

HOUSE BILL No. 4690

May 15, 2003, Introduced by Rep. Ruth Johnson and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11502 (MCL 324.11502), as amended by 1996 PA
359.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11502. (1) "Applicant" includes any person.

2 (2) "Ashes" means the residue from the burning of wood, coal,
3 coke, refuse, wastewater sludge, or other combustible materials.

4 (3) "Beverage container" means an airtight metal, glass,
5 paper, or plastic container, or a container composed of a
6 combination of these materials, which, at the time of sale,
7 contains 1 gallon or less of any of the following:

8 (a) A soft drink, soda water, carbonated natural or mineral
9 water, or other nonalcoholic carbonated drink.

10 (b) A beer, ale, or other malt drink of whatever alcoholic

1 content.

2 (c) A mixed wine drink or a mixed spirit drink.

3 (4) ~~-(3)-~~ "Bond" means a financial instrument executed on a
4 form approved by the department, including a surety bond from a
5 surety company authorized to transact business in this state, a
6 certificate of deposit, a cash bond, an irrevocable letter of
7 credit, insurance, a trust fund, an escrow account, or a
8 combination of any of these instruments in favor of the
9 department. The owner or operator of a disposal area who is
10 required to establish a bond under other state or federal statute
11 may petition the department to allow such a bond to meet the
12 requirements of this part. The department shall approve a bond
13 established under other state or federal statute if the bond
14 provides equivalent funds and access by the department as other
15 financial instruments allowed by this subsection.

16 (5) ~~-(4)-~~ "Certificate of deposit" means a negotiable
17 certificate of deposit held by a bank or other financial
18 institution regulated and examined by a state or federal agency,
19 the value of which is fully insured by an agency of the United
20 States government. A certificate of deposit used to fulfill the
21 requirements of this part shall be in the sole name of the
22 department with a maturity date of not less than 1 year and shall
23 be renewed not less than 60 days before the maturity date. An
24 applicant who uses a certificate of deposit as a bond shall
25 receive any accrued interest on that certificate of deposit upon
26 release of the bond by the department.

27 (6) ~~-(5)-~~ "Certified health department" means a city, county,

1 or district department of health that is specifically delegated
2 authority by the department to perform designated activities as
3 prescribed by this part.

4 (7) ~~-(6)-~~ "Coal or wood ash" means either or both of the
5 following:

6 (a) The residue remaining after the ignition of coal or wood,
7 or both, and may include noncombustible materials, otherwise
8 referred to as bottom ash.

9 (b) The airborne residues from burning coal or wood, or both,
10 that are finely divided particles entrained in flue gases arising
11 from a combustion chamber, otherwise referred to as fly ash.

12 (8) ~~-(7)-~~ "Collection center" means a tract of land,
13 building, unit, or appurtenance or combination thereof that is
14 used to collect junk motor vehicles and farm implements under
15 section 11530.

16 (9) ~~-(8)-~~ "Consistency review" means evaluation of the
17 administrative and technical components of an application for a
18 permit, license, or for operating conditions in the course of
19 inspection, for the purpose of determining consistency with the
20 requirements of this part, rules promulgated under this part, and
21 approved plans and specifications.

22 (10) ~~-(9)-~~ "Corrective action" means the investigation,
23 assessment, cleanup, removal, containment, isolation, treatment,
24 or monitoring of constituents, as defined in a facility's
25 approved hydrogeological monitoring plan, released into the
26 environment from a disposal area, or the taking of other actions
27 related to the release as may be necessary to prevent, minimize,

1 or mitigate injury to the public health, safety, or welfare, the
2 environment, or natural resources that is consistent with
3 subtitle D of the solid waste disposal act, title II of Public
4 Law 89-272, 42 U.S.C. 6941 and 6942 to 6949a or regulations
5 promulgated pursuant to that act.

6 Enacting section 1. This amendatory act does not take
7 effect unless all of the following bills of the 92nd Legislature
8 are enacted into law:

9 (a) Senate Bill No. _____ or House Bill No. 4692 (request
10 no. 01157'03).

11 (b) Senate Bill No. _____ or House Bill No. 4689 (request
12 no. 03688'03).

13 (c) Senate Bill No. _____ or House Bill No. 4691 (request
14 no. 03689'03).