



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5234 (Substitute H-1 as passed by the House)
House Bill 5235 (Substitute H-1 as passed by the House)
Sponsor: Representative Daniel Acciavatti (H.B. 5234)
Representative David Robertson (H.B. 5235)
House Committee: Land Use and Environment
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 2-17-04

CONTENT

House Bill 5234 (H-1) would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- Prohibit a landfill owner or operator from accepting out-of-State waste except under certain circumstances regarding the type and origin of the waste, and the facility that received it.**
- Provide that the Department of Environmental Quality (DEQ) would not have to issue a landfill construction permit, and a county would not have to identify a new landfill site, if there were sufficient capacity to meet the county's disposal needs within 150 miles.**

House Bill 5235 (H-1) would amend Part 115 to:

- Require the DEQ to post on its website a list of materials prohibited from disposal in a landfill and appropriate disposal options for those materials.**
- Require solid waste haulers to notify their customers of the items prohibited from disposal; that appropriate disposal options were described on the DEQ website; and the website address where the options were described.**

The bills are tie-barred to each other and to Senate Bill 502. (Senate Bill 502 (H-2), as passed by the House, would require the DEQ to compile a list of countries, states, provinces, and local jurisdictions that prohibited or prevented from disposal in a landfill those items banned from landfills in this State.)

House Bill 5235 (H-1) also is tie-barred to Senate Bills 497, 498, and 500. (Senate Bill 497 (S-2) would add a definition of "beverage container" to Part 115. Senate Bill 498 (H-2) would prohibit the disposal in a landfill of more than a de minimis amount of beverage containers. Senate Bill 500 (H-3) would establish a maximum civil fine of \$25,000 for repeated violations of Part 115.)

A more detailed description of House Bill 5234 (H-1) follows.

Acceptance of Waste

Beginning October 1, 2004, the owner or operator of a landfill could not accept for disposal in this State solid waste, including municipal solid waste incinerator ash, that was generated outside of Michigan, unless one or more of the following were met:

- The solid waste was composed of a uniform type of item, material, or substance, 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 solid waste was received through a material recovery facility, a transfer station, or another facility that documented that it had removed from the waste being delivered to the landfill those items prohibited from disposal in a landfill.
- The country, state, province, or local jurisdiction in which the solid waste was generated was approved by the DEQ for inclusion on the list compiled by the Department under Section 11526b (the section Senate Bill 502 (H-2) would add).

House Bill 5234 (H-1) would enact this prohibition "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 ensure compliance with state law". (Section 11514 identifies waste that is banned from landfills.)

Disposal Capacity

The bill provides that, notwithstanding any provision of Part 115, if there were sufficient disposal capacity for a county's disposal needs in or within 150 miles of the county, all of the following would apply:

- The county would not be required to identify a site for a new landfill in its solid waste management plan.
- An interim siting mechanism would not become operative in the county unless the county board of commissioners determined otherwise.
- The DEQ would not be required to issue a construction permit for a new landfill in the county.

Proposed MCL 324.11526a (H.B. 5234)
Proposed MCL 324.11527a (H.B. 5235)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Landfill owners pay a construction permit fee ranging from \$250 to \$1,500 for new or expansion projects. The limitations proposed in House Bill 5234 (H-1) on such landfill projects would result in less revenue to the Solid Waste Management Fund since fewer permit applications would be approved. The bill also could have a long-term impact on the disposal capacity in the State. The other provisions of these bills would have no direct fiscal impact on State or local government.

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.