

# SENATE BILL No. 1366

August 9, 2006, Introduced by Senator PATTERSON and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11514 (MCL 324.11514), as amended by 2005 PA  
243.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

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

8 (b) More than a de minimis amount of open, empty, or otherwise  
9 used beverage containers.

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

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

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

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

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

19 (c) Low-level radioactive waste as defined in section 2 of the  
20 low-level radioactive waste authority act, 1987 PA 204, MCL  
21 333.26202.

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

24 (e) Bulk or noncontainerized liquid waste or waste that  
25 contains free liquids, unless the waste is 1 of the following:

26 (i) Household waste other than septage waste.

27 (ii) Leachate or gas condensate that is approved for

1 recirculation.

2 (iii) Septage waste or other liquids approved for beneficial  
3 addition under section 11511b.

4 (f) Sewage.

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

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

8 (4) A PERSON SHALL NOT DELIVER TO A LANDFILL FOR DISPOSAL OR,  
9 IF THE PERSON IS AN OWNER OR OPERATOR OF A LANDFILL, KNOWINGLY  
10 PERMIT DISPOSAL IN THE LANDFILL OF SEWAGE SLUDGE UNLESS THE SEWAGE  
11 SLUDGE HAS BEEN STABILIZED BY THE GENERATOR AT ITS SOURCE IN ANY  
12 MANNER APPROVED BY THE DEPARTMENT. THE OWNER OR OPERATOR OF A  
13 LANDFILL SHALL NOT PERMIT DISPOSAL IN THE LANDFILL OF SEWAGE SLUDGE  
14 UNLESS THE LANDFILL HAS A SEWAGE SLUDGE ODOR MANAGEMENT PLAN. THE  
15 PLAN SHALL IDENTIFY THE SOURCES OF SEWAGE SLUDGE TO BE DISPOSED OF  
16 IN THE LANDFILL AND SHALL DESCRIBE SPECIFIC PRACTICES TO MINIMIZE  
17 ODORS FROM THE HANDLING AND DISPOSAL OF THE SEWAGE SLUDGE,  
18 INCLUDING, BUT NOT LIMITED TO, RESTRICTIONS ON SEWAGE SLUDGE  
19 QUALITY, THE VOLUME AND TIMING OF DELIVERIES OF SEWAGE SLUDGE, THE  
20 TYPE OF COVER APPLIED TO SEWAGE SLUDGE, AND THE FREQUENCY OF  
21 APPLICATION OF COVER. THE DEPARTMENT SHALL DEVELOP A MODEL SEWAGE  
22 SLUDGE ODOR MANAGEMENT PLAN FOR USE BY LANDFILLS IN DEVELOPING  
23 PLANS UNDER THIS SUBSECTION.

24 (5) ~~(4)~~ A person shall not knowingly deliver to a municipal  
25 solid waste incinerator for disposal, or, if the person is an owner  
26 or operator of a municipal solid waste incinerator, knowingly  
27 permit disposal in the incinerator of, more than a de minimis

1 amount of yard clippings, unless they are diseased or infested. The  
2 department shall post, and a solid waste hauler that disposes of  
3 solid waste in a municipal solid waste incinerator shall provide  
4 its customers with, notice of the prohibitions of this subsection  
5 in the same manner as provided in section 11527a.

6 (6) ~~—(5)—~~ If the department determines that a safe, sanitary,  
7 and feasible alternative does not exist for the disposal in a  
8 landfill or municipal solid waste incinerator of any items  
9 described in subsection (2) or (4) **OR SUBSECTION (5)**, respectively,  
10 the department shall submit a report setting forth that  
11 determination and the basis for the determination to the standing  
12 committees of the senate and house of representatives with primary  
13 responsibility for solid waste issues.

14 (7) ~~—(6)—~~ As used in this section, "de minimis" ~~—means~~  
15 ~~incidental disposal of~~ **REFERS TO** small amounts of ~~these materials~~  
16 ~~that are~~ **MATERIAL OR NUMBERS OF ITEMS, AS APPLICABLE**, commingled  
17 **AND INCIDENTALLY DISPOSED OF** with other solid waste.