 12 PROPOSED OR FINAL SCHEDULE ON ITS WEBSITE.

13 (6) ~~(3) Not later than July 1, 1981, each~~ PURSUANT TO THE  
 14 SCHEDULE UNDER SUBSECTION (5), THE DIRECTOR SHALL INITIATE THE  
 15 SOLID WASTE MANAGEMENT PLAN UPDATE PROCESS FOR A COUNTY BY  
 16 NOTIFYING THE COUNTY IN WRITING THAT IT IS REQUIRED TO PREPARE A  
 17 SOLID WASTE MANAGEMENT PLAN. WITHIN 30 DAYS AFTER RECEIPT OF THE  
 18 NOTIFICATION, THE county shall ~~MAY~~ file with the department and  
 19 with each municipality within the county on a form provided by the  
 20 department ~~, a notice of intent, indicating the county's intent~~  
 21 THAT THE COUNTY INTENDS TO ASSUME OVERALL RESPONSIBILITY to prepare  
 22 a solid waste management plan. ~~or to upgrade an existing solid~~  
 23 ~~waste management plan.~~ The notice OF INTENT shall identify the  
 24 ~~designated agency which shall be~~ DESIGNATE THE AGENCY THAT IS  
 25 responsible for preparing the solid waste management plan.

26 (7) ~~(4)~~ If the county fails to file a notice of intent with  
 27 the department within the prescribed time, the department

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

14 (8) ~~(5)~~ If the municipalities fail to file a notice of intent  
 15 **TO ASSUME OVERALL RESPONSIBILITY** to prepare a solid waste  
 16 management plan with the department within the prescribed time, the  
 17 department shall request the ~~appropriate~~ regional solid waste  
 18 management planning agency **FOR THE REGION IN WHICH THE COUNTY IS**  
 19 **LOCATED** to ~~prepare~~ **BE RESPONSIBLE FOR PREPARING** the solid waste  
 20 management plan. The regional solid waste management planning  
 21 agency shall respond within 90 days after the date of the request.

22 (9) ~~(6)~~ If the regional solid waste management planning agency  
 23 declines to prepare a solid waste management plan, the department  
 24 shall prepare a solid waste management plan for the county, and  
 25 that plan ~~shall be~~ **IS** final.

26 (10) ~~(7) A solid waste management~~ **A DESIGNATED** planning  
 27 agency, upon request of the department, shall submit a ~~progress~~

1 report **ON ITS PROGRESS** in preparing ~~its~~ **A** solid waste management  
2 plan.

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

24       (2) A planning committee ~~appointed pursuant to this section~~  
25 **FOR A PLANNING AREA WITH A POPULATION OF 100,000 OR MORE** shall  
26 consist of 14 ~~members~~ **INDIVIDUALS**. Of the members appointed, 4  
27 shall represent the solid waste management industry, 2 shall

1 represent environmental interest groups, 1 shall represent county  
2 government, 1 shall represent city government, 1 shall represent  
3 township government, 1 shall represent the regional solid waste  
4 **MANAGEMENT** planning agency, 1 shall represent industrial waste  
5 generators, and 3 shall represent the general public.

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

16 (4) A member appointed to represent a county, city, or  
17 township government **ON A PLANNING COMMITTEE** shall be an elected  
18 official of that government or the designee of ~~that~~ **AN** elected  
19 official. Vacancies shall be filled in the same manner as the  
20 original appointments. A member may be removed for nonperformance  
21 of duty.

22 (5) ~~(3)~~ A planning committee ~~appointed pursuant to this~~  
23 ~~section~~ shall annually elect a chairperson and shall establish  
24 procedures for conducting the **PLANNING** committee's activities and  
25 for reviewing the matters to be considered by the **PLANNING**  
26 committee.

27 (6) A **PLANNING COMMITTEE SHALL ASSIST THE DESIGNATED PLANNING**

1 AGENCY. IF THE APPOINTMENT OF A PLANNING COMMITTEE IS REQUIRED BY  
2 SUBSECTION (1), THE PLAN SHALL NOT TAKE EFFECT UNLESS IT HAS BEEN  
3 APPROVED BY A MAJORITY OF THE MEMBERS OF THE PLANNING COMMITTEE,  
4 EXCEPT AS PROVIDED FOR IN SECTION 11536(3).

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

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

10 (i) **THE COUNTY.**

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

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

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

21 (b) If a planning committee has been appointed, ~~under section~~  
22 ~~11534,~~ prepare the plan with the advice, consultation, and  
23 assistance of the planning committee.

24 (c) Notify by letter the chief elected official of each  
25 municipality within the county and any other person within the  
26 county so requesting, not less than 10 days before each public  
27 meeting of the **DESIGNATED** planning agency, ~~designated by the~~

1 ~~county, if that~~ **THE DESIGNATED** planning agency plans to discuss the  
2 ~~county~~ plan. The letter shall indicate as precisely as possible the  
3 subject matter ~~being~~ **TO BE** discussed.

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

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

22 (f) Conduct a public hearing on the proposed ~~county~~ solid  
23 waste management plan before formal adoption. ~~A notice~~ **NOTICE OF**  
24 **THE HEARING** shall be published not less than 30 days before ~~a~~ **THE**  
25 hearing in a newspaper having a major circulation within the  
26 county. The notice shall indicate a location where copies of the  
27 plan are available for public inspection and shall indicate the

1 time and place of the public hearing.

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

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

14       (1) ~~(3) If a planning committee has been appointed by the~~  
 15 ~~county board of commissioners under section 11534(1) IF A SOLID~~  
 16 **WASTE MANAGEMENT PLAN IS PREPARED UNDER SECTION 11533(6),** the  
 17 county board of commissioners ~~, or if~~ **SHALL CONDUCT AT LEAST 1**  
 18 **PUBLIC HEARING ON THE PLAN. IF** a plan is prepared under section  
 19 ~~11533(4) 11533(7),~~ the municipalities in the county ~~who~~ **THAT** voted  
 20 in favor of filing a notice of intent to prepare a ~~county solid~~  
 21 ~~waste management~~ **THE** plan ~~, shall~~ **JOINTLY CONDUCT AT LEAST 1 PUBLIC**  
 22 **HEARING ON THE PLAN. THE COUNTY BOARD OF COMMISSIONERS OR THOSE**  
 23 **MUNICIPALITIES, RESPECTIVELY, SHALL** take formal action on the plan  
 24 **WITHIN 190 DAYS** after the completion of public hearings ~~and~~ **BUT**  
 25 only after the plan has been approved by a ~~majority of the~~ planning  
 26 committee as provided in section ~~11534(1) 11534(6)~~. If the county  
 27 board of commissioners ~~, or , if a plan is prepared under section~~

1 ~~11533(4)~~, a majority of the municipalities in the county ~~who~~ **THAT**  
2 voted in favor of filing a notice of intent to prepare a county  
3 solid waste management plan, ~~does or~~ **RESPECTIVELY**, do not approve  
4 the plan as submitted, the plan shall be returned to the planning  
5 committee along with a **WRITTEN** statement of objections to the plan.  
6 Within 30 days after receipt, the planning committee shall review  
7 the objections and shall return the plan with its recommendations.

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

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

1           (3) ~~(6)~~ If, after the plan has been adopted, the governing  
 2 bodies of ~~not less than~~ **AT LEAST** 67% of the municipalities **THAT**  
 3 **VOTED WITHIN THE 120-DAY PERIOD** have not approved the plan **UNDER**  
 4 **SUBSECTION (2)**, the department shall prepare a plan for the county,  
 5 including those municipalities that did not approve the county  
 6 plan. A plan prepared by the department ~~shall be~~ **IS** final.

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

22           (2) The department shall review an approved **SOLID WASTE**  
 23 **MANAGEMENT** plan periodically and determine if revisions or  
 24 corrections are necessary to bring the plan into compliance with  
 25 this part **AND THE RULES PROMULGATED UNDER THIS PART.** The  
 26 department, after notice and opportunity for a public hearing, ~~held~~  
 27 ~~pursuant to the administrative procedures act of 1969, Act No. 306~~

1 ~~of the Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
2 ~~Michigan Compiled Laws,~~ may withdraw approval of the plan. If the  
3 department withdraws approval of a ~~county~~ plan, the department  
4 shall establish a timetable or schedule for compliance with this  
5 part.

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

10       (a) The establishment of goals and objectives for prevention  
11 of adverse effects on the public health ~~and on~~ **OR** the environment  
12 resulting from improper solid waste collection, processing, or  
13 disposal including protection of surface and groundwater quality,  
14 air quality, and the land.

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

24       (c) An evaluation and selection of technically and  
25 economically feasible solid waste management options, which may  
26 include sanitary ~~landfill, resource recovery systems, resource~~  
27 ~~conservation, or a combination of options~~ **LANDFILLS, INCINERATORS,**

1 **SOLID WASTE DIVERSION, OR A COMBINATION THEREOF.**

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

8 (e) The encouragement and documentation, as part of ~~the~~ **A**  
9 solid waste management plan, of all opportunities for participation  
10 and involvement of the public, all affected agencies and parties,  
11 and the private sector.

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

22 (g) Current and projected population densities of each county  
23 and identification of population centers and centers of ~~solid waste~~  
24 **THE** generation **OF SOLID WASTE**, including industrial wastes.

25 (h) That the solid waste management ~~plan~~ **PLANNING** area has,  
26 and will have during the plan period, access to a sufficient amount  
27 of available and suitable land, accessible to transportation media,

1 to accommodate the development and operation of solid waste  
2 disposal areas ~~or~~ resource recovery facilities provided for in  
3 the plan.

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

11 (j) A timetable or schedule for implementing the solid waste  
12 management plan.

13 ~~—— (2) Each solid waste management plan shall identify specific~~  
14 ~~sites for solid waste disposal areas for a 5-year period after~~  
15 ~~approval of a plan or plan update. In calculating disposal need~~  
16 ~~requirements to measure compliance with this section, only those~~  
17 ~~existing waste stream volume reduction levels achieved through~~  
18 ~~source reduction, reuse, composting, recycling, or incineration, or~~  
19 ~~any combination of these reduction devices, that can currently be~~  
20 ~~demonstrated or that can be reasonably expected to be achieved~~  
21 ~~through currently active implementation efforts for proposed volume~~  
22 ~~reduction projects, may be assumed by the planning entity. In~~  
23 ~~addition, if the solid waste management plan does not also identify~~  
24 ~~specific sites for solid waste disposal areas for the remaining~~  
25 ~~portion of the entire planning period required by this part after~~  
26 ~~approval of a plan or plan update, the solid waste management plan~~  
27 ~~shall include an interim siting mechanism and an annual~~

1 ~~certification process as described in subsections (3) and (4). In~~  
2 ~~calculating the capacity of identified disposal areas to determine~~  
3 ~~if disposal needs are met for the entire required planning period,~~  
4 ~~full achievement of the solid waste management plan's volume~~  
5 ~~reduction goals may be assumed by the planning entity if the plan~~  
6 ~~identifies a detailed programmatic approach to achieving these~~  
7 ~~goals.~~

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

15 (A) IDENTIFY SPECIFIC LANDFILLS WITH SUFFICIENT GUARANTEED  
16 LANDFILL DISPOSAL CAPACITY FOR SOLID WASTE TO BE GENERATED DURING  
17 THAT PERIOD.

18 (B) INCLUDE AN INTERIM SITING MECHANISM AND ANNUAL  
19 CERTIFICATION PROCESS AS DESCRIBED IN SUBSECTIONS (6) AND (7).

20 (3) A SOLID WASTE MANAGEMENT PLAN SHALL INCLUDE INFORMATION  
21 AND DOCUMENTATION DEMONSTRATING THE COUNTY'S GUARANTEED LANDFILL  
22 DISPOSAL CAPACITY UNDER SUBSECTION (2), TO PRECLUDE DUPLICATE  
23 COUNTING OF THE SAME LANDFILL DISPOSAL CAPACITY BY MORE THAN 1  
24 PLANNING ENTITY. HOWEVER, A PLANNING ENTITY SHALL NOT HAVE  
25 AGREEMENTS WITH LANDFILLS THAT, CUMULATIVELY, PROVIDE GUARANTEED  
26 LANDFILL DISPOSAL CAPACITY IN AN AMOUNT THAT IS MORE THAN 125% OF  
27 THE LANDFILL DISPOSAL CAPACITY REQUIRED TO MEET THE 10-YEAR WASTE

1 **MANAGEMENT REQUIREMENT UNDER SECTION 11533.**

2 (4) **IF AN INTERIM SITING MECHANISM IS NOT INCLUDED IN THE**  
3 **SOLID WASTE MANAGEMENT PLAN, THEN A DISPOSAL AREA IS NOT CONSISTENT**  
4 **WITH THE SOLID WASTE MANAGEMENT PLAN, UNLESS THE DISPOSAL AREA IS**  
5 **SPECIFICALLY IDENTIFIED IN THE SOLID WASTE MANAGEMENT PLAN AS**  
6 **REQUIRED UNDER SUBSECTION (9).**

7 (5) **If a**~~AN INTERIM~~ **siting mechanism is not included IN THE**  
8 **SOLID WASTE MANAGEMENT PLAN, and GUARANTEED LANDFILL disposal**  
9 **capacity falls to less than THAT REQUIRED FOR 5 years of capacity,**  
10 ~~a county~~~~THE COUNTY'S LANDFILL DISPOSAL NEEDS, THE PLANNING ENTITY~~  
11 **shall amend the solid waste management plan for that county to**  
12 **resolve the shortfall BY IDENTIFYING SPECIFIC LANDFILLS WITH**  
13 **SUFFICIENT GUARANTEED LANDFILL DISPOSAL CAPACITY, BY IDENTIFYING**  
14 **HOW THE COUNTY WILL INCREASE SOLID WASTE DIVERSION TO REDUCE THE**  
15 **COUNTY'S LANDFILL DISPOSAL NEEDS, OR BY INCLUDING AN INTERIM SITING**  
16 **MECHANISM.**

17 (6) ~~(3) An~~ **IF AN interim siting mechanism IS INCLUDED IN THE**  
18 **SOLID WASTE MANAGEMENT PLAN, IT SHALL IDENTIFY ANY AUTHORIZED**  
19 **DISPOSAL AREA TYPES THAT MAY BE SITED UTILIZING THE INTERIM SITING**  
20 **MECHANISM, AND shall include both a process and a set of minimum**  
21 **siting criteria, both of which are not subject to interpretation or**  
22 **discretionary acts by the planning entity, and which if met by an**  
23 **applicant submitting a disposal area proposal, will guarantee a**  
24 **finding of consistency with the SOLID WASTE MANAGEMENT plan. The**  
25 **interim siting mechanism shall be operative upon the call of the**  
26 **COUNTY board of commissioners or shall automatically be operative**  
27 **whenever the annual certification process shows that available**

1 **GUARANTEED LANDFILL** disposal capacity will **NOT** provide for less  
 2 than ~~AT LEAST~~ 66 months of **THE COUNTY'S LANDFILL** disposal needs. In  
 3 the latter event, applications for a finding of consistency from  
 4 ~~the proposers of PERSONS PROPOSING NEW LANDFILL~~ disposal area  
 5 capacity will ~~SHALL~~ be received by the planning agency ~~ENTITY~~  
 6 commencing on January 1 following completion of the annual  
 7 certification process. Once operative, an interim siting mechanism  
 8 will ~~remain~~ **REMAINS** operative for at least 90 days or until more  
 9 than ~~66 months of GUARANTEED LANDFILL~~ disposal capacity is ~~once~~  
 10 again available ~~WILL PROVIDE FOR AT LEAST 66 MONTHS OF THE COUNTY'S~~  
 11 **LANDFILL DISPOSAL NEEDS**, either by the approval of a request for  
 12 consistency or by the adoption of a new annual certification  
 13 process which ~~concludes~~ **SHOWS** that ~~more than GUARANTEED LANDFILL~~  
 14 **DISPOSAL CAPACITY WILL PROVIDE FOR AT LEAST 66 months of LANDFILL**  
 15 disposal capacity is available ~~NEEDS~~.

16 (7) ~~(4)~~ An annual certification process shall be concluded by  
 17 June 30 of each year, commencing on the first June 30 ~~which~~ **THAT** is  
 18 more than 12 months after the department's approval of the solid  
 19 waste management plan. ~~or plan update.~~ The certification process  
 20 will ~~SHALL~~ examine the ~~remaining~~ **GUARANTEED LANDFILL** disposal area  
 21 capacity ~~available~~ for solid wastes generated within the planning  
 22 area. In calculating ~~disposal need requirements~~ **LANDFILL DISPOSAL**  
 23 **NEEDS** to ~~measure~~ **DETERMINE** compliance with this section, only those  
 24 existing waste stream volume reduction levels achieved through  
 25 ~~source reduction, reuse, composting, recycling,~~ **SOLID WASTE**  
 26 **DIVERSION** or incineration, or any combination ~~of these reduction~~  
 27 ~~devices~~ **THEREOF**, that can currently be demonstrated or that can be

1 reasonably expected to be achieved through currently active  
 2 implementation efforts for proposed volume reduction projects ~~may~~  
 3 be assumed. The annual certification of **GUARANTEED LANDFILL**  
 4 disposal capacity shall be approved by the board of commissioners.  
 5 Failure to approve an annual certification by June 30 is equivalent  
 6 to a finding that ~~less than a sufficient amount of~~ **GUARANTEED**  
 7 **LANDFILL DISPOSAL** capacity is ~~available~~ **NOT SUFFICIENT**, and the  
 8 interim siting mechanism will then be operative on the first day of  
 9 the following January. As part of the department's responsibility  
 10 to act on construction permit applications, the department has  
 11 final ~~decision~~ authority to approve or disapprove **GUARANTEED**  
 12 **LANDFILL DISPOSAL** capacity certifications and to determine  
 13 consistency of a proposed disposal area with the solid waste  
 14 management plan.

15 (8) ~~(5)~~ A COUNTY board of commissioners may adopt a new  
 16 certification of **GUARANTEED LANDFILL** disposal capacity at any time.  
 17 A new certification of **GUARANTEED LANDFILL** disposal capacity shall  
 18 ~~supersede~~ **SUPERSEDES** all previous certifications, and ~~become~~  
 19 ~~effective~~ **TAKES EFFECT** 30 days after adoption by the COUNTY board  
 20 of commissioners, and ~~remain~~ **REMAINS** in effect until A subsequent  
 21 ~~certifications are~~ **CERTIFICATION IS** adopted.

22 (9) A PLAN SHALL SPECIFY THE NAME, THE SOLID WASTE BOUNDARY,  
 23 THE LANDFILL DISPOSAL CAPACITY, AND THE REMAINING LANDFILL DISPOSAL  
 24 CAPACITY THAT EACH LANDFILL, OR EXPANSION THEREOF, LOCATED WITHIN  
 25 THE COUNTY SHALL HAVE IF THAT LANDFILL IS TO BE CONSIDERED  
 26 CONSISTENT WITH THE PLAN, AS REQUIRED FOR ISSUANCE OF A  
 27 CONSTRUCTION PERMIT. IF THE REMAINING LANDFILL DISPOSAL CAPACITY

1 CONFLICTS WITH THE LANDFILL DISPOSAL CAPACITY, THE REMAINING  
2 LANDFILL DISPOSAL CAPACITY SHALL BE RELIED UPON FOR A DETERMINATION  
3 OF CONSISTENCY WITH THE PLAN.

4 (10) THE LOCATION OR DEVELOPMENT OF A SOLID WASTE TRANSFER  
5 FACILITY THAT IS EXEMPT FROM THE CONSTRUCTION PERMIT AND OPERATING  
6 LICENSE REQUIREMENTS OF THIS PART PURSUANT TO SECTION 11529 SHALL  
7 BE CONSISTENT WITH THE PLAN AND MAY BE REGULATED BY AN ORDINANCE,  
8 RULE, OR REGULATION OF A MUNICIPALITY, COUNTY, OR GOVERNMENTAL  
9 AUTHORITY CREATED BY STATUTE IF THE ORDINANCE, RULE, OR REGULATION  
10 IS INCORPORATED IN AND CONSISTENT WITH THE APPROVED SOLID WASTE  
11 MANAGEMENT PLAN FOR THE COUNTY.

12 (11) ~~(6)~~—In order for a disposal area to serve the disposal  
13 needs of another county, state, or country, the service, including  
14 the disposal of municipal solid waste incinerator ash, must be  
15 explicitly authorized in the approved solid waste management plan  
16 of the receiving county. With regard to intercounty service within  
17 Michigan, the service must also be explicitly authorized in the  
18 solid waste management plan of the exporting county.

19 (12) ~~(7)~~—A person shall not dispose of, store, or transport  
20 solid waste in this state unless the person complies with the  
21 requirements of this part.

22 (13) ~~(8)~~—An ordinance, ~~law,~~ rule, regulation, policy, or  
23 practice of a municipality, county, or governmental authority  
24 created by statute, ~~which~~ ~~THAT~~ prohibits or regulates the location  
25 or development of a solid waste disposal area, and ~~which~~ ~~THAT~~ is  
26 not ~~part of~~ ~~INCORPORATED IN~~ or not consistent with the approved  
27 solid waste management plan for the county, ~~shall be considered in~~

1 ~~conflict with this part and shall not be enforceable~~ **IS VOID.**

2       Sec. 11539a. ~~(1) The department shall prepare a proposed~~  
3 standard format **TO BE USED** for the submittal of ~~updates to solid~~  
4 waste management plans ~~. This proposed standard format shall be~~  
5 ~~submitted to the standing committees of the legislature that~~  
6 ~~address issues primarily pertaining to natural resources and the~~  
7 ~~environment by November 1, 1994 for a 30 day review and comment~~  
8 ~~period. Following this 30 day period, the department shall finalize~~  
9 ~~the standard format and provide a copy of the standard format to~~  
10 each **DESIGNATED** planning ~~entity~~ **AGENCY** in the state that the  
11 department knows will be preparing an ~~update to a solid waste~~  
12 management plan. ~~The standard format shall be submitted to planning~~  
13 ~~entities by January 1, 1995. Additionally, the department shall~~  
14 provide the standard format to any other person upon request.

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

18       Sec. 11547. (1) In order for a county to effectively implement  
19 the planning responsibilities designated under this part, a grant  
20 program is established to provide financial assistance to county or  
21 regional solid waste management planning agencies. Municipalities  
22 joined together with interlocal agreements relating to solid waste  
23 management plans, within a county having a city of a population of  
24 more than 750,000, are eligible for a separate planning grant in  
25 addition to those granted to counties. This separate grant  
26 allocation provision does not alter the planning and approval  
27 process requirements for county plans as specified in this part.

1 Eighty percent of the money for the program not provided for by  
2 federal funds shall be appropriated annually by the legislature  
3 from the general fund of the state and 20% shall be appropriated by  
4 the applicant. Grant funds appropriated for local planning may be  
5 used by the department if the department ~~finds it necessary to~~  
6 ~~invoke the department's authority to develop a local~~ **PREPARES THE**  
7 **SOLID WASTE MANAGEMENT** plan under section ~~11533(6)~~ **11533(9)**. The  
8 department shall promulgate rules for the distribution of the  
9 appropriated funds.

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

19 Enacting section 1. Section 11537a of the natural resources  
20 and environmental protection act, 1994 PA 451, MCL 324.11537a, is  
21 repealed.

22 Enacting section 2. This amendatory act does not take effect  
23 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4485 (request no.  
24 01045'07 \*) of the 94th Legislature is enacted into law.