

HOUSE BILL No. 5041

July 6, 2005, Introduced by Reps. Green, Gosselin, Vagnozzi, Ball, Stewart, Stakoe, Lemmons, Jr., Elsenheimer, Pastor, Hune, Caswell, Hildenbrand, Palmer, Kooiman, Stahl and Lemmons, III and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11514 (MCL 324.11514), as amended by 2004 PA
34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

9 (2) A person shall not knowingly deliver to a landfill for

1 disposal, or, if the person is an owner or operator of a landfill,
2 knowingly permit disposal in the landfill of, any of the following:

3 (a) Medical waste, unless that medical waste has been
4 decontaminated or is not required to be decontaminated but is
5 packaged in the manner required under part 138 of the public health
6 code, 1978 PA 368, MCL 333.13801 to 333.13831.

7 (b) Subject to subsection (4), more than a de minimis amount
8 of open, empty, or otherwise used beverage containers.

9 (c) More than a de minimis number of whole motor vehicle
10 tires.

11 (d) ~~More than a de minimis~~ **YARD CLIPPINGS. THE PROHIBITION**
12 **UNDER THIS SUBDIVISION DOES NOT APPLY UNDER ANY OF THE FOLLOWING**
13 **CIRCUMSTANCES:**

14 (i) **THE** amount of yard clippings ~~—, unless they~~ **IS DE MINIMIS.**

15 (ii) **THE YARD CLIPPINGS** are diseased or infested.

16 (iii) **THE DELIVERY AND DISPOSAL OF THE YARD CLIPPINGS TAKE PLACE**
17 **DURING DECEMBER, JANUARY, OR FEBRUARY AND THE YARD CLIPPINGS ARE**
18 **NOT TREES OR BRANCHES THAT CAN BE CHIPPED INTO MULCH.**

19 (3) A person shall not deliver to a landfill for disposal, or,
20 if the person is an owner or operator of a landfill, permit
21 disposal in the landfill of, any of the following:

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

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

24 (c) Low-level radioactive waste as defined in section 2 of the
25 low-level radioactive waste authority act, 1987 PA 204, MCL
26 333.26202.

27 (d) Regulated hazardous waste as defined in R 299.4104 of the

1 Michigan administrative code.

2 (e) Liquid waste as prohibited by R ~~299.4432(2)(c)~~ **299.4315**
3 **AND R 299.4430** of the Michigan administrative code.

4 (f) Sewage.

5 (g) PCBs as defined in 40 CFR ~~section~~ 761.3.

6 (h) Asbestos waste, unless the landfill complies with 40 CFR
7 ~~section~~ 61.154.

8 (4) Subsection (2)(b) does not apply to green glass beverage
9 containers before June 1, 2007. The department shall convene a task
10 force to make recommendations to the legislature on the special
11 recycling problems posed by green glass beverage containers,
12 including, but not limited to, whether the June 1, 2007 date for
13 applicability of subsection (2)(b) to green glass beverage
14 containers should be changed. The task force shall include, but
15 need not be limited to, all of the following:

16 (a) A representative of the landfill industry.

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

19 (c) A representative of a recycling company.

20 (d) A representative of an environmental organization.

21 (5) The task force under subsection (4) shall issue its
22 recommendations by December 31, 2004.

23 (6) If the department determines that a safe, sanitary, and
24 feasible alternative does not exist for the disposal of any items
25 **OR MATERIALS** described in subsection (2), the department shall
26 submit a report setting forth that determination and the basis for
27 the determination to the standing committees of the senate and

1 house of representatives with primary responsibility for solid
2 waste issues.

3 (7) As used in this section, "de minimis" ~~means incidental~~
4 ~~disposal of small amounts of these~~ **REFERS TO A SMALL NUMBER OF**
5 **ITEMS OR AMOUNT OF** materials that are commingled **WITH AND**
6 **INCIDENTALLY DISPOSED OF** with other solid waste.