

HOUSE BILL No. 5282

November 6, 2003, Introduced by Reps. Paletko, Kolb, Gillard, Bieda, Gleason, Condino, Elkins, Adamini, Byrum, Tobocman, Minore, Wojno, Spade, Lipsey, Sak, Plakas, Hopgood, Law, Hunter, Farrah, Gielegem, O'Neil, Accavitti, Vagnozzi, Meisner, Anderson and Reeves 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 sections 11502 and 11514 (MCL 324.11502 and
324.11514), section 11502 as amended by 1996 PA 359, and by
adding section 11527a; and to repeal acts and parts of acts.

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.

1 **(b) A beer, ale, or other malt drink of whatever alcoholic**
2 **content.**

3 **(c) A mixed wine drink or a mixed spirit drink.**

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

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

1 **(6)** ~~—(5)—~~ "Certified health department" means a city, county,
2 or district department of health that is specifically delegated
3 authority by the department to perform designated activities as
4 prescribed by this part.

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

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

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

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

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

23 **(10)** ~~—(9)—~~ "Corrective action" means the investigation,
24 assessment, cleanup, removal, containment, isolation, treatment,
25 or monitoring of constituents, as defined in a facility's
26 approved hydrogeological monitoring plan, released into the
27 environment from a disposal area, or the taking of other actions

1 related to the release as may be necessary to prevent, minimize,
 2 or mitigate injury to the public health, safety, or welfare, the
 3 environment, or natural resources that is consistent with
 4 subtitle D of the solid waste disposal act, ~~title II of Public~~
 5 ~~Law 89-272, 42 U.S.C. 6941 and 6942 to 6949a~~ **42 USC 6941 to**
 6 **6949a**, or regulations promulgated pursuant to that act.

7 Sec. 11514. **(1) The legislature declares that optimizing**
 8 **recycling opportunities and the reuse of materials shall be a**
 9 **principal objective of the state's solid waste management plan**
 10 **and further that recycling and reuse of materials are in the best**
 11 **interest of promoting the public health and welfare. The state**
 12 **shall develop policies and practices that promote recycling and**
 13 **reuse of materials and, to the extent practical, minimize the use**
 14 **of landfilling as a method for disposal of its waste.**

15 **(2) A person shall not knowingly ~~dispose of, and an~~ deliver**
 16 **to a landfill or municipal solid waste incinerator for disposal,**
 17 **and the owner or operator of a landfill or municipal solid waste**
 18 **incinerator, shall not knowingly permit ~~the~~ disposal in that**
 19 **disposal area of, ~~medical waste in a landfill~~ any of the**
 20 **following:**

21 **(a) Medical waste,** unless that medical waste has been
 22 decontaminated or is not required to be decontaminated but is
 23 packaged in the manner required under part 138 of the public
 24 health code, ~~Act No. 368 of the Public Acts of 1978, being~~
 25 ~~sections 333.13801 to 333.13831 of the Michigan Compiled Laws~~
 26 **1978 PA 368, MCL 333.13801 to 333.13831.**

27 **(b) Beverage containers.**

1 (c) Whole motor vehicle tires.

2 (d) Yard clippings, unless they are diseased or infested.

3 (3) A person shall not deliver to a landfill or municipal
4 solid waste incinerator for disposal, and the owner or operator
5 of a landfill or municipal solid waste incinerator shall not
6 permit disposal in that disposal area of, any of the following:

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

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

9 (c) Low-level radioactive waste as defined in section 2 of
10 the low-level radioactive waste authority act, 1987 PA 204, MCL
11 333.26202.

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

14 (e) Liquid waste as prohibited by R 299.4315 of the Michigan
15 administrative code.

16 (f) Sewage.

17 (g) PCBs as defined in 40 CFR 761.3.

18 (h) Asbestos waste unless the landfill complies with 40 CFR
19 61.154.

20 Sec. 11527a. (1) The department shall post on its website a
21 list of materials prohibited from disposal in a landfill or
22 municipal solid waste incinerator under section 11514 and
23 appropriate disposal options for those materials.

24 (2) A solid waste hauler that disposes of solid waste in a
25 landfill or municipal solid waste incinerator shall annually
26 notify each of its customers of the materials that are prohibited
27 from disposal in a landfill or municipal solid waste incinerator

1 under section 11514 and appropriate disposal options for those
2 materials. The notice shall include a copy of the information
3 posted on the department's website under subsection (1).

4 Enacting section 1. Section 11521 of the natural resources
5 and environmental protection act, 1994 PA 451, MCL 324.11521, is
6 repealed.