



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

COMPOSTING RESIDUAL MATERIALS

House Bill 6006 as enrolled
Public Act 466 of 1998
Second Analysis (1-15-99)

Sponsor: Rep. Patricia Birkholz
House Committee: Conservation,
Environment and Recreation
Senate Committee: Natural Resources
And Environmental Affairs (Discharged)

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.

In addition, a matter which is unrelated to residual wood and food products, but which could have serious repercussions for some cities and counties, was revealed as a result of the 1990 census: Demographic changes were uncovered, resulting in a loss of two

Congressional seats for the state. Moreover, it is anticipated that the 2000 census will show that the population of Detroit has fallen below the one million mark, and that Wayne County's has fallen below the two million mark. Since many state statutes use population levels to classify local units of government, and the population caps for Detroit and Wayne County are one million and two million, respectively, they will no longer qualify for certain state programs. Consequently, legislation has been introduced to lower the population requirements in various acts, including the Natural Resources and Environmental Protection Act (NREPA).

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, and would not require a solid waste management plan. House Bill 6006 would amend the NREPA to redefine these by-products, and to specify that they could also be composted and applied on farmland or forestland without a permit, license, or solid waste management plan. 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.

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** 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 bill, "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 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.

Population Requirement. Currently, the act specifies that certain municipalities are eligible for a separate planning grant in addition to the grant given to the county. Eligible municipalities must be joined together with interlocal agreements relating to solid waste management plans, and be located within a county that has a city with a population of more than one million. House Bill 6006 would amend the act to lower the population requirement for the city to 750,000.

Other. Under the bill, aquatic plants that were applied on -- or composted and applied on -- farmland or forest land for an agricultural or silvicultural purpose

would be excluded from the definition of "solid waste," "Source separated materials" would be redefined under the bill to include compost.

MCL 324.11503, 324.11506, and 324.547

FISCAL IMPLICATIONS:

The House Fiscal Agency estimates that the bill would have no impact on state funds. (12-4-98)

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.

For:

Several state statutes use population levels to classify local units of government. This could result in serious consequences for certain Michigan cities should the next census reveal population shifts. For example, a population drop to less than one million would render Detroit ineligible for certain state programs. Consequently, the House Bill 6006 would lower the population requirement in Part 114 of NREPA, which regulates solid waste management, so that certain municipalities will continue to receive financial assistance to develop their solid waste management plans.

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.