

SUBSTITUTE FOR  
HOUSE BILL NO. 4098

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 11513a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11513a. (1) In order to protect the public health,  
2 safety, and welfare, and the environment of this state from solid  
3 waste such as tires, batteries, yard clippings, used oil, and  
4 similar waste products, the disposal of which is restricted in  
5 this state, the department shall do both of the following:  
6       (a) As soon as possible following the effective date of this  
7 section, notify each state and the country of Canada that  
8 disposal areas and incinerators in this state will not accept  
9 waste that is not generated in this state unless the department  
10 certifies that the generating state or country has a solid waste  
11 disposal regulatory system that is at least as stringent and

1 protective of the public health, safety, and welfare, and the  
2 environment, in terms of what waste is allowed in the waste  
3 stream, as is in existence in this state.

4 (b) As soon as possible following the notification under  
5 subdivision (a), compile a list of certified states and countries  
6 that have a solid waste disposal regulatory system that makes  
7 them eligible to dispose of solid waste in this state.

8 (2) A country or state that wishes to be certified by the  
9 department under subsection (1) may supply the department with  
10 documentation that supports its claim that it has a regulatory  
11 system that is at least as stringent and protective as this state  
12 by including copies of all pertinent statutes and rules.

13 (3) The department shall prepare, and provide to each person  
14 licensed to operate a disposal area or municipal solid waste  
15 incinerator in this state a copy of, a list of states and  
16 countries that the department has certified under this section as  
17 having a regulatory system for solid waste that is at least as  
18 stringent as that of this state.

19 (4) A person shall not accept for disposal in this state  
20 solid waste or municipal solid waste incinerator ash that was  
21 generated in a state or country that is not on the list prepared  
22 by the department as required under subsection (3).

23 (5) This section does not prohibit the owner or operator of a  
24 disposal area from accepting homogeneous solid waste materials  
25 other than municipal solid waste incinerator ash that were  
26 generated outside of this state if those materials meet the  
27 requirements of this state for disposal in the disposal area.

## House Bill No. 4098 (H-4) as amended February 5, 2004

1           (6) The director and the department shall ensure that solid  
2 waste generated outside of this state that is accepted for  
3 disposal in this state meets the requirements of this part with  
4 respect to what waste is allowed in the waste stream.

5           (7) By April 15 of each year, the director shall annually  
6 determine if the amount of solid waste generated outside of this  
7 state that was accepted for disposal in this state during the  
8 1-year period ending March 30 of that year exceeded the amount of  
9 such waste accepted for disposal during the preceding  
10 corresponding 1-year period and, if so, shall submit to the  
11 senate and house of representatives appropriations committees  
12 recommendations for intradepartmental transfers within the  
13 current department budget to provide additional funding for  
14 enforcement of this part.

[(8) Notwithstanding any provision of this part, if there is sufficient  
disposal capacity for a county's disposal needs in or within 150 miles of  
the county, all of the following apply:

(a) The county is not required to identify a site for a new landfill  
in its solid waste management plan.

(b) An interim siting mechanism shall not become operative in the  
county unless the county board of commissioners determines otherwise.

(c) The department is not required to issue a construction permit for  
a new landfill in the county.]

15           Enacting section 1. This amendatory act does not take  
16 effect unless House Bill No. 4099 of the 92nd Legislature is  
17 enacted into law.