

HOUSE BILL No. 6061

September 16, 1992, Introduced by Reps. Alley and Middaugh and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 7a of Act No. 64 of the Public Acts of 1979, entitled as amended
"Hazardous waste management act,"
as added by Act No. 195 of the Public Acts of 1987, being section 299.507a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7a of Act No. 64 of the Public Acts of
2 1979, as added by Act No. 195 of the Public Acts of 1987, being
3 section 299.507a of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 7a. (1) Except as otherwise provided in this section,
6 ~~and commencing on~~ BEGINNING January 1, 1989, each owner or
7 operator of a landfill shall pay to the department a fee assessed
8 on hazardous waste disposed of in a landfill. The fee shall be
9 based on the quantity of waste specified on the manifest or

1 monthly operating report and shall be \$10.00 per ton, \$10.00 per
2 cubic yard, or 1/2 cent per pound depending on the unit of mea-
3 sure used by the owner or operator to calculate the fee. The fee
4 for fractional quantities of hazardous waste shall be
5 proportional. If the waste is required to be listed on a mani-
6 fest and the owner or operator of the landfill determines that
7 the waste quantity figure on the manifest is not accurate, the
8 owner or operator shall correct the waste quantity figure on all
9 manifest copies accompanying the shipment, note the reason for
10 the changes in the discrepancy indication space on the manifest,
11 and assess the fee in accordance with the corrected waste quan-
12 tity figure. Payment shall be made within 30 days after the
13 close of each quarter. The landfill owner or operator shall
14 assess off-site generators the fee. The fee for hazardous waste
15 that is generated and disposed of on the site of a landfill
16 ~~owner or operator~~ shall be paid by ~~that~~ THE owner or operator
17 OF THAT LANDFILL.

18 (2) Except as otherwise provided in this section, ~~and com-~~
19 ~~mencing on~~ BEGINNING January 1, 1989, each owner or operator of
20 a solidification facility licensed pursuant to section 22 shall
21 pay to the department a fee assessed on hazardous waste received
22 at the solidification facility. The fee shall be based on the
23 quantity of waste specified on the manifest or monthly operating
24 report and shall be \$10.00 per ton, \$10.00 per cubic yard, 4
25 cents per gallon, or 1/2 cent per pound depending on the unit of
26 measure used by the owner or operator to calculate the fee. The
27 fee for fractional quantities of hazardous waste shall be

1 proportional. If the waste is required to be listed on a
2 manifest and the owner or operator of the solidification facility
3 determines that the waste quantity figure on the manifest is not
4 accurate, the owner or operator shall correct the waste quantity
5 figure on all manifest copies accompanying the shipment, note the
6 reason for the change in the discrepancy indication space on the
7 manifest, and assess the fee in accordance with the corrected
8 waste quantity figure. Payment shall be made within 30 days
9 after the close of each quarter. The solidification facility
10 owner or operator shall assess off-site generators the fee. The
11 fee for hazardous waste that is generated and solidified on the
12 site of a solidification ~~owner or operator~~ FACILITY shall be
13 paid by ~~that~~ THE owner or operator OF THAT SOLIDIFICATION
14 FACILITY.

15 (3) The following hazardous waste ~~shall be~~ IS exempt from
16 the fees provided for in this section:

17 (a) Ash that results from the incineration of hazardous
18 waste or the incineration of solid waste as defined in the solid
19 waste management act, Act No. 641 of the Public Acts of 1978,
20 being sections 299.401 to 299.437 of the Michigan Compiled Laws.

21 (b) Hazardous waste exempted by rule because of its charac-
22 ter or the treatment it has received.

23 (c) Hazardous waste that is removed from a site of environ-
24 mental contamination that is included in ~~a~~ THE list submitted
25 to the legislature pursuant to section 6 of the environmental
26 response act, Act No. 307 of the Public Acts of 1982, being
27 section 299.606 of the Michigan Compiled Laws, or hazardous waste

1 that is removed as part of a site cleanup activity at the expense
2 of the state or federal government.

3 (d) Solidified hazardous waste produced by a solidification
4 facility licensed pursuant to section 22 and destined for land
5 disposal.

6 (e) Hazardous waste generated pursuant to a 1-time closure
7 or site cleanup activity in Michigan ~~where~~ IF the closure or
8 cleanup activity has been authorized in writing by the director
9 or his or her authorized representative. Hazardous waste result-
10 ing from the cleanup of inadvertent releases ~~which~~ THAT occur
11 after ~~the effective date of this section shall not be~~ MARCH 30,
12 1988 ARE NOT exempt from the fee.

13 (f) Primary and secondary wastewater treatment solids from a
14 wastewater treatment plant ~~which~~ THAT includes an aggressive
15 biological treatment facility as defined in section
16 ~~3005(j)(12)(b)~~ 3005(j)(12)(B) of subtitle ~~e~~ C of title II of
17 the solid waste disposal act, 42 U.S.C. 6925.

18 (g) Emission control dust or sludge from the primary produc-
19 tion of steel in electric furnaces.

20 (4) An owner or operator of a landfill or solidification
21 facility shall assess or pay the fee described in this section
22 unless a written signed certification is provided by the genera-
23 tor indicating that the waste is exempt from the fee. If the
24 waste that is exempt from the fee is required to be listed on a
25 manifest, the certification shall contain the manifest number of
26 the shipment and the specific fee exemption the waste qualifies
27 for. If the waste that is exempt from the fee is not required to

1 be listed on a manifest, the certification shall provide the
2 volume of exempt waste, the waste code or waste codes of the
3 exempt waste, the date of disposal or solidification, and the
4 specific fee exemption FOR WHICH the waste qualifies. ~~for.~~ The
5 owner or operator of the landfill or solidification facility
6 shall retain this certification for 4 years from the date of
7 receipt.

8 (5) The department or a health department certified pursuant
9 to section 45 shall evaluate the accuracy of generator fee exemp-
10 tion certifications UNDER SUBSECTION (4) and shall take enforce-
11 ment action against a generator who files a false certificate.
12 In addition, the department shall take enforcement action to col-
13 lect fees that are not paid as required by this section.

14 (6) ~~The~~ EACH landfill owner or operator and ~~the~~ solidi-
15 fication facility owner or operator shall forward fee revenue due
16 to the department PURSUANT TO THIS SECTION ALONG with a completed
17 form that is provided or approved by the director. The owner or
18 operator shall certify that all information provided in the form
19 is accurate. The form shall include the following information:

20 (a) The volume of waste subject to a fee.

21 (b) The name of each generator who was assessed a fee, the
22 generator's identification number, manifest numbers, waste vol-
23 umes, and the amount of the fee assessed.

24 (7) A generator who documents to the director or an autho-
25 rized representative of the director, on a form provided by the
26 department, a reduction in the amount of hazardous waste
27 generated as a result of a process change, or documents a

1 reduction in the amount of hazardous waste that is being disposed
2 of in a landfill, either directly or following solidification at
3 a solidification facility, as a result of a process change or the
4 generator's increased use of source separation, input substitu-
5 tion, process reformulation, recycling, treatment, or an exchange
6 of hazardous waste that results in a utilization of that waste
7 ~~shall be~~ IS eligible for a refund from the state. The refund
8 shall be in the amount of \$10.00 per ton, \$10.00 per cubic yard,
9 4 cents per gallon, or 1/2 cent per pound of waste reduced or
10 managed through an alternative to landfill disposal. A generator
11 ~~shall not be~~ IS NOT eligible to receive a refund for that por-
12 tion of a reduction in the amount of hazardous waste generated
13 that is attributable to a decrease in the generator's level of
14 production of the products that resulted in the generation of the
15 hazardous waste.

16 (8) ~~Commencing in 1990 and in each following year, a~~ A
17 generator seeking a refund PURSUANT TO SUBSECTION (7) shall cal-
18 culate the refund due by comparing waste generation, treatment,
19 and disposal activity in the calendar year immediately preceding
20 the date of filing with waste generation, treatment, and disposal
21 activity in the calendar year 2 years ~~prior to~~ BEFORE the date
22 of filing.

23 (9) To be eligible for a refund UNDER THIS SECTION, a gener-
24 ator must file a request with the director or an authorized rep-
25 resentative of the director by June 30 of the year following the
26 year for which the refund is being claimed.

1 (10) ~~At no time shall a~~ A refund UNDER THIS SECTION SHALL
2 NOT exceed the total fees paid by the generator to the landfill
3 operator or owner and the solidification facility operator or
4 owner.

5 (11) A form submitted by ~~the~~ A generator as provided for
6 in subsection (7) shall be certified by the generator or the
7 generator's authorized agent.

8 (12) The department shall maintain information regarding the
9 landfill disposal fees received and refunds provided pursuant to
10 this section.

11 (13) The fees collected pursuant to this section shall be
12 forwarded to the state treasurer and deposited in the general
13 fund to be appropriated to pay refunds to generators under this
14 section and to fund programs created under the waste minimization
15 act, ~~the environmental technology act~~ ACT NO. 245 OF THE PUBLIC
16 ACTS OF 1987, BEING SECTIONS 299.731 TO 299.740 OF THE MICHIGAN
17 COMPILED LAWS, and the waste reduction assistance act, ACT
18 NO. 247 OF THE PUBLIC ACTS OF 1987, BEING SECTIONS 299.751 TO
19 299.765 OF THE MICHIGAN COMPILED LAWS.

20 ~~(14) Fees provided for in this section shall not be~~
21 ~~assessed on waste being disposed of in a landfill or solidified~~
22 ~~in a solidification facility after December 31, 1992.~~