



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4098 (Substitute H-4 as passed by the House)
Sponsor: Representative Paul Gielegem
House Committee: Land Use and Environment
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 2-17-04

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- Require the Department of Environmental Quality (DEQ) to notify each state and Canada that disposal areas in Michigan would not accept out-of-State waste unless the DEQ certified that the generating state or country had a waste disposal regulatory system at least stringent as this State's system.**
- Require the DEQ to compile a list of certified states and countries, and give the list to each person licensed to operate a disposal area.**
- Prohibit a person from accepting waste from an uncertified state or country.**
- Provide that the DEQ would not be required to issue a construction permit for a new landfill in a county, and a county would not have to identify a new landfill site, if there were sufficient disposal capacity for the county's needs within 150 miles.**

The bill is tie-barred to House Bill 4099. (House Bill 4099 (S-1) would add a definition of "beverage container" to Part 115.)

Certification; Acceptance of Waste

As soon as possible after the bill's effective date, the DEQ would have to notify each state and the country of Canada that disposal areas and incinerators in Michigan would not accept waste that was not generated in this State unless the Department certified that the generating state or country had a solid waste disposal regulatory system that was at least as stringent and protective of the public health, safety, and welfare, and the environment, in terms of what was allowed in the waste stream, as the system in existence in Michigan.

As soon as possible after that notification, the DEQ would have to compile a list certified states and countries having a solid waste disposal regulatory system that made them eligible to dispose of solid waste in Michigan. The DEQ would be required to give the notice and compile the list in order to protect the public health, safety, and welfare, and the environment of this State from solid waste such as tires, batteries, yard clippings, used oil, and similar waste products, whose disposal is restricted in Michigan.

If a country or state wished to be certified by the DEQ, it could supply the Department with documentation supporting the country's or state's claim that it had a regulatory system that was at least as stringent and protective as this State's system, by including copies of all pertinent statutes and copies.

The DEQ would have to prepare a list of states and countries that it had certified, and give a copy of the list to each person licensed to operate a disposal area or municipal solid waste incinerator in Michigan. The bill would prohibit a person from accepting for disposal in this State solid waste or municipal solid waste incinerator ash that was generated in a state or country not on the list.

The bill specifies that these provisions would not prohibit the owner or operator of a disposal area from accepting homogeneous solid waste materials other than municipal solid waste incinerator ash that were generated outside of Michigan, if the materials met this State's requirements for disposal in the disposal area.

The bill would require the DEQ and the Director to ensure that solid waste generated outside of Michigan that was accepted for disposal in this State met the requirements of Part 115 with respect to what waste was allowed in the waste stream.

Report on Increase

By April 15 each year, the Director would have to determine if the amount of solid waste generated outside of this State that was accepted for disposal during the one-year period ending March 30, exceeded the amount of such waste accepted during the preceding corresponding one-year period. If it did, the Director would have to submit to the Senate and House Appropriations Committees recommendations for intradepartmental transfers within the current Department budget to provide additional funding for enforcement of Part 115.

Disposal Capacity

Notwithstanding any provision of Part 115, if there were sufficient disposal capacity for a county's disposal needs in or within 150 miles of the county, all of the following would apply:

- The county would not be required to identify a site for a new landfill in its solid waste management plan.
- An interim siting mechanism would not become operative in the county unless the county board of commissioners determined otherwise.
- The DEQ would not be required to issue a construction permit for a new landfill in the county.

Proposed MCL 324.11513a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would cost the State an indeterminate amount. It would add administrative responsibilities for the Department of Environmental Quality. Qualified staff would need to process documentation from jurisdictions for inclusion on the list of qualified solid waste origins, as well as research and verify the solid waste disposal requirements of out-of-State jurisdictions in order to include them on the list of jurisdictions from which solid waste could be accepted. Shifting appropriations within the DEQ for additional enforcement dollars would affect other programs of the DEQ depending on the amount of funding transferred and its source. The Solid Waste Management Program is currently supported with the Solid Waste Management Fund and any additional support would have to be from the General Fund, since many of the other programs in the DEQ have specific restricted funds supporting them as well.

Landfill owners pay a construction permit fee ranging from \$250 to \$1,500 for new or expansion projects. The proposed limitations on landfill projects would result in less revenue to the Solid Waste Management Fund since fewer permit applications would be approved. The bill also could have a long-term impact on the disposal capacity in the State.

Fiscal Analyst: Jessica Runnels

S0304\4098sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.