

HOUSE BILL No. 4665

May 2, 2013, Introduced by Rep. Kowall and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11525a (MCL 324.11525a), as amended by 2011 PA
149.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11525a. (1) The owner or operator of a landfill shall pay
2 a surcharge as follows:

3 (a) Except as provided in subdivision (b), ~~the following~~
4 ~~surcharge:~~

5 ~~—— (i) 7 cents for each cubic yard or portion of a cubic yard of~~
6 ~~solid waste or municipal solid waste incinerator ash that is~~
7 ~~disposed of in the landfill before October 1, 2011.~~

8 ~~—— (ii) 12 cents for each cubic yard or portion of a cubic yard of~~
9 solid waste or municipal solid waste incinerator ash that is

1 disposed of in the landfill ~~from~~ **BEFORE** October 1, 2011 through
2 ~~September 30, 2013.~~ **2015.**

3 (b) For type III landfills that are captive facilities, the
4 following annual amounts:

5 (i) For a captive facility that receives 100,000 or more cubic
6 yards of waste, \$3,000.00.

7 (ii) For a captive facility that receives 75,000 or more but
8 less than 100,000 cubic yards of waste, \$2,500.00.

9 (iii) For a captive facility that receives 50,000 or more but
10 less than 75,000 cubic yards of waste, \$2,000.00.

11 (iv) For a captive facility that receives 25,000 or more but
12 less than 50,000 cubic yards of waste, \$1,000.00.

13 (v) For a captive facility that receives less than 25,000
14 cubic yards of waste, \$500.00.

15 (2) The owner or operator of a landfill shall pay the
16 surcharge under subsection (1)(a) within 30 days after the end of
17 each quarter of the state fiscal year. The owner or operator of a
18 type III landfill that is a captive facility shall pay the
19 surcharge under subsection (1)(b) by January 31 of each year.

20 (3) The owner or operator of a landfill who is required to pay
21 the surcharge under subsection (1) shall pass through and collect
22 the surcharge from any person who generated the solid waste or who
23 arranged for its delivery to the solid waste hauler or transfer
24 facility notwithstanding the provisions of any contract or
25 agreement to the contrary or the absence of any contract or
26 agreement.

27 (4) Surcharges collected under this section shall be forwarded

1 to the state treasurer for deposit in the solid waste staff account
2 of the solid waste management fund established in section 11550.

3 (5) As used in this section, "captive facility" means a
4 landfill that accepts for disposal only nonhazardous industrial
5 waste generated only by the owner of the landfill or a nonhazardous
6 industrial waste landfill that is specified in section 11525(3).