

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 561

(As amended by the Senate, July 17, 2001)

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a, 11512, 11516, 11525, 11525a, and 11550 (MCL 324.11507a, 324.11512, 324.11516, 324.11525, 324.11525a, and 324.11550), section 11507a as added by 1996 PA 359, sections 11512 and 11516 as amended and sections 11525a and 11550 as added by 1996 PA 358, and section 11525 as amended by 1996 PA 506.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11507a. (1) The owner or operator of a landfill shall
2 annually submit a report to the state and the county and
3 municipality in which the landfill is located that contains
4 information on the amount of solid waste received by the landfill
5 during the year itemized, to the extent possible, by county,
6 state, or country of origin. **The report shall be submitted on a**

1 form provided by the department within 30 days following the end
2 of each state fiscal year.

3 (2) By September 1, 1996, the department shall develop and
4 submit to the legislature a plan to gather data on the amount of
5 recyclable materials recovered in the state itemized, to the
6 extent possible, by county, state, or country of origin.

7 Sec. 11512. (1) A person shall dispose of solid waste at a
8 disposal area licensed under this part unless a person is
9 permitted by state law or rules promulgated by the department to
10 dispose of the solid waste at the site of generation.

11 (2) Except as otherwise provided in this section or in
12 section 11529, a person ~~otherwise allowed under this part to own~~
13 ~~or operate a solid waste disposal area~~ shall not conduct,
14 manage, maintain, or operate a disposal area within this state
15 without a license from the department, contrary to an approved
16 solid waste management plan, or contrary to a permit, license, or
17 final order issued under this part. A person who intends to
18 conduct, manage, maintain, or operate a disposal area shall
19 submit a ~~prior~~ license application to the department through a
20 certified health department on a form provided by the
21 department. If the disposal area is located in a county or city
22 that does not have a certified health department, the application
23 shall be made directly to the department. A person authorized by
24 this part to operate more than 1 type of disposal area at the
25 same facility may apply for a single license.

26 (3) The application for a license shall contain the name and
27 residence of the applicant, the location of the proposed or

1 existing disposal area, the type or types of disposal area
2 proposed, evidence of bonding, and other information required by
3 rule. In addition, an applicant for a type II landfill shall
4 submit evidence of financial assurance adequate to meet the
5 requirements of section 11523a, the maximum waste slope in the
6 active portion, an estimate of remaining permitted capacity, and
7 documentation on the amount of waste received at the disposal
8 area during the previous license period or expected to be
9 received, whichever is greater. The application shall be
10 accompanied by a fee ~~based on the number of years proposed for~~
11 ~~licensure~~ as specified in subsections (7), (9), and (10).

12 (4) At the time of application for a license for a disposal
13 area, the applicant shall submit to a health officer or the
14 department a certification under the seal of a licensed
15 professional engineer verifying that the construction of the
16 disposal area has proceeded according to the approved plans. If
17 construction of the disposal area or a portion of the disposal
18 area is not complete, the department shall require additional
19 construction certification of that portion of the disposal area
20 during intermediate progression of the operation, as specified in
21 section ~~11516(4)~~ **11516(5)**.

22 (5) An applicant for an operating license, within 6 months
23 after a license denial, may resubmit the application, together
24 with additional information or corrections as are necessary to
25 address the reason for denial, without being required to pay an
26 additional application fee.

27 (6) In order to conduct tests and assess operational

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1 capabilities, the owner or operator of a municipal solid waste
2 incinerator that is designed to burn at a temperature in excess
3 of 2500 degrees Fahrenheit may operate the incinerator without an
4 operating license, upon notice to the department, for a period
5 not to exceed 60 days.

6 (7) The application for a type II landfill operating license
7 shall be accompanied by the following fee for the ~~2-year~~ [5-year]
8 term of the operating license, calculated in accordance with
9 subsection (8):

10 (a) Landfills receiving less than 100 tons per day, \$250.00.

11 (b) Landfills receiving 100 tons per day or more, but less
12 than 250 tons per day, \$1,000.00.

13 (c) Landfills receiving 250 tons per day or more, but less
14 than 500 tons per day, \$2,500.00.

15 (d) Landfills receiving 500 tons per day or more, but less
16 than 1,000 tons per day, \$5,000.00.

17 (e) Landfills receiving 1,000 tons per day or more, but less
18 than 1,500 tons per day, \$10,000.00.

19 (f) Landfills receiving 1,500 tons per day or more, but less
20 than 3,000 tons per day, \$20,000.00.

21 (g) Landfills receiving greater than 3,000 tons per day,
22 \$30,000.00.

23 (8) Type II landfill application fees shall be based on the
24 average amount of waste projected to be received daily during the
25 license period. Application fees for license renewals shall be
26 based on the average amount of waste received in the previous
27 calendar year. Application fees shall be adjusted in the

1 following circumstances:

2 (a) If a landfill accepts more waste than projected, a
3 supplemental fee equal to the difference shall be submitted with
4 the next license application.

5 (b) If a landfill accepts less waste than projected, the
6 department shall credit the applicant an amount equal to the
7 difference with the next license application.

8 (c) A type II landfill that measures waste by volume rather
9 than weight shall pay a fee based on 3 cubic yards per ton.

10 (d) A landfill used exclusively for municipal solid waste
11 incinerator ash that measures waste by volume rather than weight
12 shall pay a fee based on 1 cubic yard per ton.

13 (e) If an application is submitted to renew a license more
14 than 1 year prior to license expiration, the department shall
15 credit the applicant an amount equal to 1/2 the application fee.

16 (f) If an application is submitted to renew a license more
17 than 6 months but less than 1 year prior to license expiration,
18 the department shall credit the applicant an amount equal to 1/4
19 the application fee.

20 (9) The operating license application for a type III landfill
21 shall be accompanied by a fee equal to \$2,500.00.

22 (10) The operating license application for a solid waste
23 processing plant, solid waste transfer facility, other disposal
24 area, or combination of these entities shall be accompanied by a
25 fee equal to \$500.00.

26 (11) The department shall deposit operating license
27 application fees collected under this section in the perpetual

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1 care account of the solid waste management fund established in
2 section 11550.

3 (12) A person who applies for an operating license for more
4 than 1 type of disposal area at the same facility shall pay a fee
5 equal to the sum of the applicable application fees listed in
6 this section.

7 Sec. 11516. (1) Subject to subsection (4), the department
8 shall conduct a consistency review and make a final decision on a
9 license application within 90 days after the department receives
10 an administratively complete application. The decision of the
11 department and the reasons for the decision shall be documented
12 in writing with specific reference to this part or rules
13 promulgated under this part and shall be sent by first-class mail
14 to the clerk of the municipality in which the disposal area is
15 located and to the applicant within 10 days after the final
16 decision is made. If the department fails to make a final
17 decision within 90 days, the license is considered issued.

18 (2) An operating license shall expire ~~2~~ [5] years after the
19 date of issuance. An operating license may be renewed before
20 expiration upon payment of a renewal application fee specified in
21 section 11512(8) if the licensee is in compliance with this part
22 and the rules promulgated under this part.

23 (3) The issuance of the operating license under this part
24 empowers the department or a health officer or an authorized
25 representative of a health officer to enter at any reasonable
26 time, pursuant to law, in or upon private or public property
27 licensed under this part for the purpose of inspecting or

1 investigating conditions relating to the storage, processing, or
2 disposal of any material.

3 (4) Except as otherwise provided in this subsection, the
4 department shall not issue an operating license for a new
5 disposal area within a planning area unless a solid waste
6 management plan for that planning area has been approved pursuant
7 to sections 11536 and 11537 and unless the disposal area complies
8 with and is consistent with the approved solid waste management
9 plan. The department may issue an operating license for a
10 disposal area designed to receive ashes produced in connection
11 with the combustion of fossil fuels for electrical power
12 generation in the absence of an approved county solid waste
13 management plan, upon receipt of a letter of approval from
14 whichever county or counties, group of municipalities, or
15 regional planning agency has prepared or is preparing the county
16 solid waste management plan for that planning area under
17 section 11533 and from the municipality in which the disposal
18 area is to be located.

19 (5) Issuance of an operating license by the department
20 authorizes the licensee to accept waste for disposal in certified
21 portions of the disposal area for which a bond was established
22 under section 11523 and, for type II landfills, for which
23 financial assurance was demonstrated under section 11523a. If
24 the construction of a portion of a landfill licensed under this
25 section is not complete at the time of license application, the
26 owner or operator of the landfill shall submit a certification
27 under the seal of a licensed professional engineer verifying that

1 the construction of that portion of the landfill has proceeded
2 according to the approved plans at least 60 days prior to the
3 anticipated date of waste disposal in that portion of the
4 landfill. If the department does not deny the certification
5 within 60 days of receipt, the owner or operator may accept waste
6 for disposal in the certified portion. In the case of a denial,
7 the department shall, issue a written statement stating the
8 reasons why the construction or certification is not consistent
9 with this part or rules promulgated under this part or the
10 approved plans.

11 Sec. 11525. (1) The owner or operator of a landfill shall
12 establish and maintain a perpetual care fund for a period of 30
13 years after final closure of the landfill as specified in this
14 section. A perpetual care fund may be established as a trust or
15 an escrow account and may be used to demonstrate financial
16 assurance for type II landfills under section 11523 and
17 section 11523a.

18 (2) Except as otherwise provided in this section, the owner
19 or operator of a landfill shall deposit into his or her perpetual
20 care fund 75 cents for each ton or portion of a ton or 25 cents
21 for each cubic yard or portion of a cubic yard of solid waste
22 that is disposed of in the landfill after June 17, 1990. The
23 deposits shall be made not less than semiannually until the fund
24 reaches the maximum required fund amount. As of July 1, 1996,
25 the maximum required fund amount is \$1,156,000.00. This amount
26 shall be annually adjusted for inflation and rounded to the
27 nearest thousand. The department shall adjust the maximum

1 required fund amount for inflation annually by multiplying the
2 amount by an inflation factor derived from the most recent bureau
3 of reclamation composite index published by the United States
4 department of commerce or another index more representative of
5 the costs of closure and postclosure monitoring and maintenance
6 as determined appropriate by the department.

7 (3) The owner or operator of a landfill that is used for the
8 disposal of the following materials shall deposit into the
9 perpetual care fund 7.5 cents for each ton or cubic yard or
10 portion of a ton or cubic yard of the following materials that
11 are disposed of in the landfill after June 17, 1990:

12 (a) Coal ~~or~~ **ash**, wood ash, or **cement kiln dust** that is
13 disposed of in a landfill that is used only for the disposal of
14 coal ~~or~~ **ash**, wood ash, or **cement kiln dust**, or a **combination of**
15 **these materials**, or that is permanently segregated in a
16 landfill.

17 (b) Wastewater treatment sludge or sediments from wood pulp
18 or paper producing industries that is disposed of in a landfill
19 that is used only for the disposal of wastewater treatment sludge
20 and sediments from wood pulp or paper producing industries, or
21 that is permanently segregated in a landfill.

22 (c) Foundry sand or other material that is approved by the
23 department for use as daily cover at an operating landfill, that
24 is disposed of in a landfill that is used only for the disposal
25 of foundry sand, or that is permanently segregated in a
26 landfill.

27 (4) The owner or operator of a landfill that is used only for

1 the disposal of a mixture of 2 or more of the materials described
2 in subsection (3)(a) to (c) or in which a mixture of 2 or more of
3 these materials are permanently segregated shall deposit into the
4 perpetual care fund 7.5 cents for each ton or cubic yard or
5 portion of a ton or cubic yard of these materials that are
6 disposed of in the landfill after July 1, 1996.

7 (5) Money is not required to be deposited into a perpetual
8 care fund for materials that are regulated under part 631.

9 (6) The owner or operator of a landfill may contribute
10 additional amounts into the perpetual care fund at his or her
11 discretion.

12 (7) The custodian of a perpetual care fund shall be a bank or
13 other financial institution that has the authority to act as a
14 custodian and whose account operations are regulated and examined
15 by a federal or state agency. Until the perpetual care fund
16 reaches the maximum required fund amount, the custodian of a
17 perpetual care fund shall credit interest and earnings of the
18 perpetual care fund to the perpetual care fund. However, upon
19 the direction of the owner or operator, the custodian may utilize
20 the interest and earnings of the perpetual care fund to pay the
21 ~~pro rata share of the~~ solid waste management program
22 administration fee ~~imposed under~~ **or the surcharge required by**
23 section 11525a ~~against~~ **for** the landfill for which the perpetual
24 care fund was established. After the perpetual care fund reaches
25 the maximum required fund amount, interest and earnings shall be
26 distributed as directed by the owner or operator. The agreement
27 governing the operation of the perpetual care fund shall be

1 executed on a form consistent with this part as prepared by the
2 department. The custodian may be compensated from the fund for
3 reasonable fees and costs incurred for his or her
4 responsibilities as custodian. The custodian of a perpetual care
5 fund shall annually make an accounting to the department within
6 30 days following the close of the state fiscal year.

7 (8) The custodian of a perpetual care fund shall not disburse
8 any funds to the owner or operator of a landfill for the purposes
9 of the perpetual care fund except upon the prior written approval
10 of the department. However, the custodian shall ensure the
11 filing of all required tax returns for which the perpetual care
12 fund is liable and shall disburse funds to pay lawfully due taxes
13 owed by the perpetual care fund without permission of the
14 department, and may disburse interest and earnings of the
15 perpetual care fund to pay the solid waste management program
16 administration fee **or the surcharge required by section 11525a** as
17 provided in subsection (7). The owner or operator of the
18 landfill shall provide notice of requests for disbursement and
19 denials and approvals to the custodian of the perpetual care
20 fund. Requests for disbursement from a perpetual care fund shall
21 be submitted not more frequently than semiannually. The owner or
22 operator of a landfill may request disbursement of funds from a
23 perpetual care fund whenever the amount of money in the fund
24 exceeds the maximum required fund amount. ~~specified in~~
25 ~~subsection (2).~~ The department shall approve the disbursement
26 provided the total amount of financial assurance maintained meets
27 the requirements of sections 11523 and 11523a. As used in this

1 subsection, "maximum required fund amount" means:

2 (a) For those landfills containing only those materials
3 specified in subsection (3), an amount equal to 1/2 of the
4 maximum required fund amount specified in subsection (2).

5 (b) For all other landfills, an amount equal to the maximum
6 required fund amount specified in subsection (2).

7 (9) If the owner or operator of a landfill refuses or fails
8 to conduct closure, postclosure monitoring and maintenance, or
9 corrective action as necessary to protect the public health,
10 safety, or welfare, or the environment or fails to request the
11 disbursement of money from a perpetual care fund when necessary
12 to protect the public health, safety, or welfare, or the
13 environment, or fails to pay the solid waste management program
14 administration fee ~~due the department under this part within 90~~
15 ~~days of the request~~ **or the surcharge required under section**
16 **11525a**, then the department may require the disbursement of money
17 from the perpetual care fund and may expend the money for
18 closure, postclosure monitoring and maintenance, and corrective
19 action, as necessary. The department may assess a perpetual care
20 fund for administrative costs associated with actions taken under
21 this subsection.

22 (10) Upon approval by the department of a request to
23 terminate financial assurance for a landfill under section
24 11525b, any money in the perpetual care fund for that landfill
25 shall be disbursed by the custodian to the owner of the landfill
26 unless a contract between the owner and the operator of the
27 landfill provides otherwise.

1 (11) The owner of a landfill shall provide notice to the
2 custodian of the perpetual care fund for that landfill if there
3 is a change of ownership of the landfill. The custodian shall
4 maintain records of ownership of a landfill during the time in
5 which a perpetual care fund is established.

6 (12) This section does not relieve an owner or operator of a
7 landfill of any liability that he or she may have under this part
8 or as otherwise provided by law.

9 (13) This section does not create a cause of action at law or
10 in equity against a custodian of a perpetual care fund other than
11 for errors or omissions related to investments, accountings,
12 disbursements, filings of required tax returns, and maintenance
13 of records required by this section or the applicable perpetual
14 care fund.

15 (14) As used in this section, "custodian" means the trustee
16 or escrow agent of a perpetual care fund.

17 Sec. 11525a. (1) ~~—A~~ **Until October 1, 2003, a** solid waste
18 program administration fee is imposed upon the owners or
19 operators of landfills in the state. The annual cumulative total
20 amount of this fee shall be \$1,040,000.00 as this amount is
21 annually adjusted for inflation beginning in 1997 using the
22 Detroit consumer price index. As used in this section, "Detroit
23 consumer price index" means the most comprehensive index of
24 consumer prices available for the Detroit area from the United
25 States department of labor, bureau of labor statistics.

26 (2) The department shall apportion the cumulative solid waste
27 program administration fee among the operating landfills in the

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1 state. The apportionment shall be made on the basis of each
2 landfill's pro rata share of the cumulative total of amounts
3 maintained in individual perpetual care funds in the state.

4 ~~(3) Within 30 days following the close of each state fiscal~~
5 ~~year~~ **By November 1, 2003**, the owner or operator of a landfill
6 shall report to the department the total amount of assets in its
7 perpetual care fund. The department shall determine the
8 cumulative total amount of perpetual care funds in the state but
9 shall not credit any individual landfill more than the maximum
10 required fund amount established in section 11525(2). The
11 department shall determine each landfill's pro rata share of
12 perpetual care fund contributions using this amount.

13 ~~(4) Within 60 days following the close of each state fiscal~~
14 ~~year~~ **By December 1, 2003**, the department shall notify the owner
15 or operator of each landfill of its assessed share of the solid
16 waste program administration fee. ~~Within 90 days following the~~
17 ~~close of the state fiscal year~~ **By January 1, [2004]**, the owner or
18 operator of a landfill shall pay his or her assessed share of the
19 solid waste program administration fee.

20 ~~(5) Fees~~ **Solid waste program administration fees** collected
21 under this section shall be forwarded to the state treasurer for
22 deposit in the solid waste staff account of the solid waste
23 management fund established in section 11550.

24 **(6) Beginning January 1, 2004, and until October 1, 2007, the**
25 **owner or operator of a landfill shall pay <<a> surcharge as**
26 **follows:**

27 **(a) Except as provided in subdivision (b), 7 cents for each**

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1 cubic yard or portion of a cubic yard of solid waste or municipal
2 solid waste incinerator ash that is disposed of in the landfill
3 during the previous <<quarter of the>> state fiscal year.

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

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

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

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

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

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

16 (7) The owner or operator of a landfill or municipal solid
17 waste incinerator shall pay the surcharge <<under subsection (6)(a)
18 within 30 days after the end of each quarter of the state fiscal year.
The owner or operator of a type III landfill that is a captive facility
shall pay the surcharge under subsection (6)(b) by January 31 of each
year.>>

19 (8) The owner or operator of a landfill or municipal solid
20 waste incinerator who is required to pay the surcharge under
21 subsection (6) may pass through and collect the surcharge from
22 any person who generated the solid waste or who arranged for its
23 delivery to the solid waste hauler or transfer facility
24 notwithstanding the provisions of any contract or agreement to
25 the contrary or the absence of any contract or agreement.

26 (9) Surcharges collected under this section shall be
27 forwarded to the state treasurer for deposit in the solid waste

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1 staff account of the solid waste management fund established in
2 section 11550.

3 (10) 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
industrial waste landfill that is specified in section 11525(3)].

6 Sec. 11550. (1) The solid waste management fund is created
7 within the state treasury. The state treasurer may receive money
8 from any source for deposit into the fund. The state treasurer
9 shall direct the investment of the fund. The state treasurer
10 shall credit to the fund interest and earnings from fund
11 investments.

12 (2) Money in the solid waste management fund at the close of
13 the fiscal year shall remain in the fund and shall not lapse to
14 the general fund.

15 (3) The state treasurer shall establish, within the solid
16 waste management fund, a solid waste staff account and a
17 perpetual care account.

18 (4) Money shall be expended from the solid waste staff
19 account, upon appropriation, only for the following purposes:

20 (a) Preparing generally applicable guidance regarding the
21 solid waste permit and license program or its implementation or
22 enforcement.

23 (b) Reviewing and acting on any application for a permit or
24 license, permit or license revision, or permit or license
25 renewal, including the cost of public notice and public
26 hearings.

27 (c) Performing an advisory analysis under section 11510(1).

1 (d) General administrative costs of running the permit and
2 license program, including permit and license tracking and data
3 entry.

4 (e) Inspection of licensed disposal areas and open dumps.

5 (f) Implementing and enforcing the conditions of any permit
6 or license.

7 (g) Groundwater monitoring audits at disposal areas which are
8 or have been licensed under this part.

9 (h) Reviewing and acting upon corrective action plans for
10 disposal areas which are or have been licensed under this part.

11 (i) Review of certifications of closure.

12 (j) Postclosure maintenance and monitoring inspections and
13 review.

14 (k) Review of bonds and financial assurance documentation at
15 disposal areas which are or have been licensed under this part.

16 (5) Money shall be expended from the perpetual care account
17 only for the purpose of conducting the following activities at
18 disposal areas which are or have been licensed under this part:

19 (a) Postclosure maintenance and monitoring at a disposal area
20 where the owner or operator is no longer required to do so.

21 (b) To conduct closure, or postclosure maintenance and
22 monitoring and corrective action if necessary, at a disposal area
23 where the owner or operator has failed to do so. Money shall be
24 expended from the account only after funds from any perpetual
25 care fund or other financial assurance mechanisms held by the
26 owner or operator have been expended and the department has used
27 reasonable efforts to obtain funding from other sources.

1 (6) By March 1 annually, the department shall prepare and
2 submit to the governor, the legislature, the chairs of the
3 standing committees of the senate and house of representatives
4 with primary responsibility for issues related to natural
5 resources and the environment, and the chairs of the
6 subcommittees of the senate and house appropriations committees
7 with primary responsibility for appropriations to the department
8 a report that details the activities of the previous fiscal year
9 funded by the staff account of the solid waste management fund
10 established in this section. This report shall include, at a
11 minimum, all of the following as it relates to the department:

12 (a) The number of full-time equated positions performing
13 solid waste management permitting, compliance, and enforcement
14 activities.

15 (b) All of the following information related to the
16 construction permit applications received under section 11509:

17 (i) The number of applications received by the department,
18 reported as the number of applications determined to be
19 administratively incomplete and the number determined to be
20 administratively complete.

21 (ii) The number of applications determined to be
22 administratively complete for which a final action was taken by
23 the department. The number of final actions shall be reported as
24 the number of applications approved, the number of applications
25 denied, and the number of applications withdrawn by the
26 applicant.

27 (iii) The percentage and number of applications determined

1 to be administratively complete for which a final decision was
2 made within 120 days of receipt as required by section 11511.

3 (c) All of the following information related to the
4 operating license applications received under section 11512:

5 (i) The number of applications received by the department,
6 reported as the number of applications determined to be
7 administratively incomplete and the number determined to be
8 administratively complete.

9 (ii) The number of applications determined to be
10 administratively complete for which a final action was taken by
11 the department. The number of final actions shall be reported as
12 the number of applications approved, the number of applications
13 denied, and the number of applications withdrawn by the
14 applicant.

15 (iii) The percentage and number of applications determined
16 to be administratively complete for which a final decision was
17 made within 90 days of receipt as required by section 11516.

18 (d) The number of inspections conducted at licensed disposal
19 areas as required by section 11519.

20 (e) The number of letters of warning sent to licensed
21 disposal areas.

22 (f) The number of contested case hearings and civil actions
23 initiated and completed, the number of voluntary consent orders
24 and administrative orders entered or issued, and the amount of
25 fines and penalties collected through such actions or orders.

26 (g) For each enforcement action that includes a penalty, a
27 description of what corrective actions were required by the

1 enforcement action.

2 (h) The number of solid waste complaints received,
3 investigated, resolved, and not resolved by the department.

4 (i) The amount of revenue in the staff account of the solid
5 waste management fund at the end of the fiscal year.

6 Enacting section 1. This amendatory act takes effect
7 October 1, 2003.