

**SUBSTITUTE FOR
HOUSE BILL NO. 6006**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11503, 11506, and 11547 (MCL 324.11503,
324.11506, and 324.11547), section 11503 as amended by 1996 PA 359
and
section 11506 as amended by 1996 PA 392.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11503. (1) "Department" means the department of envi-
2 ronmental quality.

3 (2) "Director" means the director of the department.

4 (3) "Discharge" includes, but is not limited to, any spill-
5 ing, leaking, pumping, pouring, emitting, emptying, discharging,
6 injecting, escaping, leaching, dumping, or disposing of a sub-
7 stance into the environment which is or may become injurious to
8 the public health, safety, or welfare, or to the environment.

HB6006, As Passed House, December 1, 1998

House Bill No. 6006

2

1 (4) "Disposal area" means 1 or more of the following at a
2 location as defined by the boundary identified in its
3 construction permit or engineering plans approved by the
4 department:

5 (a) A solid waste transfer facility.

6 (b) Incinerator.

7 (c) Sanitary landfill.

8 (d) Processing plant.

9 (e) Other solid waste handling or disposal facility utilized
10 in the disposal of solid waste.

11 (5) "Enforceable mechanism" means a legal method whereby the
12 state, a county, a municipality, or a person is authorized to
13 take action to guarantee compliance with an approved county solid
14 waste management plan. Enforceable mechanisms include contracts,
15 intergovernmental agreements, laws, ordinances, rules, and
16 regulations.

17 (6) "Escrow account" means an account managed by a bank or
18 other financial institution whose account operations are regu-
19 lated and examined by a federal or state agency and which com-
20 plies with section 11523b.

21 (7) "Financial assurance" means the mechanisms used to
22 demonstrate that the funds necessary to meet the cost of closure,
23 postclosure maintenance and monitoring, and corrective action
24 will be available whenever they are needed.

25 (8) "Financial test" means a corporate or local government
26 financial test or guarantee approved for type II landfills under
27 subtitle D of the solid waste disposal act, title II of Public

HB6006, As Passed House, December 1, 1998

House Bill No. 6006

3

1 Law 89-272, 42 U.S.C. ~~6945~~ 6941 AND 6942 TO 6949a. An owner
2 or operator may use a single financial test for more than 1
3 facility. Information submitted to the department to document
4 compliance with the test shall include a list showing the name
5 and address of each facility and the amount of funds assured by
6 the test for each facility. For purposes of the financial test,
7 the owner or operator shall aggregate the sum of the closure,
8 postclosure, and corrective action costs it seeks to assure with
9 any other environmental obligations assured by a financial test
10 under state or federal law.

11 (9) "FOOD PROCESSING RESIDUALS" MEANS ANY OF THE FOLLOWING:

12 (A) RESIDUALS OF FRUITS, VEGETABLES, AQUATIC PLANTS, OR
13 FIELD CROPS.

14 (B) OTHERWISE UNUSABLE PARTS OF FRUITS, VEGETABLES, AQUATIC
15 PLANTS, OR FIELD CROPS FROM THE PROCESSING THEREOF.

16 (C) OTHERWISE UNUSABLE FOOD PRODUCTS WHICH DO NOT MEET SIZE,
17 QUALITY, OR OTHER PRODUCT SPECIFICATIONS AND WHICH WERE INTENDED
18 FOR HUMAN OR ANIMAL CONSUMPTION.

19 (10) ~~-(9)-~~ "Garbage" means rejected food wastes including
20 waste accumulation of animal, fruit, or vegetable matter used or
21 intended for food or that attends the preparation, use, cooking,
22 dealing in, or storing of meat, fish, fowl, fruit, or vegetable
23 matter.

24 (11) "SCRAP WOOD" MEANS WOOD OR WOOD PRODUCT THAT IS 1 OR
25 MORE OF THE FOLLOWING:

26 (A) PLYWOOD, PRESSED BOARD, ORIENTED STRAND BOARD, OR ANY
27 OTHER WOOD OR WOOD PRODUCT MIXED WITH GLUE OR FILLER.

HB6006, As Passed House, December 1, 1998

House Bill No. 6006

4

1 (B) WOOD OR WOOD PRODUCT TREATED WITH CREOSOTE OR
2 PENTACHLOROPHENOL.

3 (C) ANY OTHER WOOD OR WOOD PRODUCT DESIGNATED AS SCRAP WOOD
4 IN RULES PROMULGATED BY THE DEPARTMENT.

5 (12) "TREATED WOOD" MEANS WOOD OR WOOD PRODUCT THAT HAS BEEN
6 TREATED WITH 1 OR MORE OF THE FOLLOWING:

7 (A) CHROMATED COPPER ARSENATE (CCA).

8 (B) AMMONIACAL COPPER QUAT (ACQ).

9 (C) AMMONIACAL COPPER ZINC ARSENATE (ACZA).

10 (D) ANY OTHER CHEMICAL DESIGNATED IN RULES PROMULGATED BY
11 THE DEPARTMENT.

12 (13) "WOOD" MEANS TREES, BRANCHES, BARK, LUMBER, PALLETS,
13 WOOD CHIPS, SAWDUST, OR OTHER WOOD OR WOOD PRODUCT BUT DOES NOT
14 INCLUDE SCRAP WOOD, TREATED WOOD, PAINTED WOOD OR PAINTED WOOD
15 PRODUCT, OR ANY WOOD OR WOOD PRODUCT THAT HAS BEEN CONTAMINATED
16 DURING MANUFACTURE OR USE.

17 Sec. 11506. (1) "Solid waste" means garbage, rubbish,
18 ashes, incinerator ash, incinerator residue, street cleanings,
19 municipal and industrial sludges, solid commercial and solid
20 industrial waste, and animal waste other than organic waste gen-
21 erated in the production of livestock and poultry. Solid waste
22 does not include the following:

23 (a) Human body waste.

24 (b) Medical waste as it is defined in part 138 of the public
25 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~
26 ~~tions 333.13801 to 333.13831 of the Michigan Compiled Laws 1978~~
27 PA 368, MCL 333.13801 TO 333.13831, and regulated under ~~part 138~~

HB6006, As Passed House, December 1, 1998

House Bill No. 6006

5

1 of Act No. 368 of the Public Acts of 1978 THAT PART and
2 part 55.

3 (c) Organic waste generated in the production of livestock
4 and poultry.

5 (d) Liquid waste.

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

8 (f) Slag or slag products directed to a slag processor or to
9 a reuser of slag or slag products.

10 (g) Sludges and ashes managed as recycled, or nondetrimental
11 materials appropriate for agricultural or silvicultural use pur-
12 suant to a plan approved by the department. ~~A by-product from~~
13 ~~the processing of or a residual from fruits, vegetables, sugar~~
14 ~~beets, or field crops~~ FOOD PROCESSING RESIDUALS; wood ashes
15 resulting solely from a source that burns only wood that is
16 untreated and inert; lime from kraft pulping processes generated
17 prior to bleaching; or aquatic plants may be applied on, OR COM-
18 POSTED AND APPLIED ON, farmland OR FORESTLAND for an agricultural
19 or silvicultural purpose, or used as animal feed, as appropriate,
20 and such an application or use does not require a plan described
21 in this subdivision or a permit or license under this part. In
22 addition, source separated materials approved by the department
23 for land application for agricultural and silvicultural purposes
24 and compost produced from those materials may be applied to the
25 land for agricultural and silvicultural purposes and such an
26 application does not require a plan described in this subdivision
27 or permit or license under this part. Land application

HB6006, As Passed House, December 1, 1998

House Bill No. 6006

6

1 authorized under this subdivision for an agricultural or
2 silvicultural purpose, or use as animal feed, as provided for in
3 this subdivision shall occur in a manner that prevents losses
4 from runoff and leaching, and if applied to land, the land appli-
5 cation shall be at an agronomic rate consistent with generally
6 accepted agricultural and management practices under the MICHIGAN
7 right to farm act, ~~Act No. 93 of the Public Acts of 1981, being~~
8 ~~sections 286.471 to 286.474 of the Michigan Compiled Laws~~ 1981
9 PA 93, MCL 286.471 TO 286.474.

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

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 that is covered
25 with asphalt, concrete, or other material approved by the depart-
26 ment and which is placed at least 4 feet above the seasonal
27 groundwater table.

HB6006, As Passed House, December 1, 1998

House Bill No. 6006

7

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 department. In evaluating the site, the depart-
4 ment shall consider the physical and chemical properties of the
5 ash including leachability, and the engineering of the deposito-
6 ry, including, but not limited to, the compaction, control of
7 surface water and groundwater that may threaten to infiltrate the
8 site, and evidence that the depository is designed to prevent
9 water percolation through the material.

10 (1) 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 that
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 department that is
8 separated at the source of generation for the purpose of conver-
9 sion into raw materials or new products INCLUDING BUT NOT LIMITED
10 TO COMPOST.

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

[Sec. 11547. (1) In order for a county to effectively implement the planning responsibilities designated under this part, a grant program is established to provide financial assistance to county or regional solid waste management planning agencies. Municipalities joined together with interlocal agreements relating to solid waste management plans, within a county having a city of a population of more than ~~1 million~~ 750,000, are eligible for a separate planning grant in addition to those granted to counties. This separate grant allocation provision does not alter the planning and approval process requirements for county plans as specified in this part. Eighty percent of the money for the program not provided for by federal funds shall be appropriated annually by the legislature from the general fund of the state and 20% shall be appropriated by the applicant. Grant funds appropriated for local planning may be used by the department if the department finds it necessary to invoke the department's authority to develop a local plan under section 11533(6). The department shall promulgate rules for the distribution of the appropriated funds.

(2) In order for a certified health department to effectively implement the responsibilities designated under this part, an annual grant shall be appropriated by the legislature from the general fund of the state to provide financial assistance to a certified health department. A certified health department is eligible to receive 100% of reasonable personnel costs as determined by the department based on criteria established by rule. The department shall promulgate rules for the distribution of the appropriated funds.]

HB6006, As Passed House, December 1, 1998

06035'98 (H-1)

Final page.

TMV