

HOUSE BILL No. 4224

February 7, 2007, Introduced by Reps. Corriveau, Valentine, McDowell, Brown, Donigan, Polidori, Angerer, Simpson, Ebli, Lemmons, Kathleen Law, Espinoza, Tobocman, Miller, Vagnozzi, Constan, Spade, Alma Smith, Scott, LeBlanc, Young, Bieda, Mayes, Hopgood, Leland, Condino, Hammel, Byrum, Gillard, Gonzales, Lahti, Hammon and Meadows and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
 "Natural resources and environmental protection act,"
 by amending section 11526b (MCL 324.11526b), as added by 2004 PA
 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11526b. (1) Not later than October 1 ~~7, 2004~~ **EACH YEAR**,
 2 the department shall do all of the following:

3 (a) Notify **EACH LOCAL JURISDICTION ON THE CURRENT LIST**
 4 **COMPILED UNDER SUBDIVISION (B) AND** each state, the country of
 5 Canada, and each province in Canada that landfills in this state
 6 will not accept for disposal solid waste that does not comply with
 7 section 11526a.

8 (b) Compile a ~~an~~ **UPDATED** list of countries, states, provinces,
 9 and local jurisdictions that prohibit from disposal in a landfill
 10 the ~~items~~ **MATERIALS** prohibited from disposal in a landfill located

1 in this state or that prevent from disposal in a landfill the ~~items~~
2 **MATERIALS** prohibited from disposal in a landfill located in this
3 state through enforceable solid waste disposal requirements that
4 are comparable to this part.

5 (c) Prepare and provide to each landfill in the state a copy
6 of a list of the countries, states, provinces, and local
7 jurisdictions compiled under subdivision (b).

8 (2) ~~The~~ **SUBJECT TO SUBSECTION (3), THE** department shall
9 include a country, state, province, or local jurisdiction on the
10 list described in subsection (1) if the country, state, province,
11 or local jurisdiction, or another person, provides the department
12 with documentation that the country, state, province, or local
13 jurisdiction prohibits from disposal in a landfill the ~~items~~
14 **MATERIALS** prohibited from disposal in a landfill located in this
15 state or that it prevents from disposal in a landfill the ~~items~~
16 **MATERIALS** prohibited from disposal in a landfill located in this
17 state through enforceable solid waste disposal requirements that
18 are comparable to this part. Such documentation shall include all
19 pertinent statutes, administrative regulations, and ordinances.

20 (3) **AFTER PROVIDING AN OPPORTUNITY FOR A CONTESTED CASE**
21 **HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969**
22 **PA 306, MCL 24.201 TO 24.328, THE DEPARTMENT SHALL REMOVE A**
23 **JURISDICTION FROM THE LIST COMPILED UNDER SUBSECTION (1) IF, BASED**
24 **UPON INSPECTIONS UNDER SECTION 11519 OR 11526, EITHER OF THE**
25 **FOLLOWING APPLIES:**

26 (A) **THE DEPARTMENT DETERMINES THAT, WITHIN ANY 1-YEAR PERIOD,**
27 **3 OR MORE LOADS OF WASTE GENERATED IN THAT JURISDICTION AND**

1 TRANSPORTED TO THIS STATE FOR DISPOSAL IN A LANDFILL UNDER SECTION
2 11526A(1)(C) CONTAINED MATERIALS IN VIOLATION OF SECTION
3 11514(2)(B), (C), OR (D). THE DEPARTMENT SHALL REMOVE THE
4 JURISDICTION FROM THE LIST FOR 1 YEAR FOR THE FIRST 1-YEAR PERIOD
5 IN WHICH THE VIOLATIONS DESCRIBED IN THIS SUBDIVISION OCCURRED. THE
6 DEPARTMENT SHALL REMOVE THE JURISDICTION FROM THE LIST FOR 5 YEARS
7 FOR ANY SUBSEQUENT 1-YEAR PERIOD IN WHICH THE VIOLATIONS DESCRIBED
8 IN THIS SUBDIVISION OCCURRED.

9 (B) THE DEPARTMENT DETERMINES THAT, WITHIN ANY 1-YEAR PERIOD,
10 1 OR MORE LOADS OF WASTE GENERATED IN THAT JURISDICTION AND
11 TRANSPORTED TO THIS STATE FOR DISPOSAL IN A LANDFILL UNDER SECTION
12 11526A(1)(C) CONTAINED MATERIALS IN VIOLATION OF SECTION
13 11514(2)(A) OR (3). THE DEPARTMENT SHALL REMOVE THE JURISDICTION
14 FROM THE LIST FOR 1 YEAR FOR THE FIRST 1-YEAR PERIOD IN WHICH
15 VIOLATIONS DESCRIBED IN THIS SUBDIVISION OCCURRED. THE DEPARTMENT
16 SHALL REMOVE THE JURISDICTION FROM THE LIST FOR 5 YEARS FOR ANY
17 SUBSEQUENT 1-YEAR PERIOD IN WHICH VIOLATIONS DESCRIBED IN THIS
18 SUBDIVISION OCCURRED.