

HOUSE BILL No. 4461

April 13, 1999, Introduced by Reps. Hale, Bogardus, LaForge, Schermesser, Brewer, Minore, Jamnick, Hansen, Reeves, Gielegem, Lemmons, Hardman, Martinez, Vaughn, Switalski, Daniels, Clark, Stallworth, Frank, Mans and Woodward and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11527 (MCL 324.11527) and by adding sections 11527a, 11527b, 11527c, 11527d, 11532a, and 11551.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11527. (1) A solid waste hauler transporting solid
2 waste over a public road in this state shall deliver all waste to
3 a disposal area or solid waste transfer facility licensed under
4 this part and shall use only a vehicle or container that does not
5 contribute to littering and that conforms to the rules promul-
6 gated by the department.

7 (2) EACH SOLID WASTE TRANSPORTING UNIT USED FOR THE TRANS-
8 PORT OF SOLID WASTE SHALL CONTAIN A DECAL AS PRESCRIBED BY THE
9 DEPARTMENT CLEARLY IDENTIFYING IT AS A SOLID WASTE TRANSPORTING
10 UNIT.

1 (3) ~~-(2)-~~ A solid waste hauler who violates this part or a
2 rule promulgated under this part, or who is responsible for a
3 vehicle that has in part contributed to a violation of this part
4 or a rule promulgated under this part, is subject to a penalty as
5 provided in section 11549.

6 SEC. 11527A. (1) A PERSON SHALL NOT ENGAGE IN BUSINESS
7 WITHIN THIS STATE AS A SOLID WASTE HAULER WITHOUT OBTAINING A
8 SOLID WASTE HAULER BUSINESS LICENSE FROM THE DEPARTMENT.
9 ADDITIONALLY, EACH SOLID WASTE TRANSPORTING UNIT USED TO TRANS-
10 PORT SOLID WASTE OFF SITE SHALL BE LICENSED UNDER THIS PART. AN
11 APPLICATION FOR A SOLID WASTE HAULER BUSINESS LICENSE OR A SOLID
12 WASTE TRANSPORTING UNIT LICENSE SHALL BE MADE ON A FORM PROVIDED
13 BY THE DEPARTMENT.

14 (2) AN APPLICATION FOR A SOLID WASTE HAULER BUSINESS LICENSE
15 SHALL BE ACCOMPANIED BY THE FOLLOWING:

16 (A) A SOLID WASTE HAULER BUSINESS LICENSE APPLICATION FEE OF
17 \$200.00.

18 (B) A SOLID WASTE TRANSPORTING UNIT LICENSE APPLICATION FEE
19 OF \$30.00 FOR EACH SOLID WASTE TRANSPORTING UNIT USED BY THE
20 SOLID WASTE HAULER TO TRANSPORT SOLID WASTE.

21 (C) A BOND IN THE AMOUNT OF \$75.00 FOR EACH TON OF SOLID
22 WASTE PROJECTED TO BE TRANSPORTED BY THE SOLID WASTE HAULER AS
23 DETERMINED BY THE DEPARTMENT DURING THE TERM OF THE SOLID WASTE
24 HAULER BUSINESS LICENSE.

25 (3) THE SOLID WASTE HAULER BUSINESS LICENSE APPLICATION FEE
26 AND THE SOLID WASTE TRANSPORTING UNIT LICENSE APPLICATION FEE
27 SHALL BE REFUNDED IF THE APPLICATION IS DENIED BY THE DEPARTMENT.

1 SEC. 11527B. UPON SUBMISSION OF THE SOLID WASTE HAULER
2 BUSINESS LICENSE APPLICATION, THE DEPARTMENT SHALL EXAMINE THE
3 APPLICATION TO ENSURE THAT IT IS COMPLETE AND SHALL CONDUCT AN
4 INSPECTION TO VERIFY THAT THE EQUIPMENT, LOCATION, AND METHODS OF
5 THE APPLICANT ARE ADEQUATE TO PROVIDE SOLID WASTE TRANSPORT SERV-
6 ICES UNDER THIS PART AND THE RULES PROMULGATED UNDER THIS PART.
7 THE DEPARTMENT SHALL ESTABLISH, BY RULE, THE INSPECTION STANDARDS
8 AND REQUIREMENTS. UPON APPROVAL OF THE APPLICATION, THE DEPART-
9 MENT SHALL ISSUE A SOLID WASTE HAULER BUSINESS LICENSE AND A
10 SOLID WASTE TRANSPORTING UNIT LICENSE FOR EACH SOLID WASTE TRANS-
11 PORTING UNIT OPERATED BY THE SOLID WASTE HAULER. A SOLID WASTE
12 HAULER BUSINESS LICENSE OR A SOLID WASTE TRANSPORTING UNIT
13 LICENSE IS NOT TRANSFERABLE FROM A BUSINESS OR SOLID WASTE TRANS-
14 PORTING UNIT TO ANOTHER BUSINESS OR SOLID WASTE TRANSPORTING
15 UNIT. A SOLID WASTE TRANSPORTING UNIT USED TO TRANSPORT OR CARRY
16 SOLID WASTE SHALL CARRY THE SOLID WASTE TRANSPORTING UNIT LICENSE
17 AT ALL TIMES. A SOLID WASTE TRANSPORTING LICENSE MAY BE
18 INSPECTED BY THE DEPARTMENT, AN AUTHORIZED REPRESENTATIVE OF THE
19 DEPARTMENT, OR A PEACE OFFICER.

20 SEC. 11527C. (1) A SOLID WASTE HAULER BUSINESS LICENSE AND
21 A SOLID WASTE TRANSPORTING UNIT LICENSE ISSUED PURSUANT TO SEC-
22 TION 11527B EXPIRE 2 YEARS AFTER THE DATE OF ISSUANCE. AN APPLI-
23 CATION FOR RENEWAL OF A LICENSE SHALL BE SUBMITTED AT LEAST 60
24 DAYS BEFORE EXPIRATION OF THE LICENSE.

25 (2) THE DEPARTMENT SHALL REVOKE A SOLID WASTE HAULER BUSI-
26 NESS LICENSE ISSUED UNDER THIS PART IF THE DEPARTMENT DETERMINES,
27 AFTER PROVIDING AN OPPORTUNITY FOR A CONTESTED CASE HEARING

1 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
2 PA 306, MCL 24.201 TO 24.328, THAT THE HOLDER OF THE LICENSE HAS
3 DISPOSED OF SOLID WASTE AT A SOLID WASTE DISPOSAL AREA THAT IS
4 NOT IN COMPLIANCE WITH THIS PART OR THE RULES PROMULGATED UNDER
5 THIS PART OR HAS USED A SOLID WASTE TRANSPORTING UNIT CONTRARY TO
6 THIS PART OR THE RULES PROMULGATED UNDER THIS PART.

7 SEC. 11527D. (1) THE DEPARTMENT, BY RULE, SHALL ESTABLISH
8 AND IMPLEMENT A MANIFEST SYSTEM TO IDENTIFY THE QUANTITY, COMPO-
9 SITION, ORIGIN, ROUTING, AND DESTINATION OF DURABLE GOODS DURING
10 THEIR TRANSPORTATION FROM THE POINT THE DURABLE GOODS BECOME
11 SOLID WASTE TO THE POINT OF THEIR DISPOSAL.

12 (2) AS USED IN THIS SECTION, "DURABLE GOODS" MEANS ITEMS, AS
13 IDENTIFIED BY RULE, THAT ARE OF A SIZE AND NATURE THAT ARE GENER-
14 ALLY PICKED UP AND DISPOSED OF SEPARATELY FROM RESIDENTIALLY GEN-
15 ERATED SOLID WASTE SUCH AS APPLIANCES, FURNITURE, CARPETS AND
16 RUGS, TIRES, LEAD ACID BATTERIES, AND OTHER OVERSIZED AND BULKY
17 DURABLE ITEMS.

18 SEC. 11532A. (1) THERE IS IMPOSED UPON EACH CUBIC YARD OF
19 SOLID WASTE AND MUNICIPAL SOLID WASTE INCINERATOR ASH DISPOSED OF
20 IN A LANDFILL IN THIS STATE A SOLID WASTE ENFORCEMENT REGULATORY
21 FEE OF 8 CENTS. THE SOLID WASTE ENFORCEMENT REGULATORY FEE
22 IMPOSED UNDER THIS SECTION SHALL BE COLLECTED BY THE OWNER OR
23 OPERATOR OF THE LANDFILL AND SHALL BE FORWARDED TO THE DEPARTMENT
24 IN THE MANNER AND ALONG WITH ANY SUPPORTING DOCUMENTATION
25 REQUIRED BY THE DEPARTMENT.

26 (2) THE DEPARTMENT SHALL FORWARD SOLID WASTE ENFORCEMENT
27 REGULATORY FEES COLLECTED UNDER THIS SECTION TO THE STATE

1 TREASURER FOR DEPOSIT IN THE SOLID WASTE ENFORCEMENT FUND CREATED
2 IN SECTION 11551.

3 SEC. 11551. (1) THE SOLID WASTE ENFORCEMENT FUND IS CREATED
4 WITHIN THE STATE TREASURY.

5 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
6 FROM ANY SOURCE FOR DEPOSIT INTO THE SOLID WASTE ENFORCEMENT
7 FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
8 SOLID WASTE ENFORCEMENT FUND. THE STATE TREASURER SHALL CREDIT
9 TO THE SOLID WASTE ENFORCEMENT FUND INTEREST AND EARNINGS FROM
10 FUND INVESTMENTS.

11 (3) MONEY IN THE SOLID WASTE ENFORCEMENT FUND AT THE CLOSE
12 OF THE FISCAL YEAR SHALL REMAIN IN THE SOLID WASTE ENFORCEMENT
13 FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

14 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE SOLID WASTE
15 ENFORCEMENT FUND, UPON APPROPRIATION, ONLY FOR THE ENFORCEMENT OF
16 THIS PART. IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPART-
17 MENT EXPEND MONEY IN THE SOLID WASTE ENFORCEMENT FUND TO EMPLOY
18 NOT LESS THAN 33 ENVIRONMENTAL CONSERVATION OFFICERS TO WORK
19 EXCLUSIVELY IN THE ENFORCEMENT OF THIS PART.