



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

## SOLID WASTE HAULER LICENSES, REGULATORY FEES AND FUND

**House Bill 4461**

**Sponsor: Rep. Derrick Hale**

**Committee: Agriculture and Resource  
Management**

**Complete to 8-26-00**

### **A SUMMARY OF HOUSE BILL 4461 AS INTRODUCED 4-13-99**

The bill would amend Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act (NREPA) to require solid waste haulers and each solid waste transporting unit to be licensed by the Department of Environmental Quality. The bill also would create a solid waste enforcement fund, impose solid waste enforcement regulatory fees on solid waste and municipal solid waste incinerator ash disposed of in landfills, and would express the legislature's intent that money from the fund be used to employ at least 33 "environmental conservation officers" to work exclusively to enforce this part of the act.

More specifically, the bill would prohibit a person from engaging in business in Michigan as a solid waste hauler without obtaining a solid waste hauler business license from the Department of Environmental Quality. In addition, each "solid waste transporting unit" would have to be licensed, and would have to contain a decal (as prescribed by the department) that clearly identified it as a solid waste transporting unit.

Solid waste hauler business license. An application for a solid waste hauler business license would be made on a form provided by the DEQ, and would have to be accompanied by the following:

1. A \$200 business license application fee;
2. A \$30 application fee for each solid waste transporting unit used by the solid waste hauler to transport solid waste; and
3. A bond in the amount of \$75 for each ton of solid waste that the DEQ projected would be hauled by the solid waste hauler during the two-year license term.

The license fees would be refunded if the application were denied.

When a solid waste hauler business license application were submitted, the DEQ would have to examine the application to ensure that it were complete. The bill would require the DEQ to establish, by rule, the inspection and standards requirements, and to conduct an inspection to verify

House Bill 4461 (8-26-00)

that the applicant's equipment, location, and methods were adequate to provide solid waste transport services under the bill and rules promulgated under the bill's provisions. Upon approval of the application, the department would issue a solid waste hauler business license and a solid waste transporting unit license for each unit operated by the solid waste hauler.

Licenses would not be transferable from a business or a solid waste transporting unit to another business or unit. Solid waste transporting units would have to carry their licenses at all times, and could be inspected by the DEQ, its authorized representative, or a peace officer. Licenses would expire two years after they were issued, and a renewal application would have to be submitted at least 60 days before a license expired.

License revocations. The DEQ would have to revoke a solid waste hauler business license if the department determined, after providing an opportunity for a contested case hearing under the Administrative Procedures Act, that the license holder had either disposed of solid waste at a solid waste disposal area that did not comply with – or used a solid waste transporting unit contrary to – the Solid Waste Management part (Part 115) of the NREPA or rules promulgated under this part of the act.

Manifest system. The DEQ would be required to establish and implement, by administrative rules, a manifest system to identify the quantity, composition, origin, routing, and destination of “durable goods” during their transportation from the point where the durable goods had become solid waste to the point of their disposal. (The bill would define “durable goods” to mean oversized and bulky items, as identified by rule, that were of a size and nature that they generally are picked up and disposed of separately from residentially generated solid waste, such as appliances, furniture, carpets and rugs, tires, and lead acid batteries)

Solid waste enforcement regulatory fee. The bill would impose a “solid waste enforcement regulatory fee” of eight cents on each cubic yard of solid waste and municipal solid waste incineration ash disposed of in a landfill in the state. The fee would be collected by the landfill owner or operator and forwarded to the DEQ in the manner, and along with any supporting documentation, required by the department. The DEQ then would forward these fees to the state treasurer to be deposited in the Solid Waste Enforcement Fund that the bill would create in the state treasury.

Solid Waste Enforcement Fund. The state treasurer could receive money or other assets from any source for deposit into the Solid Waste Enforcement Fund, would direct the investment of the fund, and would credit interest and earnings from fund investments to the fund. Money in the fund at the close of the fiscal year would remain in the fund and no lapse to the general fund.

The Department of Environmental Quality would expend money from the fund, upon appropriation, only for enforcement of the Solid Waste Management part (Part 115) of the NREPA

Legislative intent. The bill says that it is the intent of the legislature that the DEQ expend money in the Solid Waste Enforcement Fund to employ not less than 33 environmental conservation officers to work exclusively in the enforcement of this part of the NREPA.

MCL 324.11527 et al.

Analyst: S. Ekstrom

---

■ 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.