

# HOUSE BILL No. 5573

January 23, 2002, Introduced by Reps. Kooiman, Patterson, Julian, Faunce, Hummel, Kuipers, Middaugh, Stamas, Vander Roest, Stewart, Gilbert, Birkholz, Rocca, Bogardus, Kowall, Kolb, Mans, Voorhees, Meyer, Bishop, Pappageorge, Bernero, Wojno, DeWeese, Schauer, Vear, Richardville, Richner, Caul, Bovin, Jansen, Gosselin and Raczkowski and referred to the Committee on Land Use and Environment.

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

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

3 (4) SUBJECT TO SUBSECTION (5), A PERSON SHALL NOT ACCEPT FOR  
4 DISPOSAL IN A LANDFILL IN THIS STATE SOLID WASTE OR MUNICIPAL  
5 SOLID WASTE INCINERATOR ASH UNLESS THE PERSON DISPOSING OF THE  
6 SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH CERTIFIES  
7 THAT THE SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH  
8 DOES NOT CONTAIN MATERIALS OR SUBSTANCES THAT ARE PROHIBITED FROM  
9 BEING DISPOSED OF IN LANDFILLS IN MICHIGAN UNDER THIS ACT OR THE  
10 RULES PROMULGATED UNDER THIS ACT. THIS CERTIFICATION SHALL BE  
11 PROVIDED TO THE OWNER OR OPERATOR OF THE LANDFILL BEFORE THE DIS-  
12 POSAL OF THE SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH  
13 AT THE LANDFILL ON A FORM PROVIDED BY THE DEPARTMENT UNDER SUB-  
14 SECTION (6) OR ANOTHER DOCUMENT CONTAINING THE SAME REQUIRED  
15 INFORMATION. THE OWNER OR OPERATOR OF A LANDFILL SHALL FORWARD  
16 CERTIFICATIONS RECEIVED UNDER THIS SECTION TO THE DEPARTMENT AS  
17 REQUIRED BY THE DEPARTMENT.

18 (5) IF THE DEPARTMENT DETERMINES THAT A STATE OR COUNTRY HAS  
19 A SOLID WASTE DISPOSAL REGULATORY SYSTEM THAT IS AT LEAST AS  
20 STRINGENT AND PROTECTIVE OF THE PUBLIC HEALTH, SAFETY, AND WEL-  
21 FARE, AND THE ENVIRONMENT, IN TERMS OF WHAT WASTE IS ALLOWED IN  
22 THE WASTE STREAM, AS IS IN EXISTENCE IN MICHIGAN, THEN SOLID  
23 WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH THAT IS GENERATED  
24 IN THAT STATE OR COUNTRY IS PRESUMED TO BE PERMITTED TO BE DIS-  
25 POSED OF IN A LANDFILL IN COMPLIANCE WITH THIS ACT AND THE RULES  
26 PROMULGATED UNDER THIS ACT. A PERSON DISPOSING OF SOLID WASTE OR  
27 MUNICIPAL SOLID WASTE INCINERATOR ASH FROM SUCH A STATE OR

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

18 (6) THE DEPARTMENT SHALL PROVIDE TO THE OWNERS OR OPERATORS  
19 OF LANDFILLS IN MICHIGAN COPIES OF CERTIFICATION FORMS AS PRO-  
20 VIDED FOR UNDER SUBSECTIONS (4) AND (5).

21 (7) A PERSON WHO MAKES A FALSE REPRESENTATION IN A CERTIFI-  
22 CATION REQUIRED UNDER SUBSECTION (4) OR (5) IS GUILTY OF A MISDE-  
23 MEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$50,000.00 OR  
24 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

25 (8) IF ANY PROVISION OF THIS SECTION OR OF THIS PART IS FOR  
26 ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL, THE HOLDING

1 DOES NOT AFFECT THE VALIDITY OF THE REMAINING PROVISIONS OF THIS  
2 SECTION OR THIS PART.

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

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

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

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

1           (3) In addition to any other relief provided by this  
2 section, the court may order a person violating this part or the  
3 rules promulgated under this part either to restore or to pay to  
4 the state an amount equal to the cost of restoring the natural  
5 resources of this state affected by the violation to their origi-  
6 nal condition before the violation, and to pay to the state the  
7 costs of surveillance and enforcement incurred by the state as a  
8 result of the violation.

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