



SENATE BILL No. 464

March 3, 1993, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 7a of Act No. 64 of the Public Acts of 1979, entitled as amended "Hazardous waste management act," as amended by Act No. 284 of the Public Acts of 1992, 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 amended by Act No. 284 of the Public Acts of 1992, 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 January 1, 1989,~~ each owner or operator of a
7 landfill shall pay to the department a fee assessed on hazardous
8 waste disposed of in a landfill. The fee shall be based on the
9 quantity of waste specified on the manifest or monthly operating

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

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

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

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

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

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

21 (c) Hazardous waste that is removed from a site of environ-
22 mental contamination that is included in a list submitted to the
23 legislature pursuant to section 6 of the environmental response
24 act, Act No. 307 of the Public Acts of 1982, being section
25 299.606 of the Michigan Compiled Laws, or hazardous waste that is
26 removed as part of a site cleanup activity at the expense of the
27 state or federal government.

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

4 (e) Hazardous waste generated pursuant to a 1-time closure
5 or site cleanup activity in Michigan where the closure or cleanup
6 activity has been authorized in writing by the director or his or
7 her authorized representative. Hazardous waste resulting from
8 the cleanup of inadvertent releases which occur after March 30,
9 1988 ~~shall not be~~ IS NOT exempt from the fee.

10 (f) Primary and secondary wastewater treatment solids from a
11 wastewater treatment plant which includes an aggressive biologi-
12 cal treatment facility as defined in section 3005(j)(12)(B) of
13 subtitle C of title II of the solid waste disposal act, 42
14 U.S.C. 6925.

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

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

1 specific fee exemption the waste qualifies for. The owner or
2 operator of the landfill or solidification facility shall retain
3 this certification for 4 years from the date of receipt.

4 (5) The department or a health department certified pursuant
5 to section 45 shall evaluate the accuracy of generator fee exemp-
6 tion certifications and shall take enforcement action against a
7 generator who files a false certificate. In addition, the
8 department shall take enforcement action to collect fees that are
9 not paid as required by this section.

10 (6) The landfill owner or operator and the solidification
11 facility owner or operator shall forward fee revenue due to the
12 department with a completed form that is provided or approved by
13 the director. The owner or operator shall certify that all
14 information provided in the form is accurate. The form shall
15 include the following information:

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

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

20 (7) A generator who documents to the director or an autho-
21 rized representative of the director, on a form provided by the
22 department, a reduction in the amount of hazardous waste gener-
23 ated as a result of a process change, or documents a reduction in
24 the amount of hazardous waste that is being disposed of in a
25 landfill, either directly or following solidification at a solid-
26 ification facility, as a result of a process change or the
27 generator's increased use of source separation, input

1 substitution, process reformulation, recycling, treatment, or an
2 exchange of hazardous waste that results in a utilization of that
3 waste ~~shall be~~ IS eligible for a refund from the state. The
4 refund shall be in the amount of \$10.00 per ton, \$10.00 per cubic
5 yard, 4 cents per gallon, or 1/2 cent per pound of waste reduced
6 or managed through an alternative to landfill disposal. A gener-
7 ator ~~shall not be~~ IS NOT eligible to receive a refund for that
8 portion of a reduction in the amount of hazardous waste generated
9 that is attributable to a decrease in the generator's level of
10 production of the products that resulted in the generation of the
11 hazardous waste.

12 (8) ~~Commencing in 1990 and in each following year, a~~ A
13 generator seeking a refund shall ANNUALLY calculate the refund
14 due by comparing waste generation, treatment, and disposal activ-
15 ity in the calendar year immediately preceding the date of filing
16 with waste generation, treatment, and disposal activity in the
17 calendar year 2 years prior to the date of filing.

18 (9) To be eligible for a refund, a generator must file a
19 request with the director or an authorized representative of the
20 director by June 30 of the year following the year for which the
21 refund is being claimed.

22 (10) At no time shall a refund exceed the total fees paid by
23 the generator to the landfill operator or owner and the solidifi-
24 cation facility operator or owner.

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

1 (12) The department shall maintain information regarding the
2 landfill disposal fees received and refunds provided pursuant to
3 this section.

4 (13) The fees collected pursuant to this section shall be
5 forwarded to the state treasurer and deposited in the general
6 fund to be appropriated to pay refunds to generators under this
7 section and to fund programs created under the waste minimization
8 act ~~, Act No. 245 of the Public Acts of 1987, being~~
9 ~~sections 299.731 to 299.740 of the Michigan Compiled Laws, and~~
10 ~~the waste reduction assistance act. , Act No. 247 of the Public~~
11 ~~Acts of 1987, being sections 299.751 to 299.765 of the Michigan~~
12 ~~Compiled Laws.~~

13 Section 2. This amendatory act shall not take effect unless
14 all of the following bills of the 87th Legislature are enacted
15 into law:

16 (a) Senate Bill No. 16.

17 (b) Senate Bill No. 17.