

Legislative Analysis



REPEAL OF SOLID WASTE DISPOSAL AREA PROVISIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6189 as reported from committee

Sponsor: Rep. Greg VanWoerkom

Committee: Oversight

Complete to 6-29-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6189 would repeal section 11519 of Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act. That section now does all of the following:

- Requires the Department of Environment, Great Lakes, and Energy (EGLE) to specify in writing reasons for denying a construction permit or operating license for a solid waste *disposal area* that would violate Part 155 if the permit or license were granted. (*Disposal area* means a solid waste transfer facility, an incinerator, a sanitary landfill, a processing plant, a coal ash impoundment, or any other solid waste handling or disposal facility used in the disposal of solid waste except for a waste diversion center).
- Allows EGLE or certain local health officers to issue a cease and desist order for closure or remedial action to a person that is constructing or operating a disposal area without a permit or license or to a permittee or licensee that is constructing or operating a disposal area contrary to an approved solid waste management plan or contrary to the permit or license.
- Allows EGLE to issue a final order revoking, suspending, or restricting a permit or license after a contested case hearing if a disposal area is not being constructed or operated in accordance with approved plans, the conditions of a permit or license, Part 115, or departmental rules.
- Allows EGLE to issue an order summarily suspending a permit or license upon a determination that a violation of Part 115 or rules has occurred that constitutes an emergency or poses an imminent risk of injury to the public health or the environment.

The bill also would delete a provision that now requires the number of inspections conducted at licensed disposal areas under section 11519 (the section to be repealed) to be included in an annual report prepared by EGLE and provided to the governor and certain legislative offices.

MCL 324.11519 (repealed) and MCL 324.11550

FISCAL IMPACT:

House Bill 6189 is likely to reduce costs for EGLE by removing a requirement to notify construction permit or operating license applicants of the reasons for their application denial. The extent of this cost savings is unclear and dependent on the number of denied applications within a given year. The bill is unlikely to affect revenues for the department, local government costs, or local government revenues.

POSITIONS:

A representative of the Mackinac Center for Public Policy testified in support of the bill.
(6-15-22)

NFIB indicated support for the bill. (6-21-22)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Austin Scott

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