

Act No. 28
Public Acts of 1992
Approved by the Governor
April 1, 1992
Filed with the Secretary of State
April 2, 1992

STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992

Introduced by Reps. Sikkema, Johnson, Sparks, DeLange, Middaugh, Walberg, DeMars, Dalman and Bodem

ENROLLED HOUSE BILL No. 5279

AN ACT to amend section 7 of Act No. 641 of the Public Acts of 1978, entitled as amended "An act to protect the public health and the environment; to provide for the regulation and management of solid wastes including ash resulting from the combustion of certain solid wastes; to prescribe the powers and duties of certain state and local agencies and officials; to impose certain charges on the disposal of solid waste in certain disposal areas; to provide for certain fees; to prescribe penalties; to make an appropriation; and to repeal certain acts and parts of acts," as amended by Act No. 264 of the Public Acts of 1990, being section 299.407 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 7 of Act No. 641 of the Public Acts of 1978, as amended by Act No. 264 of the Public Acts of 1990, being section 299.407 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 7. (1) "Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:

- (a) Human body waste.
- (b) Medical waste as it is defined in part 138 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.13801 to 333.13831 of the Michigan Compiled Laws, and regulated under part 138 of Act No. 368 of the Public Acts of 1978 and section 5a of the air pollution act, Act No. 348 of the Public Acts of 1965, being section 336.15a of the Michigan Compiled Laws.
- (c) Organic waste generated in the production of livestock and poultry.
- (d) Liquid waste.
- (e) Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
- (f) Slag or slag products directed to a slag processor or to a reuser of slag or slag products.
- (g) Sludges and ashes managed as recycled or nondetrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the director.
- (h) Materials approved for emergency disposal by the director.
- (i) Source separated materials.
- (j) Site separated material.
- (k) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:

- (i) With a maximum of 6% of unburned carbon as a component of concrete, grout, mortar, or casting molds.
- (ii) With a maximum of 12% unburned carbon passing M.D.O.T. test method MTM 101 when used as a raw material in asphalt for road construction.
- (iii) As aggregate, road, or building material which in ultimate use will be stabilized or bonded by cement, limes, or asphalt.
- (iv) As a road base or construction fill which is covered with asphalt, concrete, or other material approved by the director and which is placed at least 4 feet above the seasonal groundwater table.
- (v) As the sole material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the director. In evaluating the site, the director shall consider the physical and chemical properties of the ash including leachability, and the engineering of the depository, including, but not limited to, the compaction, control of surface water and groundwater that may threaten to infiltrate the site, and evidence that the depository is designed to prevent water percolation through the material.

(l) Other wastes regulated by statute.

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

(3) "Solid waste processing plant" means a tract of land, building, unit, or appurtenance of a building or unit or a combination of land, buildings, and units that is used or intended for use for the processing of solid waste or the separation of material for salvage or disposal, or both, but does not include a plant engaged primarily in the acquisition, processing, and shipment of ferrous or nonferrous metal scrap, or a plant engaged primarily in the acquisition, processing, and shipment of slag or slag products.

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

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

(6) "Source 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 at the source of generation for the purpose of conversion into raw materials or new products.

(7) "Yard clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.