

ACT NO. 641, P.A. 1978  
signed 1/11/79

**STATE OF MICHIGAN  
79TH LEGISLATURE  
REGULAR SESSION OF 1978**

Introduced by Reps. Mahalak, Mathieu, Anderson, Brotherton, Kennedy and Porter

**ENROLLED HOUSE BILL No. 6314**

AN ACT to protect the public health and the environment; to provide for the regulation and management of solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 1. This act shall be known and may be cited as the "solid waste management act".

Sec. 2. The words and phrases defined in sections 3 to 7 shall have the meanings ascribed to them in those sections.

Sec. 3. (1) "Applicant" means an individual, sole proprietorship, partnership, corporation, association, municipality, this state, a county, or any other governmental authority created by statute.

(2) "Ashes" means the residue from the burning of wood, coal, coke, refuse, wastewater sludge, or other combustible materials.

(3) "Certified health department" means a city, county, or district department of health which is specifically delegated authority by the director to perform designated activities as prescribed by this act.

(4) "Collection center" means a tract of land, building, unit, or appurtenance or combination thereof that is used to collect junk motor vehicles and farm implements under section 23.

Sec. 4. (1) "Department" means the department of natural resources.

(2) "Director" means the director of the department of natural resources.

(3) "Disposal area" means a solid waste transfer facility, incinerator, sanitary landfill, processing plant, or other solid waste handling or disposal facility utilized in the disposal of solid waste.

(4) "Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable.

Sec. 5. (1) "Health officer" means a full-time administrative officer of a certified city, county, or district department of health.

(2) "Municipality" means a city, township, or village.

(3) "Person" means an individual, sole proprietorship, partnership, association, or corporation, public or private, organized or existing under the laws of this state or any other state, including a federal corporation, but excluding a municipality or a special district having taxing powers.

Sec. 6. (1) "Regional solid waste management planning agency" means the regional solid waste planning agency designated by the governor pursuant to section 4006 of title 2 of the solid waste disposal act, 42 U.S.C. 6946.

(2) "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

(3) "Rule" means a rule promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

Sec. 7. (1) "Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.

(2) "Solid waste hauler" means a person, county, this state, or a municipality, or an agency of this state, county, or a municipality which owns or operates a solid waste transporting unit.

(3) "Solid waste processing plant" means a tract of land, building, unit, or appurtenance of a building or unit or a combination of land, buildings, and units that is used or intended for use for the processing of solid waste or the separation of material for salvage or disposal, or both, but does not include a plant engaged primarily in the acquisition, processing, and shipment of ferrous or nonferrous metal scrap.

(4) "Solid waste transporting unit" means a container which may be an integral part of a truck or other piece of equipment used for the transportation of solid waste.

(5) "Solid waste transfer facility" means a tract of land, building, unit, or appurtenance of a building or unit or combination of land, buildings, and units that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste. A solid waste transfer facility does not include a tract of land or the containers on the land, if the containers have a volume of 10 cubic yards or less, and does not include a tract of land and the containers on the land if the containers have a volume of 65 cubic yards or less, and are used only for the storage of solid waste generated on or near the site and incidental to the transportation of the solid waste.

Sec. 8. The department and a health officer shall assist in developing and encouraging methods for the disposal of solid waste which are environmentally sound, which maximize the utilization of valuable resources and which encourage resource conservation including source reduction and source separation.

Sec. 9. A city, county, or district health department may be certified by the director to perform a solid waste management program. Certification procedures shall be established by the director by rule. The director may rescind certification upon request of the certified health department or after reasonable notice and hearing if the director finds that a certified health department is not performing the program as required.

Sec. 10. (1) A person, county, municipality, this state, or an agency of a person, county, municipality, or this state shall not establish a disposal area without a construction permit from the director. A person, municipality, or an agency of a person or municipality proposing the establishment of a disposal area shall make application for a construction permit to the director through the health officer on a form provided by the director. If the disposal area is located in a county or city that does not have a certified health department, the application shall be made directly to the director.

(2) The application for a construction permit shall contain the name and residence of the applicant, the location of the proposed disposal area, and other information considered necessary by the director. The application shall be accompanied by an engineering plan and a construction permit application fee that has been established on a graduated scale from \$300.00 to \$700.00. The director shall establish by rule the scale for determining the initial construction permit application fee. The scale shall be based on site size, projected waste volume, nature of the waste, and hydrogeological characteristics. The application shall be accompanied by a determination of existing hydrogeological conditions specified in a hydrogeological report and monitoring program consistent with rules promulgated by the director for groundwater quality standards, an environmental assessment, and an engineering plan.

(3) An applicant for a construction permit, within 6 months after a permit denial, may resubmit the application, together with the additional information as needed to address the reasons for denial, without being required to pay an additional application fee.

Sec. 11. (1) Before the submission of an application for construction permit for a new solid waste disposal area, the applicant shall request a health officer or the director to provide an advisory analysis of

the proposed area. However, the applicant, not less than 15 days after the request, and notwithstanding an analysis result, may file an application for a construction permit.

(2) Upon receipt of a construction permit application the director or an authorized representative of the director shall:

(a) Immediately notify the municipality in which the facility is located or proposed to be located, the local soil erosion and sedimentation control agency, each division within the department that has responsibilities in land, air, or water management, and the designated regional solid waste management planning agency.

(b) Publish a notice in a newspaper having major circulation in the vicinity of the proposed undertaking. The required published notice shall contain a map indicating the location of the facility or proposed facility and shall contain a description of the proposed action and the location where the complete application package may be reviewed and where copies may be obtained.

(c) Indicate in the public, departmental, and municipality notice, that the department shall hold a public hearing in the area of the project if a written request is submitted by the applicant or a municipality within 30 days after the date of publication of the notice, or by a petition submitted to the department containing a number of signatures which is equal to not less than 10% of the number of registered voters of the municipality where the project is to be located who voted in the last gubernatorial election. The petition shall be validated by the clerk of the municipality. The public hearing shall be held after the director makes a preliminary review of the application and all pertinent data, and before a construction permit is issued or denied.

(d) Review the plans of the proposed operation to determine if it complies with this act and the rules promulgated under this act. The review shall be made by persons qualified in hydrogeology and sanitary landfill engineering. A written approval by the persons qualified in hydrogeology and sanitary landfill engineering shall be received before a construction permit is issued. If the site review, plan review, and the application meet the requirements of this act and the rules promulgated under this act, the director shall issue the construction permit which may contain a stipulation specifically applicable to the site and operation. An expansion, enlargement, or alteration of a facility beyond the specified areas indicated in the original construction application shall constitute a new proposal for which a new construction permit is required.

Sec. 12. (1) The director shall make a final decision on a construction permit application within 120 days after the director receives the application. If the director fails to make a final decision within 120 days, the permit shall be considered issued. This subsection shall not apply if the director is required to meet the provisions of Executive Order 1974-4.

(2) A construction permit shall expire 1 year after the date of issuance, unless development under the construction permit is initiated within that year. A construction permit that has expired may be renewed upon payment of a permit renewal fee and submission of any additional information the director may require. The permit renewal application fee shall be established on a graduated scale from \$100.00 to \$500.00. The director shall establish the criteria by rule for determining the construction permit renewal application fee. The criteria shall be based on site size, projected waste volume, nature of the waste, and hydrogeological characteristics.

Sec. 13. (1) A person, county, municipality, or an agency of a person, county, or municipality shall not conduct, manage, maintain, or operate a disposal area within this state without a license from the director. A person, county, municipality, or an agency of a person, county, or municipality that operates a disposal area shall make a license application to the director through a certified health department on a form provided by the director. If the disposal area is located in a county or city that does not have a certified health department, the application shall be made directly to the director.

(2) The application for a license shall contain the name and residence of the applicant, the location of the proposed or existing disposal area, and other information the director considers necessary. The application shall be accompanied by a fee of \$100.00.

(3) At the time of application for a license for a disposal area, the applicant shall submit to a health officer or the director a certification under the seal of a registered professional engineer verifying that the construction of the facility has proceeded according to the approved plans. The director shall require additional certification during intermediate progression of the operation, or to verify proper closure of the site.

(4) An applicant for an operating license, within 3 months after a license denial, may resubmit the application, together with additional information or corrections as are necessary to address the reason for denial, without being required to pay an additional application fee.

Sec. 14. (1) Upon receipt of a license application, the director or health officer or an authorized representative of the director or health officer shall inspect the site and determine if the proposed operation complies with this act and the rules promulgated under this act.

(2) The department shall not license a landfill facility operating without an approved hydrogeologic monitoring program until the department receives a hydrogeologic monitoring program and the results of the program. The director shall use the results of this information in conjunction with other information about the facility to determine a course of action regarding further licensing of the facility consistent with section 4005 of title 2 of the solid waste disposal act, 42 U.S.C. 6945, and this act. In deciding a course of action, the director shall consider, at a minimum, the health hazards, environmental degradation, and other public or private alternatives. The director may revoke a license or issue a timetable or schedule to provide for compliance for the facility or operation which specifies a schedule of remedial measures, including a sequence of actions or operations, which leads to compliance with this act within a reasonable time period, which shall not extend beyond September 1, 1984. This subsection shall take effect April 1, 1980.

Sec. 15. (1) The director shall make a final decision on a license application within 90 days after the director receives the application. If the director fails to make a final decision within 90 days, the license shall be considered issued. This subsection shall not apply if the director is required to meet the provisions of Executive Order 1974-4.

(2) An operating license shall expire 2 years after the date of issuance and may be renewed upon payment of a renewal application fee of \$100.00 if the licensee has complied with this act and the rules promulgated under this act.

(3) The issuance of a license shall empower the director or a health officer or an authorized representative of the director or health officer to enter at any reasonable time, pursuant to law, in or upon private or public property licensed under this act for the purpose of inspecting or investigating conditions relating to the storage, processing, or disposal of any material.

Sec. 16. At the time of licensing of a sanitary landfill, an instrument which imposes a restrictive covenant upon the land involved shall be executed by all of the owners of the tract of land upon which the landfill is to be located and the director. The instrument imposing the restrictive covenant shall be filed for record by the director or a health officer in the office of the register of deeds of the county in which the facility is located. The covenant shall state that the land described in the covenant, has been or will be used as a landfill and 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, drilling, or mining on the property during the first 15 years following completion of the landfill without authorization of the director. In giving authorization, the director shall consider the original design, type of operation, material deposited, and the stage of decomposition of the fill. Special exemption from this section may be granted by the director if contracts existing between the landowner and the licensee on the effective date of this act, are not renegotiable.

Sec. 17. (1) The director shall specify, in writing, the reasons for denial of a construction permit or an operating license, specifying those particular sections of this act or rules promulgated under this act which may be violated by granting the application, and in what manner the violation may occur.

(2) The health officer or director may issue a cease and desist order to a person who constructs or operates a disposal area without a permit or license, or to a person who holds a permit or license but constructs or operates an area that is not in accordance with the approved plans.

(3) The director may revoke a permit or license after reasonable notice and hearing if the director finds that the disposal area is not being constructed or operated in accordance with the approved plans or this act and the rules promulgated under this act. The director or a health officer shall inspect and file a written report not less than 4 times per year for each licensed disposal area.

Sec. 18. (1) Fees collected by a health officer under this act shall be deposited with the city or county treasurer, who shall keep the deposits in a special fund designated for use in carrying out the purposes of this act. If there is an ordinance or charter provision that prohibits a health officer from maintaining a special fund, the fees shall be deposited and used in accordance with the ordinance or charter provision. Fees collected by the director under this act shall be credited to the general fund of the state.

(2) This act shall not be construed to prohibit an individual from disposing of solid waste from the individual's own household upon the individual's own land as long as the disposal does not create a nuisance or hazard to health. Solid waste accumulated as a part of an improvement or the planting of privately owned farmland may be disposed of on the property if the method used is not injurious to human life or property and does not unreasonably interfere with the enjoyment of life or property.

Sec. 19. Before the director may issue a license, the applicant shall submit to the director a surety bond in favor of the director to assure operation in accordance with this act and rules promulgated under this act according to the following schedule:

(a) A surety bond submitted for a sanitary landfill shall be in an amount equal to \$4,000.00 per acre of disposal area, but not less than \$20,000.00, nor more than \$500,000.00. Each bond shall be renewed to provide assurance for the maintenance of the finished landfill site for a period of 5 years after the landfill is completed.

(b) A surety bond for any other disposal area shall be in an amount equal to 1/4 of 1% of the construction cost of the facility but shall not be less than \$4,000.00, and shall be continued in effect for a period of 2 years after the disposal area is closed.

Sec. 20. Each solid waste hauler shall be licensed under this act. Each solid waste transporting unit shall carry a seal issued by the director for inspection by an authorized representative of the director, a health officer, or a law enforcement agent. A solid waste hauler or a solid waste transporting unit licensed by a municipality under an ordinance with requirements at least equal to the requirements of this act shall be exempt from the licensing requirement of this section except that each solid waste transporting unit shall be required to carry a seal indicating compliance with this act. The application for a solid waste hauler license shall contain the name and address of the applicant, the number of solid waste transporting units operated by the applicant, and other information as the director requires. The application for a solid waste hauler license shall be made before operation, to a health officer or the director, on a form provided by the director and shall be accompanied by a license application fee of \$20.00 for each solid waste transporting unit operated by the applicant. The fee shall be payable as provided in section 18. Each additional solid waste transporting unit placed in service after a new or renewal application has been filed for the current year shall be reported to a health officer or the director on a form provided by the director and shall be accompanied by the appropriate fee before the health officer or director may issue the required seal. After reviewing the application and recommendations from the health officer, if the applicant meets the requirements of this act and the rules promulgated under this act, the director shall issue a license.

Sec. 21. The director or a health officer shall inspect the solid waste transporting units in accordance with procedures established by the director, and shall determine that the solid waste hauler has in operation only solid waste transporting units which are proper and hygienic, that the solid waste transporting units do not contribute to litter, and that all solid waste is delivered to disposal areas or facilities licensed under this act. A license shall expire 1 year after the date of issuance. A seal furnished by the director shall designate the year for which the solid waste hauler license was issued and shall be affixed to each solid waste transporting unit. A private individual may transport the individual's own household solid waste in the individual's own vehicle without being licensed. This section shall not be construed to release the private individual from a duty to provide proper constraints to prevent the discharge of solid waste from the vehicle during transport.

Sec. 22. (1) A solid waste transporting unit used for garbage, industrial or domestic sludges, or other moisture laden materials not specifically covered by Act No. 136 of the Public Acts of 1969, being sections 323.271 to 323.280 of the Michigan Compiled Laws, shall be watertight and constructed, maintained, and operated to prevent littering. Solid waste transporting units used for hauling other solid waste shall be designed and operated to prevent littering or any other nuisance.

(2) A solid waste hauler who violates this act shall be subject to the penalties provided in this act. After proper notice and hearing, a license issued under this act may be revoked by the director.

(3) The director, a health officer, or a law enforcement officer may order a solid waste transporting unit out of service if the unit does not satisfy the requirements of this act or the rules promulgated under this act. Continued use of a solid waste transporting unit ordered out of service is a violation of this act.

Sec. 23. (1) A municipality or county may establish and operate a collection center for junk motor vehicles and farm implements.

(2) A municipality or county may collect junk motor vehicles and farm implements and dispose of them through its collection center, through the process of competitive bidding.

(3) A municipality or county may issue bonds as necessary pursuant to Act No. 342 of the Public Acts of 1969, as amended, being sections 141.151 to 141.153 of the Michigan Compiled Laws, to finance the cost of constructing or operating facilities to collect junk motor vehicles or farm implements. The bonds shall be general obligation bonds and shall be backed by the full faith and credit of the municipality or county.

(4) As used in this section, "collect" means to obtain a vehicle pursuant to section 252 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.252 of the Michigan Compiled Laws, or to obtain the vehicle or farm implement and its title pursuant to a transfer from the owner.

Sec. 24. A municipality or county shall assure that all solid waste is removed from the site of generation, frequently enough to protect the public health, and are delivered to licensed solid waste disposal areas, except waste which is permitted by state law or rules promulgated by the department, to be disposed of at the site of generation.

Sec. 25. (1) Each solid waste management plan shall include an enforceable program and process to assure that the nonhazardous solid waste generated or to be generated in the planning area for a 20-year period is collected and recovered, processed, or disposed of at facilities which comply with state law and rules promulgated by the department governing location, design, and operation of the facilities.

(2) A solid waste management plan shall be prepared and approved under this section and shall be submitted to the director before July 1, 1981. The plan shall be prepared for a 20-year period and shall be reviewed and updated every 5 years. An amendment to an existing plan shall follow the procedures outlined in this act for the development of a solid waste management plan. The solid waste management plan shall encompass all municipalities within the county. The plan shall at a minimum comply with the requirements of section 30. The solid waste management plan shall take into consideration solid waste management plans in contiguous counties and existing local approved solid waste management plans as they relate to the county's needs. At a minimum, a county preparing a solid waste management plan shall consult with the regional planning agency from the beginning to the completion of the plan.

(3) Not later than 4 months after the effective date of this act, each county shall file with the director and with each municipality within the county on a form provided by the director, a notice of intent, indicating the county's intent to prepare a county solid waste management plan or to upgrade an existing plan. The notice shall identify the designated agency which shall be responsible for preparing the county plan.

(4) If the county fails to file a notice of intent with the director within the prescribed time, the director immediately shall notify each municipality within the county and shall request those municipalities to prepare the county solid waste management plan and shall convene a meeting to discuss the plan preparation. Following notification by the director, the municipalities, within 2 months but not later than 6 months after the effective date of this act, whichever is later, shall decide by a majority vote of the municipalities in the county whether or not to file a notice of intent to prepare the county solid waste management plan. Each municipality in the county shall have 1 vote. If a majority does not agree, then a notice of intent shall not be filed. The notice shall identify the designated agency which shall be responsible for preparing the county plan.

(5) If the municipalities fail to file a notice of intent to prepare a county solid waste management plan with the director within the prescribed time, the director shall request the appropriate regional solid waste management planning agency to prepare the county solid waste management plan. The regional solid waste management planning agency shall respond within 90 days after the date of the request.

(6) If the regional solid waste management planning agency declines to prepare a county plan the director shall prepare the plan for the county and that plan shall be final.

(7) A solid waste management planning agency, upon request of the director, shall submit a progress report in preparing its solid waste management plan.

Sec. 26. (1) The county board of commissioners, in a county choosing to prepare a solid waste management plan under section 25, or the municipalities preparing a plan under section 25(4), shall appoint a planning committee to assist the agency designated to prepare the plan under section 25. The committee shall consist of 13 members appointed for terms of 2 years. Of the members appointed, 4 shall represent the solid waste management industry, 2 shall represent environmental interest groups, 1 shall represent county government, 1 shall represent city government, 1 shall represent township government, 1 shall represent the regional solid waste planning agency, and 3 shall represent the general public. Vacancies shall be filled in the same manner as the original appointments. A member may be removed for nonperformance of duty.

(2) The committee shall annually elect a chairperson and shall establish procedures for conducting the committee's activities and for reviewing the solid waste plan. The plan shall only be approved by a majority of the members appointed and serving.

Sec. 27. A county or regional solid waste management planning agency preparing a solid waste management plan shall:

(a) Solicit the advice and consult periodically during the preparation of the plan with the municipalities, appropriate organizations, and the private sector in the county under section 30(1) and solicit the advice and consult with the appropriate county or regional solid waste management planning agency, and adjacent counties and municipalities in adjacent counties which may be significantly affected by the solid waste management plan for a county.

(b) If a planning committee has been appointed under section 26, prepare the plan with the advice, consultation, and assistance of the planning committee.

(c) Notify, by letter, the chief elected official of each municipality and any other person so requesting within the county, not less than 10 days before each public meeting of the planning agency designated by the county, if that planning agency plans to discuss the county plan. The letter shall indicate as precisely as possible the subject matter being discussed.

(d) Submit for review a copy of the proposed county or regional solid waste management plan to the director, to each municipality within the affected county, and to adjacent counties and municipalities that may be affected by the plan or which have requested the opportunity to review the plan. The county plan shall be submitted for review to the designated regional solid waste management planning agency for that county. Reviewing agencies shall be allowed an opportunity of not less than 3 months to review and comment on the plan before adoption of the plan by the county or a designated regional solid waste management planning agency. The comments of a reviewing agency shall be submitted with the plan to the county board of commissioners or to the regional solid waste management planning agency.

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

(f) Conduct a public hearing on the proposed county solid waste management plan before formal adoption. A notice shall be published not less than 30 days before a hearing, in a paper having a major circulation within the county. The notice shall indicate a location where copies of the plan are available for public inspection and the time and place of the public hearing.

Sec. 28. (1) A municipality located in 2 counties or adjacent to a municipality located in another county may request to be included in the adjacent county's plan. The request shall be approved by a resolution of each county board of commissioners of the counties involved before the municipality may be included. A municipality may appeal a decision not to be included in an adjacent county's plan to the resource recovery commission. If there is an appeal, the resource recovery commission shall issue a decision within 45 days. The decision of the resource recovery commission shall be final.

(2) Except as provided in subsection (3), the county board of commissioners shall formally act on the plan following the public hearing.

(3) If a planning committee has been appointed by the county board of commissioners under section 26, the county board of commissioners, or if a plan is prepared under section 25(4), the municipalities in the county who voted in favor of filing a notice of intent to prepare a county solid waste management plan, shall take formal action on the plan after the completion of public hearings and only after the plan has been approved by a majority of the planning committee as provided in section 26(2). If the county board of commissioners, or if a plan is prepared under section 25(4), a majority of the municipalities in the county who voted in favor of filing a notice of intent to prepare a county solid waste management plan, does not approve the plan as submitted, the plan shall be returned to the planning committee along with a statement of objections to the plan. Within 30 days after receipt, the planning committee shall review the objections and shall return the plan with its recommendations.

(4) Following approval the county plan shall be approved by the governing bodies of not less than 67% of the municipalities within each respective county before the plan may take effect.

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

(6) If, after the plan has been adopted, the governing bodies of not less than 67% of the municipalities have not approved the plan, the director shall prepare a plan for the county, including those municipalities that did not approve the county plan. A plan prepared by the director shall be final.

Sec. 29. (1) The director shall, within 6 months after a plan has been submitted for approval, approve or disapprove the plan. An approved plan shall at a minimum meet the requirements set forth in section 30(1).

(2) The director shall review an approved plan periodically and determine if revisions or corrections are necessary to bring the plan into compliance with this act. The director may, after notice and opportunity for a public hearing, held pursuant to Public Act No. 306 of the Public Acts of 1969, as amended, withdraw approval of the plan. If the director withdraws approval of a county plan, the director shall establish a timetable or schedule for compliance with this act.

Sec. 30. (1) Not later than 6 months after the effective date of this act, the director shall promulgate rules for the development, form, and submission of solid waste management plans. The rules, at a minimum, shall require:



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

(b) Evaluate waste problems by type and volume, including residential and commercial solid waste, hazardous waste, industrial sludges, pretreatment residues, municipal sewage sludge, air pollution control residue, and other wastes from industrial or municipal sources.

(c) Evaluate and select technically and economically feasible solid waste management options, which may include sanitary landfill, resource recovery systems, resource conservation, or a combination of options.

(d) An inventory and description of all existing facilities where solid waste is being treated, processed, or disposed of, including a summary of the deficiencies, if any, of the facilities in meeting current solid waste management needs.

(e) The encouragement and documentation as part of the plan, of all opportunities for participation and involvement of the public, all affected agencies and parties, and the private sector.

(f) That the plan contain enforceable mechanisms for implementing the plan, including identification of the municipalities within the county responsible for the enforcement. This subdivision shall not be construed to preclude the private sector's participation in providing solid waste management services consistent with the county plan.

(g) Current and projected population densities of each county and identification of population centers and centers of solid waste generation, including industrial wastes.

(h) That the plan area has, and will have during the plan period, access to a sufficient amount of available and suitable land, accessible to transportation media, to accommodate the development and operation of solid waste disposal areas, or resource recovery facilities provided for in the plan.

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

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

(2) A person shall not dispose of refuse at any place except a disposal area licensed as provided in this act unless exempted under section 18(2).

(3) The director shall not issue a license for the development or operation of a new solid waste disposal area or resource recovery facility in a plan area unless the facility complies with and is consistent with an approved solid waste management plan.

(4) Following approval by the director of a county solid waste management plan and after July 1, 1981, an ordinance, law, rule, regulation, policy, or practice of a municipality, county, or governmental authority created by statute which would prohibit or regulate the location or development of a solid waste disposal area, which is not part of or consistent with the approved solid waste management plan for the county, shall be considered in conflict with this act and shall not be enforceable.

(5) Upon receipt of the application the director or health officer or their representatives shall inspect the proposed site and determine whether the proposed operation complies with this act and the rules promulgated pursuant to this act. After October 1, 1977, a sanitary landfill shall not be constructed if the sanitary landfill will be located within 10,000 feet of a runway of an airport licensed and regulated by the Michigan aeronautics commission until the construction, location and operation are reviewed by the resource recovery commission. The resource recovery commission shall review for hazards to the safety of aircraft as affected by the construction, location and operation of the sanitary landfill. If the commission, after preliminary review, decides to consider the request formally, it shall set a date for a hearing and give reasonable notice to all affected parties whom the commission has reason to believe are interested in the project. In the hearing all affected or interested parties shall be given a reasonable opportunity to be heard and to submit additional data to the commission within a reasonable time following the hearing. After the hearing the commission shall by resolution set forth its findings and shall recommend action to the director of the department of natural resources on the issuance or denial of the application. The commission shall set forth its reasons for the recommendation in the resolution to the director.

Sec. 31. Not more than 6 months after the effective date of this act, the director shall submit to the legislature pursuant to Act No. 306 of the Public Acts of 1969, as amended, rules which contain sanitary design and operational standards for solid waste transporting units and disposal areas and otherwise implement this act. The rules shall include standards for hydrogeologic investigations; monitoring; liner materials; leachate collection and treatment, if applicable; groundwater separation distances; environmental

assessments; methane gas control; soil erosion; sedimentation control; groundwater and surface water quality; noise and air pollution; and the use of floodplains and wetlands.

Sec. 32. (1) The state solid waste management plan shall consist of the state resource recovery plan and all county plans approved or prepared by the director.

(2) The director shall consult and assist in the preparation and implementation of the county solid waste management plans.

(3) The director may undertake or contract for studies or reports necessary or useful in the preparation of the state solid waste management plan.

Sec. 33. In addition to any other remedy available at law, the director or a health officer may request that the attorney general bring an action in the name of the people of the state, or a municipality may bring an action in its own name within its municipal boundaries, for an injunction or other process against a person, county, municipality, or an agency of a person, county, or municipality to restrain or prevent the establishment, management, maintenance, or operation of a solid waste disposal area, solid waste facility, solid waste processing plant, or a solid waste hauling business without a license, or a solid waste transporting unit without a seal or for any other violation of this act.

Sec. 34. (1) In order for a county to effectively carry out the planning responsibilities designated under this act, a grant program is established to provide financial assistance to county or regional solid waste management planning agencies. Municipalities joined together with interlocal agreements relating to solid waste management plans, within a county having a city of a population of more than 1 million, shall be eligible for a separate planning grant in addition to those granted to counties. This separate grant allocation provision shall not alter the planning and approval process requirements for county plans as specified in this act. Eighty percent of the money for the program not provided for by federal funds shall be appropriated annually by the legislature from the general fund of the state and 20% shall be appropriated by the applicant. Grant funds appropriated for local planning may be used by the director if the director finds it necessary to invoke the director's authority to develop a local plan under section 25(6). The director shall promulgate rules for the distribution of the appropriated funds.

(2) In order for a certified health department to effectively carry out the responsibilities designated under this act, an annual grant shall be appropriated by the legislature from the general fund of the state to provide financial assistance to a certified health department. A certified health department shall be eligible to receive 100% of reasonable personnel costs as determined by the department based on criteria established by rule. The director shall promulgate rules for the distribution of the appropriated funds.

Sec. 35. This act is not intended to prohibit the continuation of the private sector from doing business in solid waste disposal and transportation. This act is intended to encourage the continuation of the private sector in the solid waste disposal and transportation business when in compliance with the minimum requirements of this act.

Sec. 36. A person who violates this act or a rule promulgated under this act is guilty of a misdemeanor. A person convicted under this act or the rules promulgated under this act may be punished by a fine of not more than \$1,000.00 and costs of prosecution and in default of payment of fine and costs, imprisonment for not more than 6 months. If the violation is of a continuing nature, each day upon which a violation occurs shall be considered a separate offense.

Sec. 37. Act No. 87 of the Public Acts of 1965, as amended, being sections 325.291 to 325.300 of the Compiled Laws of 1970, is repealed.

This act is ordered to take immediate effect.

*W. Ross Thatcher*

Clerk of the House of Representatives.

*Billie S. Farnum*

Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.