

HOUSE BILL No. 4204

February 16, 1989, Introduced by Reps. Owen, Pitoniak, Brown, Bennett, Trim, DeMars, Gilmer, Runco, Bartnik, Perry Bullard and Palamara and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend Act No. 641 of the Public Acts of 1978, entitled "Solid waste management act," as amended, being sections 299.401 to 299.437 of the Michigan Compiled Laws, by adding section 31a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 641 of the Public Acts of 1978, as
2 amended, being sections 299.401 to 299.437 of the Michigan
3 Compiled Laws, is amended by adding section 31a to read as
4 follows:

5 SEC. 31A. (1) THE DIRECTOR SHALL PROMULGATE RULES TO ASSURE
6 THAT THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND THE ENVIRONMENT
7 ARE PROTECTED IN REGARD TO FLY ASH OR ANY OTHER ASH OR RESIDUE
8 RESULTING FROM THE INCINERATION OF SOLID WASTE.

1 (2) IN FULFILLING THE REQUIREMENTS OF THIS SECTION, THE
2 DIRECTOR SHALL CONSIDER ALL OF THE FOLLOWING:

3 (A) REQUIRING SOURCE SEPARATION AND SITE SEPARATION PRIOR TO
4 INCINERATION OF WASTE TO REMOVE TOXIC METALS AND OTHER HARMFUL
5 SUBSTANCES FROM THE WASTE STREAM.

6 (B) TREATING ASH, WITH PARTICULAR EMPHASIS ON THE TREATMENT
7 OF FLY ASH, THROUGH METAL EXTRACTION, IMMOBILIZATION, OR SOLIDI-
8 FICATION TECHNIQUES.

9 (C) MANAGING FLY ASH AND SCRUBBER RESIDUE SEPARATELY FROM
10 BOTTOM ASH AND OTHER RESIDUE UNTIL IT IS ESTABLISHED THAT THE
11 MIXING OF THESE WASTES IS A SUPERIOR MANAGEMENT METHOD TO OTHER
12 AVAILABLE METHODS.

13 (D) ENCOURAGING AND SUPPORTING THE STUDY AND DEVELOPMENT OF
14 ENVIRONMENTALLY SOUND USES FOR ASH.

15 (E) DEVELOPING ASH MANAGEMENT PLANS BY GENERATORS.

16 (F) COLLECTING, STORING, HANDLING, AND TRANSPORTING INCINER-
17 ATOR ASH IN A MANNER THAT MINIMIZES HUMAN EXPOSURE AND DISPERSAL
18 INTO THE AIR, SOIL, OR WATER.

19 (G) SEPARATING AND REGULAR SAMPLING AND TESTING OF INCINERA-
20 TOR FLY AND BOTTOM ASH TO INCREASE THE TECHNICAL DATA BASE FOR
21 FUTURE REGULATORY IMPROVEMENTS AND FOR MEASURING PROGRESS IN TOX-
22 ICANT REDUCTION IN THE WASTE STREAM.

23 (H) ESTABLISHING A STANDARD RECORD-KEEPING SYSTEM THAT
24 INCLUDES, AT A MINIMUM, AMOUNTS OF WASTE INCINERATED, AMOUNTS OF
25 FLY AND BOTTOM ASH GENERATED, THE LOCATION AND DISPOSAL OR TREAT-
26 MENT METHODS USED, AND THE TEST RESULTS ON ANY RESIDUE.

1 (I) REQUIRING SPECIFIED DESIGN AND SITING STANDARDS FOR
2 LANDFILLS IN WHICH ASH IS DISPOSED INCLUDING, BUT NOT LIMITED TO,
3 SINGLE AND DOUBLE COMPOSITE LINER SYSTEMS, LEACHATE COLLECTION
4 AND TREATMENT, LEAK DETECTION, MONITORING WELLS, CAP DESIGN, AND
5 CLOSURE AND POSTCLOSURE REQUIREMENTS.

6 (J) REQUIRING SITING CRITERIA AND DESIGN AND MONITORING
7 REQUIREMENTS FOR ASH CHARACTER, INCLUDING SEPARATION, TREATMENT,
8 OR PRE-INCINERATION TOXICANT REDUCTION.

9 (K) REQUIRING POSITIVE FINANCIAL ASSURANCE OF GENERATORS AND
10 OPERATORS OF INCINERATORS TO ASSURE PROPER OPERATION, CLOSURE,
11 AND POSTCLOSURE MAINTENANCE AND MONITORING.

12 (L) REQUIRING THE SIMULTANEOUS INVESTIGATION OF COAL ASH AND
13 SIMILAR EXEMPTED RESIDUES AND THE PROMULGATION OF REGULATORY
14 RULES IF POTENTIAL THREATS TO THE PUBLIC HEALTH AND ENVIRONMENT
15 ARE DISCOVERED.

16 (M) APPLICABLE FEDERAL STANDARDS AND REGULATIONS.