



HOUSE BILL No. 5221

November 18, 1993, Introduced by Reps. Gnodtke, Middaugh, Alley, Randall, Brackenridge, Llewellyn, McManus, Goschka, Lowe, Jersevic, Bodem, Dalman, Hammerstrom, Stille, Gustafson, Rhead, Anthony, Shepich, Freeman, Wetters, Cropsey, Harder, Byrum, Willard, Curtis, Bender, London, McNutt, Bobier, Dolan, Walberg and Nye and referred to the Committee on Agriculture and Forestry.

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. 102 of the Public Acts of 1993, 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. 102 of the Public Acts of 1993, 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) Organic waste generated in the production of livestock
12 and poultry.

13 (d) Liquid waste.

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

16 (f) Slag or slag products directed to a slag processor or to
17 a reuser of slag or slag products.

18 (g) Sludges and ashes managed as recycled, or nondetrimental
19 materials appropriate for agricultural or silvicultural use pur-
20 suant to a plan approved by the director. ~~Agricultural uses~~

21 ~~that involve the land application of by products from fruit, veg-~~
22 ~~etable, or sugar beet processing~~ THE FOLLOWING do not require a
23 plan described in this subdivision or a permit or license under
24 this act: —

25 (i) AN AGRICULTURAL USE THAT INVOLVES THE LAND APPLICATION
26 OF BY-PRODUCTS FROM FRUIT, VEGETABLE, OR SUGAR BEET PROCESSING,
27 if applied at an agronomic rate consistent with ~~best~~ GENERALLY

1 ACCEPTED AGRICULTURAL AND management practices under the right to
2 farm act, Act No. 93 of the Public Acts of 1981, being sections
3 286.471 to 286.474 of the Michigan Compiled Laws.

4 (ii) AN AGRICULTURAL USE OF BY-PRODUCTS FROM FRUIT, VEGETA-
5 BLE, OR SUGAR BEET PROCESSING FOR USE AS ANIMAL FEED AND THE TEM-
6 PORARY STORAGE OF THE BY-PRODUCTS AS NECESSARY TO UTILIZE THE
7 BY-PRODUCTS FOR ANIMAL FEED, CONSISTENT WITH GENERALLY ACCEPTED
8 AGRICULTURAL AND MANAGEMENT PRACTICES UNDER ACT NO. 93 OF THE
9 PUBLIC ACTS OF 1981.

10 (h) Materials approved for emergency disposal by the
11 director.

12 (i) Source separated materials.

13 (j) Site separated material.

14 (k) Fly ash or any other ash produced from the combustion of
15 coal, when used in the following instances:

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

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

21 (iii) As aggregate, road, or building material which in
22 ultimate use will be stabilized or bonded by cement, limes, or
23 asphalt.

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

1 (v) As the sole material in a depository designed to
2 reclaim, develop, or otherwise enhance land, subject to the
3 approval of the director. In evaluating the site, the director
4 shall consider the physical and chemical properties of the ash
5 including leachability, and the engineering of the depository,
6 including, but not limited to, the compaction, control of surface
7 water and groundwater that may threaten to infiltrate the site,
8 and evidence that the depository is designed to prevent water
9 percolation through the material.

10 (l) Other wastes regulated by statute.

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

13 (3) "Solid waste processing plant" means a tract of land,
14 building, unit, or appurtenance of a building or unit or a combi-
15 nation of land, buildings, and units that is used or intended for
16 use for the processing of solid waste or the separation of mate-
17 rial for salvage or disposal, or both, but does not include a
18 plant engaged primarily in the acquisition, processing, and ship-
19 ment of ferrous or nonferrous metal scrap, or a plant engaged
20 primarily in the acquisition, processing, and shipment of slag or
21 slag products.

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

25 (5) "Solid waste transfer facility" means a tract of land, a
26 building and any appurtenances, or a container, or any
27 combination of land, buildings, or containers that is used or

1 intended for use in the rehandling or storage of solid waste
2 incidental to the transportation of the solid waste, but is not
3 located at the site of generation or the site of disposal of the
4 solid waste.

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

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