



Senate Fiscal Agency
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Senate Bill 500 (Substitute S-2 as reported)
Sponsor: Senator Dennis Olshove
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 increase the fine for a repeat violation of Part 115, and to prescribe civil fines for violations involving the disposal of prohibited items in landfills.

Under the Act, a court may impose a civil fine on a person who violates Part 115 or the rules promulgated under it, or fails to comply with any permit, license, or final order issued under Part 115. Currently, the maximum amount of the fine is \$10,000 for each day of violation. The bill would increase that per-day amount to \$25,000 for a second or subsequent violation.

A person who did any of the following in violation of Part 115 or rules promulgated under it would be responsible for a State civil infraction and could be ordered to pay up to \$5,000 or, for a second or subsequent violation of the same statutory provision or rule, up to \$10,000:

- Knowingly delivered medical waste, or delivered used oil, a lead acid battery, low-level radioactive waste, regulated hazardous waste, liquid waste, sewage, PCBs, or asbestos, for disposal.
- Knowingly permitted the disposal of medical waste or yard clippings, or permitted the disposal of used oil, a lead acid battery, liquid waste, sewage, or asbestos
- Transported or disposed of waste in violation of an order issued by the Director of the Department of Environmental Quality (DEQ).
- Conducted open burning, or disposed of solid waste in an open dump.
- Operated a solid waste transport vehicle in violation of Section 11527 or 11528.

If a person knowingly delivered for disposal, or permitted the disposal of, a beverage container or whole motor vehicle tire in violation of Section 11514, the person would be responsible for a State civil infraction and could be ordered to pay up to \$100 or, for a repeat violation, \$500.

The bill is tie-barred to Senate Bills 98, 497, 498, 502, and 505. Those bills, respectively, would define "beverage container"; prohibit the disposal of beverage containers and whole tires in landfills; require the DEQ to compile a list of jurisdictions from which waste could be accepted; and require the DEQ to post on its website a list of items banned from landfills and require solid waste haulers to notify their customers of these items.

MCL 324.11546

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

As a result of the bill, an indeterminate amount of fine revenue would be deposited into the DEQ's Settlement Funds account. It is unknown how many fines are imposed annually; however, less than \$400,000 is collected in civil fines for violations of Part 115 on an annual basis. In some cases, the individual or facility is ordered to restore the natural resources disturbed in lieu of paying a civil fine.

Date Completed: 10-8-03

Fiscal Analyst: Jessica Runnels