

**SUBSTITUTE FOR  
HOUSE BILL NO. 5812**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11503, 11504, 11505, 11506, 11507, 11507a, and 11508 (MCL 324.11502, 324.11503, 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a, and 324.11508), sections 11502 and 11505 as amended by 2018 PA 640, sections 11503 and 11504 as amended by 2020 PA 85, section 11506 as amended by 2018 PA 615, and section 11507a as amended by 2004 PA 39, and by designating sections 11501 to 11508 as subpart 1 of part 115.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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**SUBPART 1 GENERAL AND DEFINITIONS**

Sec. 11502. (1) "Agreement" means a written contract.

(2) ~~(1)~~—"Agronomic rate" means a rate that meets both of the



1 following requirements:

2 (a) Is generally recognized by the agricultural community or  
3 is calculated for a particular area of land to improve the physical  
4 nature of soil, such as structure, tilth, water retention, pH, or  
5 porosity, or to provide macronutrients or micronutrients in an  
6 amount not materially in excess of that needed by the crop, forest,  
7 or vegetation grown on the land.

8 (b) Takes into account and minimizes runoff of beneficial use  
9 by-products to surface water or neighboring properties, the  
10 percolation of excess nutrients beyond the root zone, and the  
11 liberation of metals from the soil into groundwater.

12 (3) "Anaerobic digester" means a facility that uses  
13 microorganisms to break down biodegradable material in the absence  
14 of oxygen, producing methane and an organic product.

15 (4) "Animal bedding" means a mixture of manure and wood chips,  
16 sawdust, shredded paper or cardboard, hay, straw, or other similar  
17 fibrous materials normally used for bedding animals.

18 (5) ~~(2)~~"Ashes" means the residue from the burning of wood,  
19 scrap wood, tires, biomass, wastewater sludge, fossil fuels  
20 including coal or coke, or other combustible materials.

21 (6) "Benchmark recycling standards" means all of the following  
22 requirements:

23 (a) By January 1, 2025, at least 90% of single-family  
24 dwellings in urban areas as identified by the most recent federal  
25 decennial census and, by January 1, 2028, at least 90% of single-  
26 family dwellings in municipalities with more than 5,000 residents  
27 have access to curbside recycling that meets all of the following  
28 criteria:

29 (i) One or more recyclable materials, as determined by the



1 county's material management plan, that are typically collected  
2 through curbside recycling programs, are collected at least twice  
3 per month.

4 (ii) If recyclable materials are not collected separately, the  
5 mixed load is delivered to a solid waste processing and transfer  
6 facility and the recyclable materials are separated from material  
7 to be sent to a solid waste disposal area.

8 (iii) Recyclable materials collected are delivered to a  
9 materials recovery facility that complies with part 115 or are  
10 managed appropriately at an out-of-state recycling facility.

11 (iv) The curbside recycling is provided by the municipality or  
12 the resident has access to curbside recycling by the resident's  
13 chosen hauler.

14 (b) By January 1, 2031, the following additional criteria:

15 (i) In counties with a population of less than 100,000, there  
16 is at least 1 drop-off location for each 10,000 residents without  
17 access to curbside recycling at their dwelling, and the drop-off  
18 location is available at least 24 hours per month.

19 (ii) In counties with a population of 100,000 or more, there is  
20 at least 1 drop-off location for each 50,000 residents without  
21 access to curbside recycling at their dwelling, and the drop-off  
22 location is available at least 24 hours per month.

23 (7) ~~(3)~~—"Beneficial use 1" means use as aggregate, road  
24 material, or building material that in ultimate use is or will be  
25 bonded or encapsulated by cement, limes, or asphalt.

26 (8) ~~(4)~~—"Beneficial use 2" means use as any of the following:

27 (a) Construction fill at nonresidential property that meets  
28 all of the following requirements:

29 (i) Is placed at least 4 feet above the seasonal groundwater



1 table.

2 (ii) Does not come into contact with a surface water body.

3 (iii) Is covered by concrete, asphalt pavement, or other  
4 material approved by the department.

5 (iv) Does not exceed 4 feet in thickness, except for areas  
6 where exceedances are incidental to variations in the existing  
7 topography. This subparagraph does not apply to construction fill  
8 placed underneath a building or other structure.

9 (b) Road base or soil stabilizer that does not exceed 4 feet  
10 in thickness except for areas where exceedances are incidental to  
11 variations in existing topography, is placed at least 4 feet above  
12 the seasonal groundwater table, does not come into contact with a  
13 surface water body, and is covered by concrete, asphalt pavement,  
14 or other material approved by the department.

15 (c) Road shoulder material that does not exceed 4 feet in  
16 thickness except for areas where exceedances are incidental to  
17 variations in existing topography, is placed at least 4 feet above  
18 the seasonal groundwater table, does not come into contact with a  
19 surface water body, is sloped, and is covered by asphalt pavement,  
20 concrete, 6 inches of gravel, or other material approved by the  
21 department.

22 (9) ~~(5)~~—"Beneficial use 3" means applied to land as a  
23 fertilizer or soil conditioner under part 85 or a liming material  
24 under 1955 PA 162, MCL 290.531 to 290.538, if all of the following  
25 requirements are met:

26 (a) The material is applied at an agronomic rate consistent  
27 with generally accepted agricultural and management practices.

28 (b) The use, placement, or storage at the location of use does  
29 not do any of the following:



1 (i) Violate part 55 or create a nuisance.

2 (ii) Cause groundwater to no longer be fit for 1 or more  
3 protected uses as defined in R 323.2202 of the Michigan  
4 ~~administrative code.~~ **Administrative Code.**

5 (iii) Cause a violation of a part 31 surface water quality  
6 standard.

7 **(10)** ~~(6)~~—"Beneficial use 4" means any of the following uses:

8 (a) To stabilize, neutralize, solidify, or otherwise treat  
9 waste for ultimate disposal at a facility licensed under this part  
10 or part 111.

11 (b) To treat wastewater, wastewater treatment sludge, or  
12 wastewater sludge in compliance with part 31 or the federal water  
13 pollution control act, 33 USC 1251 to 1388, at a private or  
14 publicly owned wastewater treatment plant.

15 (c) To stabilize, neutralize, solidify, cap, or otherwise  
16 remediate hazardous substances or contaminants as part of a  
17 response activity in compliance with part 201, part 213, or the  
18 comprehensive environmental response, compensation and liability  
19 act of 1980, 42 USC 9601 to 9657, or a corrective action in  
20 compliance with part 111 or the solid waste disposal act, 42 USC  
21 6901 to 6992k.

22 (d) As construction material at a landfill licensed under this  
23 part.

24 **(e) As alternate daily cover at a licensed landfill in**  
25 **compliance with an operational plan approved pursuant to R 299.4429**  
26 **of the Michigan Administrative Code.**

27 **(11)** ~~(7)~~—"Beneficial use 5" means blended with inert materials  
28 or with compost and used to manufacture soil.

29 **(12)** ~~(8)~~—"Beneficial use by-product" means the following



1 materials if the materials are stored for beneficial use or are  
2 used beneficially as specified and the requirements of section  
3 11551(1) are met:

4 (a) Coal bottom ash or wood ash used for beneficial use 3 or  
5 wood ash or coal ash, except for segregated flue gas  
6 desulfurization material, used for beneficial use 1, 2, or 4.

7 (b) Pulp and paper mill ash used for beneficial use 1, 2, 3,  
8 or 4.

9 (c) Mixed wood ash used for beneficial use 1, 2, 3, or 4.

10 (d) Cement kiln dust used as a flue gas scrubbing reagent or  
11 for beneficial use 1, 2, 3, or 4.

12 (e) Lime kiln dust used as a flue gas scrubbing reagent or for  
13 beneficial use 1, 2, 3, or 4.

14 (f) Stamp sands used for beneficial use 1 or 2.

15 (g) Foundry sand from ferrous or aluminum foundries used for  
16 beneficial use 1, 2, 3, 4, or 5.

17 (h) Pulp and paper mill material, other than the following,  
18 used for beneficial use 3:

19 (i) Rejects, from screens, cleaners, and mills dispersion  
20 equipment, containing more than de minimis amounts of plastic.

21 (ii) Scrap paper.

22 (i) Spent media from sandblasting, with uncontaminated sand,  
23 newly manufactured, unpainted steel used for beneficial use 1 or 2.

24 (j) Dewatered concrete grinding slurry from public  
25 transportation agency road projects used for beneficial use 1, 2,  
26 3, or 4.

27 (k) Lime softening residuals from the treatment and  
28 conditioning of water for domestic use or from a community water  
29 supply used for beneficial use 3 or 4.



1 (l) Soil washed or otherwise removed from sugar beets that is  
2 used for beneficial use 3.

3 (m) Segregated flue gas desulfurization material used for  
4 beneficial use 1 or 3.

5 (n) Materials and uses approved by the department under  
6 section 11553(3) or (4). Approval of materials and uses by the  
7 department under section 11553(3) or (4) does not require the use  
8 of those materials by any governmental entity or any other person.

9 **(13)** ~~(9)~~ "Beverage container" means an airtight metal, glass,  
10 paper, or plastic container, or a container composed of a  
11 combination of these materials, which, at the time of sale,  
12 contains 1 gallon or less of any of the following:

13 (a) A soft drink, soda water, carbonated natural or mineral  
14 water, or other nonalcoholic carbonated drink.

15 (b) A beer, ale, or other malt drink of whatever alcoholic  
16 content.

17 (c) A mixed wine drink or a mixed spirit drink.

18 **(14) "Biosolids" means a solid, semisolid, or liquid that has**  
19 **been treated to meet the requirements of R 323.2414 of the Michigan**  
20 **Administrative Code. Biosolids includes, but is not limited to,**  
21 **scum or solids removed in a primary, secondary, or advanced**  
22 **wastewater treatment process and a derivative of the removed scum**  
23 **or solids.**

24 **(15)** ~~(10)~~ "Bond" means a financial instrument **guaranteeing**  
25 **performance**, ~~executed on a form approved by the department,~~  
26 including a surety bond from a surety company authorized to  
27 transact business in this state, a certificate of deposit, a cash  
28 bond, an irrevocable letter of credit, **an insurance policy**, a trust  
29 fund, an escrow account, or a combination of any of these



1 instruments in favor of the department. ~~The owner or operator of a~~  
 2 ~~disposal area who is required to establish a bond under another~~  
 3 ~~state statute or a federal statute may petition the department to~~  
 4 ~~allow such a bond to meet the requirements of this part. The~~  
 5 ~~department shall approve a bond established under another state~~  
 6 ~~statute or a federal statute if the bond provides equivalent funds~~  
 7 ~~and access by the department as other financial instruments allowed~~  
 8 ~~by this subsection.~~

9       **(16)** ~~(11)~~ "Captive facility" means a landfill or coal ash  
 10 impoundment that accepts for disposal, and accepted for disposal  
 11 during the previous calendar year, only nonhazardous industrial  
 12 waste generated only by the owner of the landfill or coal ash  
 13 impoundment.

14       **(17)** "Captive type III landfill" means a type III landfill  
 15 that meets either of the following requirements:

16       **(a)** Accepts for disposal only nonhazardous industrial waste  
 17 generated only by the owner of the landfill.

18       **(b)** Is a nonhazardous industrial waste landfill described in  
 19 section 11525(4) (a), (b), or (c).

20       **(18)** ~~(12)~~ "Cement kiln dust" means particulate matter  
 21 collected in air emission control devices serving Portland cement  
 22 kilns.

23       **(19)** ~~(13)~~ "Certificate of deposit" means a negotiable  
 24 certificate of deposit **that meets all of the following**  
 25 **requirements:**

26       **(a)** Is negotiable.

27       **(b)** Is held by a bank or other financial institution regulated  
 28 and examined by a state or federal agency. ~~the value of which is~~

29       **(c)** Is fully insured by an agency of the United States



1 government. ~~A certificate of deposit used to fulfill the~~  
 2 ~~requirements of this part shall be~~

3 (d) **Is** in the sole name of the department. ~~with~~

4 (e) **Has** a maturity date of not less than 1 year. ~~and shall be~~

5 (f) **Is** renewed not ~~less~~ **later** than 60 days before the maturity  
 6 date. ~~An applicant who uses a certificate of deposit as a bond~~  
 7 ~~shall receive any accrued interest on that certificate of deposit~~  
 8 ~~upon release of the bond by the department.~~

9 (20) ~~(14)~~ "Certified health department" means a city, county,  
 10 or district department of health ~~that is specifically delegated~~  
 11 ~~authority by the department to perform designated activities as~~  
 12 ~~prescribed by this part.~~ **certified under section 11507a.**

13 (21) "Class 1 compostable material" means any of the  
 14 following:

15 (a) Yard waste.

16 (b) Wood.

17 (c) Food waste.

18 (d) Paper products.

19 (e) Manure or animal bedding.

20 (f) Anaerobic digester digestate that does not contain free  
 21 liquids.

22 (g) Compostable products.

23 (h) Dead animals unless infectious or managed under 1982 PA  
 24 239, MCL 287.651 to 287.683.

25 (i) Spent grain from breweries.

26 (j) Paunch.

27 (k) Food processing residuals.

28 (l) Aquatic plants.

29 (m) Any other material, including, but not limited to, fat,



1 oil, or grease, that the department classifies as class 1  
2 compostable material under section 11562.

3 (n) A mixture of any of these materials.

4 (22) "Class 1 composting facility" means a composting facility  
5 where only class 1 compostable material is composted.

6 (23) "Class 2 compostable material" means mixed municipal  
7 solid waste, biosolids, state or federal controlled substances, and  
8 all other compostable material that is not listed or approved as a  
9 class 1 compostable material.

10 (24) "Class 2 composting facility" means a composting facility  
11 where class 2 compostable material or a combination of class 2  
12 compostable material and class 1 compostable material is composted.

13 (25) ~~(15)~~"Coal ash", subject to subsection ~~(16)~~, **(26)**, means  
14 any of the following:

15 (a) Material recovered from systems for the control of air  
16 pollution from, or the noncombusted residue remaining after, the  
17 combustion of coal or coal coke, including, but not limited to,  
18 coal bottom ash, fly ash, boiler slag, flue gas desulfurization  
19 materials, or fluidized-bed combustion ash.

20 (b) Residuals removed from coal ash impoundments.

21 **(26)** ~~(16)~~For beneficial use 2, coal ash does not include coal  
22 fly ash except for the following if used at nonresidential  
23 property:

24 (a) Class C fly ash under ASTM ~~standard C618-12A~~.**C618-12A**,  
25 **"Standard Specification for Coal Fly Ash and Raw or Calcined**  
26 **Natural Pozzolan for Use in Concrete"**, by ASTM International.

27 (b) Class F fly ash under ASTM ~~standard C618-12A~~, **"Standard**  
28 **Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan**  
29 **for Use in Concrete"**, by ASTM International if that fly ash forms a



1 pozzolanic-stabilized mixture by being blended with lime, Portland  
2 cement, or cement kiln dust.

3 (c) A combination of class C fly ash and class F fly ash under  
4 ~~ASTM standard C618-12A~~ if that combination forms a pozzolanic-  
5 stabilized mixture by being blended with lime, Portland cement, or  
6 cement kiln dust and is used as a road base, soil stabilizer, or  
7 road shoulder material under ~~subsection (4)(b) or (c)~~. **beneficial**  
8 **use 2.**

9 (27) ~~(17)~~ "Coal ash impoundment" means a natural topographic  
10 depression, man-made excavation, or diked area that is not a  
11 landfill and that is designed to hold and, after October 14, 2015,  
12 accepted an accumulation of coal ash and liquids or other materials  
13 approved by the department for treatment, storage, or disposal and  
14 did not receive department approval of its closure. A coal ash  
15 impoundment in existence before October 14, 2015 that receives  
16 waste after ~~the effective date of the amendatory act that added~~  
17 ~~this subsection,~~ **December 28, 2018**, and that does not have a permit  
18 pursuant to part 31, is considered an open dump beginning ~~2 years~~  
19 ~~after the effective date of the amendatory act that added this~~  
20 ~~subsection~~ **December 28, 2020** unless the owner or operator has  
21 completed closure of the coal ash impoundment under section 11519b  
22 or obtained an operating license for the coal ash impoundment.

23 (28) ~~(18)~~ "Coal ash landfill" means a landfill that is used  
24 for the disposal of coal ash and may also be used for the disposal  
25 of inert materials and construction material used for purposes of  
26 meeting the definition of beneficial use 4, or other materials  
27 approved by the department.

28 (29) ~~(19)~~ "Coal bottom ash" means ash particles from the  
29 combustion of coal that are too large to be carried in flue gases



1 and that collect on furnace walls or at the bottom of the furnace.

2 (30) ~~(20)~~—"Collection center" means a tract of land, building,  
3 unit, or appurtenance or combination thereof that is used to  
4 collect junk motor vehicles and farm implements under section  
5 11530.

6 (31) "Commercial waste", subject to subsection (32), means  
7 solid waste generated by nonmanufacturing activities, including,  
8 but not limited to, solid waste from any of the following:

- 9 (a) Stores.
- 10 (b) Offices.
- 11 (c) Restaurants.
- 12 (d) Warehouses.
- 13 (e) Multifamily dwellings.
- 14 (f) Hotels and motels.
- 15 (g) Bunkhouses.
- 16 (h) Ranger stations.
- 17 (i) Crew quarters.
- 18 (j) Campgrounds.
- 19 (k) Picnic grounds.
- 20 (l) Day use recreation areas.
- 21 (m) Hospitals.
- 22 (n) Schools.

23 (32) Commercial waste does not include household waste from  
24 single-family dwellings, hazardous waste, or industrial waste.

25 (33) "Compost additive" means any of the following materials  
26 if added to finished compost to improve the quality of the finished  
27 compost:

- 28 (a) Products designed to enhance finished compost.
- 29 (b) Sugar beet limes.



1 (c) Wood ash.

2 (d) Drywall.

3 (e) Synthetic gypsum.

4 (f) Other materials approved by the department.

5 (34) "Compostable material" means organic material that can be  
6 converted to finished compost. Compostable material comprises class  
7 1 compostable material and class 2 compostable material.

8 (35) "Compostable products" means utensils, food service  
9 containers, and other packaging and products that are biodegradable  
10 and satisfy any of the following requirements:

11 (a) Are certified by the Biodegradable Products Institute.

12 (b) Meet ASTM D6400-19, "Standard Specification for Labeling  
13 of Plastics Designed to Be Aerobically Composted in Municipal or  
14 Industrial Facilities", by ASTM International.

15 (c) Meet ASTM D6868-19, "Standard Specification for Labeling  
16 of End Items that Incorporate Plastics and Polymers as Coatings or  
17 Additives with Paper and Other Substrates Designed to Be  
18 Aerobically Composted in Municipal or Industrial Facilities", by  
19 ASTM International.

20 (d) Are made from wood, fabric, or paper and without coatings  
21 or polymeric additives unless compliant with ASTM D6868-19 or  
22 approved by the department.

23 (36) "Composting" means a process of biological decomposition  
24 of class 1 compostable material or class 2 compostable material  
25 that meets the following requirements:

26 (a) Is carried out as provided in either of the following:

27 (i) In a system using vermiculture.

28 (ii) Under controlled aerobic conditions using mechanical  
29 handling techniques such as physical turning, windrowing, or



1 aeration or using other management techniques approved by the  
2 department. For the purposes of this subparagraph, aerobic  
3 conditions may include the presence of insignificant anaerobic  
4 zones within the composting material.

5 (b) Stabilizes the organic fraction into a material that can  
6 be stored, handled, and used easily, safely, and in an  
7 environmentally acceptable manner.

8 (37) ~~(21)~~ "Composting facility" means a facility where  
9 composting ~~of yard clippings or other organic materials occurs~~  
10 ~~using mechanical handling techniques such as physical turning,~~  
11 ~~windrowing, or aeration or using other management techniques~~  
12 ~~approved by the director.~~ **occurs. However, composting facility does**  
13 **not include a site where only composting described in section**  
14 **11555(1) (a), (b), or (e) occurs.**

15 (38) ~~(22)~~ "Consistency review" means evaluation of the  
16 administrative and technical components of an application for a  
17 permit or license or evaluation of operating conditions in the  
18 course of inspection, for the purpose of determining consistency  
19 with the requirements of ~~this part, rules promulgated under this~~  
20 ~~part~~ **—115** and approved plans and specifications.

21 (39) "Contaminant of emerging concern" means a chemical that  
22 has not previously been detected in the environment or has  
23 previously been detected only at very low concentrations, that is  
24 determined to pose a risk to human health or the environment, and  
25 the impacts of which are not yet fully understood. If the EPA, the  
26 department, or the department of agriculture and rural development  
27 identify a contaminant of emerging concern, the department may add  
28 that contaminant to the list of constituents required to be  
29 monitored at facilities regulated under this part.



1           (40) ~~(23)~~—"Corrective action" means the investigation,  
2 assessment, cleanup, removal, containment, isolation, treatment, or  
3 monitoring of constituents, as defined in a **materials management**  
4 facility's approved hydrogeological monitoring plan, released into  
5 the environment from a ~~disposal area,~~ **materials management**  
6 **facility**, or the taking of other actions related to the release as  
7 may be necessary to prevent, minimize, or mitigate injury to the  
8 public health, safety, or welfare, the environment, or natural  
9 resources that is consistent with **subtitle D of the solid waste**  
10 **disposal act**, 42 USC 6941 to 6949a and regulations promulgated  
11 thereunder.

12           (41) "County approval agency" or "CAA" means the county board  
13 of commissioners, the municipalities in the county, or the regional  
14 planning agency, whichever submits a notice of intent to prepare a  
15 materials management plan under section 11571.

16           (42) "County board of commissioners" means the county board of  
17 commissioners or the elected county executive, as appropriate.

18           (43) "Custodial care" includes all of the following:

19           (a) Preventing deep-rooted vegetation from establishing on the  
20 final cover.

21           (b) Repairing erosion damage on the final cover.

22           (c) Maintaining stormwater controls.

23           (d) Maintaining limited access to the site.

24           Sec. 11503. (1) "De minimis" refers to a small amount of  
25 material or number of items, as applicable, incidentally commingled  
26 with inert material for beneficial use by-products ~~,~~ **or with source**  
27 **separated material** or incidentally disposed of with other solid  
28 waste.

29           (2) "Department", subject to section 11554, means the



1 department of environment, Great Lakes, and energy.

2 (3) "Designated planning agency" or "DPA" means the planning  
3 agency designated under section 11571(10). Designated planning  
4 agency does not mean a regional planning agency unless the county  
5 approval agency identifies the regional planning agency as the DPA.

6 (4) ~~(3)~~"Director" means the director of the department.

7 (5) ~~(4)~~"Discharge" includes, but is not limited to, any  
8 spilling, leaking, pumping, pouring, emitting, emptying,  
9 discharging, injecting, escaping, leaching, dumping, or disposing  
10 of a substance into the environment that is or may become injurious  
11 to the public health, safety, or welfare, or to the environment.

12 (6) ~~(5)~~"Disposal area", **subject to section 11555(5)**, means 1  
13 or more of the following **that accepts solid waste** at a location as  
14 defined by the boundary identified in its construction permit, ~~or~~  
15 **in** engineering plans approved by the department, **or in a**  
16 **notification or registration:**

17 (a) A solid waste **processing and** transfer facility.

18 (b) An incinerator.

19 (c) A ~~sanitary~~ landfill.

20 ~~(d) A processing plant.~~

21 (d) ~~(e)~~A coal ash impoundment.

22 (e) ~~(f)~~Any other solid waste handling or disposal facility  
23 utilized in the disposal of solid waste, **as determined by the**  
24 **department**. ~~However, a waste diversion center is not a disposal~~  
25 ~~area.~~

26 (7) ~~(6)~~"Diverted waste" means ~~waste~~**material** that meets all  
27 of the following requirements:

28 (a) Is generated by households, businesses, or governmental  
29 entities.



1 (b) Can lawfully be disposed of at a licensed ~~sanitary~~  
2 landfill or municipal solid waste incinerator.

3 (c) Is separated from other waste.

4 (d) Is 1 or more of the following:

5 (i) Hazardous **managed** material.

6 (ii) Liquid waste.

7 (iii) Pharmaceuticals.

8 (iv) Electronics.

9 (v) Batteries.

10 (vi) Light bulbs.

11 (vii) Pesticides.

12 (viii) Thermostats, switches, thermometers, or other devices  
13 that contain elemental mercury.

14 (ix) Sharps.

15 (x) Other ~~wastes~~**material** approved by the department that can  
16 be readily separated from solid waste for diversion to preferred  
17 methods of management and disposal.

18 **(8)** ~~(7)~~—"Enforceable mechanism" means a legal method ~~whereby~~  
19 **that authorizes** this state, a county, a municipality, or another  
20 person ~~is authorized~~ to take action to guarantee compliance with ~~an~~  
21 ~~approved county solid waste~~ **a materials** management plan.

22 Enforceable mechanisms include ~~contracts, intergovernmental~~  
23 ~~agreements, laws, ordinances, rules, and regulations.~~

24 **(9) "EPA" means the United States Environmental Protection**  
25 **Agency.**

26 **(10)** ~~(8)~~—"Escrow account" means an account that is managed by  
27 a bank or other financial institution whose account operations are  
28 regulated and examined by a federal or state agency and that



1 complies with section 11523b.

2       **(11)** ~~(9)~~—"Existing coal ash impoundment" means a coal ash  
 3 impoundment that received coal ash before December 28, 2018, and  
 4 that, as of that date, had not initiated elements of closure that  
 5 include dewatering, stabilizing residuals, or placement of an  
 6 engineered cover or otherwise closed pursuant to its part 31 permit  
 7 or pursuant to R 299.4309 of the part 115 rules and, therefore, is  
 8 capable of receiving coal ash in the future. A coal ash impoundment  
 9 that has initiated closure is considered an open dump unless the  
 10 owner or operator has completed closure of the coal ash impoundment  
 11 under section 11519b or obtained an operating license for the coal  
 12 ash impoundment by December 28, 2020.

13       **(12)** ~~(10)~~—"Existing coal ash landfill" means a coal ash  
 14 landfill to which either of the following applies:

15       (a) The landfill received coal ash both before and after  
 16 October 19, 2015.

17       (b) Construction of the landfill commenced before October 19,  
 18 2015, and the landfill received coal ash on or after October 19,  
 19 2015. For the purposes of this subdivision, construction of a  
 20 landfill commenced before October 19, 2015 if both of the following  
 21 requirements were met before that date:

22       (i) The owner or operator obtained the federal, state, and  
 23 local approvals or permits necessary to begin physical  
 24 construction.

25       (ii) A continuous, on-site physical construction program began.

26       **(13)** ~~(11)~~—"Existing disposal area" means any of the following:

27       (a) A disposal area that has in effect a construction permit  
 28 under this part.

29       (b) A disposal area that had engineering plans approved by the



1 director before January 11, 1979.

2 (c) An industrial waste landfill that was authorized to  
3 operate by the director or by court order before October 9, 1993.

4 (d) An industrial waste pile that was located at the site of  
5 generation on October 9, 1993.

6 (e) An existing coal ash impoundment.

7 **(14)** ~~(12)~~ "Existing landfill unit" or "existing unit" means  
8 any landfill unit that received solid waste on or before October 9,  
9 1993.

10 **(15)** ~~(13)~~ "Farm" means that term as defined in section 2 of  
11 the Michigan right to farm act, 1981 PA 93, MCL 286.472.

12 **(16)** ~~(14)~~ "Farm operation" means that term as defined in  
13 section 2 of the Michigan right to farm act, 1981 PA 93, MCL  
14 286.472.

15 **(17) "Fats, oils, or greases" means organic polar compounds**  
16 **that meet all of the following requirements:**

17 **(a) Contain multiple carbon chain triglyceride molecules.**

18 **(b) Are derived from animal or plant sources.**

19 **(c) Are generated at food manufacturing and food service**  
20 **establishments.**

21 **(d) Are generated by-products from food preparation**  
22 **activities.**

23 **(18)** ~~(15)~~ "Financial assurance" means the mechanisms used to  
24 demonstrate that the funds necessary to meet the cost of closure,  
25 postclosure maintenance and monitoring, and corrective action will  
26 be available **to the department** whenever they are needed **for those**  
27 **purposes.**

28 **(19)** ~~(16)~~ "Financial test" means a corporate or local  
29 government financial test or guarantee approved ~~for type II~~



1 ~~landfills~~ under **subtitle D of the solid waste disposal act**, 42 USC  
 2 6941 to 6949a and regulations promulgated thereunder. An owner or  
 3 operator may use a single financial test for more than 1 facility.  
 4 Information submitted to the department to document compliance with  
 5 the **financial** test shall include a list showing the name and  
 6 address of each facility and the amount of funds assured by the  
 7 **financial** test for each facility. For purposes of the financial  
 8 test, the owner or operator shall aggregate the sum of the closure,  
 9 postclosure, and corrective action costs it seeks to assure with  
 10 any other environmental obligations assured by a financial test  
 11 under state or federal law.

12 **(20) "Finished compost" means organic matter that meets all of**  
 13 **the following requirements:**

14 **(a) Has undergone biological decomposition and has been**  
 15 **stabilized to a degree that is beneficial to plant growth without**  
 16 **creating a nuisance.**

17 **(b) Is used or sold for use as a soil amendment, fertilizer,**  
 18 **topsoil blend, or growing medium amendment or for other similar**  
 19 **uses.**

20 **(c) With any compost additives, does not contain more than 1%,**  
 21 **by weight, of foreign matter that will remain on a 4-millimeter**  
 22 **screen or more than a de minimis amount of viable weed seeds.**

23 **(21) ~~(17)~~"Flue gas desulfurization material" means the**  
 24 **material recovered from air pollution control systems that capture**  
 25 **sulfur dioxide from the combustion of wood, coal, or fossil fuels,**  
 26 **or other combustible materials, if the other combustible materials**  
 27 **constitute less than 50% by weight of the total material combusted**  
 28 **and the department determines in writing that the other combustible**  
 29 **materials do not materially affect the character of the residue.**



1 Flue gas desulfurization material includes synthetic gypsum.

2       (22) ~~(18)~~—"Food processing residuals" means any of the  
3 following:

4       (a) Residuals of fruits, vegetables, aquatic plants, or field  
5 crops, **including such residuals generated by a brewery or**  
6 **distillery.**

7       (b) Otherwise unusable parts of fruits, vegetables, aquatic  
8 plants, or field crops from the processing thereof.

9       (c) Otherwise unusable food products that do not meet size,  
10 quality, or other product specifications and that were intended for  
11 human or animal consumption.

12       (23) "Food waste" means an accumulation of animal or vegetable  
13 matter that was used or intended for human or animal food or that  
14 results from the preparation, use, cooking, dealing in, or storing  
15 of animal or vegetable matter if the accumulation is or is intended  
16 to be discarded. Food waste does not include fats, oils, or  
17 greases.

18       (24) "Foreign matter" means organic and inorganic  
19 constituents, other than sticks and stones, that will not readily  
20 decompose during composting and do not aid in producing compost,  
21 including glass, textiles, rubber, metal, ceramics, noncompostable  
22 plastic, and painted, laminated, or treated wood.

23       (25) ~~(19)~~—"Foundry sand" means silica sand used in the metal  
24 casting process, including binding material or carbonaceous  
25 additives, from ferrous or nonferrous foundries.

26       (26) "Functional stability" means the stage at which a  
27 landfill does not pose a significant risk to human health and the  
28 environment at a point of exposure, in the absence of active  
29 control systems.



1           (27) ~~(20)~~ "GAAMPS" means the generally accepted agricultural  
2 and management practices under the Michigan right to farm act, 1981  
3 PA 93, MCL 286.471 to 286.474.

4           ~~(21) "Garbage" means rejected food wastes including waste~~  
5 ~~accumulation of animal, fruit, or vegetable matter used or intended~~  
6 ~~for food or that results from the preparation, use, cooking,~~  
7 ~~dealing in, or storing of meat, fish, fowl, fruit, or vegetable~~  
8 ~~matter.~~

9           (28) "Gasification" means a process through which materials  
10 are heated, without combustion, in an oxygen-deficient atmosphere  
11 and converted to synthesis gas, which can be further converted into  
12 chemicals, chemical feedstocks, or fuels, such as ethanol. If  
13 source separated material is the feedstock, gasification is not  
14 considered to be incineration, disposal, or processing of solid  
15 waste.

16           (29) "General permit" means a permit that does both of the  
17 following:

18           (a) Covers a category of activities that the department  
19 determines will not negatively impact human health and will not  
20 have more than minimal short-term adverse impacts on the natural  
21 resources and environment.

22           (b) Includes requirements for a site plan, an operations plan,  
23 a facility final closure plan, and financial assurance.

24           (30) "General use compost" means finished compost that is  
25 produced from 1 of the following:

26           (a) Class 1 compostable material.

27           (b) Class 2 compostable material, including any combination of  
28 class 1 compostable material and class 2 compostable material, that  
29 meets the requirements listed in section 11553(5).



1           Sec. 11504. (1) ~~"Health officer" means a full-time~~  
 2 ~~administrative officer of a certified health department.~~ **Host**  
 3 **community approval" means an agreement, resolution, letter, or**  
 4 **other document indicating that the governing body of the**  
 5 **municipality where the materials management facility is proposed to**  
 6 **be located has reviewed and approved the development of that**  
 7 **specific facility.**

8           (2) **"Household waste" means solid waste that is generated by**  
 9 **single-family households. Household waste does not include**  
 10 **commercial waste, industrial waste, hazardous waste, or**  
 11 **construction and demolition waste.**

12           (3) ~~(2)~~-"Industrial waste" means solid waste that is generated  
 13 by manufacturing or industrial processes **at an industrial site** and  
 14 that is not a hazardous waste regulated under part 111.

15           (4) ~~(3)~~-"Industrial waste landfill" means a landfill that is  
 16 used for the disposal of any of the following, as applicable:

17           (a) Industrial waste that has been characterized for hazard  
 18 and that has been determined to be nonhazardous under part 111.

19           (b) If the landfill is an existing disposal area, nonhazardous  
 20 solid waste that originates from an industrial site.

21           (5) ~~(4)~~-"Inert material" means any of the following:

22           (a) Rock.

23           (b) Trees, stumps, and other similar land-clearing debris, if  
 24 all of the following conditions are met:

25           (i) The debris is buried on the site of origin or another site,  
 26 with the approval of the owner of the site.

27           (ii) The debris is not buried in a wetland or floodplain.

28           (iii) The debris is placed at least 3 feet above the groundwater  
 29 table as observed at the time of placement.



1 (iv) The placement of the debris does not violate federal,  
2 state, or local law or create a nuisance.

3 (c) Uncontaminated excavated soil or dredged sediment.

4 Excavated soil or dredged sediment is considered uncontaminated if  
5 it does not contain more than de minimis amounts of solid waste and  
6 ~~1~~~~any~~ of the following ~~applies~~~~apply~~:

7 (i) The soil or sediment is not contaminated by a hazardous  
8 substance as a result of human activity. Soil or sediment that  
9 naturally contains elevated levels of hazardous substances above  
10 unrestricted residential or any other part 201 generic soil cleanup  
11 criteria is not considered contaminated for purposes of this  
12 subdivision. A soil or sediment analysis is not required under this  
13 subparagraph if, based on past land use, there is no reason to  
14 believe that the soil or sediment is contaminated.

15 (ii) For any hazardous substance that could reasonably be  
16 expected to be present as a result of past land use and human  
17 activity, the soil or sediment does not exceed the background  
18 concentration, as that term is defined in ~~part 201~~**section 20101**.

19 (iii) For any hazardous substance that could reasonably be  
20 expected to be present as a result of past land use and human  
21 activity, the soil or sediment falls below part 201 generic  
22 residential soil direct contact cleanup criteria and hazardous  
23 substances in leachate from the soil or sediment, using, at the  
24 option of the generator, EPA method 1311, 1312, or any other  
25 leaching protocol approved by the department, fall below part 201  
26 generic residential health based groundwater drinking water values  
27 or criteria, and the soil or sediment would not cause a violation  
28 of any surface water quality standard established under part 31 at  
29 the area of placement, disposal, or use.



1 (d) Excavated soil from a site of environmental contamination,  
 2 corrective action, or response activity if the soil is not a listed  
 3 hazardous waste under part 111 and if hazardous substances in the  
 4 soil do not exceed generic soil cleanup criteria for unrestricted  
 5 residential use as defined in ~~part 201~~ **section 20101** or background  
 6 concentration as defined in ~~part 201~~, **section 20101**, as applicable.

7 (e) Construction brick, masonry, pavement, or broken concrete  
 8 that is reused for fill, rip rap, slope stabilization, or other  
 9 construction, if all of the following conditions are met:

10 (i) The use of the material does not violate section 3108, part  
 11 301, or part 303.

12 (ii) The material is not materially contaminated. Typical  
 13 surface oil staining on pavement ~~and or~~ concrete from driveways,  
 14 roadways, ~~and or~~ parking lots is not material contamination.  
 15 Material covered in whole or in part with ~~lead-based paint~~ **that**  
 16 **contains more than 0.5% lead** is materially contaminated.

17 (iii) The material does not include exposed reinforcing bars.

18 (f) Portland cement clinker produced by a cement kiln using  
 19 wood, fossil fuels, or solid waste as a fuel or feedstock, but not  
 20 including cement kiln dust generated in the process.

21 (g) Asphalt pavement or concrete pavement that meets all of  
 22 the following requirements:

23 (i) Has been removed from a public right-of-way.

24 (ii) Has been stockpiled or crushed for reuse as aggregate  
 25 material.

26 (iii) Does not include exposed reinforcement bars.

27 (h) Cuttings, drilling materials, and fluids used to drill or  
 28 complete a well installed pursuant to part 127 of the public health  
 29 code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of



1 the well is not a facility under part 201.

2 (i) Any material determined by the department under section  
3 11553(5) or (6) to be an inert material, either for general use or  
4 for a particular use.

5 (6) **"Innovative technology facility" means a materials  
6 management facility that converts solid waste into energy or a  
7 usable product and that is not a materials recovery facility or a  
8 composting facility.**

9 (7) ~~(5)~~—"Insurance" means insurance that conforms to the  
10 requirements of 40 CFR 258.74(d) **and is** provided by an insurer ~~who~~  
11 **that** has a certificate of authority from the director of insurance  
12 and financial services to sell this line of coverage. An applicant  
13 for an operating license **or general permit** shall submit evidence of  
14 the required coverage by submitting both of the following to the  
15 department:

16 (a) A certificate of insurance that uses wording approved by  
17 the department.

18 (b) A certified true and complete copy of the insurance  
19 policy.

20 (8) ~~(6)~~—"Landfill" means a ~~disposal area that is a sanitary~~  
21 ~~landfill.~~**type of disposal area consisting of 1 or more landfill**  
22 **units and the active work areas associated with those units.**  
23 **Landfills are classified as 1 of the following:**

24 (a) A type II landfill, which is a municipal solid waste  
25 landfill and includes a municipal solid waste incinerator ash  
26 landfill.

27 (b) A type III landfill, which is any landfill that is not a  
28 municipal solid waste landfill or hazardous waste landfill and  
29 includes all of the following:



1 (i) A construction and demolition waste landfill.

2 (ii) An industrial waste landfill.

3 (iii) A landfill that accepts waste other than household waste,  
4 municipal solid waste incinerator ash, or hazardous waste from  
5 conditionally exempt small quantity generators.

6 (iv) A coal ash landfill.

7 (v) An existing coal ash impoundment that is closed as a  
8 landfill pursuant to R 299.4309 of the part 115 rules.

9 (vi) An existing coal ash impoundment where coal ash will  
10 remain after closure and that will be closed as a landfill pursuant  
11 to R 299.4309 of the part 115 rules.

12 (9) "Landfill care fund" means a trust or escrow account or  
13 landfill care fund bond required by section 11525d.

14 (10) "Landfill care fund bond" means a surety bond, an  
15 irrevocable letter of credit, or a combination of these instruments  
16 in favor of the department by which a landfill care fund is  
17 established.

18 (11) "Large", in reference to a composting facility, means a  
19 composting facility to which both of the following apply:

20 (a) The site at any time contains more than 500 cubic yards of  
21 compostable material.

22 (b) The site does not qualify as a small or medium composting  
23 facility.

24 (12) ~~(7)~~ "Lateral expansion" means a horizontal expansion of  
25 the solid waste boundary of any of the following:

26 (a) A landfill, other than a coal ash landfill, if the  
27 expansion is beyond the limit established in a construction permit  
28 or engineering plans approved by the solid waste control agency  
29 before January 11, 1979.



1 (b) A coal ash landfill, if either of the following applies:

2 (i) The expansion is beyond the limit established in a  
3 construction permit issued after December 28, 2018.

4 (ii) The expansion is made after October 19, 2015, and is a  
5 horizontal expansion of the outermost boundary, as defined by a  
6 construction certification or operating license, of an existing  
7 coal ash landfill.

8 (c) A coal ash impoundment, if the expansion is beyond the  
9 limit established in a construction permit or the horizontal limits  
10 of coal ash in place on or before October 14, 2015.

11 **(13)** ~~(8)~~—"Letter of credit" means an irrevocable letter of  
12 credit that complies with 40 CFR 258.74(c).

13 **(14) "License" means an operating license.**

14 **(15)** ~~(9)~~—"Lime kiln dust" means particulate matter collected  
15 in air emission control devices serving lime kilns.

16 **(16) "Local health officer" means a local health officer as**  
17 **defined in section 1105 of the public health code, 1978 PA 368, MCL**  
18 **333.1105, to which the department delegates certain duties under**  
19 **part 115.**

20 **(17)** ~~(10)~~—"Low-hazard industrial waste" means industrial  
21 material that has a low potential for groundwater contamination  
22 when managed in accordance ~~compliance~~ with ~~this part 115. The All~~  
23 **of the** following materials are low-hazard industrial wastes:

24 (a) Coal ash and wood ash.

25 (b) Cement kiln dust.

26 (c) Pulp and paper mill material.

27 (d) Scrap wood.

28 (e) Sludge from the treatment and conditioning of water for  
29 domestic use.



- 1 (f) Residue from the thermal treatment of petroleum  
 2 contaminated soil, media, or debris.
- 3 (g) Sludge from the treatment and conditioning of water from a  
 4 community water supply.
- 5 (h) Foundry sand.
- 6 (i) Mixed wood ash, scrap wood ash, and pulp and paper mill  
 7 ash.
- 8 (j) Street cleanings.
- 9 (k) Asphalt shingles.
- 10 (l) New construction or production scrap drywall.
- 11 (m) Chipped or shredded tires.
- 12 (n) Copper slag.
- 13 (o) Copper stamp sands.
- 14 (p) Dredge material from nonremedial activities.
- 15 (q) Flue gas desulfurization material.
- 16 (r) Dewatered grinding slurry generated from public  
 17 transportation agency road projects.
- 18 (s) Any material determined by the department under section  
 19 11553(7) to be a low-hazard industrial waste.
- 20 **(18) ~~(11)~~** "Low-hazard-potential coal ash impoundment" means a  
 21 coal ash impoundment that is a diked surface impoundment, the  
 22 failure or ~~misoperation~~ **mis-operation** of which is expected to  
 23 result in no loss of human life and low economic or environmental  
 24 losses principally limited to the impoundment owner's property.
- 25 **(19) "Managed material" means solid waste, diverted waste, or**  
 26 **recyclable material. Managed material does not include a material**  
 27 **or product that contains iron, steel, or nonferrous metals and that**  
 28 **is directed to or received by a scrap processor as defined in**  
 29 **section 3 of the scrap metal regulatory act, 2008 PA 429, MCL**



1 445.423, or by a reuser of these metals.

2 (20) "Materials management facility" or, unless the context  
3 implies a different meaning, "facility" means any of the following,  
4 subject to subsection (21):

5 (a) A disposal area.

6 (b) A materials utilization facility.

7 (c) A waste diversion center.

8 (21) Materials management facility or facility does not  
9 include a person, utilizing machinery and equipment and operating  
10 from a fixed location, whose principal business is the processing  
11 and manufacturing of iron, steel, or nonferrous metals into  
12 prepared grades of products suitable for consumption, reuse, or  
13 additional processing.

14 (22) "Materials management goals" means goals identified in  
15 the MMP pursuant to section 11578(a).

16 (23) "Materials management plan" or "MMP" means a plan  
17 required under section 11571.

18 (24) "Materials recovery facility", subject to subsection  
19 (25), means a facility that meets both of the following  
20 requirements:

21 (a) Receives primarily source separated material and sorts,  
22 bales, or processes the source separated material for reuse,  
23 recycling, or utilization as a raw material or new product.

24 (b) On an annual basis, does not receive an amount of solid  
25 waste equal to or more than 15% of the total weight of material  
26 received by the facility unless the materials recovery facility is  
27 making reasonable effort and has an education program to reduce the  
28 amount of solid waste. Material disposed of as a result of  
29 recycling market fluctuations is not included in the 15%



1 calculation.

2 (25) Materials recovery facility does not include any of the  
3 following:

4 (a) A retail, commercial, or industrial establishment that  
5 bales for off-site shipment managed material that it generates.

6 (b) A retail establishment that collects returnable beverage  
7 containers under 1976 IL 1, MCL 445.571 to 445.576.

8 (c) A beverage distributor, or its agent, that manages  
9 returnable beverage containers under 1976 IL 1, MCL 445.571 to  
10 445.576.

11 (d) A facility or area used for reuse, recycling, or storage  
12 of recyclable materials solely generated by an industrial facility.

13 (e) A facility that is an end user or secondary processor and  
14 that uses, processes, stores, or uses as fuel material generated by  
15 industrial facilities.

16 (f) A facility that primarily manages material that was  
17 previously sorted or processed.

18 (26) "Materials utilization" means recycling, composting, or  
19 converting material into energy rather than disposing of the  
20 material.

21 (27) "Materials utilization facility" means a facility that is  
22 any of the following:

23 (a) A materials recovery facility.

24 (b) A composting facility.

25 (c) An innovative technology facility.

26 (28) ~~(12)~~"Medical waste" means that term as it is defined in  
27 section 13805 of the public health code, 1978 PA 368, MCL  
28 333.13805.

29 (29) "Medium", in reference to a composting facility, means a



1 composting facility to which all of the following apply:

2 (a) The site at any time contains more than 500 cubic yards of  
3 compostable material.

4 (b) The site does not qualify as a small composting facility.

5 (c) The site does not at any time contain more than 10,000  
6 cubic yards of compostable material.

7 (d) The site does not at any time contain more than 10% by  
8 volume of class 1 compostable material other than yard waste.

9 (e) Unless approved by the department, the site does not at  
10 any time on any acre contain more than 5,000 cubic yards of  
11 compostable material, finished product, compost additives, or  
12 screening rejects.

13 (30) ~~(13)~~—"Mixed wood ash" means the material recovered from  
14 air pollution control systems for, or the noncombusted residue  
15 remaining after, the combustion of any combination of wood, scrap  
16 wood, railroad ties, or tires, if railroad ties composed less than  
17 35% by weight of the total combusted material and tires composed  
18 less than 10% by weight of the total combusted material.

19 (31) "Municipal solid waste" means household waste, commercial  
20 waste, waste generated by other nonindustrial locations, waste that  
21 has characteristics similar to that generated at a household or  
22 commercial business, or any combination thereof. Municipal solid  
23 waste does not include municipal wastewater treatment sludges,  
24 industrial process wastes, automobile bodies, combustion ash, or  
25 construction and demolition debris.

26 (32) ~~(14)~~—"Municipal solid waste incinerator" means an  
27 incinerator that is owned or operated by any person, and **that** meets  
28 all of the following requirements:

29 (a) The incinerator receives solid waste from off site and



1 burns only household waste from single **family** and ~~multiple~~  
 2 **multifamily** dwellings, hotels, motels, and other residential  
 3 sources, or such household waste together with solid waste from  
 4 commercial, institutional, municipal, county, or industrial sources  
 5 that, if disposed of, would not be required to be placed in a  
 6 disposal facility licensed under part 111.

7 (b) The incinerator has established contractual requirements  
 8 or other notification or inspection procedures sufficient to ensure  
 9 that the incinerator receives and burns only waste referred to in  
 10 subdivision (a).

11 (c) The incinerator meets the requirements of ~~this part and~~  
 12 ~~the rules promulgated under this part~~ **115**.

13 (d) The incinerator is not an industrial furnace as defined in  
 14 40 CFR 260.10.

15 (e) The incinerator is not an incinerator that receives and  
 16 burns only medical waste or only waste produced at 1 or more  
 17 hospitals.

18 **(33)** ~~(15)~~ "Municipal solid waste incinerator ash" means the  
 19 substances remaining after combustion in a municipal solid waste  
 20 incinerator.

21 **(34)** "Municipal solid waste recycling rate" means the amount  
 22 of municipal solid waste recycled or composted, divided by the  
 23 amount of municipal solid waste recycled, composted, landfilled, or  
 24 incinerated.

25 **(35)** ~~(16)~~ "New coal ash impoundment" means a coal ash  
 26 impoundment that first receives coal ash after ~~the effective date~~  
 27 ~~of the amendatory act that added this subsection.~~ **December 28, 2018.**

28 **(36)** ~~(17)~~ "New disposal area" means a disposal area that  
 29 requires a construction permit under this part and includes all of



1 the following:

2 (a) A disposal area, other than an existing disposal area,  
3 that is proposed for construction.

4 (b) For a landfill, a lateral expansion, vertical expansion,  
5 or other expansion that results in an increase in the landfill's  
6 design capacity.

7 (c) A new coal ash impoundment, or a lateral expansion of a  
8 coal ash impoundment beyond the placement of waste as of October  
9 14, 2015.

10 (d) For a disposal area other than landfills or coal ash  
11 impoundments, an enlargement in capacity beyond that indicated in  
12 the construction permit or in engineering plans approved before  
13 January 11, 1979.

14 (e) For any existing disposal area, an alteration of the  
15 disposal area to a different disposal area type than had been  
16 specified in the previous construction permit application or in  
17 engineering plans that were approved by the director or his or her  
18 designee before January 11, 1979.

19 **(37)** ~~(18)~~—"Nonresidential property" means property not used or  
20 intended to be used for any of the following:

21 (a) A child day care center.

22 (b) An elementary school.

23 (c) An elder care and assisted living center.

24 (d) A nursing home.

25 (e) A single-family or multifamily dwelling unless the  
26 dwelling is part of a mixed use development and all dwelling units  
27 and associated outdoor residential use areas are located above the  
28 ground floor.

29 **(38) "Operate" includes, but is not limited to, conducting,**



1 **managing, and maintaining.**

2 **(39) "Part 115" means this part and rules promulgated under**  
3 **this part.**

4 **(40) ~~(19)~~"Part 115 rules" means R 299.4101 to R 299.4922 of**  
5 **the Michigan Administrative Code including any amendments to or**  
6 **replacements of those rules.**

7 **(41) ~~(20)~~"Perpetual care fund" means a trust or escrow**  
8 **account or perpetual care fund bond provided for in section 11525.**

9 **(42) ~~(21)~~"Perpetual care fund bond" means a surety bond, an**  
10 **irrevocable letter of credit, or a combination of these instruments**  
11 **in favor of and on a form approved by the department by which a**  
12 **perpetual care fund is established.**

13 **(43) "Planning area" means the geographic area to which a**  
14 **materials management plan applies.**

15 **(44) "Planning committee" means a committee appointed under**  
16 **section 11572.**

17 **(45) "Preexisting unit" means a landfill unit that is or was**  
18 **licensed under part 115 but has not received waste after October 9,**  
19 **1993.**

20 **(46) ~~(22)~~"Pulp and paper mill ash" means the material**  
21 **recovered from air pollution control systems for, or the**  
22 **noncombusted residue remaining after, the combustion of any**  
23 **combination of coal, wood, pulp and paper mill material, wood or**  
24 **biomass fuel pellets, scrap wood, railroad ties, or tires, ~~from-in~~**  
25 **a boiler, power plant, or furnace at a pulp and paper mill, if**  
26 **railroad ties composed less than 35% by weight of the total**  
27 **combusted material and tires composed less than 10% by weight of**  
28 **the total combusted material.**

29 **(47) ~~(23)~~"Pulp and paper mill material" means all of the**



1 following materials if generated at a facility that produces pulp  
2 or paper:

3 (a) Wastewater treatment sludge, including wood fibers,  
4 minerals, and microbial biomass.

5 (b) Rejects from screens, cleaners, and mills.

6 (c) Bark, wood fiber, and chips.

7 (d) Scrap paper.

8 (e) Causticizing residues, including lime mud and grit and  
9 green liquor dregs.

10 (f) Any material that the department determines has  
11 characteristics that are similar to any of the materials listed in  
12 subdivisions (a) to (e).

13 **(48) "Pyrolysis" means a process that does not involve**  
14 **combustion and through which materials are heated in the absence of**  
15 **oxygen until melted and thermally decomposed, and then are cooled,**  
16 **condensed, and converted into other intermediate or final products.**  
17 **If source separated materials are used as the feedstock, pyrolysis**  
18 **is not considered to be incineration, disposal, or processing of**  
19 **solid waste.**

20 Sec. 11505. (1) "RDDP" means a research, development, and  
21 demonstration project for a new or existing type II landfill unit  
22 or for a lateral expansion of a type II landfill unit.

23 (2) ~~(1)~~ "Recyclable materials" means ~~source separated~~  
24 ~~materials, site separated materials, high grade paper, glass,~~  
25 ~~metal, plastic, aluminum, newspaper, corrugated~~ **plastics**, paper  
26 **products, wood, rubber, textiles, food waste**, yard clippings, and  
27 other materials that may be recycled or composted.

28 (3) "Recycling" means any process applied to materials that  
29 are no longer being used and that would have otherwise been



1 **disposed as waste, for the purpose of converting the materials into**  
 2 **raw materials or intermediate or new products.**

3 (4) ~~(2)~~—"Regional solid waste management planning agency"  
 4 means the regional solid waste planning agency designated by the  
 5 governor pursuant to 42 USC 6946.

6 (5) ~~(3)~~—"Resource recovery facility" means machinery,  
 7 equipment, structures, or any parts or accessories of machinery,  
 8 equipment, or structures, installed or acquired for the primary  
 9 purpose of recovering materials or energy from the waste stream.

10 (6) ~~(4)~~—"Response activity" means an activity that is  
 11 necessary to protect the public health, safety, welfare, or the  
 12 environment, and includes, but is not limited to, evaluation,  
 13 cleanup, removal, containment, isolation, treatment, monitoring,  
 14 maintenance, replacement of water supplies, and temporary  
 15 relocation of people.

16 (7) "Restricted use compost" means compost that is produced  
 17 from class 2 compostable material, including any combination of  
 18 class 1 compostable material and class 2 compostable material, that  
 19 is not approved as inert under section 11553(5).

20 (8) "Reuse" means to remanufacture, use again, use in a  
 21 different manner, or use after reclamation.

22 (9) ~~(5)~~—"Rubbish" means nonputrescible solid waste, excluding  
 23 ashes, consisting of both combustible and noncombustible waste,  
 24 including paper, cardboard, metal containers, yard ~~clippings,~~  
 25 **waste**, wood, glass, bedding, crockery, demolished building  
 26 materials, or litter of any kind that may be a detriment to the  
 27 public health and safety.

28 (10) ~~(6)~~—"Salvaging" means the lawful and controlled removal  
 29 of reusable materials from solid waste.



1       ~~(7) "Sanitary landfill" means a type of disposal area~~  
 2 ~~consisting of 1 or more landfill units and the active work areas~~  
 3 ~~associated with those units. Sanitary landfills are classified as 1~~  
 4 ~~of the following types of landfills:~~

5       ~~(a) A type II landfill, which is a municipal solid waste~~  
 6 ~~landfill and includes a municipal solid waste incinerator ash~~  
 7 ~~landfill.~~

8       ~~(b) A type III landfill, which is any landfill that is not a~~  
 9 ~~municipal solid waste landfill or hazardous waste landfill and~~  
 10 ~~includes all of the following:~~

11       ~~(i) A construction and demolition waste landfill.~~

12       ~~(ii) An industrial waste landfill.~~

13       ~~(iii) A landfill that accepts waste other than household waste,~~  
 14 ~~municipal solid waste incinerator ash, or hazardous waste from~~  
 15 ~~conditionally exempt small quantity generators.~~

16       ~~(iv) A coal ash landfill.~~

17       ~~(v) An existing coal ash impoundment that is closed or is~~  
 18 ~~actively being closed as a landfill pursuant to R 299.4309 of the~~  
 19 ~~part 115 rules.~~

20       **(11)** ~~(8)~~ "Scrap wood" means wood or wood product that is 1 or  
 21 more of the following:

22       (a) Plywood, particle board, pressed board, oriented strand  
 23 board, fiberboard, resonated wood, or any other wood or wood  
 24 product mixed with glue, resins, or filler.

25       (b) Wood or wood product treated with creosote or  
 26 pentachlorophenol.

27       (c) Any wood or wood product designated as scrap wood in rules  
 28 promulgated by the department.

29       **(12)** ~~(9)~~ "Sharps" means that term as defined in section 13807



1 of the public health code, 1978 PA 368, MCL 333.13807.

2 ~~(10) "Site separated material" means glass, metal, wood, paper~~  
 3 ~~products, plastics, rubber, textiles, garbage, or any other~~  
 4 ~~material approved by the department that is separated from solid~~  
 5 ~~waste for the purpose of recycling or conversion into raw materials~~  
 6 ~~or new products.~~

7 (13) ~~(11)~~ "Slag" means the nonmetallic product resulting from  
 8 melting or smelting operations for iron or steel.

9 (14) "Small", in reference to a composting facility, means a  
 10 composting facility to which both of the following apply:

11 (a) The site at any time contains more than 500 cubic yards of  
 12 compostable material but does not at any time contain 1,000 or more  
 13 cubic yards of compostable material.

14 (b) The site does not at any time contain 5% or more by volume  
 15 of class 1 compostable material other than yard waste.

16 Sec. 11506. (1) "Solid waste" means ~~garbage,~~ **food waste,**  
 17 **rubbish, ashes, incinerator ash, incinerator residue, street**  
 18 **cleanings, municipal and industrial sludges, solid commercial**  
 19 **waste, solid industrial waste, and animal waste. However, solid**  
 20 **waste does not include any of the following:**

21 (a) Human body waste.

22 (b) Medical waste.

23 (c) ~~Organic waste~~ **Manure or animal bedding** generated in the  
 24 production of livestock and poultry, **if managed in compliance with**  
 25 **the appropriate GAAMPS.**

26 (d) Liquid waste.

27 (e) Ferrous or nonferrous scrap directed to a scrap metal  
 28 processor or to a reuser of ferrous or nonferrous products.

29 (f) Slag or slag products directed to a slag processor or to a



1 reuser of slag or slag products.

2 (g) Sludges and ashes managed as recycled or nondetrimental  
3 materials appropriate for agricultural or silvicultural use  
4 pursuant to a plan approved by the department.

5 (h) The following materials that are used as animal feed, or  
6 are applied on, or are composted and applied on, farmland or  
7 forestland for an agricultural or silvicultural purpose at an  
8 agronomic rate consistent with GAAMPS:

9 (i) Food processing residuals and ~~garbage~~ **food waste**.

10 (ii) Precipitated calcium carbonate from sugar beet processing.

11 (iii) Wood ashes resulting solely from a source that burns only  
12 wood that is untreated and inert.

13 (iv) Lime from kraft pulping processes generated ~~prior to~~  
14 **before** bleaching.

15 (v) Aquatic plants.

16 (i) Materials approved for emergency disposal by the  
17 department.

18 (j) Source separated materials.

19 ~~(k) Site separated material.~~

20 **(k)** ~~(l)~~ Coal ash, when used under any of the following  
21 circumstances:

22 (i) As a component of concrete, grout, mortar, or casting  
23 molds, if the coal ash does not have more than 6% unburned carbon.

24 (ii) As a raw material in asphalt for road construction, if the  
25 coal ash does not have more than 12% unburned carbon and passes  
26 Michigan test method for water asphalt preferential test, MTM 101,  
27 as set forth in the state transportation department's manual for  
28 the Michigan test methods (MTM).



1           (iii) As aggregate, road material, or building material that in  
2 ultimate use is or will be stabilized or bonded by cement, limes,  
3 or asphalt, or itself act as a bonding agent. To be considered to  
4 act as a bonding agent, the coal ash must have at least 10%  
5 available lime.

6           (iv) As a road base or construction fill that is placed at  
7 least 4 feet above the seasonal groundwater table and covered with  
8 asphalt, concrete, or other material approved by the department.

9           (l) ~~(m)~~—Inert material.

10          (m) ~~(n)~~—Soil that is washed or otherwise removed from sugar  
11 beets, has not more than 55% moisture content, and is registered as  
12 a soil conditioner under part 85. Any testing required to become  
13 registered under part 85 is the responsibility of the generator.

14          (n) ~~(o)~~—Soil that is relocated under section 20120c.

15          (o) ~~(p)~~—Diverted waste that is managed through a waste  
16 diversion center.

17          (p) ~~(q)~~—Beneficial use by-products.

18          (q) ~~(r)~~—Coal bottom ash, if substantially free of fly ash or  
19 economizer ash, when used as cold weather road abrasive.

20          (r) ~~(s)~~—Stamp sands when used as cold weather road abrasive in  
21 the Upper Peninsula by any of the following:

22           (i) A public road agency.

23           (ii) Any other person pursuant to a plan approved by a public  
24 road agency.

25          (s) ~~(t)~~—Any material that is reclaimed or reused in the  
26 process that generated it.

27          (t) ~~(u)~~—Any secondary material that, as specified in or  
28 determined pursuant to 40 CFR part 241, is not a solid waste when  
29 combusted.



1 (u) ~~(v)~~—Other wastes regulated by statute.

2 (2) "Solid waste hauler" means a person who owns or operates a  
3 solid waste transporting unit.

4 (3) **"Solid waste management fund" means the solid waste  
5 management fund created in section 11550.**

6 (4) ~~(3)~~—"Solid waste processing plant" ~~and transfer facility"~~  
7 means a tract of land, a building, ~~or unit, or appurtenance and~~  
8 **any appurtenances** of a building or unit, **a container**, or ~~a any~~  
9 combination of ~~land, buildings, and units~~ **these** that is used or  
10 intended for use ~~for~~ **in the handling, storage, transfer, or**  
11 **processing of solid waste, or the separation of material for**  
12 ~~salvage or disposal, or both, but does not include a plant engaged~~  
13 ~~primarily in the acquisition, processing, and shipment of ferrous~~  
14 ~~or nonferrous metal scrap, or a plant engaged primarily in the~~  
15 ~~acquisition, processing, and shipment of slag or slag products.~~ **and**  
16 **is not located at the site of generation or the site of disposal of**  
17 **the solid waste. Solid waste processing and transfer facility**  
18 **includes a pyrolysis facility or gasification plant that uses solid**  
19 **waste as a feedstock.**

20 (5) ~~(4)~~—"Solid waste transporting unit" means a container,  
21 which may be an integral part of a truck or other piece of  
22 equipment used for the transportation of solid waste.

23 ~~(5) "Solid waste transfer facility" means a tract of land, a~~  
24 ~~building and any appurtenances, or a container, or any combination~~  
25 ~~of land, buildings, or containers that is used or intended for use~~  
26 ~~in the rehandling or storage of solid waste incidental to the~~  
27 ~~transportation of the solid waste, but is not located at the site~~  
28 ~~of generation or the site of disposal of the solid waste.~~

29 (6) **"Source reduction" means any practice that reduces or**



1 **eliminates the generation of waste at the source.**

2 (7) ~~(6)~~—"Source separated material" means any of the following  
 3 materials if separated at the source of generation **or at a**  
 4 **materials management facility that complies with part 115** and **if**  
 5 not speculatively accumulated:

6 (a) Glass, metal, wood, paper products, plastics, rubber,  
 7 textiles, ~~garbage,~~ **food waste, electronics, latex paint, yard**  
 8 **waste**, or any other material approved by the department that is  
 9 used for conversion into raw materials or **intermediate or** new  
 10 products. For the purposes of this subdivision, raw materials or  
 11 **intermediate or** new products include, but are not limited to,  
 12 compost, biogas from anaerobic digestion, synthesis gas from  
 13 gasification or pyrolysis, or other fuel. This subdivision does not  
 14 prohibit material from being classified as a renewable energy  
 15 resource as defined in section 11 of the clean and renewable energy  
 16 and energy waste reduction act, 2008 PA 295, MCL 460.1011.

17 (b) Scrap wood and railroad ties used to fuel an industrial  
 18 boiler, kiln, power plant, or furnace, subject to part 55, for  
 19 production of new wood products, or for other uses approved by the  
 20 department.

21 (c) Chipped or whole tires used to fuel an industrial boiler,  
 22 kiln, power plant, or furnace, subject to part 55, or for other  
 23 uses approved by the department. This subdivision does not prohibit  
 24 material from being classified as a renewable energy resource as  
 25 defined in section 11 of the clean and renewable energy and energy  
 26 waste reduction act, 2008 PA 295, MCL 460.1011.

27 (d) Recovered paint solids if used to fuel an industrial  
 28 boiler, kiln, power plant, **gasification facility**, or furnace,  
 29 subject to part 55; ~~if bonded with cement or asphalt~~; or if used



1 for other uses approved by the department.

2 (e) Gypsum drywall generated from the production of wallboard  
3 used for stock returned to the production process or for other uses  
4 approved by the department.

5 (f) Flue gas desulfurization gypsum used for production of  
6 cement or wallboard or other uses approved by the department.

7 (g) Asphalt shingles that ~~do meet both of the following~~  
8 **requirements:**

9 (i) Do not contain asbestos, rolled roofing, **wood, nails,** or  
10 tar paper.

11 (ii) Are used as **described in any of the following:**

12 (A) As a component in **hot mix asphalt, warm mix asphalt,** or  
13 ~~used to cold patch asphalt.~~

14 (B) To fuel an industrial boiler, kiln, power plant, or  
15 furnace, subject to part 55. ~~or for other~~

16 (C) Mixed with **recycled asphalt pavement at a maximum of 1 to**  
17 **1 ratio by volume to produce a base that is covered by concrete or**  
18 **asphalt paving.**

19 (D) **Other** uses approved by the department.

20 (h) Municipal solid waste incinerator ash that meets criteria  
21 specified by the department and that is used as daily cover at a  
22 disposal facility licensed pursuant to ~~this part~~ **115.**

23 (i) Utility poles or pole segments reused as poles, posts, or  
24 similar uses approved by the department in writing.

25 (j) Railroad ties reused in landscaping, embankments, or  
26 similar uses approved by the department in writing.

27 (k) Any materials and uses approved by the department under  
28 section 11553(8).

29 (l) **Leaves that are ground or mixed with ground wood and sold**



1 as mulch for landscaping purposes if the volumes so managed are  
2 reported to the department in the manner provided in section 11560.

3 (m) ~~(l)~~—Any material determined by the department in writing  
4 before September 16, 2014 to be a source separated material.

5 (n) **Yard waste that is land applied on a farm in a manner**  
6 **consistent with GAAMPS.**

7 (o) **Yard waste, class 1 compostable material, and class 2**  
8 **compostable material that are delivered to an anaerobic digester.**

9 (p) **Recyclable materials.**

10 (8) ~~(7)~~—"Stamp sands" means finely grained crushed rock  
11 resulting from mining, milling, or smelting of copper ore and  
12 includes native substances contained within the crushed rock and  
13 any ancillary material associated with the crushed rock.

14 (9) ~~(8)~~—"Treated wood" means wood or wood product that has  
15 been treated with 1 or more of the following:

16 (a) Chromated copper arsenate (CCA).

17 (b) Ammoniacal copper quat (ACQ).

18 (c) Ammoniacal copper zinc arsenate (ACZA).

19 (d) Any other chemical designated in rules promulgated by the  
20 department.

21 (10) ~~(9)~~—"Trust fund" means a fund held by a trustee who has  
22 the authority to act as a trustee and whose trust operations are  
23 regulated and examined by a federal or state agency.

24 (11) ~~(10)~~—"Type I public water supply", "type IIa public water  
25 supply", "type IIb public water supply", and "type III public water  
26 supply" mean those terms, respectively, as described in R 325.10502  
27 of the Michigan Administrative Code.

28 (12) **"Type II landfill" means a landfill that receives**  
29 **household waste or municipal solid waste incinerator ash, or both,**



1 and that may also receive other types of solid waste, such as any  
2 of the following:

- 3 (a) Construction and demolition waste.
- 4 (b) Sewage sludge.
- 5 (c) Commercial waste.
- 6 (d) Nonhazardous sludge.
- 7 (e) Hazardous waste from conditionally exempt small quantity  
8 generators.
- 9 (f) Industrial waste.

10 (13) "Type III landfill" means a landfill that is not a type  
11 II landfill or hazardous waste landfill and includes all of the  
12 following:

- 13 (a) A construction and demolition waste landfill.
- 14 (b) An industrial waste landfill.
- 15 (c) A low hazard industrial waste landfill.
- 16 (d) A surface impoundment authorized as an industrial waste  
17 landfill.
- 18 (e) A landfill that accepts only waste other than household  
19 waste, municipal solid waste incinerator ash, or hazardous waste  
20 from conditionally exempt small quantity generators.

21 (14) "Vermiculture" means the controlled and managed process  
22 by which live worms degrade organic materials into worm castings or  
23 worm humus.

24 (15) ~~(11)~~—"Waste diversion center" means property or a  
25 building, or a portion of property or a building, designated for  
26 the purpose of receiving or collecting diverted wastes and not used  
27 for residential purposes.

28 (16) ~~(12)~~—"Wood" means trees, branches and associated leaves,  
29 bark, lumber, pallets, wood chips, sawdust, or other wood or wood



1 product but does not include scrap wood, treated wood, painted wood  
 2 or painted wood product, or any wood or wood product that has been  
 3 contaminated during manufacture or use.

4 (17) ~~(13)~~ "Wood ash" means any type of ash or slag resulting  
 5 from the burning of wood.

6 (18) ~~(14)~~ "Yard ~~clippings~~ **waste**" means leaves, grass  
 7 clippings, vegetable or other garden debris, shrubbery, or brush or  
 8 tree trimmings, less than 4 feet in length and 2 inches in  
 9 diameter, that can be converted to compost. ~~Yard clippings do waste~~  
 10 **does** not include stumps, agricultural wastes, animal waste, roots,  
 11 sewage sludge, ~~or garbage.~~ **Christmas trees or wreaths, food waste,**  
 12 **or screened finished compost made from yard waste.**

13 Sec. 11507. (1) **Optimizing recycling opportunities, including**  
 14 **electronics recycling opportunities, and the reuse of materials are**  
 15 **a principal objective of this state's solid waste management plan.**  
 16 **Recycling and reuse of materials, including the reuse of materials**  
 17 **from electronic devices, are in the best interest of the public**  
 18 **health and welfare. This state should develop policies, practices,**  
 19 **and goals that promote recycling and reuse of materials, waste**  
 20 **reduction, and pollution prevention and that, to the extent**  
 21 **practical, minimize the use of landfilling and municipal solid**  
 22 **waste incineration as methods for disposal of waste. Policies and**  
 23 **practices that promote recycling and reuse of materials, including**  
 24 **materials from electronic devices, result in conservation of raw**  
 25 **materials and landfill space and avoid the contamination of soil**  
 26 **and groundwater from heavy metals and other pollutants.**

27 (2) **It is the goal of this state to achieve a 45% municipal**  
 28 **solid waste recycling rate, and, as an interim step, a 30%**  
 29 **municipal solid waste recycling rate by 2028, through the benchmark**



1 **recycling standards.**

2 (3) ~~(1)~~—The department and a **local** health officer shall assist  
3 in developing and encouraging methods for the disposal of solid  
4 waste that are environmentally sound, that maximize the utilization  
5 of valuable resources, and that encourage resource conservation  
6 including source reduction and source separation.

7 (4) ~~(2)~~ ~~This part~~ **Part 115** shall be construed and administered  
8 to encourage and facilitate ~~the effort of~~ all persons to engage in  
9 source separation ~~and site separation~~ of material from solid waste,  
10 and other environmentally sound measures to prevent materials from  
11 entering the waste stream or ~~which encourage the removal of~~ **to**  
12 **remove** materials from the waste stream.

13 (5) **A person shall not dispose, store, or transport solid**  
14 **waste in this state unless the person complies with part 115.**

15 (6) ~~(3)~~ ~~The department may exempt from regulation under this~~  
16 ~~part solid waste that is determined by the department to be inert~~  
17 ~~material for uses and in a manner approved by the department.~~ **Part**  
18 **115 is intended to encourage the continuation of the private sector**  
19 **in materials management, disposal, and transportation in compliance**  
20 **with part 115. Part 115 is not intended to prohibit salvaging.**

21 Sec. 11507a. ~~(1)~~ ~~The owner or operator of a landfill shall~~  
22 ~~annually submit a report to the state and the county and~~  
23 ~~municipality in which the landfill is located that contains~~  
24 ~~information on the amount of solid waste received by the landfill~~  
25 ~~during the year itemized, to the extent possible, by county, state,~~  
26 ~~or country of origin and the amount of remaining disposal capacity~~  
27 ~~at the landfill. Remaining disposal capacity shall be calculated as~~  
28 ~~the permitted capacity less waste in place for any area that has~~  
29 ~~been constructed and is not yet closed plus the permitted capacity~~



1 ~~for each area that has a permit for construction under this part~~  
 2 ~~but has not yet been constructed. The report shall be submitted on~~  
 3 ~~a form provided by the department within 45 days following the end~~  
 4 ~~of each state fiscal year.~~

5 ~~(2) By January 31 of each year, the department shall submit to~~  
 6 ~~the legislature a report summarizing the information obtained under~~  
 7 ~~subsection (1).~~ **Under rules promulgated by the department, the**  
 8 **department may certify a city, county, or district health**  
 9 **department to perform a solid waste management program or**  
 10 **designated activities as prescribed in part 115. The department may**  
 11 **rescind certification under either of the following circumstances:**

12 (a) Upon request of the certified health department.

13 (b) After reasonable notice and an opportunity for a hearing  
 14 if the department finds that the certified health department is not  
 15 performing the program or designated activities as required.

16 Sec. 11508. ~~(1) A city, county, or district health department~~  
 17 ~~may be certified by the department to perform a solid waste~~  
 18 ~~management program. Certification procedures shall be established~~  
 19 ~~by the department by rule. The department may rescind certification~~  
 20 ~~upon request of the certified health department or after reasonable~~  
 21 ~~notice and hearing if the department finds that a certified health~~  
 22 ~~department is not performing the program as required.~~ **A person shall**  
 23 **not operate a materials management facility unless all of the**  
 24 **following requirements are met:**

25 (a) The owner or operator has complied with any applicable  
 26 requirement of part 115 to notify the department, register with the  
 27 department, obtain an approval from the department under a general  
 28 permit, or obtain a construction permit and operating license from  
 29 the department.



1 (b) The operation is in compliance with the terms of any  
2 registration, general permit, construction permit, or operating  
3 license issued for the materials management facility under part  
4 115.

5 (c) The facility is consistent with the MMP. This subdivision  
6 does not apply to a disposal area described in section 11509(1)(b)  
7 or 11513(2).

8 (2) The department shall deny an application for a  
9 registration, for approval under a general permit, or for a  
10 construction permit or operating license for a materials management  
11 facility unless the department has, under section 11575(9),  
12 approved an MMP for the planning area where the facility is located  
13 or proposed to be located and the facility is consistent with the  
14 MMP, as determined under section 11585. However, all of the  
15 following apply:

16 (a) Before an MMP is initially approved by the department  
17 under section 11575(9), the department may issue a construction  
18 permit for a solid waste processing and transfer facility or an  
19 approval under a general permit or a registration for a materials  
20 utilization facility if the county approval agency and the  
21 legislative body of the municipality in which the facility is or is  
22 proposed to be located have each notified the department in writing  
23 that they approve the issuance.

24 (b) Proposed landfill expansions shall follow the siting  
25 process of the existing solid waste management plan until an MMP  
26 for the planning area is approved by the department.

27 (c) Before an MMP for the planning area has been approved by  
28 the department, materials utilization facilities that are required  
29 to provide a notification or registration to the department under



1 part 115 may be sited under local zoning ordinances.

2 (3) A notification or application under part 115 for a  
3 construction permit, operating license, approval under a general  
4 permit, or registration required to operate a materials management  
5 facility; a notice of intent to prepare a materials management  
6 plan; a bond; a risk pooling financial mechanism; evidence of  
7 financial assurance; a request for the reduction of the amount of a  
8 financial assurance mechanism; an agreement governing the operation  
9 of a perpetual care fund trust or escrow account; an application  
10 for a grant or loan; or a report or other information required to  
11 be submitted to the department under part 115 shall meet all of the  
12 following requirements:

13 (a) Be on a form and in a medium provided or approved by the  
14 department.

15 (b) Contain relevant information required by the department.

16 (c) If an application, be accompanied by any applicable  
17 application fee provided for by this part.

18 Enacting section 1. This amendatory act takes effect 90 days  
19 after the date it is enacted into law.

20 Enacting section 2. This amendatory act does not take effect  
21 unless all of the following bills of the 100th Legislature are  
22 enacted into law:

23 (a) House Bill No. 5813.

24 (b) House Bill No. 5814.

25 (c) House Bill No. 5815.

26 (d) House Bill No. 5816.

27 (e) House Bill No. 5817.

