

HOUSE BILL No. 4043

January 28, 2003, Introduced by Reps. Brandenburg, Kooiman, Acciavatti, LaJoy, Palmer, Milosch, Garfield, Stahl, Pappageorge, Steil, Robertson, Shulman, Gaffney, Ehardt, Hune, Shaffer, Ward, Stakoe and Huizenga and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11546 (MCL 324.11546) and by adding section
11514a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11514a. (1) Subject to subsection (3), a solid waste
2 hauler shall not transport or dispose of solid waste within this
3 state that was generated outside of this state.

4 (2) Subject to subsection (3), a solid waste disposal area
5 shall not accept for disposal solid waste that was generated
6 outside of this state.

7 (3) Subsections (1) and (2) shall not apply unless the United
8 States Congress enacts into law authorization for the states to
9 regulate the transportation and disposal of solid waste.

10 Subsections (1) and (2) shall only apply to the extent and in a

1 fashion authorized by federal law.

2 (4) Subject to subsection (5), a person shall not accept for
3 disposal in a landfill in this state solid waste or municipal
4 solid waste incinerator ash unless the person disposing of the
5 solid waste or municipal solid waste incinerator ash certifies
6 that the solid waste or municipal solid waste incinerator ash
7 does not contain materials or substances that are prohibited from
8 being disposed of in landfills in this state under this act or
9 the rules promulgated under this act. This certification shall
10 be provided to the owner or operator of the landfill before the
11 disposal of the solid waste or municipal solid waste incinerator
12 ash at the landfill on a form provided by the department under
13 subsection (6) or another document containing the same required
14 information. The owner or operator of a landfill shall forward
15 certifications received under this section to the department as
16 required by the department.

17 (5) If the department determines that a state or country has
18 a solid waste disposal regulatory system that is at least as
19 stringent and protective of the public health, safety, and
20 welfare, and the environment, in terms of what waste is allowed
21 in the waste stream, as the regulatory system in this state, then
22 solid waste or municipal solid waste incinerator ash that is
23 generated in that state or country is presumed not to contain
24 materials or substances that are prohibited from being disposed
25 of in landfills in this state under this act or the rules
26 promulgated under this act. A person disposing of solid waste or
27 municipal solid waste incinerator ash from such a state or

1 country shall certify that the waste meets the criteria of the
2 state or country of origin. The department shall compile a list
3 of states and countries that have a solid waste disposal
4 regulatory system that is at least as stringent and protective of
5 the public health, safety, and welfare, and the environment, in
6 terms of what waste is allowed in the waste stream, as the
7 regulatory system in this state. A country or state that wishes
8 to be included on the list prepared by the department may supply
9 the department with documentation, including copies of all
10 pertinent statutes and rules, to support the claim that the
11 country or state is qualified to be included on the list. The
12 department shall provide a copy of the list to each person
13 licensed to operate a disposal area or municipal solid waste
14 incinerator in this state.

15 (6) The department shall provide to the owners or operators
16 of landfills in Michigan copies of certification forms as
17 provided for under subsections (4) and (5).

18 (7) A person who makes a false representation in a
19 certification required under subsection (4) or (5) is guilty of a
20 misdemeanor punishable by a fine of not more than \$50,000.00 or
21 imprisonment for not more than 1 year, or both.

22 (8) If any provision of this section or of this part is for
23 any reason held to be invalid or unconstitutional, the holding
24 does not affect the validity of the remaining provisions of this
25 section or this part.

26 Sec. 11546. (1) The department or a health officer may
27 request that the attorney general bring an action in the name of

1 the people of the state, or a municipality or county may bring an
2 action based on facts arising within its boundaries, for any
3 appropriate relief, including injunctive relief, for a violation
4 of this part or rules promulgated under this part.

5 (2) In addition to any other relief provided by this section,
6 the court may impose on any person who violates any provision of
7 this part or rules promulgated under this part or who fails to
8 comply with any permit, license, or final order issued pursuant
9 to this part a civil fine of not more than ~~-\$10,000.00~~
10 **\$50,000.00** for each day of violation. **All civil fines collected**
11 **under this subsection shall be forwarded to the state treasurer**
12 **for deposit as follows:**

13 (a) **Seventy-five percent in the general fund to be used by**
14 **the department for the enforcement of this part.**

15 (b) **Twenty-five percent in the general fund to be used for**
16 **volunteer river, stream, and creek cleanup programs. The money**
17 **deposited under this subdivision shall be distributed on a**
18 **statewide basis to volunteer organizations for stream, river, and**
19 **creek cleanup projects. Funds shall be distributed through a**
20 **simplified application process providing up to \$5,000.00 to**
21 **organizations that provide a 50% match. Priority shall be given**
22 **to existing volunteer organizations and targeted to those**
23 **watersheds with documented pollution problems.**

24 (3) In addition to any other relief provided by this section,
25 the court may order a person violating this part or the rules
26 promulgated under this part either to restore or to pay to the
27 state an amount equal to the cost of restoring the natural

1 resources of this state affected by the violation to their
2 original condition before the violation, and to pay to the state
3 the costs of surveillance and enforcement incurred by the state
4 as a result of the violation.

5 (4) This part does not preclude any person from commencing a
6 civil action based on facts that may also constitute a violation
7 of this part or the rules promulgated under this part.