

# HOUSE BILL No. 5285

November 6, 2003, Introduced by Reps. Law, Kolb, Gillard, Bieda, Gleason, Condino, Elkins, Byrum, Adamini, Tobocman, Minore, Wojno, Paletko, Sak, Spade, Lipsey, Plakas, Farrah, Hopgood, Hunter, Gielegem, O'Neil, Accavitti, Vagnozzi, Meisner, Anderson and Reeves and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 11526a and 11526b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11526a. (1) Beginning October 1, 2004, in order to  
2 protect the public health, safety, and welfare and the  
3 environment of this state from the improper disposal of waste  
4 that is prohibited from disposal in a landfill or municipal solid  
5 waste incinerator under section 11514, and in recognition that  
6 the nature of solid waste collection and transport limits the  
7 ability of the state to conduct cost effective inspections to  
8 ensure compliance with state law, the owner or operator of a  
9 landfill or municipal solid waste incinerator shall not accept  
10 for disposal in this state solid waste, including, but not  
11 limited to, municipal solid waste incinerator ash that was

1 generated outside of this state unless 1 or more of the following  
2 requirements are met:

3 (a) The solid waste is homogeneous solid waste and meets the  
4 requirements for disposal in a landfill or municipal solid waste  
5 incinerator under this part and the rules promulgated under this  
6 part. This subdivision does not apply to municipal solid waste  
7 incinerator ash.

8 (b) The solid waste was received through a material recovery  
9 facility, a transfer station, or other facility that has  
10 documented that it has removed from the solid waste those items  
11 that are prohibited from disposal in a landfill or municipal  
12 solid waste incinerator under section 11514. This subdivision  
13 does not apply to municipal solid waste incinerator ash.

14 (c) The country, state, province, or local jurisdiction in  
15 which the solid waste was generated is included on the list  
16 compiled by the department under section 11526b. This  
17 subdivision does not apply to municipal solid waste incinerator  
18 ash.

19 (d) The solid waste is municipal solid waste incinerator ash,  
20 produced by the incineration of solid waste that meets the  
21 requirements of subdivision (a), (b), or (c).

22 (2) A landfill or municipal solid waste incinerator shall  
23 maintain, for 1 year after disposal at that disposal area of  
24 solid waste generated outside of this state, documentation that  
25 the solid waste met the requirements of subsection (1).

26 Sec. 11526b. (1) Not later than October 1, 2004, the  
27 department shall do all of the following:

1       (a) Notify each state, the country of Canada, and each  
2 province in Canada that landfills and municipal solid waste  
3 incinerators in this state will not accept for disposal solid  
4 waste that does not comply with section 11526a.

5       (b) Compile a list of countries, states, provinces, and local  
6 jurisdictions that prohibit from disposal in a landfill or  
7 municipal solid waste incinerator the items prohibited from  
8 disposal in a landfill or municipal solid waste incinerator under  
9 section 11514 or that prevent from disposal in a landfill or  
10 municipal solid waste incinerator the items prohibited from  
11 disposal in a landfill or municipal solid waste incinerator under  
12 section 11514 through enforceable solid waste disposal  
13 requirements.

14       (c) Prepare and provide to each landfill and municipal solid  
15 waste incinerator in the state a copy of a list of the countries,  
16 states, provinces, and local jurisdictions compiled under  
17 subdivision (b).

18       (2) The department shall include a country, state, province,  
19 or local jurisdiction on the list described in subsection (1) if  
20 the county, state, province, or local jurisdiction provides the  
21 department with documentation that it prohibits from disposal in  
22 a landfill or municipal solid waste incinerator the items  
23 prohibited from disposal in a landfill or municipal solid waste  
24 incinerator under section 11514 or that it prevents from disposal  
25 in a landfill or municipal solid waste incinerator the items  
26 prohibited from disposal in a landfill or municipal solid waste  
27 incinerator under section 11514 through enforceable solid waste

1 disposal requirements. Such documentation shall include all  
2 pertinent statutes, administrative regulations, and ordinances.

3 Enacting section 1. This amendatory act does not take  
4 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5282  
5 (request no. 04291'03) of the 92nd Legislature is enacted into  
6 law.