



# HOUSE BILL No. 5192

December 9, 1999, Introduced by Reps. Ruth Johnson and Allen and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11512 (MCL 324.11512), as amended by 1996 PA  
358.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11512. (1) A person shall dispose of solid waste at a  
2 disposal area licensed under this part unless a person is permit-  
3 ted by state law or rules promulgated by the department to dis-  
4 pose of the solid waste at the site of generation.

5       (2) Except as otherwise provided in this section or in sec-  
6 tion 11529, a person otherwise allowed under this part to own or  
7 operate a solid waste disposal area shall not conduct, manage,  
8 maintain, or operate a disposal area within this state without a  
9 license from the department, contrary to an approved solid waste  
10 management plan, CONTRARY TO A JUDICIAL DETERMINATION, or

1 contrary to a permit, license, or final order issued under this  
2 part. A person who intends to conduct, manage, maintain, or  
3 operate a disposal area shall submit a prior license application  
4 to the department through a certified health department on a form  
5 provided by the department. If the disposal area is located in a  
6 county or city that does not have a certified health department,  
7 the application shall be made directly to the department. A  
8 person authorized by this part to operate more than 1 type of  
9 disposal area at the same facility may apply for a single  
10 license.

11 (3) The application for a license shall contain the name and  
12 residence of the applicant, the location of the proposed or  
13 existing disposal area, the type or types of disposal area pro-  
14 posed, evidence of bonding, and other information required by  
15 ~~rule~~ RULES PROMULGATED UNDER THIS PART. In addition, an appli-  
16 cant for a type II landfill shall submit evidence of financial  
17 assurance adequate to meet the requirements of section 11523a,  
18 the maximum waste slope in the active portion, an estimate of  
19 remaining permitted capacity, and documentation on the amount of  
20 waste received at the disposal area during the previous license  
21 period or expected to be received, whichever is greater. The  
22 application shall be accompanied by a fee based on the number of  
23 years proposed for licensure. ~~as specified in subsections (7),~~  
24 ~~(9), and (10).~~

25 (4) At the time of application for a license for a disposal  
26 area, the applicant shall submit to a health officer or the  
27 department a certification under the seal of a licensed

1 professional engineer verifying that the construction of the  
2 disposal area has proceeded according to the approved plans. If  
3 construction of the disposal area or a portion of the disposal  
4 area is not complete, the department shall require additional  
5 construction certification of that portion of the disposal area  
6 during intermediate progression of the operation, as specified in  
7 section 11516(4).

8       (5) An applicant for an operating license, within 6 months  
9 after a license denial, may resubmit the application, together  
10 with additional information or corrections as are necessary to  
11 address the reason for denial, without being required to pay an  
12 additional application fee.

13       (6) In order to conduct tests and assess operational capa-  
14 bilities, the owner or operator of a municipal solid waste incin-  
15 erator that is designed to burn at a temperature in excess of  
16 2500 degrees Fahrenheit may operate the incinerator without an  
17 operating license, upon notice to the department, for a period  
18 not to exceed 60 days.

19       (7) The application for a type II landfill operating license  
20 shall be accompanied by the following fee for the 2-year term of  
21 the operating license, calculated in accordance with  
22 subsection (8):

23       (a) Landfills receiving less than 100 tons per day,  
24 \$250.00.

25       (b) Landfills receiving 100 tons per day or more, but less  
26 than 250 tons per day, \$1,000.00.

1 (c) Landfills receiving 250 tons per day or more, but less  
2 than 500 tons per day, \$2,500.00.

3 (d) Landfills receiving 500 tons per day or more, but less  
4 than 1,000 tons per day, \$5,000.00.

5 (e) Landfills receiving 1,000 tons per day or more, but less  
6 than 1,500 tons per day, \$10,000.00.

7 (f) Landfills receiving 1,500 tons per day or more, but less  
8 than 3,000 tons per day, \$20,000.00.

9 (g) Landfills receiving greater than 3,000 tons per day,  
10 \$30,000.00.

11 (8) Type II landfill application fees shall be based on the  
12 average amount of waste projected to be received daily during the  
13 license period. Application fees for license renewals shall be  
14 based on the average amount of waste received in the previous  
15 calendar year. Application fees shall be adjusted in the follow-  
16 ing circumstances:

17 (a) If a landfill accepts more waste than projected, a sup-  
18 plemental fee equal to the difference shall be submitted with the  
19 next license application.

20 (b) If a landfill accepts less waste than projected, the  
21 department shall credit the applicant an amount equal to the dif-  
22 ference with the next license application.

23 (c) A type II landfill that measures waste by volume rather  
24 than weight shall pay a fee based on 3 cubic yards per ton.

25 (d) A landfill used exclusively for municipal solid waste  
26 incinerator ash that measures waste by volume rather than weight  
27 shall pay a fee based on 1 cubic yard per ton.

1 (e) If an application is submitted to renew a license more  
2 than 1 year prior to license expiration, the department shall  
3 credit the applicant an amount equal to 1/2 the application fee.

4 (f) If an application is submitted to renew a license more  
5 than 6 months but less than 1 year prior to license expiration,  
6 the department shall credit the applicant an amount equal to 1/4  
7 the application fee.

8 (9) The operating license application for a type III land-  
9 fill shall be accompanied by a fee equal to \$2,500.00.

10 (10) The operating license application for a solid waste  
11 processing plant, solid waste transfer facility, other disposal  
12 area, or combination of these entities shall be accompanied by a  
13 fee equal to \$500.00.

14 (11) The department shall deposit operating license applica-  
15 tion fees collected under this section in the perpetual care  
16 account of the solid waste management fund established in  
17 section 11550.

18 (12) A person who applies for an operating license for more  
19 than 1 type of disposal area at the same facility shall pay a fee  
20 equal to the sum of the applicable application fees listed in  
21 this section.