

SENATE BILL No. 57

January 23, 2003, Introduced by Senators BISHOP, KUIPERS, GARCIA, GOSCHKA, CROPSEY, TOY, BIRKHOLZ, ALLEN and BROWN 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," by amending sections 11526 and 11549 (MCL 324.11526 and 324.11549) and by adding sections 11526a and 11526b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11526. ~~The~~ **Subject to section 11526a, the**
2 department, a health officer, or a law enforcement officer of
3 competent jurisdiction may inspect a solid waste transporting
4 unit that is being used to transport solid waste along a public
5 road to determine if the solid waste transporting unit is
6 designed, maintained, and operated in a manner to prevent
7 littering or to determine if the owner or operator of the solid
8 waste transporting unit is performing in compliance with this
9 part and the rules promulgated under this part.

10 Sec. 11526a. (1) **The department shall inspect at the**

SENATE BILL No. 57

1 Michigan border each solid waste transporting unit that is being
2 used to transport solid waste from Canada along a public road to
3 determine all of the following:

4 (a) If the solid waste transporting unit is designed,
5 maintained, and operated in a manner to prevent littering.

6 (b) If the owner or operator of the solid waste transporting
7 unit is performing in compliance with this part and the rules
8 promulgated under this part.

9 (c) If the solid waste or any component of the solid waste
10 poses a threat to the health or safety of the people of this
11 state.

12 (2) The department shall charge a uniform fee based on the
13 volume of the solid waste inspected under subsection (1) and
14 sufficient to pay the reasonable costs of inspections under
15 subsection (1). If the waste is municipal solid waste, the fee
16 shall be charged to the municipality whose residents generated
17 the waste. If the waste is not municipal solid waste, the fee
18 shall be charged to the person that generated the waste.

19 (3) Within 90 days after the end of each month, the
20 department shall notify each person liable for payment of a fee
21 under subsection (2) of the amount of the fee owed for that
22 month. Payment is due within 90 days of the mailing date of the
23 fee notification. If an assessed fee is challenged under
24 subsection (5), payment is due within 90 days of the mailing date
25 of the fee notification or within 30 days of receipt of a revised
26 fee or statement supporting the original fee, whichever is
27 later. The department shall deposit all fees collected under

1 this section to the credit of the solid waste inspection fund
2 established under section 11526b.

3 (4) If a person charged a fee under subsection (2) fails to
4 submit the amount due within the time period specified in
5 subsection (3), the department shall assess the person a penalty
6 of 5% of the amount of the unpaid fee for each month that the
7 payment is overdue up to a maximum penalty of 25% of the total
8 fee owed.

9 (5) If a person charged a fee under subsection (2) desires to
10 challenge the fee, the person shall submit the challenge in
11 writing to the department. The department shall not process the
12 challenge unless it is received by the department within 45 days
13 of the mailing date of the fee notification described in
14 subsection (3). A challenge shall state the grounds upon which
15 the challenge is based. Within 30 calendar days of receipt of
16 the challenge, the department shall determine the validity of the
17 challenge and provide the person with notification of a revised
18 fee or a statement setting forth the reason or reasons why the
19 fee was not revised. Payment of the challenged or revised fee is
20 due within the time frame described in subsection (3). If a
21 person desires to further challenge its assessed fee, the person
22 has an opportunity for a contested case hearing as provided for
23 under the administrative procedures act of 1969, 1969 PA 306, MCL
24 24.201 to 24.328.

25 (6) If a fee is more than 5 months overdue, the department
26 shall request the attorney general to bring an action for relief
27 under section 11546. Upon finding that a fee is more than 5

1 months overdue, the court shall enjoin the transportation into
2 this state of solid waste from the person that owes the fee.

3 Sec. 11526b. (1) The solid waste inspection fund is created
4 within the state treasury. The state treasurer may receive money
5 from any source for deposit into the fund. The state treasurer
6 shall direct the investment of the fund. The state treasurer
7 shall credit to the fund interest and earnings from fund
8 investments.

9 (2) Money in the solid waste inspection fund at the close of
10 the fiscal year shall remain in the fund and shall not lapse to
11 the general fund.

12 (3) Money shall be expended from the solid waste inspection
13 fund, upon appropriation, only to pay for inspections required by
14 section 11526a.

15 Sec. 11549. (1) ~~A~~ Except as provided in subsection (2), a
16 person who violates this part, a rule promulgated under this
17 part, or a condition of a permit, license, or final order issued
18 pursuant to this part is guilty of a misdemeanor punishable by a
19 fine of not more than \$1,000.00 for each violation and costs of
20 prosecution and, if in default of payment of fine and costs,
21 imprisonment for not more than 6 months. Each day upon which a
22 violation occurs is a separate offense.

23 (2) A solid waste hauler that transports into this state
24 solid waste from Canada that has not been inspected as required
25 under section 11526a is guilty of a misdemeanor punishable by a
26 fine and costs of prosecution. The fine shall be not more than
27 the following:

- 1 (a) For a first offense under this subsection, \$1,000.00.
- 2 (b) For a second offense under this subsection, \$2,000.00.
- 3 (c) For a third or subsequent offense under this subsection,
- 4 \$10,000.00.