



**House  
Legislative  
Analysis  
Section**

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**REGULATE IMPORTATION OF SOLID WASTE**

**RECEIVED**

House Bill 5524 as enrolled  
Second Analysis (12-14-88)

FEB 08 1989

Sponsor: Rep. Mat J. Dunaskiss Mich. State Law Library  
House Committee: Conservation and Environment  
Senate Committee: Natural Resources and  
Environmental Affairs

**THE APPARENT PROBLEM:**

Michigan's Solid Waste Management Act was enacted in 1978 to help the state better regulate the disposal of trash at licensed landfills throughout the state. Solid waste disposal management remains one of the state's most pressing concerns, perhaps most clearly evident in the legislature's recent action to place on the November ballot an \$800 million bond proposal to clean up the environment. As solid waste landfills continue to decrease in number, many feel the state needs tougher laws to ensure that limited space in remaining landfills is utilized primarily by citizens of the state for dumping refuse. (In fact, the state hopes to find ways to use landfills in conjunction with recycling plants, in order to limit landfill use as much as possible.) Reportedly, refuse from large metropolitan areas in the East and Midwest is often shipped to other areas of the country where it can be dumped at a much lower cost — sometimes as much as five times less. As the exportation of waste from large cities continues to increase, a number of states have attempted to prohibit imported refuse altogether, only to find themselves violating others' constitutional rights to interstate commerce. (The U.S. Supreme Court, in a 1978 case, Philadelphia v. New Jersey, ruled that such prohibition was unconstitutional.) Although Michigan cannot legally ban imported refuse, the Solid Waste Management Act permits local and state health and environmental officials to sanction landfills if they exceed their own waste management limits. Not only are some landfills believed to be exceeding their solid waste limits, some are accepting waste contaminated with high levels of hazardous materials such as lead, sometimes without even knowing it. Some feel that since the state cannot legally ban the importation of waste into the state, it should at least attempt to better regulate those who transport and accept it for disposal here, with the objective of reducing imported waste as much as possible.

**THE CONTENT OF THE BILL:**

The bill would amend the Solid Waste Management Act to prohibit a person from accepting solid waste that was not generated in the county in which the disposal area was located unless the acceptance of that waste were explicitly authorized in the county's solid waste management plan. The bill would clarify a section of the act which permits a county landfill to accept solid waste generated in another county by specifying that a disposal area could serve the disposal needs of another county, state, or country only if the service were explicitly authorized in the approved solid waste management plan of the receiving county. Regarding intercounty service within the state, the service would also have to be explicitly authorized in the exporting county's solid waste management plan.

MCL 299.413 and 299.420a

**FISCAL IMPLICATIONS:**

According to the House Fiscal Agency, the bill would not affect state expenditures. (9-26-88)

**ARGUMENTS:**

**For:**

Exporting trash from large metropolitan areas to distant sites has become more common as refuse companies take advantage of cost savings from transporting trash over road and rail to cheaper areas of the country. In fact, such exportation of garbage can have lucrative possibilities when investors charge high prices for hauling away garbage from highly populated regions, and then ship it at low prices to inexpensive landfills (sometimes which they themselves own) in other parts of the country. Some have estimated that a company can realize a \$500,000 profit for every 5,000 tons of garbage hauled — an average one-day's haul. While these companies enjoy the huge profits from such ventures, landfills that accept the garbage must find ways to handle both locally-generated incoming trash and that from other states. Michigan already has a number of dumping sites considered contaminated beyond human health standards. Pollution appears in many forms near state landfills: contaminated drinking water, blackened skies, and littered countryside. Further, state landfills are filling up faster than state and local waste management officials had once planned they would — not only due to imported garbage, but also because materials that could be disposed of elsewhere are filling up remaining landfill space, such as bags stuffed with grass clippings and leaves. Although the state cannot prohibit the importation of trash, it should at least assure state residents they are not accepting hazardous (or hazardous amounts of) waste, by requiring that state landfill operators accept only "clean" trash in amounts that account for future domestic dumping. This bill would give local waste management officials more power to deny the importation of trash that threatens the present or future well-being of state residents.

**For:**

The bill would help the state defend its position in some current cases involving blatant misuse of state landfills for dumping other states' trash. In one instance, a Pittsburgh-based firm recently purchased a landfill near Port Huron, apparently in order to dump 5,000 tons of garbage shipped daily straight from New York City. After local health officials ordered the landfill to shut down, the company filed a suit which is currently before a circuit court. By requiring landfill operators to get permission from local health department officials to dump out-of-state trash, the bill would strengthen the state's case in shutting down any landfills which attempted to operate beyond local waste management levels.

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