

SOLID WASTE COORDINATING COMMITTEE

Julie Maurer
Program Coordinator

1040 S. Winter St., Adrian, MI 49221
p: 517-264-5263 | f: 517-264-0790
lenawee.mi.us



MEMBERS

*Dave Pixley, Dave Stimpson
K. Johnson, J. Palmer, B. Bollwahn,
G. Elliott, D. Swallow, J. May, J. Tuckerman*

MEETING LOCATION

Chambers
301 Main Street
Adrian, MI 49221

Agenda: Wednesday, March 6, 2024 – 10:00 a.m.

- I. **Minutes:** Jan. 24, 2024
- II. **Reports:** Financial Reports, Waste Hauler Tonnage Logs, Countywide Recycling
- III. **Recycling & Drop Off Site (DOS) Monthly Update**
- IV. **Program Coordinator's Report**
 - Community Education
 - Current Projects
 - o Composting
 - o Grants
- V. **Community Cleanup Day/Scrap Tires – May 11**
- VI. **Material's Management Planning Update**
 - Presentation and vote for recommendation to BOC: DPA
 - Presentation and vote for recommendation to BOC: Multi-County agreement
 - MMP Committee Member Discussion
 - Data collection update
- VII. **Michigan's New Illegal Dumping Law**
- VIII. **Other Business**
- IX. **Public Comment**
- X. **Adjournment**

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MEETING LOCATION

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Adrian, MI 49221

Minutes: Wednesday, January 24, 2024 – 10:00 a.m.

Members in Attendance:

- | | |
|--|---|
| ✓ David Stimpson (Co Comm) 12/25 | ✓ Kasee Johnson (Health Field) 12/26 |
| ✓ John Tuckerman (At Large) 12/25 | A Dave Pixley (Outlying Community) 12/24 |
| ✓ Greg Elliott (City of Adrian) 12/25 | ✓ Jim Palmer (Twp. Official) 12/24 |
| ✓ Jim May (Solid Waste Industry) 12/26 | ✓ Brooke Bollwahn (Environmental Group) 12/24 |
| ✓ Dan Swallow (City of Tecumseh) 12/26 | |

Also Present: Julie Maurer, Monica Hunt, Shannon Elliott

Vice-Chair David Stimpson opened the meeting at 10:01 a.m.

I. Minutes: Dec. 19, 2023

Motion by J. Palmer, seconded by J. Tuckerman., to approve the December minutes. Motion carried.

II. Reports: Financial Reports, Waste Hauler Tonnage Logs, Countywide Recycling

J. Maurer noted that the only major change in the financial reports is that her salary and benefits have been added. She also noted that the reason December is higher in DOS costs than November is because only four pickups were done in Nov. vs. 7 in Dec. This is because there were two pickups in early Dec.

On the waste hauler report, J. Maurer reported that Lenawee County produced less trash in 2023 than in 2022. The previous year showed a significant increase, but 2023 is back to similar numbers as 2021 and 2020.

The County is still waiting on numbers from one hauler, but 2023 recycling numbers are going to be very similar to 2022.

III. Program Coordinator's Report

- **Community Education**

- o J. Maurer reports that the January theme is "resolve to recycle" and that the most popular post has been about winter recycling tips. The February theme will be "recycling heroes."
- o Blog posts have gone up weekly and also sent to the local media. Information has run in several local newspapers, and J. Maurer has been interviewed for television and radio on recycling tips.

- **Waste Hauler's Licenses**

- o Eight renewed, down from last year's 10. One non-renewal was Omni-Source, but they are not required by law to renew. The other one was Bin There, Dump That – they didn't give any reports all year. Will follow up soon with non-compliance letter.
- o J. Maurer Will send letter about the license to other dumpster companies in the county to give them the opportunity to comply.
- o D. Stimpson recommended we send a list of the licensed waste haulers to the municipalities because they are more likely to notice non-compliant haulers.

IV. RFPs for Recycling Processing and Hauling – Discussion and vote on recommendation to send to Board of Commissioners

J. Maurer shared that three companies submitted bids for hauling and/or processing for materials at our DOS – LRS, Granger, and Stevens. LRS was the most inexpensive with their hauling/processing option costing \$318 per load to haul and \$65 per ton to process. They will take the materials to a transfer station in Jackson, MI, and then to their MRF near Chicago. Granger is our current processor, and their option was an increase over last year, and also include a fuel surcharge. Stevens came in the highest at \$550 per load, and whatever the Ann Arbor Recycling Center is charging to process, plus an additional 20 percent.

Motion by J. Palmer to make the recommendation that the Board of Commissioners accept the Stevens Disposal bid, J. Tuckerman seconded for sake of discussion.

Mr. Palmer expressed concerns about LRS no longer being local now that Modern Waste merged with them. He suggested going with Stevens because even if it costs more, they would make up for it in excellent service.

D. Stimpson called for a motion on tabling Mr. Palmer's motion so they could discuss conflict of interest. Motion by G. Elliott, seconded by D. Swallow. Motion carried.

Jim May recused himself from the discussion on the DOS bids because he works for Stevens.

J. Tuckerman made a motion to accept J. May's recusal. G. Elliot seconded. Motion carried.

J. Tuckerman motioned to return to discussion on the tabled motion to choose Stevens bid. G. Elliot seconded. Motion carried.

D. Stimpson thanked Mr. Palmer for his support for using a service provider who would handle the waste locally. However, the cost difference would be too much to justify going with Stevens.

The motion to recommend the Stevens bid failed seven to one, with J. Palmer voting in favor of the Stevens bid.

G. Elliot motioned to recommend the LRS bid that included hauling and processing to the Board of Commissioners for approval, K. Johnson seconded. Motion carried 7-1, with J. Palmer voting against.

V. Material's Management Planning Update

J. Maurer shared a presentation on the first task of the materials management planning process that EGLE kicked off Jan. 8. The board of commissioners needs to vote on whether the county will be the CAA, or County Approval Agency, when it comes to authority over the new materials management plan. Other options for the CAA would be the municipalities working together to write it, Region 2, or to give it back to the state. In all these options other than the BOC being CAA, Lenawee County would have a lack of control over the laws and not receive funding.

J. Palmer noted that when he worked on a committee with Region 2, Jackson received most of the resources over Lenawee, and said that he recommends against having R2 be the CAA.

J. Palmer motioned that the committee recommend to the Board of Commissioners that they to accept the responsibilities as the County Approval Agency for the Materials Management Planning Process for Lenawee County. D. Swallow seconded. Motion carried.

D. Stimpson will present this to the BOC as part of his committee report at the next meeting.

VI. Other Business

February meeting will be canceled as this special meeting was close enough to it and all pressing matters will be handled. The chairman can call a special meeting in February if need, otherwise the committee will reconvene March 6 at 10 a.m.

VII. Public Comment

No public comment.

VIII. Adjournment

G. Elliott motioned to adjourn; J. Tuckerman seconded.

Vice-Chair D. Stimpson closed the meeting at 10:56 a.m.



Budget Performance Report

Fiscal Year to Date 02/29/24

Include Rollup Account and Rollup to Base Account & Detail Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund 232 - Solid Waste										
REVENUE										
Department 525 - Solid Waste										
485	Refuse Transport Licenses	1,000.00	.00	1,000.00	.00	.00	200.00	800.00	20	1,000.00
540	State	.00	.00	.00	.00	.00	.00	.00	+++	3,214.45
674	Contributions & Donations	4,000.00	.00	4,000.00	.00	.00	.00	4,000.00	0	3,411.00
687	Refunds									
687.150	Refunds Unemployment	.00	.00	.00	.00	.00	.00	.00	+++	8.12
687 - Refunds Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$8.12
699	Transfers In									
699.100	Transfers In Appropriation	100,000.00	.00	100,000.00	.00	.00	25,000.00	75,000.00	25	60,000.00
699 - Transfers In Totals		\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$0.00	\$25,000.00	\$75,000.00	25%	\$60,000.00
Department 525 - Solid Waste Totals		\$105,000.00	\$0.00	\$105,000.00	\$0.00	\$0.00	\$25,200.00	\$79,800.00	24%	\$67,633.57
REVENUE TOTALS		\$105,000.00	\$0.00	\$105,000.00	\$0.00	\$0.00	\$25,200.00	\$79,800.00	24%	\$67,633.57
EXPENSE										
Department 525 - Solid Waste										
704	Wages - Regular Employees	26,081.00	.00	26,081.00	2,077.88	.00	3,111.08	22,969.92	12	3,510.78
715	Matching Social Security	1,995.00	.00	1,995.00	158.96	.00	238.00	1,757.00	12	268.57
718	Retirement									
718.120	Retirement Defined Benefit Liability	2,478.00	.00	2,478.00	197.40	.00	295.55	2,182.45	12	315.98
718.200	Retirement Defined Contribution	1,304.00	.00	1,304.00	103.90	.00	155.56	1,148.44	12	175.53
718 - Retirement Totals		\$3,782.00	\$0.00	\$3,782.00	\$301.30	\$0.00	\$451.11	\$3,330.89	12%	\$491.51
720	Unemployment	78.00	.00	78.00	6.24	.00	9.34	68.66	12	10.53
721	Workers Compensation	84.00	.00	84.00	6.02	.00	9.01	74.99	11	10.15
727	Office Supplies	50.00	.00	50.00	.00	.00	.00	50.00	0	10.66
728	Postage	50.00	.00	50.00	.00	.00	3.18	46.82	6	22.35
729	Public Education Material	500.00	.00	500.00	.00	.00	.00	500.00	0	.00
743	Other Supplies	50.00	.00	50.00	.00	.00	.00	50.00	0	35.99
801	Professional & Contractual	3,500.00	.00	3,500.00	.00	.00	.00	3,500.00	0	2,750.00
808	Membership Dues	100.00	.00	100.00	.00	.00	.00	100.00	0	100.00
809	Service Contract	27,230.00	.00	27,230.00	.00	.00	3,640.00	23,590.00	13	38,423.77
829	Insurance & Bonds	4,000.00	.00	4,000.00	4,223.25	.00	4,223.25	(223.25)	106	4,219.85
831	Recycling	32,000.00	.00	32,000.00	.00	.00	2,693.18	29,306.82	8	41,618.98
843	Advertising & Publishing	1,500.00	.00	1,500.00	.00	.00	.00	1,500.00	0	1,203.20
846	Travel	50.00	.00	50.00	.00	.00	4.69	45.31	9	9.17
848	Meals	50.00	.00	50.00	.00	.00	.00	50.00	0	.00
850	Communications	1,020.00	.00	1,020.00	90.73	95.00	90.73	834.27	18	1,038.47
900	Printing & Publishing	100.00	.00	100.00	.00	.00	.00	100.00	0	85.67
901	Copy Fees	50.00	.00	50.00	.00	.00	.00	50.00	0	.00
920	Utilities									
920.300	Utilities Electric	2,000.00	.00	2,000.00	213.02	.00	213.02	1,786.98	11	2,095.26



Budget Performance Report

Fiscal Year to Date 02/29/24

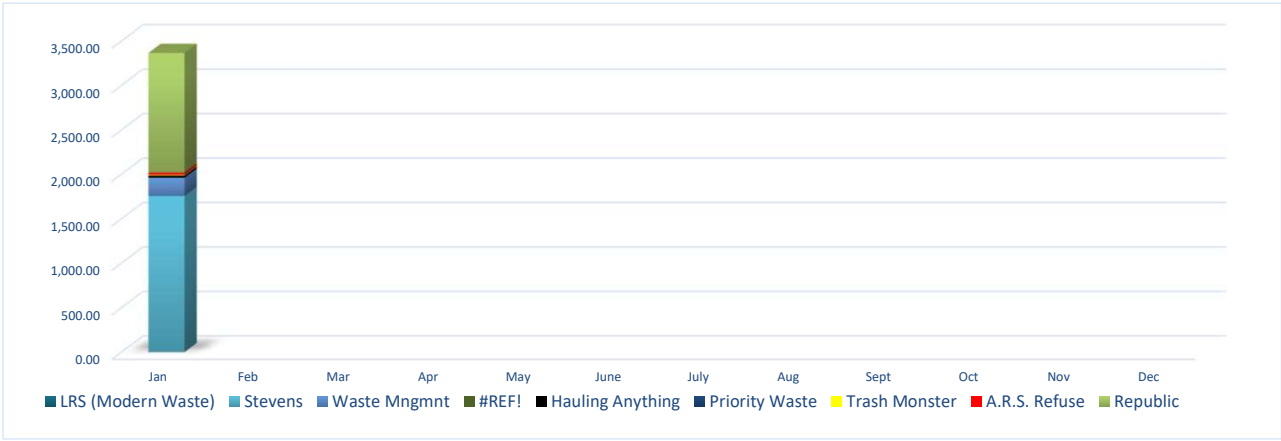
Include Rollup Account and Rollup to Base Account & Detail Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund 232 - Solid Waste										
EXPENSE										
Department 525 - Solid Waste										
	920 - Utilities Totals	\$2,000.00	\$0.00	\$2,000.00	\$213.02	\$0.00	\$213.02	\$1,786.98	11%	\$2,095.26
931	Equipment Repair/Maint	730.00	.00	730.00	41.20	.00	41.20	688.80	6	137.66
	Department 525 - Solid Waste Totals	\$105,000.00	\$0.00	\$105,000.00	\$7,118.60	\$95.00	\$14,727.79	\$90,177.21	14%	\$96,042.57
	EXPENSE TOTALS	\$105,000.00	\$0.00	\$105,000.00	\$7,118.60	\$95.00	\$14,727.79	\$90,177.21	14%	\$96,042.57
Fund 232 - Solid Waste Totals										
	REVENUE TOTALS	105,000.00	.00	105,000.00	.00	.00	25,200.00	79,800.00	24%	67,633.57
	EXPENSE TOTALS	105,000.00	.00	105,000.00	7,118.60	95.00	14,727.79	90,177.21	14%	96,042.57
Fund 232 - Solid Waste Totals		\$0.00	\$0.00	\$0.00	(\$7,118.60)	(\$95.00)	\$10,472.21	(\$10,377.21)		(\$28,409.00)
Grand Totals										
	REVENUE TOTALS	105,000.00	.00	105,000.00	.00	.00	25,200.00	79,800.00	24%	67,633.57
	EXPENSE TOTALS	105,000.00	.00	105,000.00	7,118.60	95.00	14,727.79	90,177.21	14%	96,042.57
Grand Totals		\$0.00	\$0.00	\$0.00	(\$7,118.60)	(\$95.00)	\$10,472.21	(\$10,377.21)		(\$28,409.00)

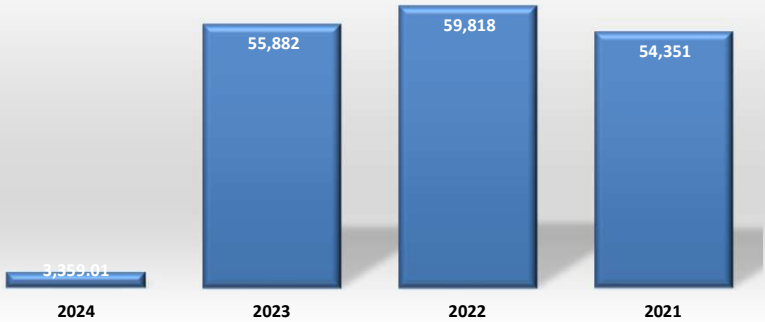
Commercial Waste Haulers
Lenawee County

Generated IN Lenawee County - Transported OUT
2024

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	2024
A.R.S. Refuse	24.79												24.79
Hauling Anything	18.67												18.67
Priority Waste	5.87												5.87
Trash Monster	7.17												7.17
LRS (Modern Waste)													0.00
Waste Mngmnt	205.68												205.68
Republic	1,346.33												1346.33
Stevens	1,756.37												1756.37
	3,364.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,364.88

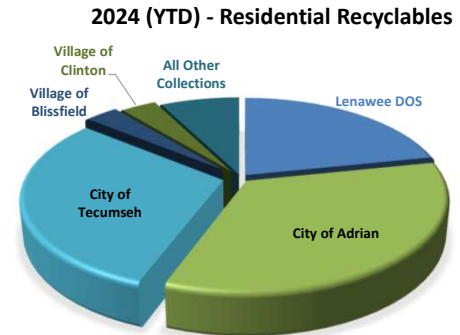
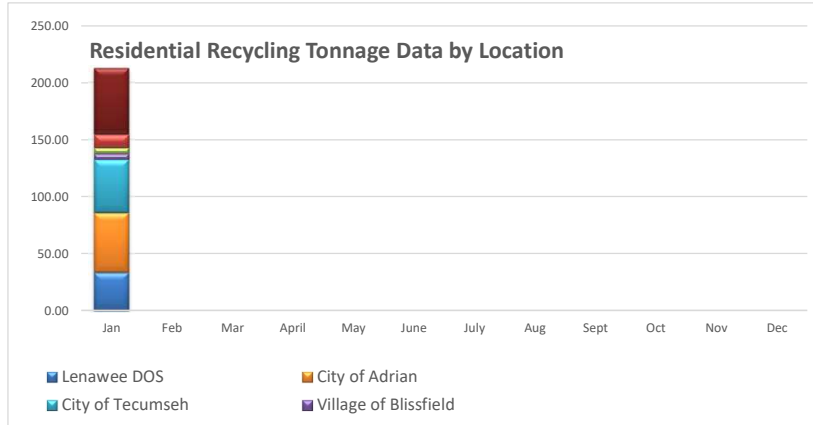


Annual Solid Waste Collections
Reported Tonnage



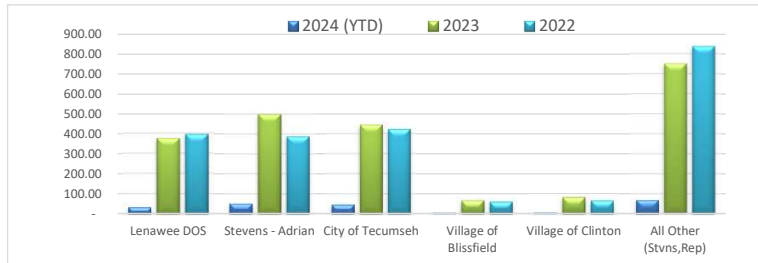
Countywide Recycling Lenawee County

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD TONS
Lenawee DOS	33.57												33.57
City of Adrian	52.37												52.37
City of Tecumseh	46.74												46.74
Village of Blissfield	4.92												4.92
Village of Clinton	5.25												5.25
All Other Collections	11.62												11.62
Total Residential	154.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	154.47
Commercial Cardboard	58.32												58.32
Total	367.26	0.00	0.00	0.00	0.00	0.00	0.00	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!



3-Yr RECYCLING Tonnage

	2024 (YTD)	2023	2022
Lenawee DOS	33.57	376.61	395.64
Stevens - Adrian	52.37	499.95	388.21
City of Tecumseh	46.74	445.68	423.18
Village of Blissfield	4.92	66.14	59.76
Village of Clinton	5.25	80.53	64.27
All Other (Stvns,Rep)	69.94	751.01	837.71
Total	212.79	2,219.92	2,168.77

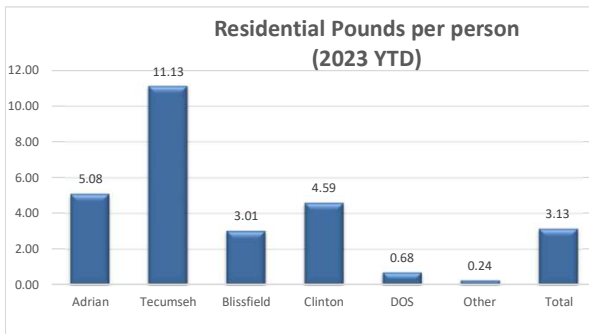


07/2022:

Blissfield: residents subscribe for recycling services.

Adrian, Tecumseh and Clinton recycling is included in collection services

* Total Recyclables includes all reported materials



Residential RECYCLING lbs Per Capita

	City Adrian	City Tecumseh	Village Blissfield	Village Clinton	Lenawee DOS	Other	Lenawee Total
Housing Units **	8845	3791	1556	1028			43,969
Population **	20,600	8,398	3,266	2,290	98,567	98,567	98,567
2024 YTD Tons	52.37	46.74	4.92	5.25	33.57	11.62	154.47
Pounds per person	5.08	11.13	3.01	4.59	0.68	0.24	3.13

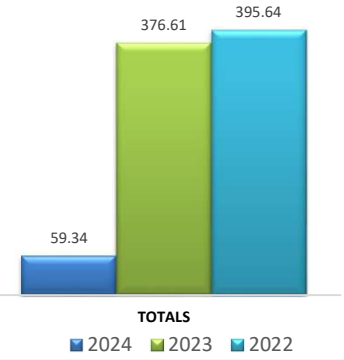
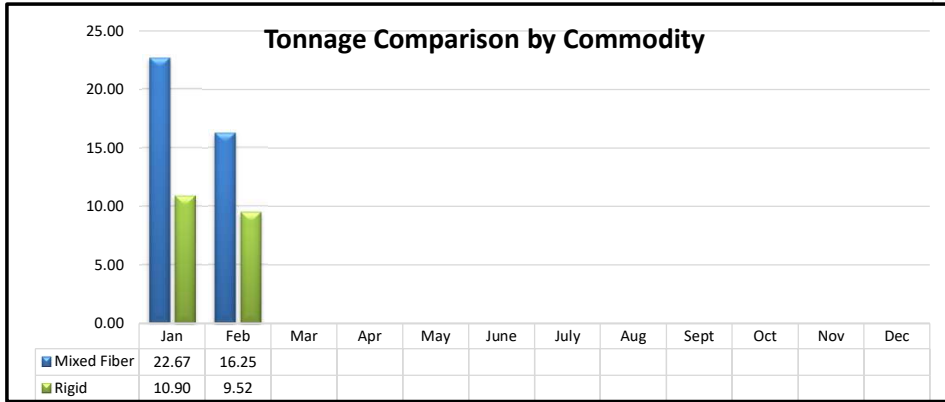
The 2018 national average was 1.16 lbs per person, per day

** <http://www.city-data.com/housing/housing-Michigan.html>

*** <https://www.census.gov/data/datasets/time-series/demo/popest/2010s-total-cities-and-towns.html>

Recycling Drop Off Site Lenawee County

2023



Slightly behind 2023 collections

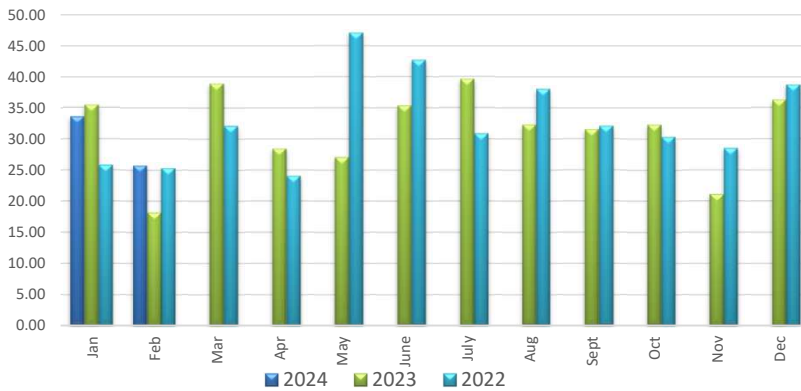
Mixed Fibers: Paper, Cardboard, Chipboard, Cereal boxes, Newspaper, Magazines
Rigids: Plastics 1-7, tin cans, aluminum foils, glass jars/bottles

2024 Fuel Surcharges: 218.91

Days affected by closures/reduced hours last month: 0

Total days affected by closures/reduced hours in 2024: 2

3-YR DOS Tonnage - Monthly Comparisons



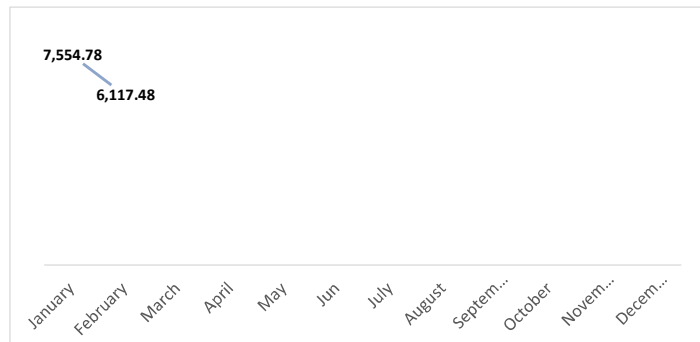
Current DOS Hours: 7am - 6pm Mon-Fri
8am - 4pm Sat-Sun

2024 Total Contaminated Loads: 0
Mixed Fibers (total tons) 0
Rigids (total ton) 0

2023 Total Contaminated Loads: 1
Mixed Fibers (total tons) 5.86
Rigids (total ton) 0

2022 Total Contaminated Loads: 0
Mixed Fibers (total tons) 0
Rigids (total ton) 5.5

Month	Tonnage	Cost
January	33.57	7,554.78
February	25.77	6,117.48
March		
April		
May		
Jun		
July		
August		
September		
October		
November		
December		
Average	29.67	6,836.13



LENAWEE COUNTY

SOLID WASTE DEPARTMENT

Julie Maurer
Program Coordinator

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January 2024

Education and Outreach:

- Social media:
Links - Facebook - [Lenawee County Solid Waste / Recycling | Adrian MI | Facebook](#)
Instagram: [Lenawee County Recycling \(@lenaweerecycle\)](#) • [Instagram photos and videos](#)
 - o Top three posts last month were: "To Planet Earth, With Love. Low-waste Valentine's Tips," January DOS numbers, and "9 Ways to Reuse Your Grass."
- Last month, three people from Environmental Health Department attended the Materials Management Conference put on by the state.
- Toured the Goodwill Recycling Center.

Current Projects:

- Composting
 - o Met with David Andre from GoZero Composting about his interest to expand his service into Michigan.
 - o Met with the heads of the Tecumseh and Adrian farmers markets about a potential pilot program.
 - o Infrastructure grant coming in the future
 - o Also plan to reach out to LISD and tech center about composting in their Ag programs
- Grants
 - o EGLE Recycling Infrastructure Grant – Deadline is May 17. It requires 20 percent matching. Considering options for painting road lines at DOS, building a platform in 5th bay for pop-up recycling opportunities (like Christmas lights during the holiday season), additional signage
 - o The Recycling Partnership – Ongoing Submissions – Infrastructure to expand recycling opportunities. Considering Cardboard Drop Off Containers in some of our more rural communities.
 - o The Lawrence Foundation – Deadline April 30 – Funds Environmental projects 5k-10k.
 - o NextCycle Michigan Accelerator Track (Intergovernmental Initiatives and Private-Public Partnerships)

2024 Calendar: 1st Wednesday of the month at 10:00 a.m.

April 3	May 1	June 5	July 3
August 7	September 4	October 2	November 6
December 4			

Materials Management Plan

DPA Selection

What is a DPA?

Designated Planning Agency (DPA): the agency and a specific individual of the agency designated by the CAA (the county) that shall serve as the primary government resource in the planning area for the administering and developing the MMP. “DPA” does not mean a regional planning agency, unless the CAA identifies the regional planning agency as the DPA.

Responsibilities of the DPA:

- Serves as the primary government resource in the planning area for information about the MMP and leads the MMP development process. Posts Materials Management Planning Committee agendas and keeps minutes.
- Under the direction of the Materials Management Planning Committee, prepares the MMP using the EGLE provided format, solicits public comment, and obtains MMP approval.
- During the preparation of the MMP, solicits the advice of and consults with the following organizations: the county and regional planning, municipalities, various organizations related to materials management, and the private sector, such as materials management facility operators, and county DPAs and municipalities in counties that are adjacent to the planning area.

Choosing a DPA

Option 1

County Health Department
becomes DPA, with Solid
Waste Program Coordinator
as the primary contact

Option 2

Region 2 becomes DPA, also
becoming primary contact

Our recommendation

Option 1 - The Health Department becomes the DPA, with the Solid Waste Program Coordinator (Julie Maurer) as the primary contact.

Materials Management Plan

Multi-County Plan

Why do we need a vote?

As part of the new Materials Management Planning laws, we must show in writing that we considered working with other counties.

Pros and Cons

Pros

- An additional \$10,000 in funding for each county participating
- Only have to form one materials management planning committee

Cons

- Less control on the local level
- Funding shared between counties
- A single plan that covers multiple counties would not meet specific needs and goals of each county

Counties that have reached out

1

Jackson - We have discussed Materials Management planning with R2 Planner, who anticipates doing the plan for Jackson. They have no formal Solid Waste Management plan at this time.

3

Monroe - They anticipate doing their own plan, but are interested in informally collaborating and sharing information throughout the process.

2

Hillsdale - County Commissioner reached out at Materials Management conference. They are early in the process and have expressed interest in doing a joint plan, with the benefits of combined funds to pay for a consultant.

4

We have been invited to listen in on SEMCOG meetings where they discuss Materials Management Planning process.

Today's vote

Option 1

Indicate that Lenawee County intends to do a single-county Materials Management Plan.

Option 2

Propose an multi-county plan with Hillsdale County, Jackson County, or both.

Option 3

Send out a notice to all Michigan counties that we are willing to form an multi-county plan.

Our recommendation

Option 1 - Notify other counties that Lenawee County intends to make a single-county plan for materials management. This will ensure we develop a plan that best meets the needs of our local residents and we can put the funding to its best uses. The surrounding counties are at different points in their materials management process, so working together may stretch resources to bring everyone to the same level, and also create barriers in goal setting for our own county.

We can still informally work with other counties to collaborate on ideas and troubleshoot throughout the materials management process.

March 13, 2024

SENT VIA EMAIL AND U.S. MAIL

RE: Multicounty Materials Management Planning

Dear Adjacent County Board of Commissioners:

In accordance with updates to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, (1994 PA 451), counties that intend to submit a Materials Management Plan (MMP) must include documentation of correspondence with adjacent counties, to gauge interest in preparing a multi-county plan. This letter fulfills that requirement.

We would like to inform you that Lenawee County anticipates submitting a single county MMP to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to best meet the needs of our residents, businesses, and municipalities. However, we recognize that there is value in sharing information across the region and anticipate reaching out to surrounding counties during the planning process.

In addition, we are compiling a contact list of individuals to be notified of public meetings and other communications associated with our plan. Please confirm that you are willing to receive notice by electronic mail and confirm your contact information.

If there are other individuals in your county who would like to be notified, please provide the following: name, title, mailing address, email address, phone number and preference to be notified either via email or U.S. mail.

To comply with EGLE requirements, please provide a written response that documents your response to this letter by April 13, 2024 (30 days). Please feel free to contact our Solid Waste Program Coordinator Julie Maurer at julie.maurer@lenawee.mi.us or (517) 264-5263 with any questions or to further discuss the upcoming Materials Management planning efforts. Thank you in advance for your cooperation.

Sincerely,

The Lenawee County Board of Commissioners

Signed by:

James E. Van Doren, Chair, Board of Commissioners

Legislative Analysis



AMEND PENALTIES FOR LITTERING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4325 (H-1) as passed by the House
Sponsor: Rep. Helena Scott
Committee: Natural Resources, Environment, Tourism
and Outdoor Recreation
Complete to 1-22-24

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 6 of 2024)

SUMMARY:

House Bill 4325 would amend section 8905a of the Natural Resources and Environmental Protection Act (NREPA) to add additional categories of littering that constitute a violation of Part 89 of NREPA and to set penalties for each new category.

For purposes of the bill, ***litter*** means rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances. (The act also defines certain abandoned vehicles, ORVs, vessels, and snowmobiles as litter, but the penalty for these types of litter would not be affected by the bill.)

Presently under the law, there are three levels of littering, which are civil infractions with corresponding civil fines:

- If the amount of litter is less than one cubic foot, the fine is up to \$800.
- If the litter is more than one cubic foot but less than three cubic feet, a fine of up to \$1,500.
- If the litter is greater than three cubic feet, the fine is up to \$2,500 for a first offense, with additional offenses carrying a fine of up to \$5,000.

The bill would retain the first two levels, while replacing the three-cubic-feet-or-greater category with the following additional levels of littering and fines:

- Littering in an amount greater than three cubic feet but less than 135 cubic feet (expressed as five cubic yards in the bill) would be a misdemeanor punishable by a penal fine of up to \$2,500, with any subsequent violations increasing the maximum fine by \$2,500 each additional time.
- Littering in an amount of 135 cubic feet or more would be a misdemeanor punishable by a penal fine of up to \$5,000 for an initial violation, with subsequent violations increasing the maximum fine by \$5,000 each additional time.

The bill also would direct the court to order a person to remove the litter and remediate any damage caused to property resulting from the violation as part of its judgment of sentence for a misdemeanor conviction described above. If the violation occurred on railroad property, the court would have to order the person to reimburse the railroad for costs of litter removal and any necessary damage remediation.

If a prosecuting attorney intends to seek the increased fine for a second or subsequent littering violation for an amount of litter that is either three cubic feet to 135 cubic feet, or greater than 135 cubic feet, the prosecutor would have to list the prior conviction or convictions on the

complaint, and the existence of prior convictions would have to be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction could be established by any evidence relevant for that purpose, including one or more of the following:

- A copy of the judgment of conviction.
- A transcript of a prior trial, plea-taking, or sentencing.
- Information contained in a presentence report.
- The defendant's statement.

Additionally, HB 4325 would make violations of littering in the amount of three cubic feet or more applicable to a person and the person's employer or employing agency if the violation was done at the direction of, or with the knowledge of, the person's employer or employing agency.

For a littering violation, if a local community group, or village or township, or municipal, county, or state department has performed, or will perform, a cleanup or property remediation, the person responsible for that violation could be directed to reimburse that entity for the expense incurred. This reimbursement could be in addition to, or in lieu of, a state civil infraction or criminal conviction. A city, village, or township attorney, a prosecuting attorney for a county, or the attorney general could bring an action seeking reimbursement for expenses incurred for the cleanup of litter and remediating property damage. Any reimbursement costs assessed to a person could not exceed the actual cleanup and remediation costs. Funds collected as part of an order for reimbursement could be used in partnership with a local community group, or village or township, or municipal, county, or state department with the owner of the property where the littering occurred for the cleanup and remediation of that littering violation.

Finally, the bill would provide that a property owner has a civil cause of action for damages for the reasonable and necessary costs of cleanup and remediation. This would be in addition to any penal or civil fine ordered for a violation.

The bill would take effect 90 days after it is enacted.

MCL 324.8905a

BACKGROUND:

Illegal dumping of trash and other refuse is an increasing problem in the state, particularly in urban areas. According to the Detroit Department of Public Works,¹ in 2022, more than 700 tons of waste that has been illegally disposed of within the city is cleaned up by workers each week. The cost of cleanup and proper disposal of this trash leads to millions of dollars in additional spending by municipalities across the state, which detracts from what a municipality can spend on other services and increases costs that must be passed on to residents in order to maintain existing service. These direct costs are in addition to environmental issues caused by some of the materials that are illegally dumped and loss of enjoyment of neighborhoods by residents who live near common dumping areas.

¹ <https://www.freep.com/story/news/local/michigan/detroit/2022/07/05/illegal-dumping-detroit/7585311001/>

Bill proponents hope that increasing fines will lead to a reduction in illegally dumped waste, while providing additional funds for cleanup and enforcement actions to ensure compliance.

FISCAL IMPACT:

House Bill 4325 would have an indeterminate fiscal impact on the state and on local units of government. As the number of violations that would occur under provisions of the bill is not known, we cannot estimate the amount of additional revenue that would be collected.

Under the bill, first, second, or subsequent offenses of littering, over three cubic feet, would be misdemeanors, resulting in sanctions of penal fines. In addition to that, or in lieu of that, the offenses could result in sanctions of civil fines. Civil fine revenue could not exceed actual cleanup and remediation costs under the bill.

Any increase in penal or civil fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. Also, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch; the Departments of State Police, Corrections, Health and Human Services, and Treasury; and the Legislative Retirement System.

The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and case complexity.

POSITIONS:

A representative of the Michigan Railroads Association testified in support of the bill. (9-28-23)

The following entities indicated support of the bill:

- Department of Environment, Great Lakes, and Energy (9-28-23)
- Michigan Environmental Council (9-28-23)
- Michigan League of Conservation Voters (9-28-23)
- Michigan Manufacturers Association (9-28-23)
- Michigan Municipal League (10-5-23)
- Michigan Townships Association (9-28-23)
- Michigan United Conservation Clubs (10-5-23)
- Sierra Club of Michigan (10-5-23)

Legislative Analyst: Josh Roesner
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.