

SENATE BILL No. 348

May 21, 2015, Introduced by Senator ANANICH and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11518 (MCL 324.11518).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11518. (1) ~~At the time~~ **WHEN** a disposal area that is a
2 sanitary landfill is licensed, an instrument that imposes a
3 restrictive covenant upon the land involved shall be executed by
4 all of the owners of the tract of land upon which the landfill is
5 to be located and the department. If the land involved is state
6 owned, the state administrative board shall execute the covenant on
7 behalf of the state. The instrument imposing the restrictive
8 covenant shall be filed for record by the department or a health
9 officer in the office of the register of deeds of the county, or

counties, in which the facility is located. The covenant shall state ~~that~~ **ALL OF THE FOLLOWING:**

(A) **THAT** the land described in the covenant has been or will be used as a landfill. ~~and~~

(B) **SUBJECT TO SUBDIVISION (C)** that neither the property owners, their servants, agents, or employees, nor any of their heirs, successors, lessees, or assigns shall engage in filling, grading, excavating, **OR** drilling ~~, or mining~~ on the property during the first 50 years following completion of the landfill without authorization of the department. In giving authorization, the department shall consider the original design, type of operation, material deposited, and the stage of decomposition of the fill. Special exemption from this ~~section~~ **SUBDIVISION** may be granted by the department if the lands involved are federal lands or if contracts existing between the landowner and the licensee on January 11, 1979 are not renegotiable.

(C) **THAT NEITHER THE PROPERTY OWNERS, THEIR SERVANTS, AGENTS, OR EMPLOYEES, NOR ANY OF THEIR HEIRS, SUCCESSORS, LESSEES, OR ASSIGNS SHALL ENGAGE IN ANY MINING ON THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, MINING OF THE LANDFILL ON THE PROPERTY FOR LAND RECLAMATION, THE RECOVERY OF SOIL, RECYCLABLES, OR OTHER MATERIALS FROM THE LANDFILL, FOR THE INCREASE IN LANDFILL CAPACITY, OR FOR THE EXTENSION OF LANDFILL LIFE.**

(2) This part does not prohibit the department from conveying, leasing, or permitting the use of state land for a solid waste disposal area or a resource recovery facility as provided by applicable state law.