

# HOUSE BILL No. 5401

December 3, 1997, Introduced by Reps. Hale, Wallace, Wojno, Varga, Agee, Leland, Schermesser, Schauer, Murphy, Baird, Griffin, Bogardus, Rison, Quarles, Price, Hanley, Callahan, Mans, Cherry, Prusi, Anthony, Parks, LaForge, Emerson, Stallworth, Gagliardi, Hood, Mathieu, Owen, Wetters, Vaughn, Curtis, Scott, Freeman, Martinez, Olshove, Kilpatrick, Harder, Godchaux, Kelly, Tesanovich, Thomas, Bankes, Baade, Dobronski and Brewer and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11527 (MCL 324.11527) and by adding sections  
11527a, 11527b, 11527c, 11527d, 11532a, and 11551.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 11527. (1) A solid waste hauler transporting solid  
2 waste over a public road in this state shall deliver all waste to  
3 a disposal area or solid waste transfer facility licensed under  
4 this part and shall use only a vehicle or container that does not  
5 contribute to littering and that conforms to the rules promul-  
6 gated by the department.

7       (2) EACH SOLID WASTE TRANSPORTING UNIT USED FOR THE TRANS-  
8 PORT OF SOLID WASTE SHALL CONTAIN A DECAL AS PRESCRIBED BY THE  
9 DEPARTMENT CLEARLY IDENTIFYING IT AS A SOLID WASTE TRANSPORTING  
10 UNIT.

1       (3) ~~-(2)-~~ A solid waste hauler who violates this part or a  
2 rule promulgated under this part, or who is responsible for a  
3 vehicle that has in part contributed to a violation of this part  
4 or a rule promulgated under this part, is subject to a penalty as  
5 provided in section 11549.

6       SEC. 11527A. (1) A PERSON SHALL NOT ENGAGE IN BUSINESS  
7 WITHIN THIS STATE AS A SOLID WASTE HAULER WITHOUT OBTAINING A  
8 SOLID WASTE HAULER BUSINESS LICENSE FROM THE DEPARTMENT.  
9 ADDITIONALLY, EACH SOLID WASTE TRANSPORTING UNIT USED TO TRANS-  
10 PORT SOLID WASTE OFF SITE SHALL BE LICENSED UNDER THIS PART. AN  
11 APPLICATION FOR A SOLID WASTE HAULER BUSINESS LICENSE OR A SOLID  
12 WASTE TRANSPORTING UNIT LICENSE SHALL BE MADE ON A FORM PROVIDED  
13 BY THE DEPARTMENT.

14       (2) AN APPLICATION FOR A SOLID WASTE HAULER BUSINESS LICENSE  
15 SHALL BE ACCOMPANIED BY THE FOLLOWING:

16       (A) A BUSINESS LICENSE APPLICATION FEE OF \$200.00.

17       (B) A SOLID WASTE TRANSPORTING UNIT LICENSE APPLICATION FEE  
18 OF \$30.00 FOR EACH SOLID WASTE TRANSPORTING UNIT USED BY THE  
19 SOLID WASTE HAULER TO TRANSPORT OR CARRY SOLID WASTE.

20       (C) A BOND IN THE AMOUNT OF \$75.00 FOR EACH TON OF SOLID  
21 WASTE PROJECTED TO BE TRANSPORTED BY THE SOLID WASTE HAULER AS  
22 DETERMINED BY THE DEPARTMENT DURING THE TERM OF THE LICENSE.

23       (3) THE BUSINESS LICENSE APPLICATION FEE AND THE SOLID WASTE  
24 TRANSPORTING UNIT LICENSE APPLICATION FEE SHALL BE REFUNDED IF  
25 THE APPLICATION IS DENIED BY THE DEPARTMENT.

26       SEC. 11527B. UPON SUBMISSION OF THE SOLID WASTE HAULER  
27 BUSINESS LICENSE APPLICATION, THE DEPARTMENT SHALL EXAMINE THE

1 APPLICATION TO ENSURE THAT IT IS COMPLETE AND SHALL CONDUCT AN  
2 INSPECTION TO VERIFY THAT THE EQUIPMENT, LOCATION, AND METHODS OF  
3 THE APPLICANT ARE ADEQUATE TO PROVIDE SOLID WASTE TRANSPORT SERV-  
4 ICES UNDER THIS PART AND THE RULES PROMULGATED UNDER THIS PART.  
5 THE DEPARTMENT SHALL ESTABLISH, BY RULE, THE INSPECTION STANDARDS  
6 AND REQUIREMENTS. UPON APPROVAL OF THE APPLICATION, THE DEPART-  
7 MENT SHALL ISSUE A BUSINESS LICENSE AND A SOLID WASTE TRANSPORT-  
8 ING UNIT LICENSE FOR EACH SOLID WASTE TRANSPORTING UNIT OPERATED  
9 BY THE SOLID WASTE HAULER. A BUSINESS LICENSE OR A SOLID WASTE  
10 TRANSPORTING UNIT LICENSE IS NOT TRANSFERABLE FROM A BUSINESS OR  
11 SOLID WASTE TRANSPORTING UNIT TO ANOTHER BUSINESS OR SOLID WASTE  
12 TRANSPORTING UNIT. A SOLID WASTE TRANSPORTING UNIT USED TO  
13 TRANSPORT OR CARRY SOLID WASTE SHALL CARRY A LICENSE FROM THE  
14 DEPARTMENT THAT MAY BE INSPECTED BY THE DEPARTMENT, AN AUTHORIZED  
15 REPRESENTATIVE OF THE DEPARTMENT, OR A PEACE OFFICER.

16 SEC. 11527C. (1) A LICENSE ISSUED PURSUANT TO SECTION  
17 11527B EXPIRES 2 YEARS AFTER THE DATE OF ISSUANCE. AN APPLICA-  
18 TION FOR RENEWAL OF A LICENSE SHALL BE SUBMITTED AT LEAST 60 DAYS  
19 BEFORE EXPIRATION OF THE LICENSE.

20 (2) THE DEPARTMENT SHALL REVOKE A SOLID WASTE HAULER BUSI-  
21 NESS LICENSE ISSUED UNDER THIS PART IF THE DEPARTMENT DETERMINES,  
22 AFTER PROVIDING AN OPPORTUNITY FOR A CONTESTED CASE HEARING PUR-  
23 SUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
24 MCL 24.201 TO 24.328, THAT THE HOLDER OF THE LICENSE DISPOSES OF  
25 SOLID WASTE AT A SOLID WASTE DISPOSAL AREA THAT IS NOT IN COMPLI-  
26 ANCE WITH THIS PART OR THE RULES PROMULGATED UNDER THIS PART OR

1 USES A SOLID WASTE TRANSPORTING UNIT CONTRARY TO THIS PART OR THE  
2 RULES PROMULGATED UNDER THIS PART.

3 SEC. 11527D. (1) THE DEPARTMENT, BY RULE, SHALL ESTABLISH  
4 AND IMPLEMENT A MANIFEST SYSTEM TO IDENTIFY THE QUANTITY, COMPO-  
5 SITION, ORIGIN, ROUTING, AND DESTINATION OF DURABLE GOODS DURING  
6 THEIR TRANSPORTATION FROM THE POINT THE DURABLE GOODS BECOME  
7 SOLID WASTE TO THE POINT OF THEIR DISPOSAL.

8 (2) AS USED IN THIS SECTION, "DURABLE GOODS" MEANS ITEMS, AS  
9 IDENTIFIED BY RULE, THAT ARE OF A SIZE AND NATURE THAT ARE GENER-  
10 ALLY PICKED UP AND DISPOSED OF SEPARATELY FROM RESIDENTIALLY GEN-  
11 ERATED SOLID WASTE SUCH AS APPLIANCES, FURNITURE, CARPETS AND  
12 RUGS, TIRES, LEAD ACID BATTERIES, AND OTHER OVERSIZED AND BULKY  
13 DURABLE ITEMS.

14 SEC. 11532A. (1) THERE IS IMPOSED UPON EACH CUBIC YARD OF  
15 SOLID WASTE AND MUNICIPAL SOLID WASTE INCINERATOR ASH DISPOSED OF  
16 IN A LANDFILL IN THIS STATE A SOLID WASTE ENFORCEMENT REGULATORY  
17 FEE OF 8 CENTS. THE SOLID WASTE ENFORCEMENT REGULATORY FEES  
18 IMPOSED UNDER THIS SECTION SHALL BE COLLECTED BY THE OWNERS OR  
19 OPERATORS OF THE LANDFILLS AND SHALL BE FORWARDED TO THE DEPART-  
20 MENT IN THE MANNER AND ALONG WITH ANY SUPPORTING DOCUMENTATION  
21 REQUIRED BY THE DEPARTMENT.

22 (2) THE DEPARTMENT SHALL FORWARD SOLID WASTE ENFORCEMENT  
23 REGULATORY FEES COLLECTED UNDER THIS SECTION TO THE STATE TREA-  
24 SURER FOR DEPOSIT IN THE SOLID WASTE ENFORCEMENT FUND CREATED IN  
25 SECTION 11551.

26 SEC. 11551. (1) THE SOLID WASTE ENFORCEMENT FUND IS CREATED  
27 WITHIN THE STATE TREASURY.

1       (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
2 FROM ANY SOURCE FOR DEPOSIT INTO THE SOLID WASTE ENFORCEMENT  
3 FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE  
4 SOLID WASTE ENFORCEMENT FUND. THE STATE TREASURER SHALL CREDIT  
5 TO THE SOLID WASTE ENFORCEMENT FUND INTEREST AND EARNINGS FROM  
6 FUND INVESTMENTS.

7       (3) MONEY IN THE SOLID WASTE ENFORCEMENT FUND AT THE CLOSE  
8 OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE  
9 TO THE GENERAL FUND.

10       (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE SOLID WASTE  
11 ENFORCEMENT FUND, UPON APPROPRIATION, ONLY FOR THE ENFORCEMENT OF  
12 THIS PART. IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPART-  
13 MENT EXPEND MONEY IN THE SOLID WASTE ENFORCEMENT FUND TO EMPLOY  
14 NOT LESS THAN 33 ENVIRONMENTAL CONSERVATION OFFICERS TO WORK  
15 EXCLUSIVELY IN THE ENFORCEMENT OF THIS PART.