

HOUSE BILL No. 5558

October 28, 2009, Introduced by Reps. Scripps, Roberts, Kennedy, Miller, Haase, Haugh, Liss, Smith, Roy Schmidt, Warren, Donigan and Byrum and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11525a (MCL 324.11525a), as amended by 2007 PA 75, and by adding sections 11532a and 11532b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11525a. (1) ~~Until October 1, 2011, the~~ **THE** owner or
2 operator of a landfill shall pay a surcharge as follows:

3 (a) Except as provided in subdivision (b), **UNTIL OCTOBER 1,**
4 **2009,** 7 cents for each cubic yard or portion of a cubic yard of
5 solid waste or municipal solid waste incinerator ash that is
6 disposed of in the landfill during the previous quarter of the
7 state fiscal year.

8 (b) For type III landfills that are captive facilities, the

1 following annual amounts:

2 (i) For a captive facility that receives 100,000 or more cubic
3 yards of waste, \$3,000.00.

4 (ii) For a captive facility that receives 75,000 or more but
5 less than 100,000 cubic yards of waste, \$2,500.00.

6 (iii) For a captive facility that receives 50,000 or more but
7 less than 75,000 cubic yards of waste, \$2,000.00.

8 (iv) For a captive facility that receives 25,000 or more but
9 less than 50,000 cubic yards of waste, \$1,000.00.

10 (v) For a captive facility that receives less than 25,000
11 cubic yards of waste, \$500.00.

12 (2) The owner or operator of a landfill ~~or municipal solid~~
13 ~~waste incinerator~~ shall pay the surcharge under subsection (1)(a)
14 within 30 days after the end of each quarter of the state fiscal
15 year. The owner or operator of a type III landfill that is a
16 captive facility shall pay the surcharge under subsection (1)(b) by
17 January 31 of each year.

18 (3) The owner or operator of a landfill ~~or municipal solid~~
19 ~~waste incinerator~~ who is required to pay the surcharge under
20 subsection (1) may pass through and collect the surcharge from any
21 person who generated the solid waste or who arranged for its
22 delivery to the solid waste hauler or transfer facility
23 notwithstanding the provisions of any contract or agreement to the
24 contrary or the absence of any contract or agreement.

25 (4) Surcharges collected under this section shall be forwarded
26 to the state treasurer for deposit in the solid waste staff account
27 of the solid waste management fund established in section 11550.

1 (5) As used in this section, "captive facility" means a
2 landfill that accepts for disposal only nonhazardous industrial
3 waste generated only by the owner of the landfill or a nonhazardous
4 industrial waste landfill that is specified in section 11525(3).

5 SEC. 11532A. (1) BEGINNING OCTOBER 1, 2009, A RECYCLING AND
6 WASTE DIVERSION SURCHARGE OF \$7.50 IS ASSESSED ON EACH TON OF SOLID
7 WASTE THAT IS DISPOSED OF IN A LANDFILL OR MUNICIPAL SOLID WASTE
8 INCINERATOR.

9 (2) THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID
10 WASTE INCINERATOR SHALL PAY THE RECYCLING AND WASTE DIVERSION
11 SURCHARGE UNDER THIS SECTION TO THE DEPARTMENT WITHIN 30 DAYS AFTER
12 THE END OF EACH QUARTER OF THE STATE FISCAL YEAR. THE DEPARTMENT
13 SHALL FORWARD ALL RECYCLING AND WASTE DIVERSION SURCHARGE REVENUE
14 IT RECEIVES TO THE STATE TREASURER FOR DEPOSIT INTO THE RECYCLING
15 FUND.

16 (3) THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID
17 WASTE INCINERATOR WHO IS REQUIRED TO PAY THE RECYCLING AND WASTE
18 DIVERSION SURCHARGE UNDER SUBSECTION (2) MAY PASS THROUGH AND
19 COLLECT THE SURCHARGE FROM THE GENERATORS OF THE SOLID WASTE OR
20 FROM THE PERSONS WHO ARRANGED FOR ITS DELIVERY TO THE SOLID WASTE
21 HAULER OR TRANSFER FACILITY, NOTWITHSTANDING THE PROVISIONS OF ANY
22 CONTRACT OR AGREEMENT TO THE CONTRARY OR THE ABSENCE OF ANY
23 CONTRACT OR AGREEMENT.

24 SEC. 11532B. (1) THE RECYCLING AND WASTE DIVERSION FUND IS
25 CREATED WITHIN THE STATE TREASURY.

26 (2) RECYCLING AND WASTE DIVERSION SURCHARGE REVENUE UNDER
27 SECTION 11532A SHALL BE DEPOSITED IN THE RECYCLING FUND. THE STATE

1 TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY OTHER SOURCE
2 FOR DEPOSIT IN THE RECYCLING FUND. THE STATE TREASURER SHALL DIRECT
3 THE INVESTMENT OF THE RECYCLING FUND. THE STATE TREASURER SHALL
4 CREDIT TO THE RECYCLING FUND INTEREST AND EARNINGS FROM RECYCLING
5 FUND INVESTMENTS.

6 (3) MONEY IN THE RECYCLING FUND AT THE CLOSE OF THE FISCAL
7 YEAR SHALL REMAIN IN THE RECYCLING FUND AND SHALL NOT LAPSE TO THE
8 GENERAL FUND.

9 (4) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL BE THE
10 ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 5559(request no.
13 01127'09 *) of the 95th Legislature is enacted into law.