

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 498
(As amended February 5, 2004)

[A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11514 (MCL 324.11514); and to repeal acts and
parts of acts.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11514. (1) ~~A~~ The legislature declares that
2 optimizing recycling opportunities and the reuse of materials
3 shall be a principal objective of the state's solid waste
4 management plan and further that recycling and reuse of materials
5 are in the best interest of promoting the public health and
6 welfare. The state shall develop policies and practices that
7 promote recycling and reuse of materials and, to the extent
8 practical, minimize the use of landfilling [and incineration as methods]
9 for
10 disposal of its waste.
- (2) Subject to subsection (6), a person shall not knowingly

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1 ~~dispose of and deliver to a landfill~~ [or municipal solid waste
incinerator] for disposal, or, if the

2 person is an owner or operator of a landfill ~~shall not~~ [or municipal
solid waste incinerator],

3 knowingly permit ~~the~~ disposal in the landfill [or municipal solid waste
incinerator] of, ~~medical~~

4 ~~waste in a landfill~~ any of the following:

5 (a) Medical waste, unless that medical waste has been
6 decontaminated or is not required to be decontaminated but is
7 packaged in the manner required under part 138 of the public
8 health code, ~~Act No. 368 of the Public Acts of 1978, being~~
9 ~~sections 333.13801 to 333.13831 of the Michigan Compiled Laws~~
10 1978 PA 368, MCL 333.13801 to 333.13831.

11 (b) Subject to subsection (4), more than a de minimis amount
12 of beverage containers.

13 (c) More than a de minimis number of whole motor vehicle
14 tires.

15 (d) More than a de minimis amount of yard clippings, unless
16 they are diseased or infested.

17 (3) A person shall not deliver to a landfill [or municipal solid
waste incinerator] for disposal,
18 or, if the person is an owner or operator of a landfill [or municipal
solid waste incinerator], permit
19 disposal in the landfill [or municipal solid waste incinerator] of, any
of the following:

20 (a) Used oil as defined in section 16701.

21 (b) A lead acid battery as defined in section 17101.

22 (c) Low-level radioactive waste as defined in section 2 of
23 the low-level radioactive waste authority act, 1987 PA 204, MCL
24 333.26202.

25 (d) Regulated hazardous waste as defined in R 299.4104 of the
26 Michigan administrative code.

27 (e) Liquid waste as prohibited by R 299.4432(2)(c) of the

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1 Michigan administrative code.

2 (f) Sewage.

3 (g) PCBs as defined in 40 C.F.R. section 761.3.

4 (h) Asbestos waste unless[, in the case of a landfill,] the landfill
complies with 40

5 C.F.R. section 61.154.

6 (4) Subsection (2)(b) does not apply to green glass beverage
7 containers. The department shall convene a task force to make
8 recommendations to the legislature on the special recycling
9 problems posed by green glass beverage containers. The task
10 force shall include, but need not be limited to, all of the
11 following:

12 (a) A representative of the landfill industry.

13 (b) A representative of a company that manufactures or uses
14 green glass beverage containers.

15 (c) A representative of a recycling company.

16 (d) A representative of an environmental organization.

17 (5) The task force under subsection (4) shall issue its
18 recommendations by December 31, 2004. Subsection (4) does not
19 apply after June 1, 2007 unless the legislature has enacted the
20 recommendations of the task force by that date.

21 (6) Items described in subsection (2) may be disposed of in a
22 landfill [or municipal solid waste incinerator] if the department
determines that a safe, sanitary, and

23 feasible alternative does not exist for their disposal.

[(7) As used in this section, de minimis means incidental disposal
of small amounts of these materials that are commingled with other solid
waste.

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10 [Enacting section 1. Section 11521 of the natural resources and
11 environmental protection act, 1994 PA 451, MCL 324.11521, is repealed.]

12 Enacting section [2]. This amendatory act does not take
13 effect unless all of the following bills of the 92nd Legislature
14 are enacted into law:

- 15 (a) House Bill No. 5234.
16 (b) Senate Bill No. 497.
17 (c) Senate Bill No. 500.
18 (d) Senate Bill No. 502.
19 (e) House Bill No. 5235.