

# HOUSE BILL No. 6541

October 15, 2008, Introduced by Rep. Johnson and referred to the Committee on Great Lakes and Environment.

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~~

1 ~~rules promulgated under this part.~~

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

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

1 ~~—— (5) The department shall promulgate rules to do both of the~~  
2 ~~following:~~

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

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

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

7 ~~—— (iii) Stack design.~~

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

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

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

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

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

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

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

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

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

26 ~~—— (b) "Pathological waste" means that term as it is defined in~~  
27 ~~part 138 of the public health code. **AFTER JANUARY 1, 2009 AND**~~

1 BEFORE JANUARY 1, 2014, THE DEPARTMENT SHALL NOT ISSUE A PERMIT TO  
2 INSTALL FOR ANY OF THE FOLLOWING:

3 (A) A NEW MUNICIPAL WASTE COMBUSTOR AS DEFINED IN 40 CFR  
4 60.51B.

5 (B) A NEW MUNICIPAL WASTE COMBUSTION UNIT AS DEFINED IN 40 CFR  
6 60.3078.

7 (C) A NEW INCINERATOR THAT BURNS, ON A CALENDAR-QUARTER BASIS,  
8 10% BY WEIGHT OR MORE OF ANY OF THE FOLLOWING MATERIALS:

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

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

11 (iii) ANY COMBINATION OF THE MATERIALS DESCRIBED IN SUBPARAGRAPHS  
12 (i) AND (ii).