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COMPOSTING MATERIALS

House Bill 6006 (Substitute H-1) First Analysis (9-24-98)

Sponsor: Rep. Patricia Birkholz
**Committee: Conservation, Environment
and Recreation**

THE APPARENT PROBLEM:

In 1990, due to the rapid filling of landfills and the pollution problems associated with incinerators, legislation was enacted (Public Act 264) to prohibit the disposal of certain materials in these facilities. Grass clippings, leaves, vegetable or other garden debris, wood chips, shrubbery, and other items, were considered natural composting materials, and it was decided that it made more sense to encourage composting them than to burn such materials or bury them in landfills. These provisions became effective in 1993 for yard waste that was generated on county-, municipal-, or state-owned land. The provisions affecting yard waste from other sources became effective two years later.

Since that time, some manufacturers have suggested that other products -- such as the remains of damaged food and vegetable products -- should also be composted, rather than incinerated or buried in landfills. Such products are unfit for sale, but have some uses. For example, in written testimony presented to the House Conservation, Environment and Recreation Committee, Kalamazoo County's Department of Planning and Community Development points out that the Southwest Michigan Recycling Market Development Strategy's report dated May, 1995, recommends the composting of food residuals and wood products to reduce the region's dependence on landfill disposal. Consequently, legislation has been introduced that would allow certain residual food and wood products to be composted, rather than disposed of in landfills.

THE CONTENT OF THE BILL:

By-products that are processed from, or are a residual from, fruits, vegetables, sugar beets, or field crops are excluded from the definition of "solid waste" under Part 115 of the Natural Resources and Environmental Protection Act (NREPA), which regulates solid waste management, and may be applied on farmland for an agricultural purpose without a permit or license.

House Bill 6006 would amend the NREPA to redefine these by-products, and to specify that they could be composted and applied on farmland or forestland without a permit or license. The bill would also establish definitions for "scrap wood," "treated wood," and "wood."

Food Processing Residuals. "Food processing residuals" would be defined under the bill to mean any of the following:

** Residuals of fruits, vegetables, aquatic plants, or field crops.

** Otherwise unusable by-products from the processing of fruits, vegetables, aquatic plants, or field crops.

** Otherwise unusable food products which do not meet size, quality, or other product specification and which were intended for human or animal consumption.

Wood, Scrap Wood, and Treated Wood. Under the act, recycled sludges and ashes, or nondetrimental materials approved by the Department of Environmental Quality (DEQ) for agricultural or silvicultural use, are excluded from the definition of "solid waste." Wood ashes are included under this exclusion. ("Ashes" are defined under the act to mean the residue from the burning of wood, coal, and other materials.) Under the act, "wood" would be defined as trees, branches, bark, lumber, pallets, wood chips, sawdust, or other wood or wood product excluding scrap wood, treated wood, painted wood, or painted wood product, or any wood or wood product that had been contaminated during its manufacture or use. However, the bill would differentiate between other types of wood, as follows:

• Scrap wood would mean wood or a wood product that included one or more of the following: plywood

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and other wood products mixed with glue or filler, treated wood or wood products, or any other wood or wood product designated as scrap wood under DEQ rules.

- Treated wood would mean wood or a wood product that had been treated with one or more of the following: chromated copper arsenate (CCA); ammoniacal copper quat (ACQ); ammoniacal copper zinc arsenate (ACZA); or any other chemical designated in DEQ rules.

Other. Under the bill, "solid waste," would not include aquatic plants that were applied on -- or composted and applied on -- farmland or forest land for an agricultural or silvicultural purpose. "Source separated materials" would be redefined under the bill to include compost.

MCL 324.11503 and 324.11506

FISCAL IMPLICATIONS:

The House Fiscal Agency estimates that the bill would have no impact on state funds. (9-23-98)

ARGUMENTS:

For:

The provisions of the bill would encourage a more cost-effective and environmentally beneficial method of disposing of materials such as scraps of residual food and wood products from paper mills and canning companies. These materials take up unnecessary space in landfills, and their disposal constitutes a significant business expense. Composting them, on the other hand, has been proven to be an environmentally safe alternative. For example, in written testimony to the House committee, the Eagle Ottawa automotive leather company in Grand Haven relates how it sends its waste materials to Newaygo Farms, Inc. (a subsidiary of Eagle Ottawa), which composts the materials and applies the compost to farmland as a soil conditioner. According to the testimony, the procedures have increased soil fertility and enhanced crop yields.

POSITIONS:

The Department of Environmental Quality (DEQ) supports the bill. (9-23-98)

The Michigan Environmental Council (MEC) supports the bill. (9-23-98)

The Michigan Municipal League (MML) supports the bill. (9-23-98)

The Michigan Chemical Council supports the bill. (9-23-98)

The Michigan Manufacturers Association (MMA) supports the bill. (9-23-98)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.