

HOUSE BILL No. 5742

May 10, 1990, Introduced by Reps. Niederstadt, Alley, Hart, Kosteva, DeBeaussaert, Perry Bullard, Profit, Varga and Stupak and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend Act No. 641 of the Public Acts of 1978, entitled as amended
"Solid waste management act,"
as amended, being sections 299.401 to 299.437 of the Michigan Compiled Laws, by adding sections 19c and 20b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 641 of the Public Acts of 1978, as
2 amended, being sections 299.401 to 299.437 of the Michigan
3 Compiled Laws, is amended by adding sections 19c and 20b to read
4 as follows:

5 SEC. 19C. (1) BY APRIL 1, 1991, THE OWNER OR OPERATOR OF A
6 LANDFILL SHALL FILE WITH THE OFFICE OF SOLID WASTE DISPOSAL OVER-
7 SIGHT CREATED IN SECTION 10 OF ACT NO. 3 OF THE PUBLIC ACTS OF
8 1939, BEING SECTION 460.10 OF THE MICHIGAN COMPILED LAWS, A
9 LISTING OF THE FEES CHARGED FOR DISPOSAL AT THE LANDFILL. AN

1 OWNER OR OPERATOR OF A LANDFILL SHALL FILE WITH THE OFFICE OF
2 SOLID WASTE DISPOSAL OVERSIGHT OF A CHANGE IN A FEE CHARGED BY
3 THE LANDFILL AT LEAST 90 DAYS BEFORE THAT FEE CHANGE TAKES
4 EFFECT. THE OWNER OR OPERATOR OF A LANDFILL SHALL SUBMIT WITH
5 THE NOTICE OF A FEE INCREASE A \$50.00 PROCESSING FEE.

6 (2) THE OWNER OR OPERATOR OF A LANDFILL SHALL POST A NOTICE
7 OF A FEE INCREASE IN A PROMINENT AND VISIBLE PLACE AT THE LAND-
8 FILL FOR A PERIOD OF NOT LESS THAN 90 DAYS IMMEDIATELY BEFORE THE
9 DATE THE FEE INCREASE TAKES EFFECT.

10 (3) BY APRIL 1, 1991, AND BY APRIL 1 OF EACH YEAR THEREAF-
11 TER, THE OWNER OR OPERATOR OF A LANDFILL SHALL ANNUALLY SUBMIT TO
12 THE OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT A DISCLOSURE STATE-
13 MENT IN A FORM REQUIRED BY THE OFFICE THAT INCLUDES ALL OF THE
14 FOLLOWING INFORMATION:

15 (A) THE FULL NAME AND BUSINESS ADDRESS OF ALL OF THE
16 FOLLOWING:

17 (i) THE OWNER OF THE LANDFILL.

18 (ii) THE 5 PERSONS HOLDING THE LARGEST SHARES OF THE EQUITY
19 IN OR DEBT LIABILITY OF THE OWNER, IF APPLICABLE. THE DIRECTOR
20 MAY WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR AN OWNER
21 THAT IS A CORPORATION WITH PUBLICLY TRADED STOCK.

22 (iii) THE OPERATOR OF THE LANDFILL.

23 (iv) ANY OTHER BUSINESS ENTITY LISTED IN THE DEFINITION OF
24 PERSON IN SECTION 5 IF A PERSON REQUIRED TO BE LISTED IN SUBPARA-
25 GRAPHS (i) TO (iii) HAS AT ANY TIME HAD 25% OR MORE OF THE EQUITY
26 IN OR DEBT LIABILITY OF THAT BUSINESS ENTITY. THE DIRECTOR MAY

1 WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR AN OWNER OR
2 OPERATOR THAT IS A CORPORATION WITH PUBLICLY TRADED STOCK.

3 (B) EACH CONVICTION FOR A CRIMINAL VIOLATION OF AN ENVIRON-
4 MENTAL STATUTE ENACTED BY A FEDERAL, STATE, CANADIAN, OR PROVIN-
5 CIAL AGENCY FOR EACH PERSON REQUIRED TO BE LISTED UNDER THIS
6 SUBSECTION. IF DEBT LIABILITY IS HELD BY A CHARTERED LENDING
7 INSTITUTION, INFORMATION REQUIRED IN THIS SUBDIVISION AND
8 SUBDIVISIONS (C) AND (D) SHALL NOT BE REQUIRED FROM THAT
9 INSTITUTION.

10 (C) A LISTING OF ALL ENVIRONMENTAL PERMITS OR LICENSES
11 ISSUED BY A FEDERAL, STATE, CANADIAN, OR PROVINCIAL AGENCY HELD
12 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION WHICH
13 WERE PERMANENTLY REVOKED BECAUSE OF NONCOMPLIANCE.

14 (D) A LISTING OF EACH INCIDENT AT PROPERTY OWNED OR OPERATED
15 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION, IF
16 THE INCIDENT RESULTED IN A THREAT OR POTENTIAL THREAT TO THE
17 ENVIRONMENT, AND PUBLIC FUNDS WERE USED TO FINANCE AN ACTIVITY TO
18 MITIGATE THE THREAT OR POTENTIAL THREAT TO THE ENVIRONMENT,
19 EXCEPT IF THE PUBLIC FUNDS EXPENDED TO FACILITATE THE MITIGATION
20 OF ENVIRONMENTAL CONTAMINATION WERE VOLUNTARILY AND EXPEDITIOUSLY
21 RECOVERED FROM THE OWNER OR OPERATOR OF THE LANDFILL OR FROM
22 ANOTHER LISTED PERSON WITHOUT LITIGATION.

23 (3) IF ANY INFORMATION REQUIRED TO BE INCLUDED IN THE DIS-
24 CLOSURE STATEMENT UNDER SUBSECTION (2) CHANGES, OR IS SUPPLE-
25 MENTED AFTER THE FILING OF THE DISCLOSURE STATEMENT, THE OWNER OR
26 OPERATOR SHALL PROVIDE THAT INFORMATION TO THE OFFICE OF SOLID

1 WASTE DISPOSAL OVERSIGHT, IN WRITING, WITHIN 30 DAYS OF THE
2 CHANGE OR ADDITION.

3 SEC. 20B. (1) A PERSON IN THE BUSINESS OF TRANSPORTING
4 SOLID WASTE IN THE STATE SHALL ANNUALLY REGISTER WITH THE OFFICE
5 OF SOLID WASTE DISPOSAL OVERSIGHT CREATED IN SECTION 10 OF ACT
6 NO. 3 OF THE PUBLIC ACTS OF 1939, BEING SECTION 460.10 OF THE
7 MICHIGAN COMPILED LAWS. AN APPLICATION FOR REGISTRATION AS A
8 SOLID WASTE TRANSPORTER SHALL BE MADE TO THE OFFICE OF SOLID
9 WASTE DISPOSAL OVERSIGHT IN THE FORM AND CONTAINING THE INFORMA-
10 TION REQUIRED BY THE OFFICE. AN APPLICATION FOR REGISTRATION
11 SHALL BE ACCOMPANIED BY A REGISTRATION FEE OF \$20.00 FOR EACH
12 TRUCK THAT IS USED TO TRANSPORT SOLID WASTE.

13 (2) AT THE TIME A PERSON SUBMITS AN APPLICATION FOR REGIS-
14 TRATION UNDER SUBSECTION (1), THE PERSON SHALL SUBMIT TO THE
15 OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT A DISCLOSURE STATEMENT
16 IN A FORM REQUIRED BY THE OFFICE THAT INCLUDES ALL OF THE FOLLOW-
17 ING INFORMATION:

18 (A) THE FULL NAME AND BUSINESS ADDRESS OF ALL OF THE
19 FOLLOWING:

20 (i) THE REGISTRANT.

21 (ii) THE 5 PERSONS HOLDING THE LARGEST SHARES OF THE EQUITY
22 IN OR DEBT LIABILITY OF THE REGISTRANT, IF APPLICABLE. THE
23 DIRECTOR MAY WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR A
24 REGISTRANT THAT IS A CORPORATION WITH PUBLICLY TRADED STOCK.

25 (iii) THE OPERATOR.

26 (iv) ANY OTHER BUSINESS ENTITY LISTED IN THE DEFINITION OF
27 PERSON IN SECTION 5 IF A PERSON REQUIRED TO BE LISTED IN

1 SUBPARAGRAPHS (i) TO (iii) HAS AT ANY TIME HAD 25% OR MORE OF THE
2 EQUITY IN OR DEBT LIABILITY OF THAT BUSINESS ENTITY. THE DIREC-
3 TOR MAY WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR A REGIS-
4 TRANT THAT IS A CORPORATION WITH PUBLICLY TRADED STOCK.

5 (B) EACH CONVICTION FOR A CRIMINAL VIOLATION OF AN ENVIRON-
6 MENTAL STATUTE ENACTED BY A FEDERAL, STATE, CANADIAN, OR PROVIN-
7 CIAL AGENCY FOR EACH PERSON REQUIRED TO BE LISTED UNDER THIS
8 SUBSECTION. IF DEBT LIABILITY IS HELD BY A CHARTERED LENDING
9 INSTITUTION, INFORMATION REQUIRED IN THIS SUBDIVISION AND
10 SUBDIVISIONS (C) AND (D) SHALL NOT BE REQUIRED FROM THAT
11 INSTITUTION.

12 (C) A LISTING OF ALL ENVIRONMENTAL PERMITS OR LICENSES
13 ISSUED BY A FEDERAL, STATE, CANADIAN, OR PROVINCIAL AGENCY HELD
14 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION WHICH
15 WERE PERMANENTLY REVOKED BECAUSE OF NONCOMPLIANCE.

16 (D) A LISTING OF EACH INCIDENT AT PROPERTY OWNED OR OPERATED
17 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION, IF
18 THE INCIDENT RESULTED IN A THREAT OR POTENTIAL THREAT TO THE
19 ENVIRONMENT, AND PUBLIC FUNDS WERE USED TO FINANCE AN ACTIVITY TO
20 MITIGATE THE THREAT OR POTENTIAL THREAT TO THE ENVIRONMENT,
21 EXCEPT IF THE PUBLIC FUNDS EXPENDED TO FACILITATE THE MITIGATION
22 OF ENVIRONMENTAL CONTAMINATION WERE VOLUNTARILY AND EXPEDITIOUSLY
23 RECOVERED FROM THE REGISTRANT OR OTHER LISTED PERSON WITHOUT
24 LITIGATION.

25 (3) THE OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT SHALL REG-
26 ISTER A PERSON UNDER THIS SECTION IF THE APPLICATION FOR
27 REGISTRATION AND THE DISCLOSURE STATEMENT REQUIRED UNDER THIS

1 SECTION ARE ADMINISTRATIVELY COMPLETE AND THEY ARE SUBMITTED WITH
2 THE APPROPRIATE REGISTRATION FEE.

3 (4) IF ANY INFORMATION REQUIRED TO BE INCLUDED IN THE DIS-
4 CLOSURE STATEMENT UNDER SUBSECTION (2) CHANGES, OR IS SUPPLE-
5 MENTED AFTER THE FILING OF THE DISCLOSURE STATEMENT, THE REGIS-
6 TRANT SHALL PROVIDE THAT INFORMATION TO THE OFFICE OF SOLID WASTE
7 DISPOSAL OVERSIGHT, IN WRITING, WITHIN 30 DAYS OF THE CHANGE OR
8 ADDITION.

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. ____ or House Bill No. ____ (request no. 05544'90)
11 of the 85th Legislature is enacted into law.