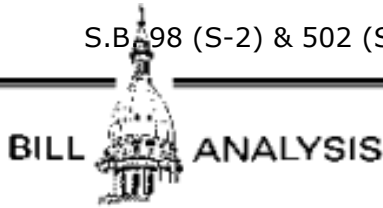




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Senate Bill 98 (Substitute S-2)
Senate Bill 502 (Substitute S-2)
Sponsor: Senator Liz Brater (Senate Bill 98)
Senator Nancy Cassis (Senate Bill 502)
Committee: Natural Resources and Environmental Protection

Date Completed: 10-7-03

CONTENT

Senate Bill 98 (S-2) would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to prohibit a landfill from accepting solid waste or incinerator ash generated outside the State unless the materials (except ash) were homogeneous solid waste materials; the materials were received through a facility that had removed from the solid waste items prohibited under Section 11514; or the jurisdiction where the waste was generated was on a list compiled by the Department of Environmental Quality (DEQ).

Senate Bill 502 (S-2) would amend Part 115 to require the DEQ to do the following:

- **Compile a list of countries, states, provinces, and local jurisdictions that prohibited or prevented the disposal of prohibited items in a landfill.**
- **Give each Michigan landfill a copy of the list.**
- **Notify each state, Canada, and each Canadian province that landfills would not accept solid waste that did not comply with Section 11526b (proposed by Senate Bill 98 (S-2)).**
- **Include a country, state, province, or local jurisdiction on the list if it gave the DEQ documentation that it prohibited or prevented the disposal of prohibited items in a landfill.**

(Section 11514 currently prohibits the disposal of medical waste in a landfill. Senate Bill 498 (S-2) would amend this section to prohibit additional items, including beverage containers and whole tires.)

Senate Bills 98 (S-2) and 502 (S-2) are tie-barred to each other.

Senate Bill 98 (S-2)

The bill would prohibit the owner or operator of a landfill, beginning October 1, 2004, from accepting for disposal in this State solid waste or municipal solid waste incinerator ash that was generated outside of Michigan, unless one or more of the following were met:

- The materials were homogeneous solid waste materials, other than municipal solid waste incinerator ash, that met the requirements for disposal in a landfill under Part 115 and the rules promulgated under it.
- The materials were received through a material recovery facility, a transfer station, or another facility that documented that it had removed from the solid waste being delivered, those items prohibited from disposal in a landfill under Section 11514.
- The country, state, province, or local jurisdiction in which the solid waste was generated was on the list compiled by the DEQ (under Senate Bill 502).

A landfill owner or operator would be prohibited from accepting waste under these circumstances "in order to protect the public health, safety, and welfare and the environment of this 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 assure compliance with state law".

Senate Bill 502 (S-2)

The bill would require the DEQ, by October 1, 2004, to compile a list of countries, states, provinces, and local jurisdictions that prohibit from disposal in a landfill the items prohibited under Section 11514 or that prevent the disposal of those items through enforceable solid waste disposal requirements. The DEQ would have to prepare and give a copy of the list to each landfill in Michigan.

Also, by October 1, 2004, the DEQ would have to notify each state, the country of Canada, and each province in Canada that landfills in Michigan would not accept for disposal solid waste that did not comply with Section 11526a (the section Senate Bill 98 (S-2) would add).

The DEQ would be required to include a country, state, province, or local jurisdiction on its list if the country, state, province, or local jurisdiction gave the Department documentation that it prohibited the disposal in a landfill of the items banned under Section 11514, or prevented their disposal through enforceable solid waste disposal requirements. This documentation could include copies of all pertinent statutes, administrative regulations, and ordinances.

Proposed MCL 11526a (S.B. 98)
Proposed MCL 11526b (S.B. 502)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 98 (S-2)

The bill would have no fiscal impact on State or local government.

Senate Bill 502 (S-2)

The bill would cost the State an indeterminate amount. It would add administrative responsibilities for the Department of Environmental Quality. Qualified staff would need to process documentation from jurisdictions for inclusion on the list of qualified solid waste origins, as well as research and verify the solid waste disposal requirements of out-of-state jurisdictions in order to include them on the list of jurisdictions from which solid waste could be accepted.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.