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RESTRICTIONS ON IMPORTING SOLID WASTE

House Bill 4043

Sponsor: Rep. Jack Brandenburg

Committee: Land Use and Environment

Complete to 2-6-03

A SUMMARY OF HOUSE BILL 4043 AS INTRODUCED 1-28-03

Part 115 of the Natural Resources and Environmental Protection Act (NREPA) deals with solid waste management. The bill would amend Part 115 in the following ways.

- In the event that the United States Congress authorized the states to engage in such regulation, the bill would prohibit a solid waste hauler from transporting or disposing in the state solid waste generated outside the state and would prohibit a solid waste disposal area from accepting such solid waste.

- The bill would prohibit a person from accepting for disposal in a landfill solid waste or municipal solid waste incinerator ash unless the person disposing of the waste or ash certified that it did not contain materials or substances that are prohibited from being disposed of in Michigan under NREPA or associated promulgated rules. The certification would have to be provided to the owner or operator of the landfill before disposal. The landfill owner or operator would have to forward certifications to the Department of Environmental Quality (DEQ).

- However, if the DEQ determined that a state or country had a solid waste regulatory system at least as stringent and as protective as Michigan's, in terms of what is allowed in the waste stream, then waste or ash generated in that state or country would be presumed acceptable for disposal in a landfill. In that case, a person disposing of waste or ash would have to certify that the waste met the criteria of the state or county of origin.

- The DEQ would be required to compile a list of states and countries with solid waste disposal regulatory systems at least as stringent and protective of the public health, safety, and welfare, and the environment, as exists in Michigan. A country or state that wanted to be on the list could supply the department with appropriate documentation, including copies of all pertinent statutes and rules. The DEQ would have to provide a copy of the list to each person licensed to operate a disposal area or municipal solid waste incinerator.

- Making a false representation in a certificate required of a person disposing of waste or ash would be a misdemeanor, punishable by a fine of up to \$50,000 or imprisonment for up to one year, or both.

- The bill also would amend the existing provisions regarding violations of Part 151 (solid waste management). The maximum civil fine would be increased from \$10,000 per day of violation to \$50,000 per day of violation. Civil fines collected would be distributed 75 percent to the general fund for DEQ enforcement of Part 151 and 25 percent to the general fund to be used for volunteer river, stream, and creek cleanup programs.

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- The volunteer cleanup funds would be distributed on a statewide basis to volunteer organizations using a simplified application process providing up to \$5,000 to organizations that provide a 50 percent match. Priority would be given to existing volunteer organizations and targeted to those watersheds with documented pollution problems.

MCL 324.11514a and 324.11546

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.