

# SENATE BILL No. 255

February 24, 2005, Introduced by Senators BASHAM, JELINEK, THOMAS, JACOBS, CLARK-COLEMAN, BISHOP, TOY, PATTERSON, BRATER, BERNERO, PRUSI, CHERRY, OLSHOVE, SCOTT, SCHAUER, JOHNSON and EMERSON and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 11108a and 11513a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 11108A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A  
2 MUNICIPALITY MAY IMPOSE AN IMPACT FEE OF NOT MORE THAN 5 CENTS PER  
3 GALLON ON HAZARDOUS WASTE THAT IS DISPOSED OF IN A MULTISOURCE  
4 COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL LOCATED WITHIN THE  
5 MUNICIPALITY. HOWEVER, IF THE MULTISOURCE COMMERCIAL HAZARDOUS  
6 WASTE DISPOSAL WELL IS LOCATED WITHIN A VILLAGE, AN IMPACT FEE  
7 PROVIDED FOR IN THIS SUBSECTION SHALL BE IMPOSED ONLY BY THE  
8 TOWNSHIP, AND ONLY WITH THE CONSENT OF THE VILLAGE. THE IMPACT FEE  
9 SHALL BE ASSESSED UNIFORMLY ON ALL HAZARDOUS WASTE ACCEPTED FOR

1 DISPOSAL.

2 (2) A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH THE OWNER  
3 OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL  
4 WELL TO ESTABLISH A HIGHER IMPACT FEE THAN THE IMPACT FEE PROVIDED  
5 FOR IN SUBSECTION (1).

6 (3) THE IMPACT FEE IMPOSED UNDER THIS SECTION SHALL BE  
7 COLLECTED BY THE OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL  
8 HAZARDOUS WASTE DISPOSAL WELL AND SHALL BE PAID TO THE MUNICIPALITY  
9 QUARTERLY BY THE THIRTIETH DAY AFTER THE END OF EACH CALENDAR  
10 QUARTER. HOWEVER, THE IMPACT FEE PAYMENT FOR A MULTISOURCE  
11 COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL UNDER THIS SECTION SHALL  
12 BE REDUCED BY ANY AMOUNT OF REVENUE PAID TO OR AVAILABLE TO THE  
13 MUNICIPALITY FROM THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE  
14 DISPOSAL WELL UNDER THE TERMS OF ANY PREEXISTING AGREEMENTS,  
15 INCLUDING, BUT NOT LIMITED TO, CONTRACTS, SPECIAL USE PERMIT  
16 CONDITIONS, COURT SETTLEMENT AGREEMENT CONDITIONS, AND TRUSTS.

17 (4) THE MUNICIPAL TREASURER SHALL DEPOSIT IMPACT FEE REVENUE  
18 RECEIVED UNDER SUBSECTION (3) IN A RESTRICTED FUND. MONEY IN THE  
19 FUND AT THE CLOSE OF A MUNICIPAL FISCAL YEAR SHALL REMAIN IN THE  
20 FUND AND NOT LAPSE TO ANOTHER FUND. THE MUNICIPALITY SHALL EXPEND  
21 MONEY FROM THE RESTRICTED FUND, UPON APPROPRIATION, ONLY TO PROMOTE  
22 THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE  
23 MUNICIPALITY WITH RESPECT TO THE ACTUAL OR POTENTIAL EFFECTS OF  
24 MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELLS ON NATURAL  
25 RESOURCES OR THE ENVIRONMENT. MONEY IN THE FUND SHALL NOT BE USED  
26 TO BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST AN  
27 OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE

1 DISPOSAL WELL WHO IS COLLECTING AN IMPACT FEE PURSUANT TO  
2 SUBSECTION (3) UNLESS THE OWNER OR OPERATOR OF THE MULTISOURCE  
3 COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL HAS INSTITUTED A LAWSUIT  
4 OR OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.

5 (5) AS USED IN THIS SECTION, "MULTISOURCE COMMERCIAL HAZARDOUS  
6 WASTE DISPOSAL WELL" MEANS THAT TERM AS IT IS DEFINED IN SECTION  
7 62506A.

8 SEC. 11513A. BY APRIL 15 OF EACH YEAR, THE DIRECTOR SHALL  
9 ANNUALLY DETERMINE IF THE AMOUNT OF SOLID WASTE GENERATED OUTSIDE  
10 OF THIS STATE THAT WAS ACCEPTED FOR DISPOSAL IN THIS STATE DURING  
11 THE 1-YEAR PERIOD ENDING MARCH 30 OF THAT YEAR EXCEEDED THE AMOUNT  
12 OF SUCH WASTE ACCEPTED FOR DISPOSAL DURING THE PRECEDING  
13 CORRESPONDING 1-YEAR PERIOD AND, IF SO, SHALL SUBMIT TO THE SENATE  
14 AND HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEES  
15 RECOMMENDATIONS FOR INTRADEPARTMENTAL TRANSFERS WITHIN THE CURRENT  
16 DEPARTMENT BUDGET TO PROVIDE ADDITIONAL FUNDING FOR ENFORCEMENT OF  
17 THIS PART.