



**House
Legislative
Analysis
Section**

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THE APPARENT PROBLEM:

Several regulatory statutes require the administering department to promulgate rules establishing fees for obtaining permits, inspections and the like. Under the administrative rules procedure, the departments must submit their proposed rules for approval by the Joint Committee on Administrative Rules. Since many consider these fees to be a form of tax, members of the rules committee propose placing these fees in the appropriate statutes, so that the whole legislature will have the opportunity, and share in the responsibility, for making changes in them.

THE CONTENT OF THE BILL:

House Bill 5549 would amend the Solid Waste Management Act to place in statute the construction permit application fee schedule for solid waste disposal facilities currently existing in administrative rules, as follows:

Fee	Amount
Site size	
Landfills	
• less than 5 acres	\$100
• 5-19 acres	\$170
• 20-79 acres	\$240
• 80 acres or more	\$320
Estimated waste volume per day	
• less than 50 cu yds	\$ 60
• 50-100 cu yds	\$ 80
• 101-700 cu yds	\$100
• more than 700 cu yds	\$130
Nature of the waste	
• residential	\$100
• industrial or combination residential & industrial	\$125
Hydrogeological characteristics	
• natural soil	\$ 40
• compacted clay	\$ 70
• synthetic liner	\$100
Transfer facilities	
• less than 5 acres	\$ 50
• 5 acres or more	\$100
Building size	
• less than 500 sq ft	\$ 50
• 500-1,000 sq ft	\$100
• more than 1,000 sq ft	\$150
Nature of the waste	
• residential	\$100
• industrial or combination of residential & industrial	\$150
Site characteristics	
• high, dry site with no groundwater or surface water problems	\$ 50
• surface water on site	\$ 75
Estimated waste volume per day	
• less than 50 cu yds	\$ 50
• 50-500 cu yds	\$100
• more than 500 cu yds	\$150
Renewal permit	
• less than 5 acres	\$ 25
• 5-19 acres	\$100
• 20-79 acres	\$150
• 80 acres or more	\$230
• less than 50 cu yds	\$ 15
• 50-100 cu yds	\$ 30
• 101-700 cu yds	\$ 50
• more than 700 cu yds	\$100
• residential	\$ 50
• industrial or combination residential & industrial	\$ 75
• natural soil	\$ 10
• compacted clay	\$ 30
• synthetic liner	\$ 70
• less than 5 acres	\$ 15
• 5 acres or more	\$ 75
• less than 500 sq ft	\$ 20
• 500-1,000 sq ft	\$ 60
• more than 1,000 sq ft	\$100
• residential	\$ 30
• industrial or combination of residential & industrial	\$ 90
• high, dry site with no groundwater or surface water problems	\$ 10
• surface water on site	\$ 30
• less than 50 cu yds	\$ 25
• 50-500 cu yds	\$ 75
• more than 500 cu yds	\$125

CONSTRUCTION PERMIT APPLICATION FEES

House Bills 5549 and 5550 with committee amendments
House Bill 5551 as introduced
First Analysis (3-28-90)

Sponsor: Rep. Gary L. Randall

Committee: Conservation, Recreation, & Environment

MCL 299.410

House Bill 5550 would amend the Hazardous Waste Management Act to place in statute the option of calculating construction permit application fees based on the actual cost of construction permit review according to procedures established by rule, and place into the statute the construction permit application fee system for hazardous waste disposal facilities, currently in administrative rules, as follows:

Fee	Amount
Type of facility	
• landfill, surface impoundment, land treatment or waste pile facility	\$9,000
• incinerator or treatment facility other than a treatment facility listed above	\$7,200
• storage facility, other than storage associated with treatment or disposal activities regulated under a single permit	\$ 500
Site size	
Landfill, surface impoundment, land treatment, or waste pile facility (except waste piles meeting the requirements of federal rules)	
• less than 5 acres	\$ 100
• 5-19 acres	\$ 170
• 20-79 acres	\$ 240
• 80 acres or more	\$ 320
Treatment or storage facility other than those listed above	
• less than 5 acres	\$ 50
• 5-19 acres	\$ 100
• 20-79 acres	\$ 100
• 80 acres or more	\$ 100
Projected waste volume per day	
Landfill, surface impoundment, land treatment, or waste pile facility	
• less than 50 cubic yards or 10,000 gal.	\$ 60
• 50-100 cu yds or 10-20,000 gal	\$ 80
• 101-700 cu yds or 20-140,000 gal	\$ 100
• more than 700 cu yds or more than 140,000 gal	\$ 130
Treatment or storage facility other than those listed directly above	
• less than 50 cu yds or 10,000 gal	\$ 50
• 50-100 cu yds or 10-20,000 gal	\$ 100
• 101-700 cu yds or 20-140,000 gal	\$ 100
• more than 700 cu yds or more than 140,000 gal	\$ 150
Hydrogeological characteristics	
Landfill, surface impoundment, land treatment, or certain waste pile facilities	
• natural clay	\$ 40
• natural sand	\$ 60
• compacted clay	\$ 70
• artificially lined (other materials)	\$ 100
• any combination of the above	\$ 100
Surface water in a treatment or storage facility, other than facilities listed directly above	
• \$75	

H.B. 5549-5551 (3-16-90)

MCL 299.518

Under current law, the Water Resources Commission is required to establish by rule water pollution surveillance fees in order to provide for surveillance, investigation, monitoring and other activities necessary to ensure greater protection of the state's water quality. House Bill 5551 would repeal this provision.

MCL 323.13

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, House Bill 5551 would have no fiscal implications for the state. No fiscal information is available concerning House Bills 5549 and 5550. (3-28-90)

ARGUMENTS:

For:

The legislature is held accountable for fees and the programs that the fees help implement. However, in many instances the legislative body does not have the amount of input that it should have when fees are established or increased. Some consider mandatory fees to be just like taxes, and the legislature should be responsible for increasing or decreasing these types of fees. The bills would place the responsibility for establishment and regulation of fees where it belongs, with the legislature as a whole. In addition, House Bill 5551 would delete obsolete language that addresses fees that were rescinded by the Department of Natural Resources in 1984 and will ensure that future surveillance fees will be established by the legislature.

POSITIONS:

A representative of the Department of Natural Resources testified that the department is neither opposed to nor in favor of the bills. (3-27-90)