

# **MRC Legislative Update**

## **Key Legislation Pending before the Michigan Legislature**

### **Solid Waste Fees**

**Senate Bill 256 Senator Liz Brater (D- Ann Arbor)** This legislation would establish a \$6 per ton fee on all waste entering a landfill. The money generated by the fee would be deposited into a dedicated recycling fund to be distributed to local units of government for current of new recycling programs.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Brater at (517) 373-2406.

**House Bill 4758 Representative Kathleen Law (D-Gibraltar)** This legislation would establish a \$7.50 per ton fee on all waste entering a landfill. The money generated by the fee would be deposited into a dedicated recycling fund to be distributed to local units of government for current of new recycling programs.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Law at (517) 373-0855.

**House Bill 5615 sponsored by Representative Kathleen Law (D-Gibraltar)** This legislation would establish a \$7.50 per ton fee on all waste entering a landfill. The money generated by the fee would be deposited into a dedicated recycling fund to be distributed to local units of government for current of new recycling programs. This legislation would also create a recycling advisory council to advise the governor on expanding and improving the efficiency of recycling in Michigan.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Law at (517) 373-0855.

### **Bottle Bills**

**Senate Bill 28 Senator Mickey Switalski (D-Roseville)** This legislation expands the bottle deposit law to include water, juice, tea, and other beverages except milk and defines “beverage container” as an airtight metal, glass, paper, or plastic container, or a container composed of a combination of those materials, that, at the time of sale, contained one gallon or less of any of the following:

- A soft drink, soda water, carbonated natural or mineral water, or other nonalcoholic carbonated drink.
- A beer, ale, or other malt drink of whatever alcoholic content.
- A mixed wine drink or a mixed spirit drink.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Switalski at (517) 373-7315.

**Senate Bill 159 Senator Burton Leland (D-Detroit)** This legislation expands the bottle deposit law to include juice containers.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Leland at (517) 373-0994.

### **Mercury in Landfills**

**Senate Bill 186 Senator Ron Jelinek (R- Three Oaks)** This legislation would define products containing mercury to be prohibited for sale in the state of Michigan. This legislation would also require those companies who manufacture or wholesale products containing mercury in Michigan to notify the Michigan Department of Environmental Quality.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Jelinek at (517) 373-6960.

**Senate Bill 187 Senator Ron Jelinek (R-Three Oaks)** This legislation would require a manufacture of any product containing mercury, intended for sale in the state of Michigan, to affix to each product a label indicating the product contains mercury and provides instructions for disposal and proper cleanup.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Jelinek at (517) 373-6960.

**Senate Bill 201 Senator Martha Scott (D- Detroit)** This legislation would prohibit the placement of products containing mercury in landfill or incinerators.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Scott at (517) 373-7748.

**House Bill 4035 Representative Alexander Lipsey (D-Kalamazoo)** This legislation would require labels on products containing mercury manufactured in Michigan.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use and Environment Committee\*, to voice your opinion on this legislation contact Representative Lipsey at (517) 373-1785.

**House Bill 4036 Representative Alexander Lipsey (D-Kalamazoo)** This legislation would require a manufacture of any product containing mercury, intended for sale in the state of Michigan, to affix to each product a label indicating the product contains mercury and provides instructions for disposal and proper cleanup.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Lipsey at (517) 373-1785.

**House Bill 4583 Representative Chris Kolb (D-Ann Arbor)** The legislation would provide that a person shall not dispose of mercury or a mercury compound in a wastewater disposal system, including, but not limited to, an individual home septic system.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Kolb at (517) 373-2577.

**House Bill 4586 Representative Kathleen Law (D-Gibraltar)** This legislation would provide that a manufacturer of any mercury-added products shall affix to each mercury-added product intended for sale in this state or for use in this state a label indicating that the device contains mercury or mercury compounds and shall provide instructions with the mercury-added product on the proper disposal of the mercury-added product and proper cleanup of the mercury or mercury compound if a spill, leak, or discharge occurs.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Law at (517) 373-0855.

**House Bill 4618 Representative Pam Byrnes (D-Chelsea)** This legislation would provide that a person shall not deliver to an incinerator for disposal, or, if the person is an owner or operator of an incinerator, permit disposal at the incinerator of, mercury or a mercury compound, including, but not limited to, mercury or a mercury compound in a mercury-added product.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Byrnes at (517) 373-0828.

**House Bill 4754 Representative Chris Kolb (D-Ann Arbor)** This legislation provides that a person who is in the business of recycling appliances shall not recycle or place into the waste stream an appliance or a component of an appliance unless the person has received training in identifying, removing, and recycling mercury-added products that are components of appliances.

A person who is in the business of recycling appliances shall not recycle or place into the waste stream an appliance or a component of an appliance that is a mercury-added product unless the mercury-added product has been properly removed from the appliance or component.

A person who is in the business of recycling appliances shall keep a record of all mercury-added products that the person removes from appliances. A person subject to this subsection shall, not later than January 31 of each year after the effective date of the amendatory act that added this section, submit to the department, using a form prepared and provided by the department, a report of all mercury-added products that the person has removed from appliances during the preceding calendar year.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Kolb at (517) 373-2577.

**House Bill 4948 Representative Kathleen Law (D- Gibraltar)** This legislation would provide that a person who is in the business of replacing or repairing household items shall not place a mercury-added product into the waste stream except under 1 of the following circumstances:

- (a) As universal waste managed and disposed of under the hazardous waste management rules;
- (b) As hazardous waste managed;
- (c) By delivery to a take-back program established by a manufacturer.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Law at (517) 373-0855.

**House Bill 5155 Representative Glenn Anderson (D-Westland)** This legislation would provide that a manufacturer shall not sell a mercury-added novelty in this state. Beginning January 1, 2008, a manufacturer shall not sell any other mercury-added product in this state unless the manufacturer has applied for and received an exemption from this subsection.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Anderson at (517) 373-2576.

## **Electronic Waste**

**House Bill 4155 sponsored by Representative Chris Kolb (D-Ann Arbor)** This legislation would prohibit a person or an owner of a municipal solid waste incinerator from disposing of a cathode ray tube (including TV's & computer monitors) in a municipal solid waste incinerator.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Kolb at (517) 373-2577.

**Senate Bill 158 sponsored by Senator Liz Brater (D-Ann Arbor)** This legislation would prohibit the disposal of batteries, fluorescent light bulbs, electronic equipment containing cathode ray tubes, and any mercury-added products in landfills and municipal solid waste incinerators.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Brater at (517) 373-2406.

**House Bill 4156 sponsored by Representative Chris Kolb (D-Ann Arbor)** This legislation would prohibit a person would from knowingly disposing of (or permitting disposal of) a cathode ray tube (including a television or computer monitor containing a cathode ray tube) in a landfill. The bill also specifies that the Department of Environmental Quality would have to convene a task force made up of representatives of manufacturers of electronic equipment, environmental organizations, retail businesses that handle electronic equipment, members of the general public, and other interested people. Finally, the members of the taskforce would have to provide the legislature with a report on the adequacy of regulatory programs related to the disposal of electronic waste, and in particular electronic waste containing cathode ray tubes.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Kolb at (517) 373-2577.

**Senate Bill 218 Senator Patricia Birkholz (R- Saugatuck)** This legislation would prohibit (beginning June 1,2006) cathode ray tube, including televisions or computer monitors containing cathode ray tubes from landfills. This legislation would also create a task force on e-waste.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Birkholz at (517) 373-3447.

**Senate Bill 495 Senator Valde Garcia (R-Howell)** This legislation would require the state of Michigan to establish a policy and procedure for managing and recycling state owned electronic equipment.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Garcia at (517) 373-2420.

**House Bill 4754 Representative Chris Kolb (D-Ann Arbor)** This legislation would require appliance recyclers to remove mercury before recycling and prohibit appliances that contain mercury from entering the waste stream.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Kolb at (517) 373-2577.

## **Landfill Regulations**

**H.R.2491 U.S. Representative Paul Gillmor (R-Old Fort, Ohio)** The federal legislation entitled the International Solid Waste Importation and Management Act of 2005, Amends the Solid Waste Disposal Act to authorize states to enact laws restricting the receipt and disposal of foreign municipal solid waste within their borders until the Administrator of the Environmental Protection Agency (EPA) issues regulations implementing and enforcing the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada.

**Status:** This legislation has passed the House Committee on Energy and Commerce and is on House Calendar waiting for action.

**Notes: This legislation must be passed and signed into law by the President for state legislation banning the importation of Canadian waste to have any authority.**

**S.1198 U.S. Senator Debbie Stabenow (D-Michigan)** The federal legislation entitled the International Solid Waste Importation and Management Act of 2005, Amends the Solid Waste Disposal Act to authorize states to enact laws restricting the receipt and disposal of foreign municipal solid waste within their borders until the Administrator of the Environmental Protection Agency (EPA) issues regulations implementing and enforcing the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada.

**Status:** This legislation has been sent to the Senate Committee on Environment and Public Works.

**Notes: This legislation must be passed and signed into law by the President for state legislation banning the importation of Canadian waste to have any authority.**

**House Bill 4331 Representative John Gleason (D- Flushing)** This legislation would require all owners or operator of a landfill or a municipal solid waste incinerator to inspect at least one load of solid waste delivered each day and at least 1% of all solid waste delivered each year. This legislation would also requires loads that have been rejected to be processed

by a materials recovery facility, transfer station or other approved facility and have the objectionable materials removed before the load can be taken back to the landfill or municipal solid waste incinerator.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Gleason at (517) 373-7557.

**House Bill 4399 Representative Dudley Spade (D-Tipton)** This legislation would allow state courts to prohibit a person from disposing of waste in this state if they do not meet certain requirements.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Spade at (517) 373-1706.

**Senate Bill 90 Senator Mike Bishop (R-Rochester)** This legislation requires landfills to submit an annual report to MDEQ detailing the amount of solid waste received and the amount of remaining disposal capacity. The legislation would also prohibit units of government from contracting with landfills that accept out-of-state waste.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Bishop at (517) 373-2417.

## **Recycling Fees**

**House Bill 4820 Representative David Farhat (R-Muskegon)** This legislation would allow upon approval of the voters of a county, the levying of up to a \$50 per year recycling surcharge on business and residents. Before seeking voter approval, a county government must enter into an intergovernmental agreement with the municipal and township governments within the County on a plan to distribute funds.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*\*, to voice your opinion on this legislation contact Representative Farhat at (517) 373-3436.

## **State Recycling Programs**

**House Bill 4094 Representative Fred Miller (D-Mount Clemens)** This legislation would require all buildings owned or operated by the state of Michigan that are open to the public to provide for the recycling of glass, plastic and aluminum beverage containers.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Miller at (517) 373-0159.

**House Bill 4095 Representative Fred Miller (D-Mount Clemens)** This legislation would require any state agency that has an event open to the public at which beverages are provided shall have containers for those beverages to be recycled. The legislation also provides that the state agency shall make reasonable efforts to transfer those beverage containers to the appropriate recycling facility.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Miller at (517) 373-0159.

**Senate Bill 676 Senator Cameron Brown (R-Sturgis)** This legislation would establish the Recycling Advisory Council within the Department of Environmental Quality (DEQ).

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Brown at (517) 373-5932.

**Senate Bill 677 Senator Patricia Birkholz (R-Saugatuck)** This legislation would establish the Office of Statewide Recycling Coordinator in the Department of Environmental Quality (DEQ). The DEQ director would have to appoint the statewide recycling coordinator, who would serve at the director's pleasure. As recommended by the Recycling Coordinator, the DEQ could employ assistants and make expenditures necessary to implement and perform the powers and duties of statewide recycling coordinator. The legislation does not provide DEQ with any additional appropriations to fund this new position or to help carry out the Recycling Coordinators duties.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Birkholz at (517) 373-3447.

**Senate Bill 678 Senator Cameron Brown (R-Sturgis)** This legislation directs the Michigan Department of Environmental Quality to develop and implement a statewide education program on recycling waste material.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Brown at (517) 373-5932.

**Senate Bill 679 Senator Cameron Brown (R-Sturgis)** This legislation would provide for an income tax check off on the Michigan income tax return. Money collected would be placed into the recycling works fund in the Michigan Department of Environmental Quality for funding of recycling programs.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Brown at (517) 373-5932.

**Senate Bill 680 Senator Cameron Brown (R-Sturgis)** This legislation would create the recycling works fund within the Michigan Department of Environmental Quality for funding of recycling programs.

**Status:** This legislation has been sent to the Senate Natural Resources & Environmental Affairs Committee\*\*, to voice your opinion on this legislation contact Senator Brown at (517) 373-5932.

### **Plastic Shopping Bag Tax**

**Senate Bill 64 sponsored by Senator Ron Jelinek (R-Three Oaks)** This legislation would create a new public act titled, the Michigan non-biodegradable plastic shopping bag tax act. This legislation would collect from every retailer 2 cents per non-biodegradable plastic shopping bag used by that retailer. The monies collect will be deposited into the general fund of the state of Michigan and used for only two purposes. The two uses for the money would be for public school operations and for regional recycling operations.

**Status:** This legislation has been sent to the Senate Finance Committee\*\*, to voice your opinion on this legislation contact Senator Jelinek at (517) 373-6960.

### **Dedicated Funding Source for Recycling**

**House Bill 5163 Representative Goeff Hansen (R-Hart)** This legislation would create one cent charge be added at the end of every purchase transaction of goods in Michigan that is more has more than a \$2.00 pre tax value. Items that would be exempt would be fuel, prescription drugs and items sold in vending machines.

The money would be remitted to the state to support recycling initiatives including funding for:

- Comprehensive curbside and drop off recycling;
- Grants to develop markets for recycled products;
- Funding for package and design sustainability
- Funding for litter prevention.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Hansen at (517) 373-7317.

### **Newly Introduced Legislation**

**House Bill 5773 Representative Kathy Angerer (D-Dundee)** This legislation would prohibit the construction of any new landfills; it would allow for the expansion or design modification of existing landfills under certain conditions.

**Status:** This legislation has been sent to the House Committee on Natural Resources, Great Lakes, Land Use, and Environment Committee\*, to voice your opinion on this legislation contact Representative Angerer at (517) 373-1792.

### **Legislation Signed into Law**

**House Bill 5148 sponsored by Representative Phil Pavlov (R-St. Clair)** This legislation will provide for the permitting and operation of landfill Research, Development and Demonstration Projects (RDDPs), if the Department of Environmental Quality (DEQ) determines that an RDDP would provide beneficial data on alternative landfill design, construction, or operating methods. It will allow the DEQ to authorize the addition of liquids such as septage waste or other liquid waste to RDDPs to accelerate or enhance the biostabilization of the solid waste. -- Require an RDDP permit application to contain specified information, including the RDDP's goals, and identify how the RDDP would meet certain requirements. It will require an RDDP's owner or operator to submit an annual progress report to the DEQ. It will also allow the DEQ Director to order termination of an RDDP's operations or order other corrective measures if the goals of the RDDP were not being achieved.

**Status: Public Act 236 of 2005**

**House Bill 5149 sponsored by Representative Dan Acciavatti (R-New Baltimore)** This legislation defines "receiving facility" as a structure designed to receive septage waste for treatment at a wastewater treatment plant to which the structure is directly connected, and that is available for that purpose as provided for in an ordinance of the local unit of government that operates the wastewater treatment plant or in an operating plan. A receiving facility would be located either at a wastewater treatment plant or at a research, development, and demonstration project (as proposed under House Bill 5148). The legislation will require that a receiving facility be provided for in an ordinance of the local unit of government where the structure was located or in an operating plan.

**Status: Public Act 199 of 2005**

**Senate Bill 79 sponsored by Senator Michel McManus (R-Lake Leelanau)** This new law will permit counties to impose a surcharge greater than the current \$2 per month or \$25 per year limit, subject to the approval of local voters, although the total surcharge could not exceed \$4 per month or \$50 per year. The new law also provides that commercial businesses, which are currently not subject to the surcharge, could be subject to the surcharge, with voter approval. It also provides that a county or agency shall not impose a surcharge or fee without the approval of the voters within the county at a regularly scheduled election.

**Status: Public Act 69 of 2005**

**Senate Bill 747 sponsored by Senator Judd Gilbert II (R-Algonac)** This new public act prohibits the disposal of bulk or non-containerized liquid waste or waste that contains free liquids into landfills, unless the waste is one of the following: (1) household waste other than septage waste; (2) leachate or gas condensate approved for recirculation; or (3) septage waste or other liquids approved for addition in a research, development, and demonstration project.

In addition, it will prohibit a person from knowingly delivering or disposing of more than a de minimis amount of yard clippings into a municipal solid waste incinerator, unless the clippings are diseased or infested. The new act will also delete a provision that permits the disposal of green glass beverage containers into landfills through June 1, 2007, and establishes a task force to address the problems of recycling green glass containers.

**Status: Public Act 243 of 2005**

**Senate Bill 783 Senator Mike Bishop (R- Rochester)** This legislation would allow the director of the Michigan Department of Environmental Quality to issue an order limiting or prohibiting the disposal in this state, or in 1 or more regional solid waste management planning areas, of municipal solid waste generated in another country if the director, after consultation with appropriate officials, determines that the limitation or prohibition is necessary to minimize or eliminate a threat to this state's ability to manage solid waste generated in this state.

This legislation does not apply unless the United States congress enacts legislation authorizing the states to prohibit or regulate the disposal of municipal solid waste generated in another country.

**Status: Public Act 56 of 2006**

**House Bill 5176 Representative Daniel Acciavatti (R-New Baltimore)** This legislation would prohibit a person from delivering for disposal in a landfill or incinerator municipal solid waste that was generated outside of the United States. Prohibit a landfill or incinerator owner or operator from accepting for disposal municipal solid waste that was generated outside of the United States. Provide that the prohibitions would not apply unless Congress enacted legislation authorizing them. Specify that the prohibitions would not apply if the delivery and acceptance of waste were pursuant to a contract entered into before the bill's effective date.

**Status: Public Act 57 of 2006**

**House Bill 5177 Representative Phil Pavlov (R-St. Clair)** This legislation would specify that a violation of HB 5176 would be a felony punishable by imprisonment of up to two years and/or a fine of up to \$5,000.

**Status: Public Act 58 of 2006**

**House Bill 5178 Representative David Palsrok (R-Manistee)** This legislation would amend sentencing guidelines contained in Chapter XVII of the Code of Criminal Procedure to specify that the importation of solid waste from a foreign country would be a Class G felony against the public safety with a statutory maximum prison sentence of two years.

**Status: Public Act 59 of 2006**

## **House and Senate Committee Schedules for 2005-2006**

### **\*House Natural Resources, Great Lakes, Land Use, and Environment Committee**

Meets on Thursday, 9:00 a.m. in room 519 of the House Office Building, when the House is in session.

Committee Clerk Ben Cook, can be reached at 517-373-2002.

Reps. Palsrok (C), Pavlov (Maj. VC), Meyer, Palmer, LaJoy, Ward, Eisenheimer, Moore, Pearce, Gillard (Min. VC), Miller, Byrnes, Kathleen Law, Bennett, Donigan

### **\*\*Senate Natural Resources and Environmental Affairs Committee**

Meets on Tuesday, 3:00 p.m. in room 805 of the Farnum Building, when the Senate is in session.

Committee Clerk: Joy Brewer, can be reached at 517-373-3447.

Senators Birkholz (C), Patterson (VC), Van Woerkom, Brater (MVC), and Basham.

**Note:** Always call the committee clerk to confirm if the committee is going to meet and to see if the legislation your interested in is going to be scheduled for a hearing before coming to Lansing.