

HOUSE BILL No. 4761

May 10, 2005, Introduced by Reps. Miller, Kehrl, McDowell, Kathleen Law, Alma Smith, Tobocman, Leland, Angerer, Clack, Zelenko, Condino, Meisner, Brown, Spade, Donigan, Anderson, Byrum, Lipsey, Murphy, Ball and Kolb and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled
 "Natural resources and environmental protection act,"
 by amending section 11526b (MCL 324.11526b), as added by 2004 PA
 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11526b. (1) Not later than October 1 ~~—, 2004—~~ **EACH YEAR**,
 2 the department shall do all of the following:

3 (a) Notify **EACH LOCAL JURISDICTION ON THE CURRENT LIST**
 4 **COMPILED UNDER SUBDIVISION (B) AND** each state, the country of
 5 Canada, and each province in Canada that landfills in this state
 6 will not accept for disposal solid waste that does not comply with
 7 section 11526a.

8 (b) Compile ~~—a—~~ **AN UPDATED** list of countries, states,
 9 provinces, and local jurisdictions that prohibit from disposal in a

1 landfill the ~~items~~ **MATERIALS** prohibited from disposal in a
2 landfill located in this state or that prevent from disposal in a
3 landfill the ~~items~~ **MATERIALS** prohibited from disposal in a
4 landfill located in this state through enforceable solid waste
5 disposal requirements that are comparable to this part.

6 (c) Prepare and provide to each landfill in the state a copy
7 of a list of the countries, states, provinces, and local
8 jurisdictions compiled under subdivision (b).

9 (2) ~~The~~ **SUBJECT TO SUBSECTION (3), THE** department shall
10 include a country, state, province, or local jurisdiction on the
11 list described in subsection (1) if the country, state, province,
12 or local jurisdiction, or another person, provides the department
13 with documentation that the country, state, province, or local
14 jurisdiction prohibits from disposal in a landfill the ~~items~~
15 **MATERIALS** prohibited from disposal in a landfill located in this
16 state or that it prevents from disposal in a landfill the ~~items~~
17 **MATERIALS** prohibited from disposal in a landfill located in this
18 state through enforceable solid waste disposal requirements that
19 are comparable to this part. Such documentation shall include all
20 pertinent statutes, administrative regulations, and ordinances.

21 **(3) AFTER PROVIDING AN OPPORTUNITY FOR A CONTESTED CASE**
22 **HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969**
23 **PA 306, MCL 24.201 TO 24.328, THE DEPARTMENT SHALL REMOVE A**
24 **JURISDICTION FROM THE LIST COMPILED UNDER SUBSECTION (1) IF, BASED**
25 **UPON INSPECTIONS UNDER SECTION 11519 OR 11526, EITHER OF THE**
26 **FOLLOWING APPLIES:**

27 **(A) THE DEPARTMENT DETERMINES THAT, WITHIN ANY 1-YEAR PERIOD,**

1 2 OR MORE LOADS OF WASTE GENERATED IN THAT JURISDICTION AND
2 TRANSPORTED TO THIS STATE FOR DISPOSAL IN A LANDFILL UNDER SECTION
3 11526A(1)(C) CONTAINED MATERIALS IN VIOLATION OF SECTION
4 11514(2)(B), (C), OR (D). THE DEPARTMENT SHALL REMOVE THE
5 JURISDICTION FROM THE LIST FOR 1 YEAR FOR THE FIRST 1-YEAR PERIOD
6 IN WHICH VIOLATIONS DESCRIBED IN THIS SUBDIVISION OCCURRED. THE
7 DEPARTMENT SHALL REMOVE THE JURISDICTION FROM THE LIST FOR 5 YEARS
8 FOR ANY SUBSEQUENT 1-YEAR PERIOD IN WHICH VIOLATIONS DESCRIBED IN
9 THIS SUBDIVISION OCCURRED.

10 (B) THE DEPARTMENT DETERMINES THAT, WITHIN ANY 1-YEAR PERIOD,
11 1 OR MORE LOADS OF WASTE GENERATED IN THAT JURISDICTION AND
12 TRANSPORTED TO THIS STATE FOR DISPOSAL IN A LANDFILL UNDER SECTION
13 11526A(1)(C) CONTAINED MATERIALS IN VIOLATION OF SECTION
14 11514(2)(A) OR (3). THE DEPARTMENT SHALL REMOVE THE JURISDICTION
15 FROM THE LIST FOR 1 YEAR FOR THE FIRST 1-YEAR PERIOD IN WHICH
16 VIOLATIONS DESCRIBED IN THIS SUBDIVISION OCCURRED. THE DEPARTMENT
17 SHALL REMOVE THE JURISDICTION FROM THE LIST FOR 5 YEARS FOR ANY
18 SUBSEQUENT 1-YEAR PERIOD IN WHICH VIOLATIONS DESCRIBED IN THIS
19 SUBDIVISION OCCURRED.