

Act No. 428  
Public Act of 1988  
Approved by the Governor  
December 24, 1988  
Filed by the Secretary of State  
December 27, 1988

**STATE OF MICHIGAN  
84TH LEGISLATURE  
REGULAR SESSION OF 1988**

Introduced by Senators Ehlers, Binsfeld, Cherry and Gast

# **ENROLLED SENATE BILL No. 952**

AN ACT to amend sections 6, 8, and 30a of Act No. 641 of the Public Acts of 1978, entitled "An act to protect the public health and the environment; to provide for the regulation and management of solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts," section 6 as amended and section 30a as added by Act No. 6 of the Public Acts of 1988 and section 8 as amended by Act No. 209 of the Public Acts of 1987, being sections 299.406, 299.408, and 299.430a of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 6, 8, and 30a of Act No. 641 of the Public Acts of 1978, section 6 as amended and section 30a as added by Act No. 6 of the Public Acts of 1988 and section 8 as amended by Act No. 209 of the Public Acts of 1987, being sections 299.406, 299.408, and 299.430a of the Michigan Compiled Laws, are amended to read as follows:

Sec. 6. (1) "Recyclable materials" means source separated materials, site separated materials, high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, yard clippings, and other materials that may be recycled or composted.

(2) "Regional solid waste management planning agency" means the regional solid waste planning agency designated by the governor pursuant to section 4006 of subtitle D of the solid waste disposal act, title II of Public Law 89-272, 42 U.S.C. 6946.

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

(4) "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

(5) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(6) "Salvaging" means the lawful and controlled removal of reusable materials from solid waste.

(7) "Site separated material" means glass, metal, wood, paper products, plastics, rubber, textiles, garbage, yard clippings, or any other material approved by the director that is separated from solid waste for the purpose of conversion into raw materials or new products. Site separated material does not include the residue remaining after glass, metal, wood, paper products, plastics, rubber, textiles, or any other material approved by the director is separated from solid waste.

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

Sec. 8. (1) The department and a health officer shall assist in developing and encouraging methods for the disposal of solid waste which are environmentally sound, which maximize the utilization of valuable resources, and which encourage resource conservation including source reduction and source separation.

(2) This act shall be construed and administered to encourage and facilitate the effort of all persons to engage in source separation and site separation of material from solid waste, and other environmentally sound measures to prevent materials from entering the waste stream or which encourage the removal of materials from the waste stream.

(3) The director may exempt from regulation under this act solid waste which is determined by the director to be inert material for uses and in a manner approved by the director.

Sec. 30a. (1) The director shall not approve a plan update unless:

(a) The plan contains an analysis or evaluation of the best available information applicable to the plan area in regard to recyclable materials and all of the following:

(i) The kind and volume of material in the plan area's waste stream that may be recycled or composted.

(ii) How various factors do or may affect a recycling and composting program in the plan area. Factors shall include an evaluation of the existing solid waste collection system; materials market; transportation networks; local composting and recycling support groups, or both; institutional arrangements; the population in the plan area; and other pertinent factors.

(iii) An identification of impediments to implementing a recycling and composting program and recommended strategies for removing or minimizing impediments.

(iv) How recycling and composting and other processing or disposal methods could complement each other and an examination of the feasibility of excluding site separated material and source separated material from other processing or disposal methods.

(v) Identification and quantification of environmental, economic, and other benefits that could result from the implementation of a recycling and composting program.

(b) The plan either provides for recycling and composting recyclable materials from the plan area's waste stream or establishes that recycling and composting is not necessary or feasible or is only necessary or feasible to a limited extent.

(c) A plan that proposes a recycling or composting program, or both, details the major features of that program, including all of the following:

(i) The kinds and volumes of recyclable materials that will be recycled or composted.

(ii) Collection methods.

(iii) Measures that will ensure collection such as ordinances or cooperative arrangements, or both.

(iv) Ordinances or regulations affecting the program.

(v) The role of counties and municipalities in implementing the plan.

(vi) The involvement of existing recycling interests, solid waste haulers, and the community.

(vii) Anticipated costs.

(viii) On-going program financing.

(ix) Equipment selection.

(x) Public and private sector involvement.

(xi) Site availability and selection.

(xii) Operating parameters such as PH and heat range.

(2) The director may promulgate rules as may be necessary to implement this section.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved .....

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Governor.