

HOUSE BILL No. 4368

February 26, 1991, Introduced by Reps. London, Dalman, Sikkema, Muxlow, McNutt, Willis Bullard, Bobier, Bodem and Middaugh and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 10 of Act No. 641 of the Public Acts of 1978, entitled as amended "Solid waste management act," as amended by Act No. 103 of the Public Acts of 1990, being section 299.410 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of Act No. 641 of the Public Acts of
2 1978, as amended by Act No. 103 of the Public Acts of 1990, being
3 section 299.410 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 10. (1) Except as otherwise provided in section 22a, a
6 person otherwise allowed under this act to own or operate a solid
7 waste disposal area shall not establish a disposal area without a
8 construction permit from the director, contrary to an approved
9 solid waste management plan, or contrary to a permit, license, or

1 final order issued pursuant to this act. A person proposing the
2 establishment of a disposal area shall make application for a
3 construction permit to the director through the health officer on
4 a form provided by the director. If the disposal area is located
5 in a county or city that does not have a certified health depart-
6 ment, the application shall be made directly to the director.

7 (2) The application for a construction permit shall contain
8 the name and residence of the applicant, the location of the pro-
9 posed disposal area, THE DISCLOSURE INFORMATION REQUIRED UNDER
10 SUBSECTION (5), and other information considered necessary by the
11 director. The application shall be accompanied by an engineering
12 plan and a construction permit application fee. A construction
13 application permit fee for a landfill shall be accompanied by a
14 fee in an amount that is the sum of all of the applicable fees in
15 this subsection:

16 (a) For a permitted site size of the following:

17 (i) Less than 5 acres:

18 (A) \$100.00 for a new permit application.

19 (B) \$25.00 for a renewal permit application.

20 (ii) 5 to 19 acres:

21 (A) \$170.00 for a new permit application.

22 (B) \$100.00 for a renewal permit application.

23 (iii) 20 to 79 acres:

24 (A) \$240.00 for a new permit application.

25 (B) \$150.00 for a renewal permit application.

26 (iv) 80 acres or more:

- 1 (A) \$320.00 for a new permit application.
- 2 (B) \$230.00 for a renewal permit application.
- 3 (b) For the estimated solid waste volume per day:
- 4 (i) Less than 50 cubic yards:
- 5 (A) \$60.00 for a new permit application.
- 6 (B) \$15.00 for a renewal permit application.
- 7 (ii) 50 to 100 cubic yards:
- 8 (A) \$80.00 for a new permit application.
- 9 (B) \$30.00 for a renewal permit application.
- 10 (iii) 101 to 700 cubic yards:
- 11 (A) \$100.00 for a new permit application.
- 12 (B) \$50.00 for a renewal permit application.
- 13 (iv) More than 700 cubic yards:
- 14 (A) \$130.00 for a new permit application.
- 15 (B) \$100.00 for a renewal permit application.
- 16 (c) For the nature of the solid waste:
- 17 (i) Residential:
- 18 (A) \$100.00 for a new permit application.
- 19 (B) \$50.00 for a renewal permit application.
- 20 (ii) Industrial or combination residential and industrial:
- 21 (A) \$125.00 for a new permit application.
- 22 (B) \$75.00 for a renewal permit application.
- 23 (d) For hydrogeological characteristics:
- 24 (i) Natural soil:
- 25 (A) \$40.00 for a new permit application.
- 26 (B) \$10.00 for a renewal permit application.

- 1 (ii) Compacted clay:
- 2 (A) \$70.00 for a new permit application.
- 3 (B) \$30.00 for a renewal permit application.
- 4 (iii) Synthetic liner:
- 5 (A) \$100.00 for a new permit application.
- 6 (B) \$70.00 for a renewal permit application.
- 7 (3) The application for a construction permit for a solid
- 8 waste transfer facility or a solid waste processing plant shall
- 9 be accompanied by a fee in an amount that is the sum of all of
- 10 the applicable fees in this subsection:
- 11 (a) For a permitted site size of the following:
- 12 (i) Less than 5 acres:
- 13 (A) \$50.00 for a new permit application.
- 14 (B) \$15.00 for a renewal permit application.
- 15 (ii) 5 acres or more:
- 16 (A) \$100.00 for a new permit application.
- 17 (B) \$75.00 for a renewal permit application.
- 18 (b) For a building size of the following:
- 19 (i) Less than 500 square feet:
- 20 (A) \$50.00 for a new permit application.
- 21 (B) \$20.00 for a renewal permit application.
- 22 (ii) 500 to 1,000 square feet:
- 23 (A) \$100.00 for a new permit application.
- 24 (B) \$60.00 for a renewal permit application.
- 25 (iii) More than 1,000 square feet:
- 26 (A) \$150.00 for a new permit application.

- 1 (B) \$100.00 for a renewal permit application.
- 2 (c) For the nature of the solid waste:
- 3 (i) Residential:
- 4 (A) \$100.00 for a new permit application.
- 5 (B) \$30.00 for a renewal permit application.
- 6 (ii) Industrial or combination residential and industrial:
- 7 (A) \$150.00 for a new permit application.
- 8 (B) \$90.00 for a renewal permit application.
- 9 (d) For site characteristics:
- 10 (i) High site that is dry which has no groundwater or sur-
- 11 face water problems:
- 12 (A) \$50.00 for a new permit application.
- 13 (B) \$10.00 for a renewal permit application.
- 14 (ii) Surface water on site:
- 15 (A) \$75.00 for a new permit application.
- 16 (B) \$30.00 for a renewal permit application.
- 17 (e) For the estimated solid waste volume per day:
- 18 (i) Less than 50 cubic yards:
- 19 (A) \$50.00 for a new permit application.
- 20 (B) \$25.00 for a renewal permit application.
- 21 (ii) 50 to 500 cubic yards:
- 22 (A) \$100.00 for a new permit application.
- 23 (B) \$75.00 for a renewal permit application.
- 24 (iii) More than 500 cubic yards:
- 25 (A) \$150.00 for a new permit application.
- 26 (B) \$125.00 for a renewal permit application.

1 (4) An applicant for a construction permit, within 6 months
2 after a permit denial, may resubmit the application, together
3 with the additional information as needed to address the reasons
4 for denial, without being required to pay an additional applica-
5 tion fee.

6 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
7 APPLICATION FOR A CONSTRUCTION PERMIT SHALL INCLUDE A DISCLOSURE
8 STATEMENT THAT INCLUDES ALL OF THE FOLLOWING:

9 (A) THE FULL NAME AND BUSINESS ADDRESS OF ALL OF THE
10 FOLLOWING:

11 (i) THE APPLICANT.

12 (ii) THE 5 PERSONS HOLDING THE LARGEST SHARES OF THE EQUITY
13 IN OR DEBT LIABILITY OF THE PROPOSED DISPOSAL AREA, AND IF 1 OR
14 MORE OF THOSE 5 PERSONS ARE A CORPORATION, THEN THE 5 PERSONS
15 THAT HOLD THE LARGEST SHARES OF THE EQUITY IN OR DEBT LIABILITY
16 OF THAT CORPORATION. THE DIRECTOR MAY WAIVE ALL OR ANY PORTION
17 OF THIS REQUIREMENT FOR AN APPLICANT THAT IS A CORPORATION THAT
18 HAS PUBLICLY TRADED STOCK.

19 (iii) THE OPERATOR, IF KNOWN.

20 (iv) IF KNOWN, THE 3 EMPLOYEES OF THE OPERATOR WHO WILL HAVE
21 THE MOST RESPONSIBILITY FOR THE DAY-TO-DAY OPERATION OF THE
22 FACILITY.

23 (v) ANY OTHER BUSINESS ENTITY LISTED IN THE DEFINITION OF
24 PERSON IN SECTION 5 IN WHICH ANY PERSON REQUIRED TO BE LISTED IN
25 SUBPARAGRAPHS (i) TO (iv) HAS AT ANY TIME HAD 25% OR MORE OF THE
26 EQUITY IN OR DEBT LIABILITY OF THAT BUSINESS ENTITY. THE

1 DIRECTOR MAY WAIVE ALL OR ANY PORTION OF THIS REQUIREMENT FOR AN
2 APPLICANT THAT IS A CORPORATION WHICH HAS PUBLICLY TRADED STOCK.

3 (B) ALL CONVICTIONS FOR CRIMINAL VIOLATIONS OF ANY ENVIRON-
4 MENTAL STATUTE PROMULGATED BY A FEDERAL, STATE, CANADIAN, OR PRO-
5 VINCIAL AGENCY FOR EACH PERSON REQUIRED TO BE LISTED UNDER THIS
6 SUBSECTION. IF DEBT LIABILITY IS HELD BY A CHARTERED LENDING
7 INSTITUTION, INFORMATION REQUIRED IN THIS SUBDIVISION AND SUBDI-
8 VISIONS (C) AND (D) SHALL NOT BE REQUIRED FROM THAT INSTITUTION.

9 (C) A LISTING OF ALL ENVIRONMENTAL PERMITS OR LICENSES
10 ISSUED BY A FEDERAL, STATE, CANADIAN, OR PROVINCIAL AGENCY HELD
11 BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION THAT
12 WERE PERMANENTLY REVOKED BECAUSE OF NONCOMPLIANCE.

13 (D) A LISTING OF ALL ACTIVITIES AT PROPERTY OWNED OR OPER-
14 ATED BY EACH PERSON REQUIRED TO BE LISTED UNDER THIS SUBSECTION,
15 IF THE INCIDENT RESULTED IN A THREAT OR POTENTIAL THREAT TO THE
16 ENVIRONMENT, AND PUBLIC FUNDS WERE USED TO FINANCE AN ACTIVITY TO
17 MITIGATE THE THREAT OR POTENTIAL THREAT TO THE ENVIRONMENT,
18 EXCEPT IF THE PUBLIC FUNDS EXPENDED TO FACILITATE THE MITIGATION
19 OF ENVIRONMENTAL CONTAMINATION WERE VOLUNTARILY AND EXPEDITIOUSLY
20 RECOVERED FROM THE APPLICANT OR OTHER LISTED PERSON WITHOUT
21 LITIGATION.

22 (6) IF ANY INFORMATION REQUIRED TO BE INCLUDED IN THE DIS-
23 CLOSURE STATEMENT CHANGES, OR IS SUPPLEMENTED AFTER THE FILING OF
24 THE STATEMENT, THE APPLICANT, PERMITTEE, OR LICENSEE SHALL PRO-
25 VIDE THAT INFORMATION TO THE DEPARTMENT IN WRITING, WITHIN 30
26 DAYS OF THE CHANGE OR ADDITION.

1 (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DIRECTOR
2 MAY DENY AN APPLICATION FOR A CONSTRUCTION PERMIT IF THERE ARE
3 ANY LISTINGS PURSUANT TO SUBSECTION (5)(B), (C), OR (D) AS ORIGI-
4 NALLY DISCLOSED OR AS SUPPLEMENTED.