

S.B. 57 (S-3): FLOOR ANALYSIS

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Senate Bill 57 (Substitute S-3 as reported) Sponsor: Senator Michael D. Bishop

Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- -- Permit the Director of the Department of Environmental Quality (DEQ) to issue an order restricting or prohibiting the transportation or disposal of solid waste originating within or outside this State, under certain circumstances.
- -- Require the DEQ, at least 30 days before the Director issued such an order, to post it on the Department website and give a copy to legislative committees.
- -- Make an exception to the 30-day requirement for an emergency situation.
- -- Require an order to expire within 60 days, but allow the Director to reissue an order without posting it in advance or giving copies to legislative committees.
- -- Require the DEQ to post a final order on its website as soon as practicable.
- -- Require the Director to rescind an order if the threat upon which it was based no longer existed.
- -- Allow a person to appeal an order to the circuit court.

Specifically, the DEQ Director could issue an order restricting or prohibiting the transportation or disposal in this State of solid waste originating within or outside of Michigan if both of the following applied:

- -- The Director, after consultation with appropriate officials, had determined that the transportation or disposal of the solid waste posed a threat to the public health, safety, or welfare or to the environment.
- -- The Director determined that the restriction or prohibition was necessary to minimize or eliminate that threat.

In an emergency situation posing an imminent and substantial threat to public health or safety or the environment, the Director, before issuing an order, would have to give a copy of it to the legislative committees and publicize the proposed order in any manner appropriate to help ensure that interested parties were given notice of the order and its effective date.

Proposed MCL 324.11526c Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would result in an indeterminate cost to the State. After the Director issued an order restricting or prohibiting the transportation and disposal of solid waste, the Department would need to dedicate staff and resources to enforcing the order and resolving the situation. The costs would depend on the frequency, severity, and scope of the threats posed.

Date Completed: 10-8-03 Fiscal Analyst: Jessica Runnels