



**House
Legislative
Analysis
Section**

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**SOLID WASTE FROM CANADA:
BORDER INSPECTIONS**

House Bill 5598

Sponsor: Rep. Michael Bishop

House Bill 5599

Sponsor: Rep. Mike Kowall

Committee: Land Use and Environment

Complete to 3-15-02

A SUMMARY OF HOUSE BILLS 5598 AND 5599 AS INTRODUCED 2-7-02

House Bill 5599 would amend the Natural Resources and Environmental Protection Act (MCL 324.11526a) to require the Department of Environmental Quality to inspect at the Michigan border each solid waste transporting unit bringing solid waste from Canada along a public road. House Bill 5598 would also amend NREPA (at MCL 324.11549) to make it a misdemeanor for a solid waste hauler to transport solid waste from Canada into Michigan without being inspected. The first offense would be punishable by a fine of up to \$1,000; a second offense, up to \$2,000; and a third or subsequent offense, up to \$10,000. In each case, the costs of prosecution would also be assessed. The two bills are tie-barred to one another, meaning that one cannot take effect unless the other is also enacted.

Under House Bill 5599, the border inspection would be made to determine 1) if the solid waste transporting unit was designed, maintained, and operated in a manner to prevent littering; 2) if the owner or operator of the unit was in compliance with state law and promulgated rules; and 3) if the solid waste, or any component of the solid waste, posed a threat to the health or safety of the people of the state.

The department would charge a uniform fee based on the volume of solid waste inspected and sufficient to pay for the reasonable cost of the required inspections. The fee would be charged to the appropriate municipality, in the case of municipal waste, or to the person who generated the waste, if not municipal waste. Fees would be deposited into a new Solid Waste Inspection Fund to be created by the bill. Money in the fund at the close of the fiscal year would remain in the fund and not lapse to the general fund. Money in the fund could only be used for the required inspections.

The DEQ would notify those who owed fees within 90 days after the end of each month of the amount owed, and payment would be due within 90 days of the mailing date of the notification. A late fee would be assessed a five percent per month penalty, up to a maximum of 25 percent of the total fee owed. If a fee was more than five months overdue, the department would have to request the attorney general to bring an action for relief. Upon a finding that a fee was more than five months overdue, the court would enjoin the transportation of solid waste into the state by the person who owed the fee. An assessed fee could be challenged to the department in writing within 45 days of the mailing date of the notification, with the challenge to state the

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grounds upon which it was based. The department would have 30 calendar days to determine the validity of the challenge and whether to provide a revised fee or a statement explaining why the fee had not been revised. (A revised fee would be due within 30 days after receipt of the notice.) A fee could be further challenged by seeking a contested case hearing under the Administrative Procedures Act.

Analyst: C. Couch

■ 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.