

Act No. 77
Public Acts of 2019
Approved by the Governor
September 30, 2019

Filed with the Secretary of State
September 30, 2019

EFFECTIVE DATE: September 30, 2019

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Reps. Hood and Cherry

ENROLLED HOUSE BILL No. 4893

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 11525a (MCL 324.11525a), as amended by 2018 PA 640.

The People of the State of Michigan enact:

Sec. 11525a. (1) The owner or operator of a landfill or coal ash impoundment shall pay a surcharge as follows:

(a) For a landfill or coal ash impoundment that is not a captive facility, 12 cents for each cubic yard or portion of a cubic yard of solid waste or municipal solid waste incinerator ash that is disposed of in the landfill or coal ash impoundment before October 1, 2023.

(b) For a type III landfill or coal ash impoundment that is a captive facility and annually receives the following amount of waste, the following annual corresponding surcharge amount:

- (i) 100,000 or more cubic yards of waste, \$3,000.00.
- (ii) 75,000 or more but less than 100,000 cubic yards of waste, \$2,500.00.
- (iii) 50,000 or more but less than 75,000 cubic yards of waste, \$2,000.00.
- (iv) 25,000 or more but less than 50,000 cubic yards of waste, \$1,000.00.
- (v) Less than 25,000 cubic yards of waste, \$500.00.

(2) The owner or operator of a landfill or coal ash impoundment that is not a captive facility shall pay the surcharge under subsection (1)(a) within 30 days after the end of each quarter of the state fiscal year. The owner or operator of a type III landfill or coal ash impoundment that is a captive facility shall pay the surcharge under subsection (1)(b) by January 31 of each year.

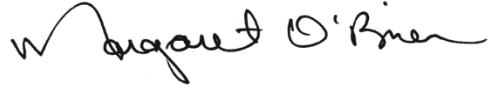
(3) The owner or operator of a landfill or coal ash impoundment who is required to pay the surcharge under subsection (1) shall pass through and collect the surcharge from any person who generated the solid waste or who arranged for its delivery to the solid waste hauler or transfer facility, notwithstanding the provisions of any contract or agreement to the contrary or the absence of any contract or agreement.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor