



HOUSE BILL No. 4028

February 2, 1993, Introduced by Reps. Alley and Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

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 13e and 20; and to repeal certain parts of the act on a specific date.

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 13e and 20 to read
4 as follows:

5 SEC. 13E. (1) BY APRIL 1, 1993, THE OWNER OR OPERATOR OF A
6 LANDFILL OR MUNICIPAL SOLID WASTE INCINERATOR SHALL FILE WITH THE
7 OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT CREATED IN SECTION 13C A
8 LISTING OF THE FEES CHARGED FOR DISPOSAL AT THE LANDFILL OR

1 MUNICIPAL SOLID WASTE INCINERATOR. THE OWNER OR OPERATOR OF A
2 LANDFILL OR MUNICIPAL SOLID WASTE INCINERATOR SHALL FILE WITH THE
3 OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT NOTICE OF A PROPOSED
4 CHANGE IN A FEE CHARGED BY THE LANDFILL OR MUNICIPAL SOLID WASTE
5 INCINERATOR AT LEAST 90 DAYS BEFORE THAT FEE CHANGE TAKES
6 EFFECT. THIS NOTICE SHALL INCLUDE THE AMOUNT OF THE CURRENT FEE
7 AND THE AMOUNT OF THE PROPOSED FEE. IF, DURING THIS 90-DAY
8 PERIOD, THE OWNER OR OPERATOR REDUCES A PROPOSED FEE INCREASE, AN
9 ADDITIONAL 90-DAY NOTICE PERIOD IS NOT REQUIRED. IF NOTICE OF A
10 PROPOSED FEE CHANGE IS SUBMITTED AT ANY TIME OTHER THAN WITH THE
11 SUBMITTAL OF A DISCLOSURE STATEMENT UNDER SUBSECTION (3), THE
12 OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID WASTE INCINER-
13 ATOR SHALL SUBMIT WITH THE NOTICE A \$20.00 PROCESSING FEE.
14 FOLLOWING IMPLEMENTATION OF A FEE CHANGE, THE OWNER OR OPERATOR
15 OF A LANDFILL OR MUNICIPAL SOLID WASTE INCINERATOR SHALL FILE
16 WITH THE OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT THE AMOUNT OF
17 THE NEW FEE.

18 (2) THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID
19 WASTE INCINERATOR SHALL POST A NOTICE OF A FEE INCREASE IN A
20 PROMINENT AND VISIBLE PLACE AT THE LANDFILL OR MUNICIPAL SOLID
21 WASTE INCINERATOR FOR A PERIOD OF NOT LESS THAN 90 DAYS IMMEDI-
22 ATELY BEFORE THE DATE THE FEE INCREASE TAKES EFFECT.

23 (3) BY APRIL 1, 1993, AND BY APRIL 1 OF EACH YEAR THEREAF-
24 TER, THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID WASTE
25 INCINERATOR ANNUALLY SHALL SUBMIT TO THE OFFICE OF SOLID WASTE
26 DISPOSAL OVERSIGHT A DISCLOSURE STATEMENT, ACCOMPANIED BY A

1 \$50.00 ADMINISTRATION FEE, IN A FORM REQUIRED BY THE OFFICE THAT
2 INCLUDES ALL OF THE FOLLOWING INFORMATION:

3 (A) THE FULL NAME AND BUSINESS ADDRESS OF ALL OF THE
4 FOLLOWING:

5 (i) THE OWNER OF THE LANDFILL OR MUNICIPAL SOLID WASTE
6 INCINERATOR.

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

11 (iii) THE OPERATOR OF THE LANDFILL OR MUNICIPAL SOLID WASTE
12 INCINERATOR.

13 (iv) ANY OTHER BUSINESS ENTITY LISTED IN THE DEFINITION OF
14 PERSON IN SECTION 5, IF A PERSON REQUIRED TO BE LISTED IN SUB-
15 PARAGRAPHS (i) TO (iii) HAS AT ANY TIME HAD 25% OR MORE OF THE
16 EQUITY IN OR DEBT LIABILITY OF THAT BUSINESS ENTITY. THE DIREC-
17 TOR MAY WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR AN OWNER
18 OR OPERATOR THAT IS A CORPORATION WITH PUBLICLY TRADED STOCK.

19 (B) EACH CONVICTION FOR A CRIMINAL VIOLATION OF A MICHIGAN
20 OR FEDERAL ENVIRONMENTAL STATUTE OCCURRING DURING THE 7-YEAR
21 PERIOD IMMEDIATELY PRIOR TO THE DATE THE DISCLOSURE STATEMENT IS
22 SUBMITTED FOR EACH PERSON REQUIRED TO BE LISTED UNDER THIS
23 SUBSECTION. IF DEBT LIABILITY IS HELD BY A CHARTERED LENDING
24 INSTITUTION, INFORMATION REQUIRED IN THIS SUBDIVISION AND SUBDI-
25 VISIONS (C) AND (D) SHALL NOT BE REQUIRED FROM THAT INSTITUTION.

26 (C) A LISTING OF ALL ENVIRONMENTAL PERMITS OR LICENSES
27 ISSUED BY A FEDERAL, STATE, CANADIAN, OR PROVINCIAL AGENCY HELD

1 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION THAT
2 WERE REVOKED BECAUSE OF NONCOMPLIANCE DURING THE 7-YEAR PERIOD
3 IMMEDIATELY PRIOR TO THE DATE THE DISCLOSURE STATEMENT WAS
4 SUBMITTED.

5 (D) A LISTING OF EACH INCIDENT AT PROPERTY OWNED OR OPERATED
6 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION, IF
7 THE INCIDENT RESULTED IN A THREAT OR POTENTIAL THREAT TO THE
8 ENVIRONMENT, AND PUBLIC FUNDS WERE USED TO FINANCE AN ACTIVITY TO
9 MITIGATE THE THREAT OR POTENTIAL THREAT TO THE ENVIRONMENT,
10 EXCEPT IF THE PUBLIC FUNDS EXPENDED TO FACILITATE THE MITIGATION
11 OF ENVIRONMENTAL CONTAMINATION WERE VOLUNTARILY AND EXPEDITIOUSLY
12 RECOVERED FROM THE OWNER OR OPERATOR OF THE LANDFILL OR MUNICIPAL
13 SOLID WASTE INCINERATOR OR FROM ANOTHER LISTED PERSON WITHOUT
14 LITIGATION.

15 (4) BY APRIL 1, 1993, AND BY APRIL 1 OF EACH YEAR THEREAF-
16 TER, THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID WASTE
17 INCINERATOR SHALL ANNUALLY SUBMIT TO THE OFFICE OF SOLID WASTE
18 DISPOSAL OVERSIGHT THE FOLLOWING:

19 (A) THE CAPACITY REMAINING IN THE LANDFILL, IF APPLICABLE.

20 (B) THE VOLUME OF SOLID WASTE DISPOSED OF IN THE LANDFILL OR
21 MUNICIPAL SOLID WASTE INCINERATOR DURING THE PREVIOUS YEAR.

22 (5) MONEY RECEIVED BY THE OFFICE OF SOLID WASTE DISPOSAL
23 OVERSIGHT UNDER THIS SECTION SHALL BE FORWARDED TO THE STATE
24 TREASURER FOR DEPOSIT IN THE SOLID WASTE DISPOSAL OVERSIGHT FUND
25 CREATED IN SECTION 13D.

26 (6) THIS SECTION DOES NOT APPLY TO THE OWNER OR OPERATOR OF
27 A LANDFILL OWNED BY AN INDIVIDUAL, PARTNERSHIP, OR CORPORATION

1 THAT IS USED SOLELY FOR THE DISPOSAL OF SOLID WASTE GENERATED BY
2 THAT INDIVIDUAL, PARTNERSHIP, OR CORPORATION.

3 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A
4 PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL FINE OF
5 \$100.00 FOR EACH DAY THE VIOLATION CONTINUES.

6 (8) THIS SECTION IS REPEALED UPON THE EXPIRATION OF 7 YEARS
7 AFTER THE EFFECTIVE DATE OF THIS SECTION.

8 SEC. 20. (1) A SOLID WASTE HAULER, INCLUDING A PERSON IN
9 THE BUSINESS OF TRANSPORTING MEDICAL WASTE, SHALL REGISTER ANNU-
10 ALLY WITH THE OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT CREATED IN
11 SECTION 13C. A PERSON SHALL APPLY FOR REGISTRATION AS A SOLID
12 WASTE HAULER TO THE OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT IN
13 THE FORM AND CONTAINING THE INFORMATION REQUIRED BY THE OFFICE.
14 AN APPLICATION FOR REGISTRATION SHALL BE ACCOMPANIED BY A REGIS-
15 TRATION FEE OF \$20.00 FOR EACH TRUCK THAT IS USED TO TRANSPORT
16 SOLID WASTE OR MEDICAL WASTE. REGISTRATION FEES RECEIVED BY THE
17 OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT UNDER THIS SECTION SHALL
18 BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT IN THE SOLID
19 WASTE DISPOSAL OVERSIGHT FUND CREATED IN SECTION 13D.

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

25 (A) THE FULL NAME AND BUSINESS ADDRESS OF ALL OF THE
26 FOLLOWING:

1 (i) THE REGISTRANT.

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

6 (iii) THE OPERATOR OF THE BUSINESS, IF DIFFERENT FROM THE
7 REGISTRANT.

8 (iv) ANY OTHER BUSINESS ENTITY LISTED IN THE DEFINITION OF
9 PERSON IN SECTION 5 IF A PERSON REQUIRED TO BE LISTED IN SUBPARA-
10 GRAPHS (i) TO (iii) HAS AT ANY TIME HAD 25% OR MORE OF THE EQUITY
11 IN OR DEBT LIABILITY OF THAT BUSINESS ENTITY. THE DIRECTOR MAY
12 WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR A REGISTRANT
13 THAT IS A CORPORATION WITH PUBLICLY TRADED STOCK.

14 (B) EACH CONVICTION FOR A CRIMINAL VIOLATION OF A MICHIGAN
15 OR FEDERAL ENVIRONMENTAL STATUTE OCCURRING DURING THE 7-YEAR
16 PERIOD IMMEDIATELY PRIOR TO THE DATE THE DISCLOSURE STATEMENT WAS
17 SUBMITTED FOR EACH PERSON REQUIRED TO BE LISTED UNDER THIS
18 SUBSECTION. IF DEBT LIABILITY IS HELD BY A CHARTERED LENDING
19 INSTITUTION, INFORMATION REQUIRED IN THIS SUBDIVISION AND SUBDI-
20 VISION (C) SHALL NOT BE REQUIRED FROM THAT INSTITUTION.

21 (C) A LISTING OF ALL ENVIRONMENTAL PERMITS OR LICENSES
22 ISSUED BY A FEDERAL, STATE, CANADIAN, OR PROVINCIAL AGENCY HELD
23 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION WHICH
24 WERE REVOKED BECAUSE OF NONCOMPLIANCE DURING THE 7-YEAR PERIOD
25 IMMEDIATELY PRIOR TO THE DATE THE DISCLOSURE STATEMENT WAS
26 SUBMITTED.

1 (3) THE OFFICE OF SOLID WASTE DISPOSAL OVERSIGHT SHALL
2 REGISTER A PERSON UNDER THIS SECTION IF THE APPLICATION FOR
3 REGISTRATION AND THE DISCLOSURE STATEMENT REQUIRED UNDER THIS
4 SECTION ARE ADMINISTRATIVELY COMPLETE AND THEY ARE SUBMITTED WITH
5 THE APPROPRIATE REGISTRATION FEE.

6 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A
7 PERSON WHO FAILS TO REGISTER AS REQUIRED IN THIS SECTION IS
8 SUBJECT TO A CIVIL FINE OF \$100.00 FOR EACH DAY THE VIOLATION
9 CONTINUES.

10 (5) THIS SECTION IS REPEALED EFFECTIVE 7 YEARS AFTER THE
11 EFFECTIVE DATE OF THIS SECTION.

12 Section 2. This amendatory act shall not take effect unless
13 Senate Bill No. ____ or House Bill No. 4027 (request
14 no. 01816'93) of the 87th Legislature is enacted into law.