

# HOUSE BILL NO. 4461

March 09, 2021, Introduced by Reps. Tate, Howell, Rabhi, Borton, Kuppa, Martin, O'Malley, VanSingel, Manoogian, Cambensy, Pohutsky, Anthony, Brixie, Sowerby, Liberati, Hood, Markkanen, Breen, Cavanagh, Aiyash, Puri, Brabec, Brenda Carter and Hammoud and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding subpart 11 to part 115.

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

**SUBPART 11 MATERIALS MANAGEMENT PLANS**

1                   **Sec. 11571. (1) The department shall ensure that each county**  
2                   **has an approved materials management plan. The approved solid waste**  
3                   **management plan in effect on the effective date of the amendatory**  
4                   **act that added this section remains in effect until a materials**  
5

1 management plan has been approved for the planning area under this  
2 subpart. Before a materials management plan is approved for a  
3 county pursuant to section 11575, a solid waste management plan may  
4 be amended pursuant to the procedures that applied under section  
5 11533 and former sections 11534 to 11537a immediately before the  
6 effective date of the amendatory act that added this section.

7 (2) The planning area of a single MMP may include 2 or more  
8 counties if the county boards of commissioners of those counties  
9 agree to the joint exercise of the powers and performance of the  
10 duties under this subpart of the county boards of commissioners and  
11 of the county approval agencies. In addition, if the department is  
12 responsible for preparing the MMP for 2 or more counties under  
13 section 11575, the department may include those counties in the  
14 planning area of a single MMP and may exercise its powers and  
15 perform its duties under this subpart for those counties jointly.

16 (3) Multicounty MMPs are subject to the same procedure for  
17 approval as single-county MMPs, and each county board of  
18 commissioners shall take formal action on a multicounty MMP as  
19 appropriate. A multicounty MMP shall include a process to ensure  
20 that the requirements of section 11578 are met.

21 (4) All of the municipalities of a county shall be included in  
22 the planning area of a single MMP. However, a municipality located  
23 in 2 counties that are not in the same planning area may request  
24 that the entire municipality be included in the planning area for 1  
25 of those counties and excluded from the planning area of the other  
26 county. A municipality that is adjacent to a county boundary may  
27 request that it be included in the planning area of the MMP for the  
28 adjacent county. A request under this subsection shall be submitted  
29 to and is subject to the approval of the county board of

1 commissioners of each of the affected counties. If a county board  
2 of commissioners fails to approve a request under this subsection  
3 within 90 days after the request is submitted to the county board,  
4 the municipality making the request may appeal to the department.  
5 The department shall issue a decision on the appeal within 45 days  
6 after the appeal is filed with the department. The decision of the  
7 department is final.

8 (5) Within 180 days after the effective date of the amendatory  
9 act that added this section, the department shall, in writing,  
10 request the county board of commissioners of each county to submit  
11 to the department a notice of intent to prepare an MMP. Within 180  
12 days after the request is delivered, the county board of  
13 commissioners shall submit the notice of intent. If the county  
14 board of commissioners declines to prepare an MMP, all of the  
15 following apply:

16 (a) The county board of commissioners shall notify the  
17 municipalities in the county and the regional planning agency for  
18 the county of its decision.

19 (b) All the municipalities in the county, acting jointly, or  
20 the regional planning agency may, within the remaining balance of  
21 the 180-day time period applicable to the county board of  
22 commissioners, submit to the department a notice of intent to  
23 prepare an MMP.

24 (c) Upon request of the municipalities or regional planning  
25 agency, the department may extend the deadline under subdivision  
26 (b) to allow the municipalities and regional planning agency an  
27 opportunity to determine which will submit the notice of intent.

28 (6) If a notice of intent is not submitted to the department  
29 by the applicable deadline under subsection (5), the department may

1 prepare an MMP for the county, subject to section 11575(11).

2 (7) A notice of intent under subsection (5) shall meet the  
3 following requirements, as applicable:

4 (a) State that the county board of commissioners, all the  
5 municipalities in the county, acting jointly, or the regional  
6 planning agency for the county, whichever submits the notice of  
7 intent, will prepare an MMP and will be the county approval agency.

8 (b) For a county with a population of less than 250,000, be  
9 accompanied by both of the following:

10 (i) Documentation that the county approval agency consulted  
11 with each adjacent county regarding the option of preparing a  
12 multicounty MMP pursuant to the urban cooperation act of 1967, 1967  
13 (Ex Sess) PA 7, MCL 124.501 to 124.512.

14 (ii) Documentation of the outcome of the consultations,  
15 including a copy of any interlocal agreement identifying the  
16 process for creating a multicounty MMP.

17 (c) For a county with a population of 250,000 or more, be  
18 accompanied by both of the following:

19 (i) Documentation that the county approval agency submitted to  
20 the county board of commissioners of each adjacent county a request  
21 to respond within 30 days indicating the adjacent county's interest  
22 in the option of preparing a multicounty MMP pursuant to the urban  
23 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to  
24 124.512.

25 (ii) Documentation of the outcome of the request, including a  
26 copy of any interlocal agreement identifying the process for  
27 creating a multicounty MMP.

28 (8) The submittal of a notice of intent under subsection (5)  
29 commences the running of a 3-year deadline for municipal approval

1 of the MMP and submission of the MMP to the department under  
2 section 11575.

3 (9) Not more than 30 days after the submission of a notice of  
4 intent to the department under subsection (5), the CAA shall do all  
5 of the following:

6 (a) Submit a copy of the notice of intent to the legislative  
7 body of each municipality located within the planning area.

8 (b) Publish the notice of intent in a newspaper or by  
9 electronic media having major circulation or viewership in the  
10 planning area.

11 (c) Request publication of the notice of intent on websites of  
12 local units of government in the planning area and other multimedia  
13 outlets as appropriate.

14 (10) The CAA shall also do all of the following:

15 (a) Within 120 days after submitting the notice of intent,  
16 designate a planning agency and an individual within the DPA who  
17 shall serve as the DPA's contact person for the purposes of this  
18 subpart.

19 (b) Appoint a planning committee under section 11572.

20 (c) Oversee the creation and implementation of the DPA's work  
21 program under section 11587(4).

22 (d) Upon request of the department, submit a report on  
23 progress in the preparation of the MMP.

24 (11) All submittals and notices under this section and  
25 sections 11572 to 11576 shall be in writing. A written notice may  
26 be given by electronic mail if the recipient has indicated that the  
27 recipient will receive notice by electronic mail and has specified  
28 the electronic mail address to which the notice is to be sent.

29 Sec. 11572. (1) Within 180 days after the CAA submits a notice

1 of intent to the department under section 11571, the CAA shall  
2 appoint a planning committee. The planning committee is a permanent  
3 body. Initial planning committee members shall be appointed for 5-  
4 year terms. Their immediate successors shall be appointed for 2-,  
5 3-, 4-, or 5-year terms such that, as nearly as possible, the same  
6 number are appointed for each term length. Subsequently, members  
7 shall be appointed for terms of 5 years. A member may be  
8 reappointed.

9 (2) If a vacancy occurs on the planning committee, the CAA  
10 shall make an appointment for the unexpired term in the same manner  
11 as the original appointment. The CAA may remove a member of the  
12 planning committee for incompetence, dereliction of duty, or  
13 malfeasance, misfeasance, or nonfeasance in office.

14 (3) The first meeting of the planning committee shall be  
15 called by the designated planning agency. At the first meeting, the  
16 planning committee shall elect from among its members a chairperson  
17 and other officers as it considers necessary or appropriate. A  
18 majority of the members of the planning committee constitute a  
19 quorum for the transaction of business at a meeting of the planning  
20 committee. For the purposes of determining the quorum, the number  
21 of members of the planning committee is the number as established  
22 under subsection (4), excluding any unfilled vacancies created in  
23 the past 90 days. The affirmative vote of a majority of the number  
24 of members of the planning committee as established under  
25 subsection (4) is required for official action of the planning  
26 committee. A planning committee shall adopt procedures for the  
27 conduct of its business.

28 (4) A planning committee shall consist of the following  
29 members:

1 (a) A representative of a solid waste disposal facility  
2 operator that provides service in the planning area.

3 (b) A representative of a hauler that provides service in the  
4 planning area.

5 (c) A representative of a materials recovery facility operator  
6 that provides service in the planning area.

7 (d) A representative of a composting facility or anaerobic  
8 digester operator that provides service in the planning area.

9 (e) A representative of a waste diversion, reuse, or reduction  
10 facility operator that provides service in the planning area.

11 (f) A representative of an environmental interest group that  
12 has members residing in the planning area.

13 (g) An elected official of the county.

14 (h) An elected official of a township in the planning area.

15 (i) An elected official of a city or village in the planning  
16 area.

17 (j) A representative of a business that generates a managed  
18 material in the planning area.

19 (k) A representative of the regional planning agency whose  
20 territory includes the planning area.

21 (l) Any additional members appointed under subsections (5) or  
22 (6) or section 11578(2), as applicable.

23 (5) The CAA may appoint to the planning committee as an  
24 additional regular member 1 representative that does business in or  
25 resides in an adjacent municipality outside the planning area.

26 (6) CAAs preparing a multicounty MMP under section 11571 shall  
27 appoint a single planning committee. For each county, both of the  
28 following additional members may be appointed to the planning  
29 committee:

1 (a) An elected official of the county or a municipality in the  
2 planning area.

3 (b) A representative from a business that generates managed  
4 materials within the planning area.

5 (7) If the CAA has difficulty finding qualified individuals to  
6 serve on the planning committee, the department may approve a  
7 reduction in the number of members of the planning committee.  
8 However, at a minimum, the planning committee shall include all of  
9 the following members:

10 (a) A representative of the solid waste disposal industry that  
11 provides service in the planning area.

12 (b) A representative of a materials utilization facility that  
13 provides service in the planning area.

14 (c) Two individuals, each of whom is either a member of an  
15 environmental interest group who resides in the planning area or a  
16 representative of the regional planning agency.

17 (d) An elected official of the county.

18 (e) An elected official of a township in the planning area.

19 (f) An elected official of a city or village in the planning  
20 area.

21 Sec. 11573. In addition to its other responsibilities under  
22 part 115, the planning committee shall do all of the following:

23 (a) Direct the DPA in the preparation of the MMP.

24 (b) Review and approve the DPA's work program under section  
25 11587(4).

26 (c) Identify relevant local materials management policies and  
27 priorities.

28 (d) Ensure coordination in the preparation of the MMP.

29 (e) Advise counties and municipalities with respect to the



1 MMP.

2 (f) Ensure that the DPA is fulfilling the requirements of part  
3 115 as to both the content of the MMP and public participation. The  
4 planning committee shall notify the DPA of any deficiencies. If the  
5 deficiencies are not addressed by the DPA to the planning  
6 committee's satisfaction, the planning committee shall notify the  
7 CAA. If the deficiencies are not addressed by the CAA to the  
8 planning committee's satisfaction, the planning committee shall  
9 notify the department. The department shall address the  
10 deficiencies and may prepare the MMP under section 11575(11).

11 Sec. 11574. (1) In addition to its other responsibilities  
12 under part 115, a DPA shall do all of the following:

13 (a) Serve as the primary government resource in the planning  
14 area for information about the MMP and the MMP development process.

15 (b) Under the direction of the planning committee, prepare an  
16 MMP.

17 (c) During the preparation of an MMP, solicit the advice of  
18 and consult with all of the following:

19 (i) Periodically, the municipalities, appropriate  
20 organizations, and the private sector, including materials  
21 management facility operators, in the planning area.

22 (ii) The appropriate county or regional planning agency.

23 (iii) Counties adjacent to the planning area and municipalities  
24 in those counties.

25 (d) Not less than 10 days before each public meeting at which  
26 the DPA will discuss the MMP, give notice of the meeting to the  
27 chief elected official of each municipality within the planning  
28 area and any other person within the planning area that requests  
29 notice. The notice shall indicate as precisely as possible the

1 subject matter being discussed.

2 (e) Obtain written approval of the MMP from the planning  
3 committee.

4 (f) Submit a copy of the MMP as approved by the planning  
5 committee to all of the following with a notice specifying the end  
6 of the public comment period under subdivision (h):

7 (i) The department.

8 (ii) The legislative body of each municipality within the  
9 planning area.

10 (iii) The legislative body of each county or municipality  
11 adjacent to the planning area that has requested the opportunity to  
12 review the MMP.

13 (iv) The regional planning agency for each county included in  
14 the planning area.

15 (g) Publish a notice in a newspaper or by electronic media  
16 having major circulation or viewership in the planning area. The  
17 notice shall indicate a location where copies of the proposed MMP  
18 are available for public inspection or copying at cost, specify the  
19 end of the public comment period under subdivision (h), and solicit  
20 public comment. Notice posted in electronic media shall remain  
21 posted until the end of the public comment period.

22 (h) Receive public comments on the MMP for not less than 60  
23 days after the publication of the notice under subdivision (g).

24 (i) During the public comment period under subdivision (h),  
25 conduct a public hearing on the MMP. Not less than 30 days before  
26 the hearing, the planning committee shall publish a notice of the  
27 hearing in a newspaper or by electronic media having major  
28 circulation or viewership in the planning area. Notice posted in  
29 electronic media shall remain posted until the end of the public

1 hearing. The notice shall indicate a location where copies of the  
2 proposed MMP are available for public inspection or copying at cost  
3 and shall indicate the time and place of the public hearing. The  
4 same notice may be used to satisfy the requirements of this  
5 subdivision and subdivision (g). The planning committee shall  
6 submit to the department proof of publication of notice under this  
7 subdivision and subdivision (g).

8 (j) Submit to the planning committee a summary of the comments  
9 received during the public comment period.

10 (2) The DPA, or the department if the department prepares an  
11 MMP, shall use a standard format in preparing the MMP. The  
12 department shall prepare the standard format and provide a copy of  
13 the standard format to each DPA that the department knows will  
14 prepare an MMP. The department shall provide the standard format to  
15 any other person upon request.

16 (3) The planning committee shall consider the comment summary  
17 received from the DPA under subsection (1)(j) and may direct the  
18 DPA to revise the MMP. The DPA shall revise the MMP as directed by  
19 the planning committee. Not more than 30 days after the end of the  
20 public comment period, the DPA shall submit the proposed MMP, as  
21 revised, if applicable, to the planning committee.

22 (4) Not more than 30 days after the MMP is submitted to the  
23 planning committee under subsection (3), the planning committee  
24 shall take formal action on the MMP and, if the planning committee  
25 approves the MMP in compliance with section 11572(3), the DPA shall  
26 submit the MMP to the CAA.

27 Sec. 11575. (1) Not more than 60 days after the MMP is  
28 submitted to the CAA under section 11574(4), the CAA shall approve  
29 or reject the MMP and notify the planning committee. A notice that

1 the CAA rejects the MMP shall state the specific reasons for the  
2 rejection.

3 (2) Not more than 30 days after notice of the rejection of the  
4 MMP is sent under subsection (1), the planning committee may revise  
5 the MMP and submit the revised MMP to the CAA. After a revised MMP  
6 is timely submitted to the CAA under this subsection or the 30-day  
7 period expires and a revised MMP is not submitted, the CAA shall  
8 approve or reject the revised MMP or original MMP, respectively,  
9 and notify the planning committee.

10 (3) If the CAA rejects the MMP under subsection (2), the CAA  
11 shall prepare and approve an MMP, subject to the continued running  
12 of the 3-year period under section 11571(8).

13 (4) Not more than 10 business days after the CAA approves an  
14 MMP under subsection (1), (2), or (3), the DPA shall submit a copy  
15 of the MMP to the legislative body of each municipality located  
16 within the planning area.

17 (5) Not more than 120 days after the MMP is submitted to the  
18 legislative body of a municipality, the legislative body may  
19 approve or reject the MMP. The legislative body shall notify the  
20 DPA of an approval or rejection.

21 (6) Within 30 days after the deadline for municipal  
22 notification to the DPA under subsection (5), the DPA shall notify  
23 the department which municipalities timely approved the MMP, which  
24 timely rejected the MMP, and which did not timely notify the DPA of  
25 approval or rejection. The notice shall be accompanied by a copy of  
26 the MMP. If the MMP is not approved by at least 2/3 of the  
27 municipalities that timely notify the DPA of their approval or  
28 rejection under subsection (5), then the department shall proceed  
29 under subsection (7) or (9). If the MMP is approved by at least 2/3

1 of the municipalities that timely notify the DPA of their approval  
2 or rejection under subsection (5), then subsection (9) applies.

3 (7) The department may approve an extension of a deadline  
4 under subsections (2) to (6) if the extension is requested by the  
5 entity subject to the deadline within a reasonable time after the  
6 issues giving rise to the need for an extension arise.

7 (8) If the MMP is neither approved nor rejected by a deadline  
8 established in this subpart, subject to any extension under  
9 subsection (7), the MMP is considered automatically approved at  
10 that step in the approval process, and the approval process shall  
11 continue at the next step. This subsection does not apply to  
12 failure of an individual municipality to approve or disapprove the  
13 MMP under subsection (5).

14 (9) Within 180 days after the MMP is submitted to the  
15 department under subsection (6), the department shall approve or  
16 reject the MMP. The department shall approve the MMP if the MMP  
17 complies with part 115. If the department approves the MMP, the MMP  
18 is final. If the department rejects the MMP, subsection (11)  
19 applies.

20 (10) Before approving or rejecting an MMP under subsection  
21 (9), the department may return the MMP to the CAA with a written  
22 request for modifications necessary for approval under subsection  
23 (9) or to clarify the MMP. If the department returns the MMP for  
24 modifications, the running of the 180-day period under subsection  
25 (9) is tolled for 90 days or until the CAA responds to the  
26 department's request, whichever occurs first. If the CAA does not  
27 approve the modifications requested by the department, subsection  
28 (11) applies.

29 (11) Subject to subsection (9), if a CAA does not prepare an

1 MMP or the MMP does not timely obtain an approval required by part  
2 115, the department may prepare and approve an MMP for the county.  
3 An MMP prepared and approved by the department is final. Once the  
4 MMP is final, the county shall implement the MMP.

5 Sec. 11576. (1) Amendments to an MMP shall be made only as  
6 provided in subsection (2), (3), or (4).

7 (2) The department shall initiate the adoption of 1 or more  
8 amendments to MMPs if the department determines that the guidance  
9 provided by legislation, by this state's solid waste policy, or by  
10 reports and initiatives of the department has significantly changed  
11 the required contents of MMPs. The procedure for adopting an  
12 amendment to the MMP under this subsection is the same as the  
13 procedure for adoption of an initial MMP.

14 (3) The CAA may initiate 1 or more amendments to an MMP by  
15 filing a notice of intent with the department. Except as provided  
16 in subsection (4), the procedure for adopting an amendment to the  
17 MMP under this subsection is the same as the procedure for adoption  
18 of an initial MMP except as follows:

19 (a) The county submits a notice of intent on its own  
20 initiative rather than in response to a request from the department  
21 under section 11571.

22 (b) If the CAA rejects a revised amendment under section  
23 11575(2), the amendment process terminates.

24 (c) Section 11575(11) does not apply. Instead, if any required  
25 approval is not timely granted, the amendment process terminates  
26 and the amendments are not adopted.

27 (4) If, after a notice of intent is filed under subsection  
28 (3), the department determines that the amendment will increase  
29 materials utilization or the recovery of managed material and

1 complies with part 115, the department may authorize the CAA to  
2 amend the MMP. To amend the MMP, the CAA shall do all of the  
3 following:

4 (a) Submit a copy of the amendment to all of the following  
5 with a notice specifying the end of the public comment period under  
6 subdivision (c):

7 (i) The department.

8 (ii) The legislative body of each municipality within the  
9 planning area.

10 (iii) The legislative body of each county or municipality  
11 adjacent to the planning area that requested the opportunity to  
12 review the MMP under section 11574(1)(f).

13 (iv) The regional planning agency for each county included in  
14 the planning area.

15 (b) Publish a notice in a newspaper or by electronic media  
16 having major circulation or viewership in the planning area. The  
17 notice shall indicate a location where copies of the amendment are  
18 available for public inspection or copying at cost, specify the end  
19 of the public comment period under subdivision (c), and solicit  
20 public comment. Notice posted in electronic media shall remain  
21 posted until the end of the public comment period.

22 (c) Receive public comments on the amendment for not less than  
23 30 days after the publication of the notice under subdivision (b).

24 (d) If timely requested, conduct a public meeting on the  
25 amendment during the public comment period under subdivision (c).  
26 Not less than 15 days before the public meeting, the planning  
27 committee shall publish a notice of the meeting in a newspaper or  
28 by electronic media having major circulation or viewership in the  
29 planning area. Notice posted in electronic media shall remain

1 posted until the end of the public meeting. The notice shall  
2 indicate a location where copies of the proposed amendment are  
3 available for public inspection or copying at cost and shall  
4 indicate the time and place of the public meeting. The same notice  
5 may be used to satisfy the requirements of this subdivision and  
6 subdivision (b). The planning committee shall submit to the  
7 department proof of notice publication under this subdivision and  
8 subdivision (b).

9 (e) Prepare and consider a summary of the comments received  
10 during the public comment period. The CAA may revise the amendment  
11 in response to the public comments.

12 (f) Submit the amendment to the department in writing. The  
13 department shall provide the CAA with written approval of the  
14 submitted amendment.

15 (5) A county shall keep its MMP current. The following changes  
16 do not require an amendment if made in a supplement to the MMP  
17 provided for by the department under section 11574(2) for the  
18 purpose of changes not requiring an amendment:

19 (a) Transportation infrastructure.

20 (b) Population density.

21 (c) Materials management facility inventory.

22 (d) Local ordinances that do not control the development of a  
23 materials management facility and that minimally control the  
24 operation of the materials management facility, such as ordinances  
25 addressing landscaping, screening, and other ancillary construction  
26 details; hours of operation; operating records and reporting  
27 requirements; noise, litter, odor, dust, and other site nuisances;  
28 and facility security and safety.

29 (6) Changes made without amendment under subsection (5) shall



1 be incorporated in the next amendment made under subsection (2) or  
2 (3).

3 (7) By every fifth anniversary date of the approval of the  
4 initial MMP, the CAA shall do both of the following:

5 (a) Direct the planning committee to submit to the CAA an MMP  
6 review. The purpose of the review is to ensure that the MMP  
7 complies with part 115 and to evaluate the progress that has been  
8 made in meeting the MMP's materials management goals, including the  
9 benchmark recycling standards.

10 (b) After considering the MMP review under subdivision (a),  
11 submit to the department 1 of the following, as appropriate:

12 (i) A notice of intent to prepare an MMP amendment.

13 (ii) A statement indicating that an amendment is not needed to  
14 advance the materials management goals.

15 (8) The department may review an MMP periodically and  
16 determine if any amendments are necessary to comply with part 115.  
17 If the department determines that an amendment to a specific MMP is  
18 necessary, all of the following apply:

19 (a) The department, after notice and opportunity for a public  
20 hearing held pursuant to the administrative procedures act of 1969,  
21 1969 PA 306, MCL 24.201 to 24.328, may withdraw approval of the MMP  
22 or the noncompliant portion of the MMP.

23 (b) The department shall establish a schedule for compliance  
24 with part 115.

25 (c) If the planning area does not amend its MMP within the  
26 schedule established under subdivision (b), the department shall  
27 amend the MMP to address the deficiencies.

28 Sec. 11577. The goals of an MMP are all of the following:

29 (a) To prevent adverse effects on the environment, natural

1 resources, or the public health, safety, or welfare resulting from  
2 improper collection, processing, recovery, or disposal of managed  
3 materials, including protection of surface water and groundwater,  
4 air, and land.

5 (b) To ensure managed materials are sustainably managed to  
6 achieve benefits to the economy, communities, and the environment.

7 (c) To ensure that all managed material generated in the  
8 planning area is collected and recovered, processed, or disposed at  
9 materials management facilities that comply with state statutes and  
10 rules or managed appropriately at out-of-state facilities.

11 Sec. 11578. (1) An MMP shall meet all of the following  
12 requirements:

13 (a) Include measurable, objective, and specific goals for the  
14 planning area for solid waste diversion from disposal areas,  
15 including, but not limited to, the municipal solid waste recycling  
16 rate goal under section 11507, the benchmark recycling standards,  
17 and the material utilization and reduction activities identified by  
18 the MMP.

19 (b) Include an implementation strategy for the county to  
20 demonstrate progress toward or meet the materials management goals  
21 by the time of the 5-year MMP review under section 11576(7). The  
22 implementation strategy shall include, but is not limited to, all  
23 of the following:

24 (i) How progress will be made to reduce the amount of organic  
25 material being disposed of, through food waste reduction,  
26 composting, and anaerobic digestion.

27 (ii) How progress will be made to reduce the amount of  
28 recyclable materials being disposed of, through increased  
29 recycling, including expanding convenient access and recycling at

1 single and multifamily dwellings, businesses, and institutions.

2 (iii) A process whereby each of a planning area's materials  
3 utilization facilities are evaluated based on information contained  
4 in reports submitted to the department on an annual basis.

5 (iv) A description of the resources needed for meeting the  
6 materials management goals and how the development of necessary  
7 materials utilization facilities and activities will be promoted.

8 (v) A description of how the benchmark recycling standards  
9 will be met.

10 (vi) A timetable for implementation.

11 (c) Identify by type and tonnage all managed material  
12 generated in the planning area, to determine the planning area's  
13 managed material capacity need and all managed material that is  
14 included in the planning area's materials management goals. Amounts  
15 of material may be estimated using a formula provided by the  
16 department.

17 (d) Require that a proposed materials management facility meet  
18 the requirements of part 115 and be consistent with the materials  
19 management goals.

20 (e) To the extent practicable, identify and evaluate current  
21 and planned materials management infrastructure and systems that  
22 contribute or will contribute to meeting the goal under section  
23 11577(c) and other options to meet that goal.

24 (f) Include an inventory of the names and addresses of all of  
25 the following, subject to subdivision (g):

26 (i) Existing disposal areas.

27 (ii) Materials utilization facilities that meet both of the  
28 following requirements:

29 (A) Are in operation on the effective date of the amendatory

1 act that added this section.

2 (B) On the effective date of the amendatory act that added  
3 this section, comply with part 115 or, within 1 year after that  
4 date, are in the process of becoming compliant.

5 (iii) Waste diversion centers for which notification has been  
6 given to the department under section 11521b.

7 (g) Include a materials management facility in the inventory  
8 under subdivision (f) only if the owner or operator of the facility  
9 has submitted to the county a written acknowledgment indicating  
10 that the owner or operator is aware of the proposed inclusion of  
11 the facility in the MMP relative to the materials capacity needs  
12 identified in subdivision (c) and that the facility has the  
13 indicated capacity to manage the materials identified under  
14 subdivision (h). The MMP shall include a statement that the owner  
15 or operator of each facility listed in the MMP has submitted such  
16 an acknowledgment to the county. If the submitted acknowledgments  
17 do not document sufficient capacity for disposal or utilization of  
18 the identified managed materials to reach the MMP's materials  
19 management capacity requirements, including the materials  
20 management goals, the MMP shall identify specific strategies,  
21 including a schedule and approach to develop and fund capacity.

22 (h) Describe the facilities inventoried pursuant to  
23 subdivision (f), including a summary of the deficiencies, if any,  
24 of the facilities in meeting current materials management needs.  
25 The description shall, at a minimum, include all of the following  
26 information:

27 (i) The facility latitude and longitude.

28 (ii) The estimated facility acreage.

29 (iii) A description of the materials managed.

1 (iv) The processes for handling materials at the facility.

2 (v) The total authorized capacity of the facility.

3 (i) Ensure that the materials management facilities that are  
4 identified as necessary to be sited can be developed in compliance  
5 with state law pertaining to protection of the public health and  
6 the environment, considering the available land in the planning  
7 area and the technical feasibility of, and economic costs  
8 associated with, the facilities.

9 (j) Include an enforceable mechanism to meet the goal of  
10 section 11577(c) and otherwise implement the MMP, and identify the  
11 party responsible to ensure compliance with part 115. The MMP may  
12 contain a mechanism for the county and municipalities in the  
13 planning area to assist the department and the department of state  
14 police in conducting the inspection program established in section  
15 11526(2) and (3). This subdivision does not preclude the private  
16 sector's participation in providing materials management services  
17 consistent with the MMP for the planning area.

18 (k) Calculate the municipal solid waste recycling rate for the  
19 planning area.

20 (l) Describe the materials management transportation  
21 infrastructure.

22 (m) Include current and projected population densities and  
23 identify population centers and centers of managed material  
24 generation in the planning area, using a formula provided by the  
25 department, to demonstrate that the capacity required for managed  
26 material is met.

27 (n) Describe the mechanisms by which municipalities in the  
28 planning area will ensure convenient recycling access, such as 1 or  
29 more of the following:

1           (i) Assignment of the responsibility to the county or an  
2 authority.

3           (ii) A franchise agreement.

4           (iii) An intergovernmental agreement.

5           (iv) Municipal service.

6           (v) Licensing under an ordinance.

7           (vi) A public-private partnership.

8           (o) Specify a recommended minimum level of recycling service  
9 that incorporates the access requirements of the benchmark  
10 recycling standards. The county or a municipality within the  
11 planning area may, through an appropriate enforceable mechanism,  
12 require haulers operating in its jurisdiction to provide the  
13 recommended level or a different minimum level of recycling  
14 service.

15           (p) Identify the DPA and the entity or entities responsible  
16 for each of the following and document the appropriateness of the  
17 DPA and other identified entities to carry out their respective  
18 responsibilities:

19           (i) Implementing the access requirements of the benchmark  
20 recycling standards.

21           (ii) Identifying the materials utilization framework and the  
22 achievement of the materials management goals.

23           (iii) Otherwise monitoring, implementing, and enforcing the MMP  
24 and providing any required reports to the department.

25           (iv) Administering the funding mechanisms identified in section  
26 11581 that will be used to implement the MMP.

27           (v) Ensuring compliance with part 115. This state may serve as  
28 a responsible party under this subdivision on behalf of a  
29 municipality if the municipality is under a financial consent order

1 or in receivership.

2 (q) With respect to education and outreach for residents and  
3 businesses in the planning area, do both of the following:

4 (i) Provide a strategic plan that identifies roles,  
5 responsibilities, funding sources, and methods for persons  
6 providing the education and outreach services.

7 (ii) Describe the county or regional role in providing  
8 continuing recycling education. The recycling education shall  
9 include, but is not limited to, providing a recycling guide, in  
10 hard copy at select public locations and electronically on a cell  
11 phone-friendly website. The recycling guide shall do all of the  
12 following:

13 (A) Identify recycling locations.

14 (B) Identify recyclable materials.

15 (C) Explain how to prepare recyclable materials for  
16 collection.

17 (D) Describe other best practices.

18 (E) Include a listed telephone number for additional  
19 information.

20 (r) Include a siting process under section 11579 and a copy of  
21 any ordinance, law, rule, or regulation of a municipality, county,  
22 or governmental authority within the planning area that applies to  
23 the siting process.

24 (s) Take into consideration the MMPs of counties adjacent to  
25 the planning area as they relate to the planning area's needs.

26 (t) Document all opportunities for participation and  
27 involvement of the public, all affected agencies and parties, and  
28 the private sector in the preparation of the MMP.

29 (2) An MMP may include management plans for debris from

1 environmental damage, for debris from disasters, or for other  
2 materials, such as construction or demolition waste, not otherwise  
3 required to be covered by an MMP. A management plan for debris from  
4 disasters in an MMP may include recommendations for incorporation  
5 of disaster debris management plans into municipal, county, or  
6 regional emergency management plans.

7 (3) If a solid waste landfill is proposed to be developed in  
8 the planning area within 2 miles of a municipality that is located  
9 adjacent to the planning area, or if a solid waste processing and  
10 transfer facility or materials utilization facility is proposed to  
11 be developed in the planning area within 1 mile of such a  
12 municipality, all of the following apply:

13 (a) The CAA shall notify the legislative body of the adjacent  
14 municipality of the proposed development in writing. The notice  
15 shall include a copy of this subsection.

16 (b) The legislative body of the adjacent municipality may  
17 appoint a representative of the municipality as an additional  
18 regular member of the planning committee. The legislative body must  
19 submit to the planning committee notice of an appointment within 60  
20 days after receiving notice from the CAA of the right to make the  
21 appointment.

22 (c) The planning committee shall provide the adjacent  
23 municipality an opportunity to comment on the proposed development.

24 (d) The materials management facility developer and the  
25 planning committee shall address, to the extent practicable, each  
26 concern identified by the adjacent municipality. The county  
27 planning committee shall document compliance with this subdivision.

28 Sec. 11579. (1) An MMP shall include a siting process with a  
29 set of minimum criteria for the purposes of section 11585(3).



1           (2) A materials utilization facility need not be sited if the  
2 CAA or DPA demonstrates to the department that the planning area  
3 has available capacity sufficient to address the managed materials  
4 identified by the MMP as being generated in the planning area.

5           (3) The siting process shall not include siting criteria that  
6 are more restrictive than state law if a materials utilization  
7 facility could not be developed anywhere in the planning area under  
8 those criteria.

9           Sec. 11580. (1) In addition to the other requirements of part  
10 115, if the county board of commissioners, municipalities, and  
11 regional planning agency do not timely submit a notice of intent to  
12 prepare an MMP and the department prepares an MMP as authorized  
13 under section 11571, the MMP prepared by the department shall  
14 comply with all of the following:

15           (a) Automatically find all materials utilization facilities or  
16 solid waste processing and transfer facilities that are exempt from  
17 permit and license requirements, that comply with local zoning  
18 requirements, and that are identified in the MMP to be consistent  
19 with the MMP.

20           (b) Not allow approval of additional solid waste landfill  
21 disposal capacity unless the county board of commissioners has made  
22 the demonstration required under section 11509(9).

23           (c) Require all haulers serving the planning area to provide  
24 recycling access consistent with the access requirements of the  
25 benchmark recycling standards.

26           (2) If the department prepares an MMP, the MMP need not  
27 contain a requirement for a proposed materials management facility  
28 to meet additional siting criteria or obtain host community  
29 approval under section 11585(3)(c).

1           Sec. 11581. (1) In addition to the materials management  
2 planning grants under section 11587, a municipality or county may  
3 fund the implementation of an MMP through any of the following  
4 methods, if applicable and to the extent authorized by the  
5 mechanism:

6           (a) A millage under 1917 PA 298, MCL 123.261.

7           (b) A municipal utility service fee.

8           (c) Special assessments under 1957 PA 185, MCL 123.731 to  
9 123.786; 1954 PA 188, MCL 41.721 to 41.738; or the township and  
10 village public improvement and public service act, 1923 PA 116, MCL  
11 41.411 to 41.419.

12           (d) A service provider franchise agreement.

13           (e) Hauler licensing fees.

14           (f) A voter-approved millage.

15           (g) A general fund appropriation.

16           (h) Supplemental fees for service.

17           (i) A surcharge under section 8a of the urban cooperation act  
18 of 1967, 1967 (Ex Sess) PA 7, MCL 124.508a.

19           (j) A landfill surcharge.

20           (k) A flow control fee structure.

21           (l) Any other lawful mechanism.

22           (2) Appropriate uses for funding described in subsection (1)  
23 may include, but are not limited to, the following:

24           (a) Recycling programs.

25           (b) Organic materials management.

26           (c) Education and outreach regarding recycling and materials  
27 utilization.

28           (d) Relevant market development.

29           (e) Materials reduction and reuse initiatives.

1           Sec. 11582. (1) The CAA shall certify to the department the  
2 CAA's progress toward meeting all components of its materials  
3 management goals. The first certification shall be submitted by the  
4 first June 30 that is more than 2 years after the department's  
5 approval of the initial MMP or MMP amendment. Subsequent  
6 certifications shall be submitted by June 30 every 2 years after  
7 the first certification.

8           (2) If a county does not make progress toward meeting its  
9 benchmark recycling standards and ultimately the municipal solid  
10 waste recycling rate goal under section 11507, the county is  
11 ineligible for assistance from the recycling access and voluntary  
12 participation program under section 11550(9) until both of the  
13 following requirements are met:

14           (a) The county adopts an ordinance or other enforceable  
15 mechanism to ensure that any solid waste hauler providing curbside  
16 solid waste hauling service also offers curbside recycling service  
17 to dwellings of 4 or fewer units in the planning area.

18           (b) Any remaining deficiencies in a county's progress toward  
19 meeting its materials management goals are addressed.

20           Sec. 11583. An ordinance, law, rule, regulation, policy, or  
21 practice of a municipality, county, or governmental authority  
22 created by statute that conflicts with part 115 is not enforceable  
23 if either of the following applies:

24           (a) It prohibits or regulates the location or development of a  
25 materials management facility and is not incorporated in or  
26 consistent with the MMP for the county.

27           (b) It violates section 207 of the Michigan zoning enabling  
28 act, 2006 PA 110, MCL 125.3207, with respect to a materials  
29 management facility.

1           Sec. 11584. (1) A county, municipality, authority, or regional  
2 planning agency that owns or operates a materials management  
3 facility may adopt requirements controlling the flow of solid waste  
4 or managed material to the materials management facility, to the  
5 extent allowed by the interstate commerce clause, clause 3 of  
6 section 8 of article I of the Constitution of the United States.

7           (2) The county board of commissioners may ensure that the  
8 necessary materials management authorizations or fees or any other  
9 regulatory ordinances or agreements needed to achieve the materials  
10 management goals are in effect.

11           (3) The department shall do all of the following:

12           (a) Maintain a database for materials management facilities to  
13 report to the department information, as determined by the  
14 department, required under part 115.

15           (b) Provide materials management facilities with instructions  
16 necessary to add information to the database.

17           (c) Provide CAAs access to information in the database.

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

28           (2) A disposal area or materials utilization facility is  
29 automatically consistent with the MMP if the specific facility or

1 type of facility is identified in the MMP as being automatically  
2 consistent.

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

7 (a) The MMP authorizes that type of materials management  
8 facility to be sited by following the siting procedure and meeting  
9 the minimum siting criteria included in the MMP under section  
10 11579, or the facility is a captive type III landfill and both of  
11 the following apply:

12 (i) The landfill accepts only waste generated by the owner or  
13 operator of the landfill.

14 (ii) The landfill met local land use requirements when  
15 initially sited.

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

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

20 (i) Has host community approval.

21 (ii) Meets any supplemental siting criteria in the MMP for  
22 materials management facilities that do not have host community  
23 approval.

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

29 (5) The department shall determine whether a materials

1 management facility is consistent with the MMP through an  
2 independent evaluation as part of the review process for an  
3 application for a registration, for approval under a general  
4 permit, or for a construction permit or operating license. The  
5 applicant for a permit for a materials management facility shall  
6 include in the application documentation of the facility's  
7 consistency with the MMP.

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

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

18 (a) Was issued a construction permit and licensed for  
19 operation under this part.

20 (b) Met local land use law requirements when initially sited  
21 or constructed.

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

27 Sec. 11586. (1) The state solid waste management plan consists  
28 of the state solid waste plan and all MMPs approved by the  
29 department.

1           (2) The department shall consult and assist in the preparation  
2 and implementation of MMPs.

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

6           (4) The department shall promote policies that encourage  
7 resource recovery and establishment of materials utilization  
8 facilities.

9           Sec. 11587. (1) Subject to appropriations, a materials  
10 management planning grant program is established to provide grants,  
11 to be known as materials management planning grants, to county  
12 boards of commissioners for the use of CAAs. If a county board of  
13 commissioners is not the CAA, the county board of commissioners  
14 shall make awarded grant money available to the CAA within 60 days  
15 after receipt. The department may promulgate rules for the  
16 implementation of the grant program. Grant funds shall be awarded  
17 pursuant to a grant agreement. If the department prepares the MMP,  
18 grant funds appropriated for local planning may be used by the  
19 department for MMP preparation.

20           (2) Grants shall be used for administrative costs for  
21 preparing, implementing, and maintaining an MMP, including, but not  
22 limited to, the following:

23           (a) Development of a work program as described in subsection  
24 (4) (b) and R 299.4704 and R 299.4705 of the MAC, including a prior  
25 work program.

26           (b) Developing an initial MMP and amending the MMP.

27           (c) Ensuring public participation.

28           (d) Determining whether new materials management facilities  
29 are consistent with the MMP.

1 (e) Collecting and submitting data for the database utilized  
2 by the department for materials management facility reporting  
3 purposes, and evaluating data in the database for the planning  
4 area.

5 (f) Recycling education and outreach.

6 (g) Recycling and materials utilization programs.

7 (h) Preparation of required reports to the department.

8 (i) MMP implementation.

9 (j) Efforts to obtain support for the MMP and planning process  
10 from local units of government.

11 (3) Materials management planning grants shall cover 100% of  
12 eligible costs up to the authorized maximum amount as specified by  
13 rule.

14 (4) Materials management planning grants shall be awarded  
15 annually. To be eligible for grants in the first 3 years of the  
16 grant program, the CAA must do both of the following:

17 (a) Submit a notice of intent to prepare an MMP under section  
18 11571.

19 (b) Within 180 days after submitting the notice of intent to  
20 prepare an MMP, submit to and obtain department approval of a work  
21 program for preparing the MMP. The work program shall be prepared  
22 by the DPA and reviewed and approved by the planning committee. The  
23 work program shall describe the activities for developing and  
24 implementing the MMP and associated costs to be covered by the  
25 county and the grant.

26 (5) In each of the first 3 years of the grant program, the  
27 amount of a grant shall equal the sum of the following:

28 (a) \$60,000.00 for each county in the planning area.

29 (b) An additional \$10,000.00 for each county in the planning



1 area if the planning area includes more than 1 county.

2 (c) Fifty cents for each resident of the planning area, up to  
3 600,000 residents.

4 (6) To be eligible for grants in the fourth and subsequent  
5 years of the grant program, the county must have an approved work  
6 program under subsection (4) or an approved MMP. In the fourth and  
7 subsequent years of the grant program, the amount of a grant to the  
8 CAA shall equal the sum of the following, as applicable:

9 (a) \$60,000.00 for each county in the planning area.

10 (b) An additional \$10,000.00 for each county in the planning  
11 area if the planning area includes more than 1 county and the CAAs  
12 were responsible for preparing the MMP.

13 (7) A grantee under this section shall keep records, subject  
14 to audit, documenting use of the grant for MMP development and  
15 implementation.

16 (8) For the purpose of determining the number of counties in a  
17 planning area under this section, the inclusion or exclusion of a  
18 municipality under section 11571(4) shall not be considered.

19 Enacting section 1. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect  
22 unless all of the following bills of the 101st Legislature are  
23 enacted into law:

24 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4454 (request no.  
25 01463'21).

26 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4456 (request no.  
27 01464'21).

28 (c) Senate Bill No. \_\_\_\_ or House Bill No. 4457 (request no.  
29 01465'21).

1 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4458 (request no.  
2 01466'21).

3 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4460 (request no.  
4 01467'21).