

# HOUSE BILL No. 5550

March 1, 1990, Introduced by Reps. Randall, Griffin and Middaugh and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 18 of Act No. 64 of the Public Acts of 1979, entitled as amended  
"Hazardous waste management act,"  
as amended by Act No. 228 of the Public Acts of 1987, being section 299.518 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 18 of Act No. 64 of the Public Acts of  
2 1979, as amended by Act No. 228 of the Public Acts of 1987, being  
3 section 299.518 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 18. (1) Except as otherwise provided in section 21a, a  
6 person shall not establish a treatment, storage, or disposal  
7 facility without a construction permit from the director. A  
8 person proposing the establishment of a treatment, storage, or  
9 disposal facility subject to the construction permit requirement

1 of this act, but not including a limited storage facility, shall  
2 make application for a construction permit to the director on a  
3 form provided by the director or an authorized representative of  
4 the director.

5 (2) If an amendment to this act or to the rules promulgated  
6 under this act subjects activities lawfully being conducted at a  
7 treatment, storage, or disposal facility at the time the amend-  
8 ment takes effect to the operating license requirements of this  
9 act solely because of the amendment, the activities carried out  
10 at the facility prior to the effective date of the amendment  
11 shall not be subject to the construction permit requirements of  
12 this act, except for an expansion of the facility with respect to  
13 such activities beyond its original authorized design capacity or  
14 beyond the area specified in an original permit, license, or  
15 other authorization or an alteration of the method of hazardous  
16 waste treatment or disposal.

17 (3) The application for a construction permit shall contain  
18 the name and residence of the applicant, the location of the pro-  
19 posed treatment, storage, or disposal facility, and other infor-  
20 mation specified in this section, by rule, or by federal regula-  
21 tion issued under title II of the solid waste disposal act. The  
22 application shall be accompanied by a construction permit appli-  
23 cation fee. ~~The director shall establish by rule, the scale for~~  
24 ~~determining the initial construction permit application fee. The~~  
25 ~~fee shall be based upon the cost to the department of reviewing~~  
26 ~~the construction permit application. The scale shall be based on~~  
27 ~~characteristics including site size, projected waste volume,~~

~~1 nature of the waste, hydrogeological characteristics, and the~~  
~~2 type of facility.~~ The FEE SHALL BE CALCULATED AS PROVIDED IN  
3 SUBSECTION (10). CONSTRUCTION permit APPLICATION fees shall be  
4 deposited in the general fund of the state. The application  
5 shall include a copy of the actual published notice as described  
6 in subsection (9) and a determination of existing hydrogeological  
7 characteristics specified in a hydrogeological report and moni-  
8 toring program consistent with rules promulgated pursuant to this  
9 act, an environmental assessment, an engineering plan, and the  
10 procedures for closure and postclosure monitoring. The environ-  
11 mental assessment shall include, at a minimum, an evaluation of  
12 the proposed facility's impact on the air, water, and other natu-  
13 ral resources of the state; and also shall contain an environmen-  
14 tal failure mode assessment.

15 (4) Except as otherwise provided in this subsection, the  
16 construction permit application shall include a disclosure state-  
17 ment which includes ALL OF THE FOLLOWING:

18 (a) The full name and business address of all of the  
19 following:

20 (i) The applicant.

21 (ii) The 5 persons holding the largest shares of the equity  
22 in or debt liability of the proposed facility. The director may  
23 waive all or any portion of this requirement for an applicant  
24 that is a corporation with publicly traded stock.

25 (iii) The operator, if known.

1 (iv) If known, the 3 employees of the operator who will have  
2 the most responsibility for the day-to-day operation of the  
3 facility.

4 (v) Any other business entity listed in the definition of  
5 person in section 5(2) in which any person required to be listed  
6 in ~~subdivisions~~ SUBPARAGRAPHS (i) to (iv) has at any time had  
7 25% or more of the equity in or debt liability of that business  
8 entity. The director may waive all or any portion of this  
9 requirement for an applicant that is a corporation with publicly  
10 traded stock.

11 (b) All convictions for criminal violations of any environ-  
12 mental statute ~~promulgated~~ ENACTED by a federal, state,  
13 Canadian, or provincial agency for each person required to be  
14 listed under this subsection. If debt liability is held by a  
15 chartered lending institution, information required in this sub-  
16 section and subsection (4)(c) and (d) shall not be required from  
17 that institution.

18 (c) A listing of all environmental permits or licenses  
19 issued by a federal, state, Canadian, or provincial agency held  
20 by each person required to be listed under this subsection  
21 ~~which~~ THAT were permanently revoked because of noncompliance.

22 (d) A listing of all activities at property owned or oper-  
23 ated by each person required to be listed under this subsection,  
24 if the incident resulted in a threat or potential threat to the  
25 environment, and public funds were used to finance an activity to  
26 mitigate the threat or potential threat to the environment,  
27 except if the public funds expended to facilitate the mitigation

1 of environmental contamination were voluntarily and expeditiously  
2 recovered from the applicant or other listed person without  
3 litigation.

4 (5) If any information required to be included in the dis-  
5 closure statement changes, or is supplemented after the filing of  
6 the statement, the applicant, permittee, or licensee shall pro-  
7 vide that information to the department in writing, within 30  
8 days of the change or addition.

9 (6) Notwithstanding any other provision of law, the director  
10 may deny an application for a construction permit if there are  
11 any listings pursuant to subsection (4)(b), (c), or (d) as origi-  
12 nally disclosed or as supplemented.

13 (7) A person may indicate an interest in being placed on a  
14 department organized mailing list to be kept informed of any  
15 rules, plans, construction permit applications, contested case  
16 hearings, public hearings, or other information or procedures  
17 relating to the administration of this act. A charge may be  
18 required by the director to cover the cost of the materials.

19 (8) There is created within the state treasury a revolving  
20 fund. When a site construction permit application is referred to  
21 a site review board by the director, the applicant shall pay a  
22 \$25,000.00 fee to be placed in this fund. The \$25,000.00 fee  
23 shall be in addition to the application fee ~~in~~ REQUIRED UNDER  
24 subsection (3). This fund shall cover the expenses of the site  
25 review board members, the chairperson, a mediator, and any other  
26 expenses necessary to the deliberations of the board. The  
27 director or an authorized representative of the director shall

1 administer the fund and authorize expenditures. The director or  
2 an authorized representative of the director shall maintain  
3 records to support any expenses charged to the fund. If expenses  
4 payable from the fund exceed the \$25,000.00 fee paid by the  
5 applicant, the additional expenses shall be paid from money  
6 appropriated by the legislature to the revolving fund created in  
7 this subsection. Any unexpended portion of an applicant's  
8 \$25,000.00 fee that is not expended to pay the expenses listed in  
9 this subsection shall be reimbursed to the applicant after the  
10 site review board process is concluded.

11 (9) An application for a site construction permit shall not  
12 be complete unless it includes a copy of a newspaper notice which  
13 the applicant published at least 30 days prior to submittal of  
14 the application in a newspaper having major circulation in the  
15 municipality and the immediate vicinity of the proposed treat-  
16 ment, storage, or disposal facility. The required published  
17 notice shall contain a map indicating the location of the pro-  
18 posed treatment, storage, or disposal facility and information on  
19 the nature and size of the proposed facility. In addition, the  
20 notice shall contain all of the following information provided by  
21 the director or an authorized representative of the director:

22 (a) A description of the application review process.

23 (b) The location where the complete application package may  
24 be reviewed.

25 (c) How copies of the complete application package may be  
26 obtained.

(10) AN APPLICANT FOR A CONSTRUCTION PERMIT FOR A TREATMENT, STORAGE, OR DISPOSAL FACILITY SHALL CALCULATE THE APPLICABLE CONSTRUCTION PERMIT APPLICATION FEE REQUIRED UNDER SUBSECTION (3) BY TOTALING THE FOLLOWING FOR EACH CONSTRUCTION PERMIT APPLICATION:

(A) FOR A LANDFILL, SURFACE IMPOUNDMENT, LAND TREATMENT, OR WASTE PILE FACILITY.....\$9,000.00

(B) FOR AN INCINERATOR OR TREATMENT FACILITY OTHER THAN A TREATMENT FACILITY IN SUBDIVISION (A).....\$7,200.00

(C) FOR A STORAGE FACILITY, OTHER THAN STORAGE THAT IS ASSOCIATED WITH TREATMENT OR DISPOSAL ACTIVITIES THAT MAY BE REGULATED UNDER A SINGLE PERMIT.....\$ 500.00

(D) FOR THE PERMITTED SITE SIZE OF A LANDFILL, SURFACE IMPOUNDMENT, LAND TREATMENT, OR WASTE PILE FACILITY, EXCEPT WASTE PILES MEETING THE REQUIREMENTS OF 40 C.F.R. 264.250(c), THE FOLLOWING:

(i) LESS THAN 5 ACRES..... \$100.00

(ii) 5 TO 19 ACRES..... \$170.00

(iii) 20 TO 79 ACRES..... \$240.00

(iv) 80 ACRES OR MORE..... \$320.00

(E) FOR THE PERMITTED SITE SIZE OF A TREATMENT OR STORAGE FACILITY, OTHER THAN A FACILITY LISTED IN SUBDIVISION (D), THE FOLLOWING:

(i) LESS THAN 5 ACRES..... \$ 50.00

(ii) 5 TO 19 ACRES..... \$100.00

1 (iii) 20 TO 79 ACRES..... \$100.00

2 (iv) 80 ACRES OR MORE..... \$320.00

3 (F) FOR THE PROJECTED WASTE VOLUME PER DAY FOR A LANDFILL,

4 SURFACE IMPOUNDMENT, LAND TREATMENT, OR WASTE PILE FACILITY,

5 EXCEPT WASTE PILES MEETING THE REQUIREMENT OF 40

6 C.F.R. 264.250(c), THE FOLLOWING:

7 (i) LESS THAN 50 CUBIC YARDS OR 10,000 GALLONS..... \$ 60.00

8 (ii) 50 TO 100 CUBIC YARDS OR 10,000 TO 20,000

9 GALLONS..... \$ 80.00

10 (iii) 101 TO 700 CUBIC YARDS OR 20,000 TO 140,000

11 GALLONS..... \$100.00

12 (iv) MORE THAN 700 CUBIC YARDS OR MORE THAN 140,000

13 GALLONS..... \$130.00

14 (G) FOR THE PROJECTED WASTE VOLUME PER DAY FOR A TREATMENT

15 OR STORAGE FACILITY, OTHER THAN A FACILITY LISTED IN

16 SUBDIVISION (E), THE FOLLOWING:

17 (i) LESS THAN 50 CUBIC YARDS OR 10,000 GALLONS..... \$ 50.00

18 (ii) 50 TO 100 CUBIC YARDS OR 10,000 TO 20,000

19 GALLONS..... \$100.00

20 (iii) 101 TO 700 CUBIC YARDS OR 20,000 TO 140,000

21 GALLONS..... \$100.00

22 (iv) MORE THAN 700 CUBIC YARDS OR MORE THAN 140,000

23 GALLONS..... \$150.00

24 (H) FOR THE HYDROGEOLOGICAL CHARACTERISTICS OF A LANDFILL,

25 SURFACE IMPOUNDMENT, LAND TREATMENT, OR WASTE PILE FACILITY,

26 EXCEPT WASTE PILES MEETING THE REQUIREMENTS OF 40

27 C.F.R. 264.250(c), THE FOLLOWING:



1	(i) NATURAL CLAY.....	\$ 40.00
2	(ii) NATURAL SAND.....	\$ 60.00
3	(iii) COMPACTED CLAY.....	\$ 70.00
4	(iv) ARTIFICIALLY LINED (OTHER MATERIALS).....	\$100.00
5	(v) ANY COMBINATION OF THE ABOVE.....	\$100.00
6	(I) FOR THE HYDROGEOLOGICAL CHARACTERISTICS OF SUR-	
7	FACE WASTER IN A TREATMENT OR STORAGE FACILITY, OTHER	
8	THAN A FACILITY LISTED IN SUBDIVISION (H).....	\$ 75.00