

# HOUSE BILL No. 4646

March 19, 2009, Introduced by Rep. Johnson and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 5504 (MCL 324.5504).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5504. ~~(1) Beginning on June 6, 1991 or on the effective~~  
2 ~~date of the rules promulgated under subsection (5), whichever is~~  
3 ~~later, a facility that incinerates medical waste shall not be~~  
4 ~~operated unless the facility has been issued an operating permit by~~  
5 ~~the department.~~

6           ~~(2) An application for an operating permit under subsection~~  
7 ~~(1) shall be submitted in the form and contain the information~~  
8 ~~required by the department. The department shall issue an operating~~  
9 ~~permit only if the facility is in compliance with this part and the~~  
10 ~~rules promulgated under this part.~~

1 ~~—— (3) A permit issued under this section shall be valid for 5~~  
2 ~~years. Upon expiration, a permit may be renewed.~~

3 ~~—— (4) Within 2 years after the effective date of the rules~~  
4 ~~promulgated under subsection (5), the department shall review all~~  
5 ~~operating permits issued under this part for facilities that~~  
6 ~~incinerate medical waste that were issued permits prior to the~~  
7 ~~promulgation of the rules under subsection (5). If, upon review,~~  
8 ~~the department determines that the facility does not meet the~~  
9 ~~requirements of the rules promulgated under subsection (5) and~~  
10 ~~cannot be retrofitted to comply with these rules, the department~~  
11 ~~shall issue an interim operating permit that is valid for 2 years~~  
12 ~~only. If the facility only needs retrofitting in order to comply~~  
13 ~~with the rules, the facility shall be granted an interim permit~~  
14 ~~that is valid for 1 year only. However, in either case the facility~~  
15 ~~shall comply with this part and all other rules promulgated under~~  
16 ~~this part for the interim period. An interim operating permit shall~~  
17 ~~provide that if the facility is within 50 miles of another facility~~  
18 ~~that is in compliance with the rules promulgated under subsection~~  
19 ~~(5), the facility operating under the interim operating permit may~~  
20 ~~receive only medical waste that is generated on the site of that~~  
21 ~~facility, at a facility owned and operated by the person who owns~~  
22 ~~and operates that facility, or at the private practice office of a~~  
23 ~~physician who has privileges to practice at that facility, if the~~  
24 ~~facility is a hospital. The department shall renew an operating~~  
25 ~~permit for a facility only if the facility is in compliance with~~  
26 ~~this part and the rules promulgated under this part.~~

27 ~~—— (5) The department shall promulgate rules to do both of the~~

1 following:

2 ~~—— (a) Regulate facilities that incinerate medical waste. These~~  
3 ~~rules shall cover at least all of the following areas:~~

4 ~~—— (i) Incinerator design and operation.~~

5 ~~—— (ii) Ash handling and quality.~~

6 ~~—— (iii) Stack design.~~

7 ~~—— (iv) Requirements for receiving medical waste from generators~~  
8 ~~outside the facility.~~

9 ~~—— (v) Air pollution control requirements.~~

10 ~~—— (vi) Performance monitoring and testing.~~

11 ~~—— (vii) Record keeping and reporting requirements.~~

12 ~~—— (viii) Inspection and maintenance.~~

13 ~~—— (b) Regulate the operation of facilities that incinerate only~~  
14 ~~pathological waste and limited other permitted solid waste.~~

15 ~~—— (6) A permit issued under this section may allow a facility to~~  
16 ~~receive pathological or medical wastes that were generated off the~~  
17 ~~site of the facility. However, the owner or operator of the~~  
18 ~~facility shall keep monthly records of the source of the wastes and~~  
19 ~~the approximate volume of the wastes received by the facility.~~

20 ~~—— (7) As used in this section:~~

21 ~~—— (a) "Medical waste" means that term as it is defined in part~~  
22 ~~138 of the public health code, Act No. 368 of the Public Acts of~~  
23 ~~1978, being sections 333.13801 to 333.13831 of the Michigan~~  
24 ~~Compiled Laws.~~

25 ~~—— (b) "Pathological waste" means that term as it is defined in~~  
26 ~~part 138 of the public health code. **BEFORE JANUARY 1, 2014, THE**~~  
27 ~~**DEPARTMENT SHALL NOT ISSUE A PERMIT TO INSTALL FOR ANY OF THE**~~

1 FOLLOWING:

2 (A) A NEW MUNICIPAL WASTE COMBUSTOR AS DEFINED IN 40 CFR  
3 60.51B.

4 (B) A NEW MUNICIPAL WASTE COMBUSTION UNIT AS DEFINED IN 40 CFR  
5 60.3078.

6 (C) A NEW INCINERATOR THAT BURNS, ON A CALENDAR-QUARTER BASIS,  
7 10% BY WEIGHT OR MORE OF ANY OF THE FOLLOWING MATERIALS:

8 (i) HOSPITAL WASTE AS DEFINED IN 40 CFR 60.51C.

9 (ii) MEDICAL/INFECTIOUS WASTE AS DEFINED IN 40 CFR 60.51C.

10 (iii) ANY COMBINATION OF THE MATERIALS DESCRIBED IN SUBPARAGRAPHS

11 (i) AND (ii).