



# SENATE BILL No. 570

April 20, 1993, Introduced by Senators CHERRY, ARTHURHULTZ, O'BRIEN, STABENOW and KELLY and referred to the Committee on Natural Resources and Environmental Affairs.

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. 28 of the Public Acts of 1992, 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. 28 of  
5 the Public Acts of 1992, 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) Medical waste as it is defined in part 138 of the public  
13 health code, Act No. 368 of the Public Acts of 1978, being sec-  
14 tions 333.13801 to 333.13831 of the Michigan Compiled Laws, and  
15 regulated under part 138 of Act No. 368 of the Public Acts of  
16 1978 and section 5a of the air pollution act, Act No. 348 of the  
17 Public Acts of 1965, being section 336.15a of the Michigan  
18 Compiled Laws.

19       (c) Organic waste generated in the production of livestock  
20 and poultry.

21       (d) Liquid waste.

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

24       (f) Slag or slag products directed to a slag processor or to  
25 a reuser of slag or slag products.

1 (g) Sludges and ashes managed as recycled or nondetrimental  
2 materials appropriate for agricultural or silvicultural use  
3 pursuant to a plan approved by the director.

4 (h) Materials approved for emergency disposal by the  
5 director.

6 (i) Source separated materials.

7 (j) Site separated material.

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

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

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

15 (iii) As aggregate, road, or building material which in  
16 ultimate use will be stabilized or bonded by cement, limes, or  
17 asphalt.

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

22 (v) As the sole material in a depository designed to  
23 reclaim, develop, or otherwise enhance land, subject to the  
24 approval of the director. In evaluating the site, the director  
25 shall consider the physical and chemical properties of the ash  
26 including leachability, and the engineering of the depository,  
27 including, but not limited to, the compaction, control of surface

1 water and groundwater that may threaten to infiltrate the site,  
2 and evidence that the depository is designed to prevent water  
3 percolation through the material.

4 (1) Other wastes regulated by statute.

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

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

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

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

25 (6) "Source separated material" means glass, metal, wood,  
26 paper products, plastics, rubber, textiles, garbage, yard  
27 clippings, or any other material approved by the director that is



1 separated at the source of generation for the purpose of  
2 conversion into raw materials or new products.

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

6 (8) "VEHICLE" MEANS EVERY DEVICE IN, UPON, OR BY WHICH ANY  
7 PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A HIGH-  
8 WAY, EXCEPTING DEVICES EXCLUSIVELY MOVED BY HUMAN POWER OR USED  
9 EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS AND EXCEPTING A  
10 MOBILE HOME AS DEFINED IN SECTION 2 OF THE MOBILE HOME COMMISSION  
11 ACT, ACT NO. 96 OF THE PUBLIC ACTS OF 1987, BEING SECTION  
12 125.2302 OF THE MICHIGAN COMPILED LAWS.

13 (9) ~~-(7)-~~ "Yard clippings" means leaves, grass clippings,  
14 vegetable or other garden debris, shrubbery, or brush or tree  
15 trimmings less than 4 feet in length and 2 inches in diameter,  
16 that can be converted to compost humus. This term does not  
17 include stumps, agricultural wastes, animal waste, roots, sewage  
18 sludge, or garbage.

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

22 SEC. 18C. (1) BEGINNING JANUARY 1, 1995, THE FOLLOWING  
23 PRODUCTS OR MATERIALS SHALL NOT BE DISPOSED OF IN A LANDFILL OR A  
24 MUNICIPAL SOLID WASTE INCINERATOR:

25 (A) BATTERIES.

26 (B) HOUSEHOLD HAZARDOUS WASTE.

1 (C) MAJOR APPLIANCES.

2 (2) BEGINNING JANUARY 1, 1995, TIRES SHALL NOT BE DISPOSED  
3 OF IN A LANDFILL.

4 (3) BEGINNING 4 YEARS AFTER THE EFFECTIVE DATE OF THIS SEC-  
5 TION, A PERSON SHALL NOT DISPOSE OF ANY OF THE FOLLOWING PRODUCTS  
6 OR MATERIALS IN A LANDFILL, MUNICIPAL SOLID WASTE INCINERATOR, OR  
7 OTHER INCINERATOR:

8 (A) GLASS CONTAINERS OF ALL COLORS.

9 (B) NEWSPRINT.

10 (C) FERROUS AND NONFERROUS METALS.

11 (4) IF THE MICHIGAN RECYCLING BOARD CREATED IN THE MICHIGAN  
12 RECYCLING ACT DETERMINES THAT A PRODUCT OR MATERIAL NOT SPECIFIED  
13 IN SUBSECTION (3) IS A RECYCLABLE MATERIAL, THE BOARD MAY PROMUL-  
14 GATE RULES TO PROHIBIT THE DISPOSAL OF THAT PRODUCT OR MATERIAL  
15 IN A LANDFILL, MUNICIPAL SOLID WASTE INCINERATOR, OR OTHER  
16 INCINERATOR. IF THE MICHIGAN RECYCLING BOARD DETERMINES, IN CON-  
17 SULTATION WITH THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC  
18 HEALTH, THAT A PROHIBITION ON DISPOSAL IN A LANDFILL, MUNICIPAL  
19 SOLID WASTE INCINERATOR, OR OTHER INCINERATOR OF A PRODUCT OR  
20 MATERIAL NOT SPECIFIED IN SUBSECTION (3) IS NECESSARY TO PROTECT  
21 THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR THE ENVIRONMENT, THE  
22 BOARD MAY PROMULGATE RULES TO PROHIBIT THE DISPOSAL OF THAT PROD-  
23 UCT OR MATERIAL IN A LANDFILL, MUNICIPAL SOLID WASTE INCINERATOR,  
24 OR OTHER INCINERATOR.

25 SEC. 30B. (1) BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF  
26 THIS SECTION, A SOLID WASTE HAULER WHO OPERATES IN A MUNICIPALITY  
27 THAT HAS 25,000 OR MORE RESIDENTS AS DETERMINED BY THE 1990

1 FEDERAL DECENNIAL CENSUS SHALL PROVIDE CURBSIDE COLLECTION OF  
2 RECYCLABLE MATERIALS TO HIS OR HER CUSTOMERS WITHIN THE JURISDIC-  
3 TION OF THE MUNICIPALITY AS FOLLOWS:

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

10 (i) CORRUGATED CARDBOARD.

11 (ii) HIGH-GRADE PAPER.

12 (iii) LOW-GRADE PAPER, INCLUDING MIXED PAPER, MAGAZINES, OR  
13 TELEPHONE BOOKS.

14 (iv) POLYETHYLENE TEREPHTHALATE (PETE).

15 (v) HIGH DENSITY POLYETHYLENE (HDPE).

16 (vi) VINYL (V).

17 (vii) LOW DENSITY POLYETHYLENE (LDPE).

18 (viii) POLYPROPYLENE (PP).

19 (ix) POLYSTYRENE (PS).

20 (x) MULTI-LAYER OR OTHER PLASTICS.

21 (B) FOR NONRESIDENTIAL CUSTOMERS, A SOLID WASTE HAULER SHALL  
22 COLLECT AT LEAST 3 RECYCLABLE MATERIALS, WHICH THE HAULER  
23 SELECTS.

24 (2) A SOLID WASTE HAULER REQUIRED UNDER SUBSECTION (1) TO  
25 PROVIDE CURBSIDE COLLECTION OF RECYCLABLE MATERIALS SHALL PROVIDE  
26 THAT COLLECTION AT LEAST AS FREQUENTLY AS THE HAULER PROVIDES FOR  
27 THE COLLECTION OF OTHER SOLID WASTE.

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

5       (4) A SOLID WASTE HAULER WHO OPERATES IN A MUNICIPALITY OF  
6 LESS THAN 25,000 RESIDENTS AS DETERMINED BY THE 1990 FEDERAL  
7 DECENNIAL CENSUS SHALL PROVIDE AND MAINTAIN AT LEAST 1 PERMANENT  
8 DROP-OFF SITE FOR EACH 10,000 RESIDENTS OF THAT MUNICIPALITY FOR  
9 THE COLLECTION OF NEWSPRINT, GLASS OF ALL COLORS, FERROUS AND  
10 NONFERROUS METALS, ANY PRODUCTS OR MATERIALS SPECIFIED IN RULES  
11 PROMULGATED UNDER SECTION 18C(4), AND AT LEAST 2 OF THE RECYCLA-  
12 BLE MATERIALS LISTED IN SUBSECTION (1)(A)(i) TO (x).

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

18       (6) A PERSON WHO CONTRACTS FOR THE COLLECTION OF SOLID WASTE  
19 WITH A SOLID WASTE HAULER WHO PROVIDES CURBSIDE COLLECTION OF  
20 RECYCLABLE MATERIALS SHALL SEPARATE THE RECYCLABLE MATERIALS  
21 IDENTIFIED BY THE SOLID WASTE HAULER FROM OTHER SOLID WASTE AND  
22 SHALL COMPLY WITH THE REASONABLE REQUIREMENTS OF THE HAULER FOR  
23 PREPARATION OF THE RECYCLABLE MATERIALS. A SOLID WASTE HAULER  
24 MAY REFUSE TO COLLECT SOLID WASTE FROM A PERSON IF THE RECYCLABLE  
25 MATERIALS IDENTIFIED BY THE HAULER HAVE NOT BEEN SEPARATED FROM  
26 THE SOLID WASTE OR HAVE NOT BEEN PREPARED IN THE MANNER REQUIRED  
27 BY THE HAULER.

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

3 (8) AS USED IN THIS SECTION:

4 (A) "RESIDENTIAL" MEANS SINGLE FAMILY OR MULTIFAMILY  
5 RESIDENCES.

6 (B) "CURBSIDE COLLECTION" MEANS THE COLLECTION OF RECYCLABLE  
7 MATERIALS FROM THE PROPERTY OF A CUSTOMER OR THE EDGE OF A ROAD  
8 BORDERING THE PROPERTY. FOR MULTIFAMILY RESIDENTIAL PROPERTY,  
9 CURBSIDE COLLECTION MAY INCLUDE A CENTRAL COLLECTION LOCATION ON  
10 THE PROPERTY OF THE MULTIFAMILY RESIDENTIAL PROPERTY.

11 Section 2. This amendatory act shall not take effect unless  
12 Senate Bill No. 569

13 of the 87th Legislature is enacted into law.