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Senate Bill 499 (Substitute S-2) Senate Bill 715 (Substitute S-1)

Sponsor: Senator Alan Sanborn (Senate Bill 499)

Senator Jud Gilbert, II (Senate Bill 715)

Committee: Natural Resources and Environmental Affairs

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CONTENT

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

- -- Require the Department of Environmental Quality (DEQ), with the State Police, to provide for the inspection of each solid waste disposal area at least four times a year, and ensure that disposal areas fully complied with Part 115.
- -- Permit random inspections of waste being transported.
- -- Require solid waste management plans to provide for counties and municipalities to assist with these inspections.
- -- Require solid waste management plans to include a program assuring that only items authorized for disposal were disposed of in a disposal area.

Senate Bill 715 (S-1) is tie-barred to Senate Bill 499.

Senate Bill 499 (S-2)

The bill would require the DEQ, in conjunction with the Department of State Police, in order to protect the public health, safety, and welfare and the environment of this State from the illegal disposal of items and substances in landfills in Michigan, to administer Part 115 so as to do all of the following:

- -- Ensure that all disposal areas were in full compliance with Part 115 and the rules promulgated under it.
- -- Provide for the inspection, at least four times per year, of each solid waste disposal area for compliance with Part 115 and the rules.
- -- Ensure that all people disposing of solid waste were doing so in compliance with Part 115 and the rules.

The bill also would permit the DEQ and State Police to conduct regular, random inspections of waste being transported for disposal at disposal areas in Michigan. These inspections could be conducted at disposal areas.

(Part 115 defines "disposal area" as one or more of the following at a location defined by the boundary identified in its construction permit or engineering plans approved by the DEQ: solid waste transfer facility; incinerator; sanitary landfill; processing plant; or other solid waste handing or disposal facility used in the disposal of solid waste.)

Presently, the DEQ, a health officer, or a law enforcement officer may inspect a solid waste transporting unit to determine if it is operated in a manner to prevent littering or to determine

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if the owner or operator of the unit is performing in compliance with Part 115. The bill would retain this provision.

Senate Bill 715 (S-1)

Part 115 requires a solid waste management plan to contain enforceable mechanisms for enforcing the plan, and identify the municipalities within the county responsible for enforcement. Under the bill, a solid waste management plan also would have to include a mechanism for the county and those municipalities to assist the DEQ and the State Police in implementing and conducting the inspection program established under Senate Bill 499 (S-2).

Senate Bill 715 (S-1) also would require each solid waste management plan to include an enforceable program and process to assure that only items authorized for disposal in a disposal area under Part 115 and the rules promulgated under it, would be disposed of in the disposal area.

MCL 324.11526 (S.B. 499) 325.11533 & 324.11538 (S.B. 715)

FISCAL IMPACT

Senate Bill 499 (S-2)

The DEQ currently inspects landfills and disposal areas up to four times a year. The bill would require at least four inspections a year and authorize random inspections of solid waste in transit to ensure compliance with the provisions of Part 115 (Solid Waste Management) of NREPA. Combined with the additional prohibited items proposed in Senate Bill 498 (S-2), this bill would require more complex inspections conducted more frequently. The DEQ would require additional funding for inspection staff, support staff, and travel expenses. In FY 2003-04, the solid waste program received an appropriation of \$3,846,800 and 51.0 FTEs for all permit and license application reviews, development of solid waste management plans, reporting, conducting inspections, and compliance activities. Some investigative and law enforcement processes are carried out in the Criminal Investigation unit. The primary responsibility for the inspection program would be held by the Department of Environmental Quality. The Department of State Police would be involved at the request of the DEQ for certain enforcement activities under the bill.

Senate Bill 715 (S-1)

The bill would place solid waste enforcement responsibility on local units of government as part of the countywide solid waste management plan. Counties and municipalities could incur incremental expenses related to enforcement of solid waste regulations while assisting the Departments of Environmental Quality and State Police in implementing the inspection program proposed by Senate Bill 499 (S-1). The costs would vary by municipality depending on the current solid waste management plan in each county.

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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.