

SENATE BILL No. 449

June 15, 2011, Introduced by Senator KAHN and referred to the Committee on Appropriations.

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, 2012.

5 (iii) 13 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 FROM OCTOBER 1, 2012 THROUGH SEPTEMBER
8 30, 2013.

9 (iv) 14 CENTS FOR EACH CUBIC YARD OR PORTION OF A CUBIC YARD OF
10 SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH THAT IS
11 DISPOSED OF IN THE LANDFILL FROM OCTOBER 1, 2013 THROUGH SEPTEMBER
12 30, 2014.

13 (v) 15 CENTS FOR EACH CUBIC YARD OR PORTION OF A CUBIC YARD OF
14 SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH THAT IS
15 DISPOSED OF IN THE LANDFILL FROM OCTOBER 1, 2014 THROUGH SEPTEMBER
16 30, 2015.

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

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

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

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

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

27 (v) For a captive facility that receives less than 25,000

1 cubic yards of waste, \$500.00.

2 (2) The owner or operator of a landfill ~~or municipal solid~~
3 ~~waste incinerator~~ shall pay the surcharge under subsection (1)(a)
4 within 30 days after the end of each quarter of the state fiscal
5 year. The owner or operator of a type III landfill that is a
6 captive facility shall pay the surcharge under subsection (1)(b) by
7 January 31 of each year.

8 (3) The owner or operator of a landfill ~~or municipal solid~~
9 ~~waste incinerator~~ who is required to pay the surcharge under
10 subsection (1) may pass through and collect the surcharge from any
11 person who generated the solid waste or who arranged for its
12 delivery to the solid waste hauler or transfer facility
13 notwithstanding the provisions of any contract or agreement to the
14 contrary or the absence of any contract or agreement.

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

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