

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.11585 Disposal area or materials utilization facility; consistency with materials management plan; captive type III landfill; independent evaluation; coal ash.

Sec. 11585. (1) If a disposal area that does not require a license or permit under part 115 or a materials utilization facility is proposed to be located in a local unit of government that has a zoning ordinance, the disposal area or materials utilization facility is consistent with the MMP if it complies with the zoning ordinance and the owner or operator of the proposed disposal area or materials utilization facility presents documentation to the department and the CAA from the local unit of government exercising zoning authority demonstrating that the disposal area complies with local zoning.

(2) A disposal area or materials utilization facility is automatically consistent with the MMP if the specific facility or type of facility is identified in the MMP as being automatically consistent.

(3) A materials management facility that is not automatically consistent with the MMP is considered consistent if, as determined by the CAA or other entity specified by the MMP and by the department, all of the following requirements are met:

(a) The MMP authorizes that type of materials management facility to be sited by following the siting procedure and meeting the minimum siting criteria included in the MMP under section 11579, or the facility is a captive type III landfill and both of the following apply:

- (i) The landfill accepts only waste generated by the owner or operator of the landfill.
- (ii) The landfill met local land use requirements when initially sited.

(b) The materials management facility follows the siting procedure and meets minimum siting criteria in the MMP.

(c) The materials management facility meets either of the following requirements:

- (i) Has host community approval.
- (ii) Meets any supplemental siting criteria in the MMP for materials management facilities that do not have host community approval.

(4) The CAA or other entity specified by the MMP shall promptly notify the owner or operator of the materials management facility in writing of its determination under subsection (3) whether the materials management facility is consistent with the MMP.

(5) The department shall determine whether a materials management facility is consistent with the MMP through an independent evaluation as part of the review process for an application for a registration, for approval under a general permit, or for a construction permit or operating license. The applicant for a permit for a materials management facility shall include in the application documentation of the facility's consistency with the MMP.

(6) A landfill, other than a captive type III landfill, or a municipal solid waste incinerator need not be sited if the CAA demonstrates to the department through its materials management plan that the planning area has at least 66 months of available solid waste disposal capacity.

(7) A captive facility that is an existing coal ash landfill or existing coal ash impoundment is considered consistent with and included in the MMP if the disposal area continues to accept waste generated only by the owner of the disposal area and meets either or both of the following requirements:

- (a) Was issued a construction permit and licensed for operation under this part.
- (b) Met local land use law requirements when initially sited or constructed.

(8) A coal ash impoundment permitted, licensed, or otherwise in existence on the date of approval of the solid waste management plan for the planning area where the coal ash impoundment is located shall be considered to be consistent with the plan and included in the plan.

History: Add. 2022, Act 250, Eff. Mar. 29, 2023.

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Popular name: NREPA

Popular name: Solid Waste Act