

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 4

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11546 (MCL 324.11546) and by adding section
11514a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11514A. (1) SUBJECT TO SUBSECTION (3), A SOLID WASTE
2 HAULER SHALL NOT TRANSPORT OR DISPOSE OF SOLID WASTE WITHIN THIS
3 STATE THAT WAS GENERATED OUTSIDE OF THIS STATE.

4 (2) SUBJECT TO SUBSECTION (3), A SOLID WASTE DISPOSAL AREA
5 SHALL NOT ACCEPT FOR DISPOSAL SOLID WASTE THAT WAS GENERATED OUT-
6 SIDE OF THIS STATE.

7 (3) SUBSECTIONS (1) AND (2) SHALL NOT APPLY UNLESS THE
8 UNITED STATES CONGRESS ENACTS INTO LAW AUTHORIZATION FOR THE
9 STATES TO REGULATE THE TRANSPORTATION AND DISPOSAL OF SOLID

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1 WASTE. SUBSECTIONS (1) AND (2) SHALL ONLY APPLY TO THE EXTENT
2 AND IN A FASHION AUTHORIZED BY FEDERAL LAW.

3 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), A PERSON SHALL NOT
4 ACCEPT FOR DISPOSAL IN A LANDFILL IN THIS STATE SOLID WASTE OR
5 MUNICIPAL SOLID WASTE INCINERATOR ASH UNLESS THE PERSON DISPOSING
6 OF THE SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH CER-
7 TIFIES THAT THE SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR
8 ASH DOES NOT CONTAIN MATERIALS OR SUBSTANCES THAT ARE PROHIBITED
9 FROM BEING DISPOSED OF IN LANDFILLS IN MICHIGAN UNDER THIS ACT OR
10 THE RULES PROMULGATED UNDER THIS ACT. THIS CERTIFICATION SHALL
11 BE PROVIDED TO THE OWNER OR OPERATOR OF THE LANDFILL PRIOR TO THE
12 DISPOSAL OF THE SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR
13 ASH AT THE LANDFILL. THE OWNER OR OPERATOR OF A LANDFILL SHALL
14 FORWARD CERTIFICATIONS RECEIVED UNDER THIS SECTION TO THE DEPART-
15 MENT AS REQUIRED BY THE DEPARTMENT.

16 (5) IF THE DEPARTMENT DETERMINES THAT A STATE OR COUNTRY HAS
17 A SOLID WASTE DISPOSAL REGULATORY SYSTEM THAT IS AT LEAST AS
18 STRINGENT AND PROTECTIVE OF THE PUBLIC HEALTH, SAFETY, AND WEL-
19 FARE, AND THE ENVIRONMENT, IN TERMS OF WHAT WASTE IS ALLOWED IN
20 THE WASTE STREAM, AS IS IN EXISTENCE IN MICHIGAN, THEN SOLID
21 WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH THAT IS GENERATED
22 IN THAT STATE OR COUNTRY IS PRESUMED TO BE PERMITTED TO BE DIS-
23 POSED OF IN A LANDFILL IN COMPLIANCE WITH THIS ACT AND THE RULES
24 PROMULGATED UNDER THIS ACT. A PERSON DISPOSING OF SOLID WASTE OR
25 MUNICIPAL SOLID WASTE INCINERATOR ASH FROM SUCH A STATE OR COUN-
26 TRY NEED NOT PROVIDE THE CERTIFICATION DESCRIBED IN SUBSECTION
27 (4). THE DEPARTMENT SHALL COMPILE A LIST OF STATES AND COUNTRIES

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1 THAT HAVE A SOLID WASTE DISPOSAL REGULATORY SYSTEM THAT IS AT
2 LEAST AS STRINGENT AND PROTECTIVE OF THE PUBLIC HEALTH, SAFETY,
3 AND WELFARE, AND THE ENVIRONMENT, IN TERMS OF WHAT WASTE IS
4 ALLOWED IN THE WASTE STREAM, AS IS IN EXISTENCE IN MICHIGAN. A
5 COUNTRY OR STATE THAT WISHES TO BE INCLUDED ON THE LIST PREPARED
6 BY THE DEPARTMENT MAY SUPPLY THE DEPARTMENT WITH DOCUMENTATION
7 THAT SUPPORTS ITS CLAIM THAT IT HAS A SOLID WASTE DISPOSAL REGU-
8 LATORY SYSTEM THAT IS AT LEAST AS STRINGENT AND PROTECTIVE AS
9 MICHIGAN BY INCLUDING COPIES OF ALL PERTINENT STATUTES AND
10 RULES. THE DEPARTMENT SHALL PREPARE AND PROVIDE A COPY TO EACH
11 PERSON LICENSED TO OPERATE A DISPOSAL AREA OR MUNICIPAL SOLID
12 WASTE INCINERATOR IN THIS STATE A LIST OF STATES AND COUNTRIES
13 THAT THE DEPARTMENT HAS DETERMINED HAVE A SOLID WASTE DISPOSAL
14 REGULATORY SYSTEM THAT IS AT LEAST AS STRINGENT AS THAT OF
15 MICHIGAN.

16 (6) THE DEPARTMENT SHALL PROVIDE TO THE OWNERS OR OPERATORS
17 OF LANDFILLS IN MICHIGAN COPIES OF CERTIFICATION FORMS AS PRO-
18 VIDED FOR UNDER SUBSECTION (4).

19 (7) A PERSON WHO MAKES A FALSE REPRESENTATION IN A CERTIFI-
20 CATION REQUIRED UNDER SUBSECTION (4) IS GUILTY OF A MISDEMEANOR
21 PUNISHABLE BY A FINE OF NOT MORE THAN \$50,000.00 OR IMPRISONMENT
22 FOR NOT MORE THAN 1 YEAR, OR BOTH.

23 (8) IF ANY PROVISION OF THIS SECTION OR OF THIS PART IS FOR
24 ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL, THE HOLDING
25 DOES NOT AFFECT THE VALIDITY OF THE REMAINING PROVISIONS OF THIS
26 SECTION OR THIS PART.

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1 Sec. 11546. (1) The department or a health officer may
2 request that the attorney general bring an action in the name of
3 the people of the state, or a municipality or county may bring an
4 action based on facts arising within its boundaries, for any
5 appropriate relief, including injunctive relief, for a violation
6 of this part or rules promulgated under this part.

7 (2) In addition to any other relief provided by this sec-
8 tion, the court may impose on any person who violates any provi-
9 sion of this part or rules promulgated under this part or who
10 fails to comply with any permit, license, or final order issued
11 pursuant to this part a civil fine of not more than ~~-\$10,000.00-~~
12 \$50,000.00 for each day of violation. ALL CIVIL FINES COLLECTED
13 UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE STATE TREASURER
14 FOR DEPOSIT AS FOLLOWS:

15 (A) SEVENTY-FIVE PERCENT IN THE GENERAL FUND TO BE USED BY
16 THE DEPARTMENT FOR THE ENFORCEMENT OF THIS PART.

17 (B) TWENTY-FIVE PERCENT IN THE GENERAL FUND TO BE USED FOR
18 VOLUNTEER RIVER, STREAM, AND CREEK CLEANUP PROGRAMS. THE MONEY
19 DEPOSITED UNDER THIS SUBDIVISION SHALL BE DISTRIBUTED ON A STATE-
20 WIDE BASIS TO VOLUNTEER ORGANIZATIONS FOR STREAM, RIVER, AND
21 CREEK CLEANUP PROJECTS. FUNDS SHALL BE DISTRIBUTED THROUGH A
22 SIMPLIFIED APPLICATION PROCESS PROVIDING UP TO \$5,000.00 TO
23 ORGANIZATIONS THAT PROVIDE A 50% MATCH. PRIORITY SHALL BE GIVEN
24 TO EXISTING VOLUNTEER ORGANIZATIONS AND TARGETED TO THOSE WATER-
25 SHEDS WITH DOCUMENTED POLLUTION PROBLEMS.

26 (3) In addition to any other relief provided by this
27 section, the court may order a person violating this part or the

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1 rules promulgated under this part either to restore or to pay to
2 the state an amount equal to the cost of restoring the natural
3 resources of this state affected by the violation to their origi-
4 nal condition before the violation, and to pay to the state the
5 costs of surveillance and enforcement incurred by the state as a
6 result of the violation.

7 (4) This part does not preclude any person from commencing a
8 civil action based on facts that may also constitute a violation
9 of this part or the rules promulgated under this part.