

HOUSE BILL No. 4955

June 12, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 3, 5, and 7 of Act No. 641 of the Public Acts of 1978, entitled as amended

"Solid waste management act,"

section 3 as amended by Act No. 9 of the Public Acts of 1990, section 5 as amended by Act No. 306 of the Public Acts of 1990, and section 7 as amended by Act No. 264 of the Public Acts of 1990, being sections 299.403, 299.405, and 299.407 of the Michigan Compiled Laws; and to add sections 10a, 18c, and 30b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 5, and 7 of Act No. 641 of the
2 Public Acts of 1978, section 3 as amended by Act No. 9 of the
3 Public Acts of 1990, section 5 as amended by Act No. 306 of the
4 Public Acts of 1990, and section 7 as amended by Act No. 264 of
5 the Public Acts of 1990, being sections 299.403, 299.405, and

1 299.407 of the Michigan Compiled Laws, are amended and sections
2 10a, 18c, and 30b are added to read as follows:

3 Sec. 3. (1) "Applicant" means an individual, sole proprie-
4 torship, partnership, corporation, association, municipality,
5 this state, a county, or any other governmental authority created
6 by statute.

7 (2) "Ashes" means the residue from the burning of wood,
8 coal, coke, refuse, wastewater sludge, or other combustible
9 materials.

10 (3) "BATTERY" MEANS A DIRECT-CURRENT VOLTAGE SOURCE COMPOSED
11 OF 1 OR MORE UNITS THAT CONVERT CHEMICAL ENERGY INTO ELECTRICAL
12 ENERGY, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING BATTERIES:
13 LEAD ACID, NICKEL-CADMIUM, CARBON-ZINC, ALKALINE, MERCURIC OXIDE,
14 SILVER OXIDE, NICKEL-HYDROXIDE, OR METAL-AIR CELLS.

15 (4) ~~(3)~~ "Bond" means a surety bond from a surety company
16 authorized to transact business in this state, a certificate of
17 deposit, a cash bond, or an irrevocable letter of credit, in
18 favor of the director.

19 (5) ~~(4)~~ "Certified health department" means a city,
20 county, or district department of health which is specifically
21 delegated authority by the director to perform designated activi-
22 ties as prescribed by this act.

23 (6) ~~(5)~~ "Coal or wood ash" means either or both of the
24 following:

25 (a) The residue remaining after the ignition of coal or
26 wood, or both, and may include noncombustible materials,
27 otherwise referred to as bottom ash.

1 (b) The airborne residues from burning coal or wood, or
2 both, that are finely divided particles entrained in flue gases
3 arising from a combustion chamber, otherwise referred to as fly
4 ash.

5 (7) ~~(6)~~ "Collection center" means a tract of land, build-
6 ing, unit, or appurtenance or combination thereof that is used to
7 collect junk motor vehicles and farm implements under section
8 23.

9 Sec. 5. (1) "Health officer" means a full-time administra-
10 tive officer of a certified city, county, or district department
11 of health.

12 (2) "HOUSEHOLD HAZARDOUS WASTE" MEANS THE FOLLOWING HOUSE-
13 HOLD PRODUCTS OR MATERIALS THAT CONTAIN HAZARDOUS CONSTITUENTS:
14 ARTISTS' PAINTS AND MEDIUMS, DRY CLEANING SOLVENTS, FIBERGLASS
15 EPOXY, GUN CLEANING SOLVENTS, LIGHTER FLUID, MOTH BALLS, SMOKE
16 DETECTORS, PHOTOGRAPHIC CHEMICALS, SHOE POLISH, SWIMMING POOL OR
17 SPA CHEMICALS, NAIL POLISH, NAIL POLISH REMOVERS, FLOOR CARE
18 PRODUCTS, FURNITURE POLISH, METAL POLISH, OVEN CLEANERS, PAINT
19 BRUSH CLEANERS WITH SOLVENT, CUTTING OILS, SOLVENT BASED GLUE,
20 LATEX PAINT CONTAINING MERCURY, OIL BASED PAINT, PAINT THINNERS
21 AND STRIPPERS, PRIMERS, RUST REMOVERS, TURPENTINE, VARNISH, WOOD
22 PRESERVATIVES, BATTERY ACID, CAR WAX CONTAINING SOLVENTS, DIESEL
23 FUEL, FUEL OILS, GASOLINE, KEROSENE, METAL POLISH CONTAINING SOL-
24 VENTS, OTHER PETROLEUM BASED OILS, HOME AND COMMERCIALY AVAIL-
25 ABLE PESTICIDES, INCLUDING HERBICIDES, FUNGICIDES, RAT POISONS,
26 AND WEEDKILLERS. THE DIRECTOR MAY PROMULGATE RULES THAT ADD
27 ITEMS OR CLARIFY ITEMS INCLUDED ON THIS LIST.

1 (3) ~~(2)~~ "Inert material" means a substance that will not
2 decompose, dissolve, or in any other way form a contaminated
3 leachate upon contact with water, or other liquids determined by
4 the director as likely to be found at the disposal area, perco-
5 lating through the substance.

6 (4) ~~(3)~~ "Landfill" means a disposal area that is a sani-
7 tary landfill.

8 (5) "MAJOR APPLIANCE" MEANS AN AIR CONDITIONER, CLOTHES
9 DRYER, CLOTHES WASHER, DISHWASHER, FREEZER, MICROWAVE OVEN, OVEN,
10 REFRIGERATOR, OR STOVE.

11 (6) ~~(4)~~ "Medical waste" means that term as it is defined
12 in part 138 of the public health code, Act No. 368 of the Public
13 Acts of 1978, being sections 333.13801 to 333.13831 of the
14 Michigan Compiled Laws.

15 (7) ~~(5)~~ "Municipal solid waste incinerator" means an
16 incinerator that is owned or operated by any person, and meets
17 all of the following requirements:

18 (a) The incinerator receives solid waste from off site and
19 burns only household waste from single and multiple dwellings,
20 hotels, motels, and other residential sources, or this household
21 waste together with solid waste from commercial, institutional,
22 municipal, county, or industrial sources that, if disposed of,
23 would not be required to be placed in a disposal facility
24 licensed under the hazardous waste management act, Act No. 64 of
25 the Public Acts of 1979, being sections 299.501 to 299.551 of the
26 Michigan Compiled Laws.

1 (b) The incinerator has established contractual requirements
2 or other notification or inspection procedures sufficient to
3 assure that the incinerator receives and burns only waste
4 referred to in subdivision (a).

5 (c) The incinerator meets the requirements of this act and
6 the rules promulgated under this act.

7 (d) The incinerator is not an industrial furnace as defined
8 in 40 C.F.R. 260.10.

9 (e) The incinerator is not an incinerator that receives and
10 burns only medical waste, or only waste produced at 1 or more
11 hospitals.

12 (8) ~~(6)~~ "Municipal solid waste incinerator ash" means the
13 substances remaining after combustion in a municipal solid waste
14 incinerator.

15 (9) ~~(7)~~ "Municipality" means a city, township, or
16 village.

17 (10) ~~(8)~~ "Perpetual care fund" means a perpetual care fund
18 provided for in section 19b.

19 (11) ~~(9)~~ "Person" means an individual; sole proprietor-
20 ship; partnership; association; corporation, public or private,
21 organized or existing under the laws of this state or any other
22 state, including a federal corporation; this state or an agency
23 or department of this state; a municipality in this state; or a
24 county in this state.

25 (12) "POSTCONSUMER WASTE" MEANS SOLID WASTE OTHER THAN SOLID
26 WASTE GENERATED IN THE PRODUCTION OF GOODS.

1 (13) "RECYCLABLE MATERIAL" MEANS THOSE MATERIALS OR PRODUCTS
2 IN POSTCONSUMER WASTE FOR WHICH THERE IS A COMMERCIALY AVAILABLE
3 PROCESSING OR MANUFACTURING TECHNOLOGY THAT USES THE MATERIAL OR
4 PRODUCT AS A RAW MATERIAL.

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

11 (a) Human body waste.

12 (b) Organic waste generated in the production of livestock
13 and poultry.

14 (c) Liquid waste.

15 (d) Ferrous or nonferrous scrap directed to a scrap metal
16 processor or to a reuser of ferrous or nonferrous products.

17 (e) Slag or slag products directed to a slag processor or to
18 a reuser of slag or slag products.

19 (f) Sludges and ashes managed as recycled or nondetrimental
20 materials appropriate for agricultural or silvicultural use pur-
21 suant to a plan approved by the director.

22 (g) Materials approved for emergency disposal by the
23 director.

24 (h) Source separated materials.

25 (i) Site separated material.

26 (j) Fly ash or any other ash produced from the combustion of
27 coal, when used in the following instances:

1 (i) With a maximum of 6% of unburned carbon as a component
2 of concrete, grout, mortar, or casting molds.

3 (ii) With a maximum of 12% unburned carbon passing
4 M.D.O.T. test method MTM 101 when used as a raw material in
5 asphalt for road construction.

6 (iii) As aggregate, road, or building material which in
7 ultimate use will be stabilized or bonded by cement, limes, or
8 asphalt.

9 (iv) As a road base or construction fill which is covered
10 with asphalt, concrete, or other material approved by the direc-
11 tor and which is placed at least 4 feet above the seasonal
12 groundwater table.

13 (v) As the sole material in a depository designed to
14 reclaim, develop, or otherwise enhance land, subject to the
15 approval of the director. In evaluating the site, the director
16 shall consider the physical and chemical properties of the ash
17 including leachability, and the engineering of the depository,
18 including, but not limited to, the compaction, control of surface
19 water and groundwater that may threaten to infiltrate the site,
20 and evidence that the depository is designed to prevent water
21 percolation through the material.

22 (k) Other wastes regulated by statute.

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

25 (3) "Solid waste processing plant" means a tract of land,
26 building, unit, or appurtenance of a building or unit or a
27 combination of land, buildings, and units that is used or

1 intended for use for the processing of solid waste or the
2 separation of material for salvage or disposal, or both, but does
3 not include a plant engaged primarily in the acquisition, pro-
4 cessing, and shipment of ferrous or nonferrous metal scrap, or a
5 plant engaged primarily in the acquisition, processing, and ship-
6 ment of slag or slag products.

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

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

16 (6) "Source separated material" means glass, metal, wood,
17 paper products, plastics, rubber, textiles, garbage, yard clip-
18 pings, or any other material approved by the director that is
19 separated at the source of generation for the purpose of conver-
20 sion into raw materials or new products.

21 (7) "TIRE" MEANS A CONTINUOUS SOLID OR PNEUMATIC RUBBER COV-
22 ERING ENCIRCLING THE WHEEL OF A TRACTOR, OTHER FARM MACHINERY, OR
23 A VEHICLE.

24 (8) "VEHICLE" MEANS EVERY DEVICE IN, UPON, OR BY WHICH ANY
25 PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A HIGH-
26 WAY, EXCEPTING DEVICES EXCLUSIVELY MOVED BY HUMAN POWER OR USED
27 EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS AND EXCEPTING A

1 MOBILE HOME AS DEFINED IN SECTION 2 OF THE MOBILE HOME COMMISSION
2 ACT, ACT NO. 96 OF THE PUBLIC ACTS OF 1987, BEING SECTION
3 125.2302 OF THE MICHIGAN COMPILED LAWS.

4 (9) ~~(7)~~ "Yard clippings" means leaves, grass clippings,
5 vegetable or other garden debris, shrubbery, or brush or tree
6 trimmings less than 4 feet in length and 2 inches in diameter,
7 that can be converted to compost humus. This term does not
8 include stumps, agricultural wastes, animal waste, roots, sewage
9 sludge, or garbage.

10 SEC. 10A. FOR A PERIOD OF 5 YEARS AFTER THE EFFECTIVE DATE
11 OF THIS SECTION, THE DIRECTOR SHALL NOT ISSUE A CONSTRUCTION
12 PERMIT FOR A MUNICIPAL SOLID WASTE INCINERATOR.

13 SEC. 18C. (1) BEGINNING JANUARY 1, 1993, THE FOLLOWING
14 PRODUCTS OR MATERIALS SHALL NOT BE DISPOSED OF IN A LANDFILL OR A
15 MUNICIPAL SOLID WASTE INCINERATOR:

16 (A) BATTERIES.

17 (B) HOUSEHOLD HAZARDOUS WASTE.

18 (C) MAJOR APPLIANCES.

19 (2) BEGINNING JANUARY 1, 1993, TIRES SHALL NOT BE DISPOSED
20 OF IN A LANDFILL.

21 (3) BEGINNING JANUARY 1, 2001, A PERSON SHALL NOT DISPOSE OF
22 ANY OF THE FOLLOWING PRODUCTS OR MATERIALS IN A LANDFILL, MUNICI-
23 PAL SOLID WASTE INCINERATOR, OR OTHER INCINERATOR:

24 (A) GLASS CONTAINERS OF ALL COLORS.

25 (B) NEWSPRINT.

26 (C) FERROUS AND NONFERROUS METALS.

1 (4) IF THE MICHIGAN RECYCLING BOARD CREATED IN THE MICHIGAN
2 RECYCLING ACT DETERMINES THAT A PRODUCT OR MATERIAL NOT SPECIFIED
3 IN SUBSECTION (3) IS A RECYCLABLE MATERIAL, THE BOARD MAY PROMUL-
4 GATE RULES TO PROHIBIT THE DISPOSAL OF THAT PRODUCT OR MATERIAL
5 IN A LANDFILL, MUNICIPAL SOLID WASTE INCINERATOR, OR OTHER
6 INCINERATOR. IF THE MICHIGAN RECYCLING BOARD DETERMINES, IN CON-
7 SULTATION WITH THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC
8 HEALTH, THAT A PROHIBITION ON DISPOSAL IN A LANDFILL, MUNICIPAL
9 SOLID WASTE INCINERATOR, OR OTHER INCINERATOR OF A PRODUCT OR
10 MATERIAL NOT SPECIFIED IN SUBSECTION (3) IS NECESSARY TO PROTECT
11 THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR THE ENVIRONMENT, THE
12 BOARD MAY PROMULGATE RULES TO PROHIBIT THE DISPOSAL OF THAT PROD-
13 UCT OR MATERIAL IN A LANDFILL, MUNICIPAL SOLID WASTE INCINERATOR,
14 OR OTHER INCINERATOR.

15 SEC. 30B. (1) BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF
16 THIS SECTION, A SOLID WASTE HAULER WHO OPERATES IN A MUNICIPALITY
17 THAT HAS 25,000 OR MORE RESIDENTS AS DETERMINED BY THE 1990 FED-
18 ERAL DECENNIAL CENSUS SHALL PROVIDE CURBSIDE COLLECTION OF RECY-
19 CLABLE MATERIALS TO HIS OR HER CUSTOMERS WITHIN THE JURISDICTION
20 OF THE MUNICIPALITY AS FOLLOWS:

21 (A) FOR RESIDENTIAL CUSTOMERS, A SOLID WASTE HAULER SHALL
22 COLLECT NEWSPRINT, GLASS OF ALL COLORS, FERROUS AND NONFERROUS
23 METALS, AND ANY PRODUCT OR MATERIAL SPECIFIED IN RULES PROMUL-
24 GATED UNDER SECTION 18C(4). ADDITIONALLY, THE SOLID WASTE HAULER
25 SHALL COLLECT AT LEAST 2 RECYCLABLE MATERIALS, WHICH THE HAULER
26 SELECTS, FROM AMONG THE FOLLOWING:

1 (i) CORRUGATED CARDBOARD.

2 (ii) HIGH-GRADE PAPER.

3 (iii) LOW-GRADE PAPER, INCLUDING MIXED PAPER, MAGAZINES, OR
4 TELEPHONE BOOKS.

5 (iv) POLYETHYLENE TEREPHTHALATE (PETE).

6 (v) HIGH DENSITY POLYETHYLENE (HDPE).

7 (vi) VINYL (V).

8 (vii) LOW DENSITY POLYETHYLENE (LDPE).

9 (viii) POLYPROPYLENE (PP).

10 (ix) POLYSTYRENE (PS).

11 (x) MULTI-LAYER OR OTHER PLASTICS.

12 (B) FOR NONRESIDENTIAL CUSTOMERS, A SOLID WASTE HAULER SHALL
13 COLLECT AT LEAST 3 RECYCLABLE MATERIALS, WHICH THE HAULER
14 SELECTS.

15 (2) A SOLID WASTE HAULER REQUIRED UNDER SUBSECTION (1) TO
16 PROVIDE CURBSIDE COLLECTION OF RECYCLABLE MATERIALS SHALL PROVIDE
17 THAT COLLECTION AT LEAST AS FREQUENTLY AS THE HAULER PROVIDES FOR
18 THE COLLECTION OF OTHER SOLID WASTE.

19 (3) A SOLID WASTE HAULER REQUIRED UNDER SUBSECTION (1) TO
20 PROVIDE CURBSIDE COLLECTION OF RECYCLABLE MATERIALS SHALL NOT MIX
21 SOLID WASTE WITH SEPARATED RECYCLABLE MATERIALS DURING THE LOAD-
22 ING AND TRANSPORT OF THE SOLID WASTE AND RECYCLABLE MATERIALS.

23 (4) A SOLID WASTE HAULER WHO OPERATES IN A MUNICIPALITY OF
24 LESS THAN 25,000 RESIDENTS AS DETERMINED BY THE 1990 FEDERAL
25 DECENNIAL CENSUS SHALL PROVIDE AND MAINTAIN AT LEAST 1 PERMANENT
26 DROP-OFF SITE FOR EACH 10,000 RESIDENTS OF THAT MUNICIPALITY FOR
27 THE COLLECTION OF NEWSPRINT, GLASS OF ALL COLORS, FERROUS AND

1 NONFERROUS METALS, ANY PRODUCTS OR MATERIALS SPECIFIED IN RULES
2 PROMULGATED UNDER SECTION 18C(4), AND AT LEAST 2 OF THE RECYCLA-
3 BLE MATERIALS LISTED IN SUBSECTION (1)(A)(i) TO (x).

4 (5) IF A RECYCLING SERVICE, OTHER THAN A SOLID WASTE HAULER,
5 THAT MEETS THE REQUIREMENTS OF THIS SECTION IS OPERATING WITHIN A
6 MUNICIPALITY, A SOLID WASTE HAULER IS NOT REQUIRED TO PROVIDE
7 CURBSIDE COLLECTION OR A DROP-OFF SITE IF THE COLLECTION OR
8 DROP-OFF SITE WOULD DUPLICATE THE EXISTING RECYCLING SERVICE.

9 (6) A PERSON WHO CONTRACTS FOR THE COLLECTION OF SOLID WASTE
10 WITH A SOLID WASTE HAULER WHO PROVIDES CURBSIDE COLLECTION OF
11 RECYCLABLE MATERIALS SHALL SEPARATE THE RECYCLABLE MATERIALS
12 IDENTIFIED BY THE SOLID WASTE HAULER FROM OTHER SOLID WASTE AND
13 SHALL COMPLY WITH THE REASONABLE REQUIREMENTS OF THE HAULER FOR
14 PREPARATION OF THE RECYCLABLE MATERIALS. A SOLID WASTE HAULER
15 MAY REFUSE TO COLLECT SOLID WASTE FROM A PERSON IF THE RECYCLABLE
16 MATERIALS IDENTIFIED BY THE HAULER HAVE NOT BEEN SEPARATED FROM
17 THE SOLID WASTE OR HAVE NOT BEEN PREPARED IN THE MANNER REQUIRED
18 BY THE HAULER.

19 (7) A MUNICIPALITY MAY ENACT 1 OR MORE ORDINANCES TO ENFORCE
20 THIS SECTION.

21 (8) AS USED IN THIS SECTION:

22 (A) "RESIDENTIAL" MEANS SINGLE FAMILY OR MULTIFAMILY
23 RESIDENCES.

24 (B) "CURBSIDE COLLECTION" MEANS THE COLLECTION OF RECYCLABLE
25 MATERIALS FROM THE PROPERTY OF A CUSTOMER OR THE EDGE OF A ROAD
26 BORDERING THE PROPERTY. FOR MULTIFAMILY RESIDENTIAL PROPERTY,

1 CURBSIDE COLLECTION MAY INCLUDE A CENTRAL COLLECTION LOCATION ON
2 THE PROPERTY OF THE MULTIFAMILY RESIDENTIAL PROPERTY.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Bill No. _____ or House Bill No. 4954 (request
5 no. 01416'91) of the 86th Legislature is enacted into law.