

# HOUSE BILL No. 5279

October 22, 1991, Introduced by Reps. Sikkema, Johnson, Sparks, DeLange, Middaugh, Walberg, DeMars, Dalman and Bodem and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 7 of Act No. 641 of the Public Acts of 1978, entitled as amended

"Solid waste management act,"

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:

1       Section 1. Section 7 of Act No. 641 of the Public Acts of  
2 1978, as amended by Act No. 264 of the Public Acts of 1990, being  
3 section 299.407 of the Michigan Compiled Laws, is amended to read  
4 as follows:

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

1 production of livestock and poultry. Solid waste does not  
2 include the following:

3 (a) Human body waste.

4 (B) MEDICAL WASTE AS IT IS DEFINED IN PART 138 OF THE PUBLIC  
5 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-  
6 TIONS 333.13801 TO 333.13831 OF THE MICHIGAN COMPILED LAWS, AND  
7 REGULATED UNDER PART 138 OF ACT NO. 368 OF THE PUBLIC ACTS OF  
8 1978 AND SECTION 5A OF THE AIR POLLUTION ACT, ACT NO. 348 OF THE  
9 PUBLIC ACTS OF 1965, BEING SECTION 336.15A OF THE MICHIGAN  
10 COMPILED LAWS.

11 (C) FLY ASH, BOTTOM ASH, OR ANY OTHER ASHES PRODUCED FROM AN  
12 INCINERATOR THAT RECEIVES AND BURNS ONLY MEDICAL WASTE DESCRIBED  
13 IN SUBDIVISION (B).

14 (D) ~~(b)~~ Organic waste generated in the production of live-  
15 stock and poultry.

16 (E) ~~(c)~~ Liquid waste.

17 (F) ~~(d)~~ Ferrous or nonferrous scrap directed to a scrap  
18 metal processor or to a reuser of ferrous or nonferrous  
19 products.

20 (G) ~~(e)~~ Slag or slag products directed to a slag processor  
21 or to a reuser of slag or slag products.

22 (H) ~~(f)~~ Sludges and ashes managed as recycled or nondetri-  
23 mental materials appropriate for agricultural or silvicultural  
24 use pursuant to a plan approved by the director.

25 (I) ~~(g)~~ Materials approved for emergency disposal by the  
26 director.

- 1 (J) ~~(h)~~ Source separated materials.
- 2 (K) ~~(i)~~ Site separated material.
- 3 (L) ~~(j)~~ Fly ash or any other ash produced from the combus-  
4 tion of coal, when used in the following instances:
- 5 (i) With a maximum of 6% of unburned carbon as a component  
6 of concrete, grout, mortar, or casting molds.
- 7 (ii) With a maximum of 12% unburned carbon passing  
8 M.D.O.T. test method MTM 101 when used as a raw material in  
9 asphalt for road construction.
- 10 (iii) As aggregate, road, or building material which in  
11 ultimate use will be stabilized or bonded by cement, limes, or  
12 asphalt.
- 13 (iv) As a road base or construction fill which is covered  
14 with asphalt, concrete, or other material approved by the direc-  
15 tor and which is placed at least 4 feet above the seasonal  
16 groundwater table.
- 17 (v) As the sole material in a depository designed to  
18 reclaim, develop, or otherwise enhance land, subject to the  
19 approval of the director. In evaluating the site, the director  
20 shall consider the physical and chemical properties of the ash  
21 including leachability, and the engineering of the depository,  
22 including, but not limited to, the compaction, control of surface  
23 water and groundwater that may threaten to infiltrate the site,  
24 and evidence that the depository is designed to prevent water  
25 percolation through the material.
- 26 (M) ~~(k)~~ Other wastes regulated by statute.

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

3       (3) "Solid waste processing plant" means a tract of land,  
4 building, unit, or appurtenance of a building or unit or a combi-  
5 nation of land, buildings, and units that is used or intended for  
6 use for the processing of solid waste or the separation of mate-  
7 rial for salvage or disposal, or both, but does not include a  
8 plant engaged primarily in the acquisition, processing, and ship-  
9 ment of ferrous or nonferrous metal scrap, or a plant engaged  
10 primarily in the acquisition, processing, and shipment of slag or  
11 slag products.

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

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

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

26       (7) "Yard clippings" means leaves, grass clippings,  
27 vegetable or other garden debris, shrubbery, or brush or tree

1 trimmings less than 4 feet in length and 2 inches in diameter,  
2 that can be converted to compost humus. This term does not  
3 include stumps, agricultural wastes, animal waste, roots, sewage  
4 sludge, or garbage.