

HOUSE BILL No. 4723

April 27, 1989, Introduced by Reps. Dunaskiss, London, Varga, Bandstra, Trim, Dolan, Hoekman, Willis Bullard, Emmons, Brown, Strand, Giese, Bartnik, Krause, Scott, Munsell, Miller, Sofio, DeBeaussaert, Palamara, Pitoniak and Johnson and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 10 of Act No. 641 of the Public Acts of 1978, entitled

"Solid waste management act,"

as amended by Act No. 209 of the Public Acts of 1987, being section 299.410 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of Act No. 641 of the Public Acts of
2 1978, as amended by Act No. 209 of the Public Acts of 1987, being
3 section 299.410 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 10. (1) Except as otherwise provided in section 22a, a
6 person otherwise allowed under this act to own or operate a solid
7 waste disposal area shall not establish a disposal area without a
8 construction permit from the director, contrary to an approved
9 solid waste management plan, or contrary to a permit, license, or

1 final order issued pursuant to this act. A person proposing the
2 establishment of a disposal area shall make application for a
3 construction permit to the director through the health officer on
4 a form provided by the director. If the disposal area is located
5 in a county or city that does not have a certified health depart-
6 ment, the application shall be made directly to the director.

7 (2) The application for a construction permit shall contain
8 the name and residence of the applicant, the location of the pro-
9 posed disposal area, THE DISCLOSURE INFORMATION REQUIRED UNDER
10 SUBSECTION (4), and other information considered necessary by the
11 director. The application shall be accompanied by an engineering
12 plan and a construction permit application fee that has been
13 established on a graduated scale from \$300.00 to \$700.00. The
14 director shall establish by rule the scale for determining the
15 initial construction permit application fees. The criteria for
16 determining the application fee for a construction permit for a
17 disposal area that is a sanitary landfill shall include, at a
18 minimum, site size, projected waste volume, nature of the waste,
19 and hydrogeological characteristics. The criteria for determin-
20 ing the application fee for a construction permit for a disposal
21 area that is either a solid waste transfer facility or a process-
22 ing plant shall include, at a minimum, the projected waste volume
23 and the nature of the waste. A construction permit application
24 for a disposal area that is a sanitary landfill shall be accom-
25 panied by a determination of existing hydrogeological conditions
26 specified in a hydrogeological report and monitoring program
27 consistent with rules promulgated by the director for groundwater

1 quality standards, an environmental assessment, and an
2 engineering plan.

3 (3) An applicant for a construction permit, within 6 months
4 after a permit denial, may resubmit the application, together
5 with the additional information as needed to address the reasons
6 for denial, without being required to pay an additional applica-
7 tion fee.

8 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
9 APPLICATION FOR A CONSTRUCTION PERMIT SHALL INCLUDE A DISCLOSURE
10 STATEMENT THAT INCLUDES ALL OF THE FOLLOWING:

11 (A) THE FULL NAME AND BUSINESS ADDRESS OF ALL OF THE
12 FOLLOWING:

13 (i) THE APPLICANT.

14 (ii) THE 5 PERSONS HOLDING THE LARGEST SHARES OF THE EQUITY
15 IN OR DEBT LIABILITY OF THE PROPOSED DISPOSAL AREA, AND IF 1 OR
16 MORE OF THOSE 5 PERSONS ARE A CORPORATION, THEN THE 5 PERSONS
17 THAT HOLD THE LARGEST SHARES OF THE EQUITY IN OR DEBT LIABILITY
18 OF THAT CORPORATION. THE DIRECTOR MAY WAIVE ALL OR ANY PORTION
19 OF THIS REQUIREMENT FOR AN APPLICANT THAT IS A CORPORATION WHICH
20 HAS PUBLICLY TRADED STOCK.

21 (iii) THE OPERATOR, IF KNOWN.

22 (iv) IF KNOWN, THE 3 EMPLOYEES OF THE OPERATOR WHO WILL HAVE
23 THE MOST RESPONSIBILITY FOR THE DAY-TO-DAY OPERATION OF THE
24 FACILITY.

25 (v) ANY OTHER BUSINESS ENTITY LISTED IN THE DEFINITION OF
26 PERSON IN SECTION 5(4) IN WHICH ANY PERSON REQUIRED TO BE LISTED
27 IN SUBDIVISIONS (i) TO (iv) HAS AT ANY TIME HAD 25% OR MORE OF

1 THE EQUITY IN OR DEBT LIABILITY OF THAT BUSINESS ENTITY. THE
2 DIRECTOR MAY WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR AN
3 APPLICANT THAT IS A CORPORATION WHICH HAS PUBLICLY TRADED STOCK.

4 (B) ALL CONVICTIONS FOR CRIMINAL VIOLATIONS OF ANY ENVIRON-
5 MENTAL STATUTE PROMULGATED BY A FEDERAL, STATE, CANADIAN, OR PRO-
6 VINCIAL AGENCY FOR EACH PERSON REQUIRED TO BE LISTED UNDER THIS
7 SUBSECTION. IF DEBT LIABILITY IS HELD BY A CHARTERED LENDING
8 INSTITUTION, INFORMATION REQUIRED IN THIS SUBDIVISION AND SUBDI-
9 VISIONS (C) AND (D) SHALL NOT BE REQUIRED FROM THAT INSTITUTION.

10 (C) A LISTING OF ALL ENVIRONMENTAL PERMITS OR LICENSES
11 ISSUED BY A FEDERAL, STATE, CANADIAN, OR PROVINCIAL AGENCY HELD
12 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION THAT
13 WERE PERMANENTLY REVOKED BECAUSE OF NONCOMPLIANCE.

14 (D) A LISTING OF ALL ACTIVITIES AT PROPERTY OWNED OR OPER-
15 ATED BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION,
16 IF THE INCIDENT RESULTED IN A THREAT OR POTENTIAL THREAT TO THE
17 ENVIRONMENT, AND PUBLIC FUNDS WERE USED TO FINANCE AN ACTIVITY TO
18 MITIGATE THE THREAT OR POTENTIAL THREAT TO THE ENVIRONMENT,
19 EXCEPT IF THE PUBLIC FUNDS EXPENDED TO FACILITATE THE MITIGATION
20 OF ENVIRONMENTAL CONTAMINATION WERE VOLUNTARILY AND EXPEDITIOUSLY
21 RECOVERED FROM THE APPLICANT OR OTHER LISTED PERSON WITHOUT
22 LITIGATION.

23 (5) IF ANY INFORMATION REQUIRED TO BE INCLUDED IN THE DIS-
24 CLOSURE STATEMENT CHANGES, OR IS SUPPLEMENTED AFTER THE FILING OF
25 THE STATEMENT, THE APPLICANT, PERMITTEE, OR LICENSEE SHALL PRO-
26 VIDE THAT INFORMATION TO THE DEPARTMENT IN WRITING, WITHIN 30
27 DAYS OF THE CHANGE OR ADDITION.

1 (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DIRECTOR
2 MAY DENY AN APPLICATION FOR A CONSTRUCTION PERMIT IF THERE ARE
3 ANY LISTINGS PURSUANT TO SUBSECTION (4)(B), (C), OR (D) AS ORIGI-
4 NALLY DISCLOSED OR AS SUPPLEMENTED.