

HOUSE BILL NO. 5333

November 14, 2023, Introduced by Reps. Miller, Paiz, McKinney, Hope, Brenda Carter, Farhat, Tsernoglou, Brixie, Rheingans, Brabec, Coleman, Steckloff, Dievendorf, Neeley, Hood, Byrnes, Price, Wilson and Edwards and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11525a (MCL 324.11525a), as amended by 2023 PA
140.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11525a. (1) ~~The~~ **Subject to subsection (2), the** owner or
- 2 operator of a landfill or coal ash impoundment shall pay a
- 3 surcharge as follows:
- 4 (a) Except as provided in subdivision (b), for a landfill or

1 coal ash impoundment that is not a captive facility, ~~36 cents~~**72**
 2 **cents** for each ton or portion of a ton of solid waste or municipal
 3 solid waste incinerator ash that is disposed of in the landfill or
 4 coal ash impoundment. ~~before October 1, 2027.~~

5 (b) For a landfill or coal ash impoundment that is not a
 6 captive facility, ~~12 cents~~**24 cents** per ton or portion of a ton of
 7 foundry sand, slag from metal melting, baghouse dust, furnace
 8 refractory brick, pulp and paper mill material, paper mill ash,
 9 wood ash, coal bottom ash, mixed wood ash, fly ash, flue gas
 10 desulfurization sludge, contaminated soil, cement kiln dust, lime
 11 kiln dust, and other industrial waste that weighs at least 1 ton
 12 per cubic yard, as determined by the generator.

13 (c) For a type III landfill or coal ash impoundment that is a
 14 captive facility and annually receives the following amount of
 15 waste, the following annual corresponding surcharge for each state
 16 fiscal year, based on the amount of waste received during that
 17 fiscal year:

18 (i) 100,000 or more tons of waste, ~~\$3,000.00~~**\$6,000.00**.

19 (ii) 75,000 or more but less than 100,000 tons of waste,
 20 ~~\$2,500.00~~**\$5,000.00**.

21 (iii) 50,000 or more but less than 75,000 tons of waste,
 22 ~~\$2,000.00~~**\$4,000.00**.

23 (iv) 25,000 or more but less than 50,000 tons of waste,
 24 ~~\$1,000.00~~**\$2,000.00**.

25 (v) Less than 25,000 tons of waste, \$500.00.

26 **(2) Beginning January 1, 2029, and every fifth year**
 27 **thereafter, the state treasurer shall adjust the currently**
 28 **applicable surcharges under this section by an amount determined by**
 29 **the state treasurer to reflect the cumulative percentage change in**

1 the Consumer Price Index during the most recent 5-year period for
 2 which Consumer Price Index statistics are available. For surcharges
 3 under subsection (1) (a) and (b), the result shall be rounded to the
 4 nearest cent. For surcharges under subsection (1) (c), the result
 5 shall be rounded to the nearest 10 dollars. As used in this
 6 subsection, "Consumer Price Index" means the most comprehensive
 7 index of consumer prices available for this state from the Bureau
 8 of Labor Statistics of the United States Department of Labor, or a
 9 successor agency.

10 (3) ~~(2)~~—Within 30 days after the end of each quarter of a
 11 state fiscal year, the owner or operator of a landfill or coal ash
 12 impoundment that is not a captive facility shall pay the surcharge
 13 under subsection (1) (a) **or (b)** for waste received during that
 14 quarter of the state fiscal year. Within 30 days after the end of a
 15 state fiscal year, the owner or operator of a type III landfill or
 16 coal ash impoundment that is a captive facility shall pay the
 17 surcharge under subsection ~~(1) (b)~~ **(1) (c)** for waste received during
 18 that state fiscal year.

19 (4) ~~(3)~~—If the owner or operator of a landfill or coal ash
 20 impoundment is required to pay the surcharge under subsection (1),
 21 the owner or operator shall pass through and collect the surcharge
 22 from any person that generated the solid waste or arranged for its
 23 delivery to the hauler or solid waste processing and transfer
 24 facility, notwithstanding the provisions of any agreement to the
 25 contrary or the absence of any agreement.

26 (5) ~~(4)~~—Surcharges collected under this section must be
 27 forwarded to the state treasurer for deposit **as follows:**

28 (a) **75%** in the solid waste staff account of the solid waste
 29 management fund. **However, if the city or township that is the site**

1 of a landfill or coal ash impoundment has a host community
2 agreement under which it receives revenue from the owner or
3 operator of the landfill or coal ash impoundment, 100% of the
4 surcharges collected from the owner or operator of that landfill
5 shall be deposited in the solid waste staff account.

6 (b) Except as otherwise provided in subdivision (a), 25% in
7 the host community grants fund created in subsection (6).

8 (6) The host community grants fund is created in the state
9 treasury. The state treasurer shall deposit money and other assets
10 received under subsection (5) (b) or from any other lawful source in
11 the fund. The state treasurer shall direct the investment of money
12 in the fund and credit interest and earnings from the investments
13 to the fund. The department is the administrator of the fund for
14 audits of the fund. The department shall expend money from the
15 fund, on appropriation, only for annual grants to cities and
16 townships that are the sites of landfills and coal ash impoundments
17 that pay surcharges under this section, a portion of which are
18 deposited in the host community grants fund under subsection (5).
19 The department shall award grants by December 1 each year. Each
20 grant shall equal the amount of the surcharges deposited in the
21 host community grants fund during the prior state fiscal year from
22 landfills and coal ash impoundments located in the territory of the
23 respective grant recipient and a proportionate share of money in
24 the fund other than revenue under subsection (5) (b). This
25 subsection does not apply to surcharges collected before the
26 effective date of the amendatory act that added this subsection.