

**DISPOSAL OF SOLID WASTE
IN LANDFILLS**

House Bill 5234

Sponsor: Rep. Daniel Acciavatti

House Bill 5235

Sponsor: Rep. David Robertson

Committee: Land Use and Environment

Complete to 11-4-03

A SUMMARY OF HOUSE BILLS 5234 AND 5235 AS INTRODUCED 11-4-03

House Bill 5234 would amend Part 115 of the Natural Resources and Environmental Protection Act (MCL 324.11526a), which deals with solid waste management, to prohibit the owner or operator of a landfill from accepting for disposal all municipal solid waste incinerator ash generated outside the state unless one or more of the following conditions were met:

- the solid waste was composed of the same type of material, other than municipal solid waste incinerator ash, that met the landfill disposal requirements under Part 115 and associated promulgated rules;
- the solid waste was received through a material recovery facility, a transfer station, or other facility that documented that it had removed items prohibited from disposal in a landfill under Section 11514; or
- the country, state, province, or local jurisdiction in which the solid waste was generated had been approved for inclusion on a list (which would be newly required by Senate Bill 502) compiled by the Department of Environmental Quality of places that prohibit the disposal in a landfill of items prohibited under Section 11514 or that prevent the disposal of such items through solid waste enforcement;

The provision would be effective October 1, 2004. The bill states that aim of the provision is to protect the public health, safety and welfare and environment of the state from the improper disposal of waste that is prohibited from disposal in a landfill under Section 11514, and in recognition that the nature of solid waste collection and transport limits the ability of the state to conduct cost-effective inspections to ensure compliance with state law.

[Section 11514, as referred to by the bill, currently prohibits the disposal of medical waste that has not been decontaminated. The section would be amended by related proposed legislation (both House Bill 4689 and Senate Bill 498) to prohibit the disposal of beverage containers, whole tires, used oil, lead acid batteries, low-level radioactive waste, and certain other hazardous waste.]

House Bill 5235 would also amend Part 115 of the Natural Resources and Environmental Protection Act (MCL 324.11527a) to require the DEQ to post on its web site a list of materials

prohibited from disposal in a landfill under Section 11514, and explain appropriate disposal options for those materials. The bill would also require that a waste hauler that disposes of solid waste in a landfill annually notify each of its customers of the materials that are prohibited from disposal, and their disposal options. The notice would be required to include a copy of the information that would be posted on the department's web site.

House Bills 5234 and 5235 are tie-barred to Senate Bills 497, 498, 500, and 502 so that the two House bills could not become law unless those Senate bills also were enacted. Those bills would, among other things, establish criteria for the acceptance of out-of-state waste in landfills; prohibit the disposal of beverage containers, whole tires, etc., in landfills; define the term "beverage container"; increase fines and add new fines for violations of Part 115; require the DEQ to compile a list of jurisdictions from which waste could be accepted; and require the DEQ to post on its web site a list of items banned from landfills and require solid waste haulers to notify their customers of those items. House Bill 5234 is also tie-barred to House Bill 5235; and House Bill 5235 is also tie-barred to Senate Bill 98.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.