

SENATE BILL No. 783

September 29, 2005, Introduced by Senators BISHOP, BIRKHOLZ, PATTERSON, HARDIMAN, GILBERT, KUIPERS, GOSCHKA, JELINEK and TOY and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 11526d, 11526e,
11526f, 11526g, and 11526h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11526D. (1) THE DIRECTOR MAY ISSUE AN ORDER LIMITING OR
2 PROHIBITING THE DISPOSAL IN THIS STATE, OR IN 1 OR MORE REGIONAL
3 SOLID WASTE MANAGEMENT PLANNING AREAS, OF MUNICIPAL SOLID WASTE
4 GENERATED IN ANOTHER COUNTRY IF THE DIRECTOR, AFTER CONSULTATION
5 WITH APPROPRIATE OFFICIALS, DETERMINES THAT THE LIMITATION OR
6 PROHIBITION IS NECESSARY TO MINIMIZE OR ELIMINATE A THREAT TO THIS
7 STATE'S ABILITY TO MANAGE SOLID WASTE GENERATED IN THIS STATE.

8 (2) AT LEAST 60 DAYS BEFORE THE DIRECTOR ISSUES AN ORDER UNDER
9 SUBSECTION (1), THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

1 (A) CONDUCT AN APPROPRIATELY NOTICED PUBLIC HEARING ON THE
2 PROPOSED ORDER.

3 (B) POST THE PROPOSED ORDER AND ITS EFFECTIVE DATE ON THE
4 DEPARTMENT'S WEBSITE WITH INFORMATION ON HOW A MEMBER OF THE PUBLIC
5 CAN COMMENT ON THE PROPOSED ORDER.

6 (C) PROVIDE A COPY OF THE PROPOSED ORDER TO THE MEMBERS OF THE
7 STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH
8 PRIMARY RESPONSIBILITY FOR LEGISLATION PERTAINING TO THE
9 ENVIRONMENT.

10 (3) THE DEPARTMENT SHALL POST A FINAL ORDER UNDER SUBSECTION
11 (1) ON ITS WEBSITE BEGINNING NOT LATER THAN THE FINAL ORDER'S
12 EFFECTIVE DATE.

13 (4) A PERSON MAY SEEK JUDICIAL REVIEW OF AN ORDER ISSUED UNDER
14 THIS SECTION AS PROVIDED IN SECTION 631 OF THE REVISED JUDICATURE
15 ACT OF 1961, 1961 PA 236, MCL 600.631.

16 (5) SUBSECTION (1) DOES NOT APPLY UNLESS THE UNITED STATES
17 CONGRESS ENACTS LEGISLATION AUTHORIZING THE STATES TO PROHIBIT OR
18 REGULATE THE DISPOSAL OF MUNICIPAL SOLID WASTE GENERATED IN ANOTHER
19 COUNTRY.

20 (6) THE DIRECTOR SHALL RESCIND AN ORDER ISSUED UNDER THIS
21 SECTION WHEN THE DIRECTOR DETERMINES THAT THE THREAT UPON WHICH THE
22 ORDER WAS BASED NO LONGER EXISTS.

23 SEC. 11526E. THE DEPARTMENT SHALL PREPARE A REPORT MAKING
24 RECOMMENDATIONS ON A PROGRAM UNDER WHICH LANDFILLS IN THIS STATE
25 WOULD BE AUTHORIZED TO ACCEPT FOR DISPOSAL A SPECIFIED AMOUNT OF
26 MUNICIPAL SOLID WASTE GENERATED IN ANOTHER COUNTRY IN RETURN FOR
27 DISPOSAL AREAS IN THAT COUNTRY ACCEPTING A SPECIFIED AMOUNT OF

1 HAZARDOUS WASTE GENERATED IN THIS STATE. THE REPORT SHALL ASSUME
2 THAT THE UNITED STATES CONGRESS ENACTS INTO LAW AUTHORIZATION FOR
3 SUCH A PROGRAM. THE REPORT SHALL INCLUDE PROPOSED STATE
4 LEGISLATION TO ESTABLISH SUCH A PROGRAM. THE DEPARTMENT SHALL
5 SUBMIT THE REPORT TO THE STANDING COMMITTEES OF THE SENATE AND
6 HOUSE OF REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR
7 LEGISLATION PERTAINING TO THE ENVIRONMENT BY JANUARY 1, 2007.

8 SEC. 11526F. (1) THE DIRECTOR, IN CONSULTATION WITH THE STATE
9 TRANSPORTATION DEPARTMENT AND LOCAL GOVERNMENT AGENCIES AND
10 OFFICIALS, SHALL ANNUALLY REVIEW TRANSPORTATION ROUTES COMMONLY
11 USED AS POINTS OF ACCESS TO THIS STATE BY PERSONS TRANSPORTING
12 MUNICIPAL SOLID WASTE GENERATED IN ANOTHER COUNTRY. THE DIRECTOR
13 SHALL DETERMINE THE APPROPRIATENESS OF EACH POINT OF ACCESS
14 CONSIDERING NOISE, ODOR, TRAFFIC SAFETY, AND OTHER ISSUES ARISING
15 IN THE MUNICIPALITY WHERE THE POINT OF ACCESS IS LOCATED AND
16 ASSOCIATED WITH THE TRANSPORTATION OF SUCH SOLID WASTE.

17 (2) THE DIRECTOR MAY ISSUE AN ORDER PROHIBITING THE USE OF A
18 POINT OF ACCESS TO THIS STATE BY PERSONS TRANSPORTING MUNICIPAL
19 SOLID WASTE GENERATED IN ANOTHER COUNTRY IF THE DIRECTOR, AFTER
20 REVIEW AND CONSULTATION AS PROVIDED IN SUBSECTION (1), DETERMINES
21 THAT THE PROHIBITION IS NECESSARY TO ADDRESS A SUBSTANTIAL NOISE,
22 ODOR, TRAFFIC SAFETY, OR OTHER PROBLEM ARISING IN THE MUNICIPALITY
23 WHERE THE POINT OF ACCESS IS LOCATED AND ASSOCIATED WITH THE
24 TRANSPORTATION OF SUCH SOLID WASTE.

25 (3) SECTION 11526D(2), (3), AND (4) APPLY TO AN ORDER UNDER
26 THIS SECTION.

27 (4) SUBSECTION (1) DOES NOT APPLY UNLESS THE UNITED STATES

1 CONGRESS ENACTS LEGISLATION AUTHORIZING THE STATES TO PROHIBIT OR
2 REGULATE THE TRANSPORTATION OF MUNICIPAL SOLID WASTE GENERATED
3 OUTSIDE OF THE UNITED STATES.

4 (5) THE DIRECTOR SHALL RESCIND AN ORDER ISSUED UNDER THIS
5 SECTION WHEN THE DIRECTOR DETERMINES THAT THE BASIS FOR THE ORDER
6 NO LONGER EXISTS.

7 SEC. 11526G. (1) WITHIN 30 DAYS AFTER THE END OF EACH QUARTER
8 OF THE STATE FISCAL YEAR, BEGINNING WITH THE 2005-2006 STATE FISCAL
9 YEAR, THE OWNER OR OPERATOR OF A LANDFILL SHALL PAY A SURCHARGE OF
10 50 CENTS FOR EACH CUBIC YARD OR PORTION OF A CUBIC YARD OF
11 MUNICIPAL SOLID WASTE GENERATED IN ANOTHER COUNTRY THAT WAS
12 DISPOSED OF IN THE LANDFILL DURING THE PREVIOUS QUARTER OF THE
13 STATE FISCAL YEAR.

14 (2) THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID
15 WASTE INCINERATOR WHO IS REQUIRED TO PAY THE CHARGE UNDER
16 SUBSECTION (1) SHALL PASS THROUGH AND COLLECT THE SURCHARGE FROM
17 ANY PERSON WHO GENERATED THE MUNICIPAL SOLID WASTE OR WHO ARRANGED
18 FOR ITS DELIVERY TO THE SOLID WASTE HAULER NOTWITHSTANDING THE
19 PROVISIONS OF ANY CONTRACT OR AGREEMENT TO THE CONTRARY OR THE
20 ABSENCE OF ANY CONTRACT OR AGREEMENT.

21 (3) SURCHARGES COLLECTED UNDER THIS SECTION SHALL BE FORWARDED
22 TO THE STATE TREASURER FOR DEPOSIT IN THE MUNICIPAL INFRASTRUCTURE
23 FUND ESTABLISHED IN SECTION 11526H.

24 (4) SUBSECTION (1) DOES NOT APPLY UNLESS THE UNITED STATES
25 CONGRESS ENACTS LEGISLATION AUTHORIZING THE STATES TO IMPOSE SUCH
26 SURCHARGES ON THE DISPOSAL OF MUNICIPAL SOLID WASTE GENERATED
27 OUTSIDE OF THE UNITED STATES.

1 SEC. 11526H. (1) THE MUNICIPAL INFRASTRUCTURE FUND IS CREATED
2 WITHIN THE STATE TREASURY. SURCHARGES COLLECTED UNDER SECTION
3 11526G SHALL BE DEPOSITED IN THE FUND. THE STATE TREASURER MAY
4 RECEIVE MONEY FROM ANY OTHER SOURCE FOR DEPOSIT INTO THE FUND. THE
5 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
6 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
7 INVESTMENTS.

8 (2) MONEY IN THE MUNICIPAL INFRASTRUCTURE FUND AT THE CLOSE OF
9 THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE
10 GENERAL FUND.

11 (3) MONEY SHALL BE EXPENDED FROM THE MUNICIPAL INFRASTRUCTURE
12 FUND, UPON APPROPRIATION, ONLY TO FINANCE THE COST OF
13 INFRASTRUCTURE NEEDS ATTRIBUTABLE TO THE USE OF TRANSPORTATION
14 ROUTES AS POINTS OF ACCESS TO THIS STATE BY PERSONS TRANSPORTING
15 MUNICIPAL SOLID WASTE GENERATED IN ANOTHER COUNTRY, IN
16 MUNICIPALITIES WHERE THOSE POINTS OF ACCESS ARE LOCATED.

17 (4) BY MARCH 1 ANNUALLY, THE DEPARTMENT SHALL PREPARE A REPORT
18 THAT DETAILS THE INFRASTRUCTURE PROJECTS FUNDED DURING THE PREVIOUS
19 FISCAL YEAR WITH REVENUE FROM THE MUNICIPAL INFRASTRUCTURE FUND AND
20 SUBMIT THE REPORT TO ALL OF THE FOLLOWING:

21 (A) THE GOVERNOR.

22 (B) THE LEGISLATURE.

23 (C) THE CHAIRS OF THE STANDING COMMITTEES OF THE SENATE AND
24 HOUSE OF REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR
25 LEGISLATION PERTAINING TO THE ENVIRONMENT, TRANSPORTATION, OR LOCAL
26 GOVERNMENT.

27 (D) THE CHAIRS OF THE SUBCOMMITTEES OF THE SENATE AND HOUSE OF

1 REPRESENTATIVES APPROPRIATIONS COMMITTEES WITH PRIMARY
2 RESPONSIBILITY FOR APPROPRIATIONS TO THE DEPARTMENT AND THE STATE
3 TRANSPORTATION DEPARTMENT.