



**House  
Legislative  
Analysis  
Section**

Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-8488

**SOLID WASTE OVERSIGHT OFFICE**

House Bills 4027 and 4028  
Sponsor: Rep. Tom Alley  
Committee: Conservation, Environment  
and Great Lakes Affairs

Complete to 3-12-93

**A SUMMARY OF HOUSE BILLS 4027-4028 AS INTRODUCED 2-2-93**

House Bills 4027 and 4028, which are tie-barred to each other, would amend the Solid Waste Management Act to establish a Solid Waste Disposal Oversight office and fund, and to establish certain reporting requirements for solid waste haulers and for landfill and municipal solid waste incinerator owners. The provisions of the bills would expire after seven years.

Office of Solid Waste Disposal Oversight (OSWDO). Under House Bill 4027, the office would be established under the administration of the Corporation and Securities Bureau in the Department of Commerce to accomplish the following:

- Register solid waste haulers, as specified under the provisions of House Bill 4028, and maintain records on registration fees.
- Receive disclosure statements and maintain records on landfill and municipal solid waste incinerators' disposal charges and registration fees.
- Maintain records on remaining landfill capacity and the amount of solid waste disposed of in landfills and municipal solid waste incinerators.
- Report annually to the legislature, the Department of Natural Resources, and the Legislative Service Bureau on the above information; and make the information available to any person, upon request.
- Perform additional duties as required under the provisions of the act.

Solid Waste Disposal Oversight Fund. Fees collected from landfill and municipal solid waste incinerator owners and from solid waste haulers would be deposited in the fund and appropriated to administer the OSWDO. Money in the fund at the close of the fiscal year would remain in the fund and would not lapse to the general fund. Money remaining in the fund after the bills expired at the end of seven years would lapse to the general fund.

Reporting Requirements - Owners. Effective April 1, 1993, House Bill 4028 would require landfill and municipal solid waste incinerator owners (except owners of landfills that were operated solely for the disposal of waste that was generated by the owner or operator of a landfill) to:

House Bills 4027 and 4028 (3-12-93)

-- File lists of disposal fees with the OSWDO.

-- Post fee changes in a prominent and visible place at the landfill or incinerator for at least 90 days before the change becomes effective.

-- File proposed fee changes with the office at least 90 days before the changes were due to take effect, together with a \$20 processing fee if the notice was submitted at any time other than with the submittal of a disclosure statement.

-- Submit an annual disclosure statement to the OSWDO, together with a \$50 administration fee, by April 1 of each year.

-- Submit annual reports on the volume of solid waste disposed of during the previous year and on a landfills' remaining capacity.

Money receive by the office under the above provisions would be deposited in the Solid Waste Disposal Oversight Fund.

A violation of the provisions of the bill would be a civil infraction, subject to a fine of \$100 for each day the violation continued.

Reporting Requirements - Haulers. Under House Bill 4028, solid waste haulers, including haulers who transported medical waste, would be required to register annually with the OSWDO, enclosing a registration fee of \$20 for each truck, and a disclosure statement. If the application and disclosure statement were administratively complete and submitted with the appropriate registration fee, then the OSWDO would be required to register the applicant. Those who failed to register would be subject to a civil fine of \$100 for each day the violation continued. (Note: While the bill specifies an April 1, 1993 effective date for the reporting of solid waste disposal fees, the provisions requiring haulers to register do not contain an effective date.)

Disclosure Statements. House Bill 4028 would require the owners of landfills and of municipal solid waste incinerators to file disclosure statements. Among other items, disclosure statements would have to include the name, address, and record of criminal violations of environmental statutes during the previous seven-year period for each person involved in the financial and physical operation of a facility. The statement would also include a list of all federal, state, Canadian, or Canadian provincial environmental permits or licenses held by each person listed that had been revoked due to noncompliance during the previous seven-year period. Landfill and municipal solid waste incinerator owners would also have to list each incident that had resulted in public funds being used to finance an activity to mitigate a threat or potential threat to the environment, unless the public funds had been voluntarily repaid.

MCL 299. 401 et al.