



# SENATE BILL No. 42

January 17, 1995, Introduced by Senator V. SMITH and referred to the Committee on Natural Resources and Environmental Affairs.

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. 225 of the Public Acts of 1994, 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. 225 of the Public Acts of 1994, 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, MEDICAL WASTE AS DEFINED IN SECTION 13805 OF THE PUBLIC  
9 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING

1 SECTION 333.13805 OF THE MICHIGAN COMPILED LAWS, and animal waste  
2 other than organic waste generated in the production of livestock  
3 and poultry. Solid waste does not include the following:

4 (a) Human body waste.

5 ~~(b) Medical waste as it is defined in part 138 of the~~  
6 ~~public health code, Act No. 368 of the Public Acts of 1978, being~~  
7 ~~sections 333.13801 to 333.13831 of the Michigan Compiled Laws,~~  
8 ~~and regulated under part 138 of Act No. 368 of the Public Acts of~~  
9 ~~1978 and section 5a of the air pollution act, Act No. 348 of the~~  
10 ~~Public Acts of 1965, being section 336.15a of the Michigan~~  
11 ~~Compiled Laws.~~

12 (B) ~~(c)~~ Organic waste generated in the production of live-  
13 stock and poultry.

14 (C) ~~(d)~~ Liquid waste.

15 (D) ~~(e)~~ Ferrous or nonferrous scrap directed to a scrap  
16 metal processor or to a reuser of ferrous or nonferrous  
17 products.

18 (E) ~~(f)~~ Slag or slag products directed to a slag processor  
19 or to a reuser of slag or slag products.

20 (F) ~~(g)~~ Sludges and ashes managed as recycled, or nondet-  
21 rimental materials appropriate for agricultural or silvicultural  
22 use pursuant to a plan approved by the department. A by-product  
23 from the processing of fruits, vegetables, sugar beets, field  
24 crops, or lime from kraft pulping processes generated prior to  
25 bleaching, may be applied on farmland, or used as animal feed, as  
26 appropriate, and such an application or use does not require a  
27 plan described in this subdivision or a permit or license under

1 this act. In addition, source separated materials approved by  
2 the department for land application for agricultural and silvi-  
3 cultural purposes and compost produced from those materials may  
4 be applied to the land for agricultural and silvicultural pur-  
5 poses and such an application does not require a plan described  
6 in this subdivision or A permit or license under this act. The  
7 application of a by-product, source separated material, or com-  
8 post to land for an agricultural or silvicultural purpose, or use  
9 as animal feed as provided for in this subdivision shall occur in  
10 a manner that prevents losses from runoff and leaching, and if  
11 applied to land, the land application shall be at an agronomic  
12 rate consistent with generally accepted agricultural and manage-  
13 ment practices under the MICHIGAN right to farm act, Act No. 93  
14 of the Public Acts of 1981, being sections 286.471 to 286.474 of  
15 the Michigan Compiled Laws.

16 (G) ~~(h)~~ Materials approved for emergency disposal by the  
17 director.

18 (H) ~~(i)~~ Source separated materials.

19 (I) ~~(j)~~ Site separated material.

20 (J) ~~(k)~~ Fly ash or any other ash produced from the combus-  
21 tion of coal, when used in the following instances:

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

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

1 (iii) As aggregate, road, or building material which in  
2 ultimate use will be stabilized or bonded by cement, limes, or  
3 asphalt.

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

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

17 (K) ~~(I)~~ Other wastes regulated by statute.

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

20 (3) "Solid waste processing plant" means a tract of land,  
21 building, unit, or appurtenance of a building or unit or a combi-  
22 nation of land, buildings, and units that is used or intended for  
23 use for the processing of solid waste or the separation of mate-  
24 rial for salvage or disposal, or both, but does not include a  
25 plant engaged primarily in the acquisition, processing, and ship-  
26 ment of ferrous or nonferrous metal scrap, or a plant engaged

1 primarily in the acquisition, processing, and shipment of slag or  
2 slag products.

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

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

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

17 (7) "Yard clippings" means leaves, grass clippings, vegeta-  
18 ble or other garden debris, shrubbery, or brush or tree trimmings  
19 less than 4 feet in length and 2 inches in diameter, that can be  
20 converted to compost humus. ~~This term does~~ YARD CLIPPINGS DO  
21 not include stumps, agricultural wastes, animal waste, roots,  
22 sewage sludge, or garbage.