



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## LANDFILL SOLID WASTE DISPOSAL PROHIBITIONS & INSPECTION PROGRAM

House Bills 4689-4692

Sponsor: Rep. Ruth Johnson  
Committee: Land Use and Environment

Complete to 11-4-03

### A SUMMARY OF HOUSE BILLS 4689 - 4692 AS INTRODUCED 5-15-03

These bills would amend the Natural Resources and Environmental Protection Act to prohibit the disposal of certain kinds of solid waste in landfills (including beverage containers, tires, oil, lead acid batteries, low-level radioactive waste, and hazardous waste); redefine "beverage container"; establish a statewide landfill inspection program; and, increase the penalties for violations of the law. The bills are tie-barred to each other so that none could become law unless the others also were enacted. A more detailed description of each bill follows.

House Bill 4689 would amend the Natural Resources and Environmental Protection Act (MCL 324.11514) to prohibit a person from knowingly disposing of (or permitting the disposal of) the following:

- a beverage container;
- a whole motor vehicle tire;
- used oil (as defined in section 16701 of NREPA);
- a lead acid battery (as defined in section 17101);
- low-level radioactive waste (as defined in section 2 of the Low-Level Radioactive Waste Authority Act); and,
- hazardous waste that was required to have been disposed of in a hazardous waste treatment, storage, or disposal facility (under part 111).

The bill specifies that at the time that a person disposes of solid waste at a landfill, the person would be required to certify in writing that, to the best of his or her knowledge, the solid waste did not contain any item or substance that was prohibited from disposal in the landfill, as provided in this law or the rules promulgated under the law.

Finally, the bill would require the Department of Environmental Quality to provide certification forms to the owners and operators of landfills in the state, and the owners or operators would then be required to forward to the department the certifications they received.

House Bill 4690 would amend the Natural Resources and Protection Act (MCL 324.11502) to define the word "beverage container" to mean an airtight metal, glass, papers, or plastic container, or a container composed of a combination of these materials, which at the time of sale, contained one gallon or less of any of the following: a) a soft drink, soda water, carbonated

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natural or mineral water, or other nonalcoholic carbonated drink; b) a beer, ale, or other malt drink of whatever alcoholic content; and c) a mixed wine drink or a mixed spirit drink.

House Bill 4691 would amend the Natural Resources and Protection Act (MCL 324.11526) to enhance the landfill inspection program. The bill specifies that in order to protect the public health, safety, and welfare, and the environment of the state from items and substances being illegally disposed of in landfills, the Department of Environmental Quality, in conjunction with the Department of State Police, would be required to establish a statewide inspection program that did all of the following:

- a) assured that all disposal areas were in full compliance with the law and its rules;
- b) provided for the inspection, at least annually, of each solid waste disposal area for compliance with the law and rules; and
- c) assured that all who disposed of solid waste were doing so in compliance with the law and rules.

The bill specifies that as part of the inspection program, the departments would conduct regular, random inspections of waste being transported for disposal at disposal areas in the state.

Further, currently under the law, counties prepare solid waste management plans, and municipalities within the county are responsible for the enforcement of that plan. Under the bill, each county solid waste management plan would be required to include an enforceable program and process to assure that only items authorized for disposal in a disposal area, as described in this legislation and the act, were disposed of in that disposal area. In addition, the bill specifies that the county and the municipalities within the county would be responsible for enforcing the solid waste management plan, and for assisting the Departments of Environmental Quality and State Police in implementing the inspection program.

Finally, currently under the law, a solid waste management fund, within the state treasury, includes a solid waste staff account and a perpetual care account. All of the money from the staff account, upon appropriation, can be used only for 11 purposes specified in the law, including guiding the implementation of the solid waste permit and license program; reviewing and acting upon applications (including public notice and public hearings); performing advisory analyses; general administrative costs of running the permit and license program; inspection of licensed disposal areas and open dumps; enforcing the conditions of any permit or license; groundwater monitoring audits at disposal areas; reviewing and acting upon corrective action plans; review of certifications of closure; post-closure maintenance and monitoring inspections and review; and review of bonds and financial assurance documentation at disposal areas which have been licensed. Under the bill, all of these purposes would be retained; however, the bill specifies that 50 percent of the money appropriated would be used for these purposes. The remaining 50 percent of the money would be used for conducting the inspections provided for in the legislation.

House Bill 4692 would amend the Natural Resources and Environmental Protection Act (MCL 324.11546) to provide for increased remedies following violations of the solid waste law. Currently, a court may, among other things, impose on any person who violates the law, or who

fails to comply with any permit, license, or final order, a civil fine of not more than \$10,000 for each day of violation. Under the bill, this provision would be retained; however, the bill would also provide that in the instance of a second or subsequent violation, a court could impose a civil fine of not more than \$25,000 for each day of violation. The bill also specifies that all civil fines collected under this part (except those noted) would be forwarded to the state treasurer for deposit into the solid waste staff account within the solid waste management fund.

Analyst: J. Hunault

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■ 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.