

SUBSTITUTE FOR
SENATE BILL NO. 449

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11525a (MCL 324.11525a), as amended by 2007 PA
75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11525a. (1) ~~Until October 1, 2011, the~~ **THE** owner or
2 operator of a landfill shall pay a surcharge as follows:

3 (a) Except as provided in subdivision (b), **THE FOLLOWING**
4 **SURCHARGE:**

5 (i) 7 cents for each cubic yard or portion of a cubic yard of
6 solid waste or municipal solid waste incinerator ash that is
7 disposed of in the landfill ~~during the previous quarter of the~~
8 ~~state fiscal year~~ **BEFORE OCTOBER 1, 2011.**

1 (ii) 12 CENTS FOR EACH CUBIC YARD OR PORTION OF A CUBIC YARD OF
2 SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH THAT IS
3 DISPOSED OF IN THE LANDFILL FROM OCTOBER 1, 2011 THROUGH SEPTEMBER
4 30, 2013.

5 (b) For type III landfills that are captive facilities, the
6 following annual amounts:

7 (i) For a captive facility that receives 100,000 or more cubic
8 yards of waste, \$3,000.00.

9 (ii) For a captive facility that receives 75,000 or more but
10 less than 100,000 cubic yards of waste, \$2,500.00.

11 (iii) For a captive facility that receives 50,000 or more but
12 less than 75,000 cubic yards of waste, \$2,000.00.

13 (iv) For a captive facility that receives 25,000 or more but
14 less than 50,000 cubic yards of waste, \$1,000.00.

15 (v) For a captive facility that receives less than 25,000
16 cubic yards of waste, \$500.00.

17 (2) The owner or operator of a landfill ~~or municipal solid~~
18 ~~waste incinerator~~ shall pay the surcharge under subsection (1)(a)
19 within 30 days after the end of each quarter of the state fiscal
20 year. The owner or operator of a type III landfill that is a
21 captive facility shall pay the surcharge under subsection (1)(b) by
22 January 31 of each year.

23 (3) The owner or operator of a landfill ~~or municipal solid~~
24 ~~waste incinerator~~ who is required to pay the surcharge under
25 subsection (1) ~~may~~ **SHALL** pass through and collect the surcharge
26 from any person who generated the solid waste or who arranged for
27 its delivery to the solid waste hauler or transfer facility

1 notwithstanding the provisions of any contract or agreement to the
2 contrary or the absence of any contract or agreement.

3 (4) Surcharges collected under this section shall be forwarded
4 to the state treasurer for deposit in the solid waste staff account
5 of the solid waste management fund established in section 11550.

6 (5) As used in this section, "captive facility" means a
7 landfill that accepts for disposal only nonhazardous industrial
8 waste generated only by the owner of the landfill or a nonhazardous
9 industrial waste landfill that is specified in section 11525(3).