

RECYCLING REPORTS AND SOLID WASTE PLANS

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House Bill 4484 (Substitute H-3)

Sponsor: Rep. Rebekah Warren

Committee: Great Lakes and Environment

Complete to 10-24-07

A SUMMARY OF HOUSE BILL 4484 AS REPORTED FROM COMMITTEE

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act in numerous ways, including:

- Making the annual solid waste report required of landfill owners or operators due **30** days after the end of the state fiscal year, instead of 45 days after.
- Requiring persons who "directly acquire" recyclable materials from certain sources to submit an annual report to the counties where the materials were acquired.
- Requiring counties to submit an annual report to the DEQ summarizing the information received about recyclable material acquisitions in the county and making sure that the same materials are not counted more than once. Counties would be ineligible for certain distributions called for under House Bill 4222 until a complete annual report was filed.
- Revising the information required to be in a solid waste plan before it can be approved by the DEQ.
- Providing for grants to "designated planning agencies" (rather than counties or "regional solid waste management planning agencies"), and eliminating a reference to a grant program for certified health departments.
- Adding several new definitions.

House Bill 4484 is tie-barred to House Bill 4222, which would establish a formula for distributions from the Recycling Fund, primarily to local units of government. (House Bill 4222, in turn, is tie-barred to House Bill 4221, which would create the Recycling Fund with a \$7.50 per ton surcharge on solid waste entering landfills.)

FISCAL IMPACT:

The bill's reporting requirements would have a minor fiscal impact on the Department of Environmental Quality. No increase in appropriation would be necessary. Each county would receive \$25,000 per year under House Bill 4222 to prepare the reports required by House Bill 4484.

DETAILED SUMMARY:

Solid waste reports from landfill owners or operators to DEQ. [Section 11507a(1)] A landfill owner or operator would have to submit an annual solid waste report, on a DEQ form, to the DEQ and to the county and municipality in which the landfill is located within **30** days (instead of the current 45) after end of the state fiscal year. [The state fiscal year ends on September 30.]

Report to counties about the acquisition of recyclable materials. [Section 11507a(3)] By October 31 of each year, on a form provided by the DEQ, a person who "directly acquires" recyclable materials from any of the following sources—(1) a curbside recycling or drop-off recycling program; (2) a processing facility that has separated the materials from solid waste; or (3) a commercial or industrial source—would have to submit a report to the county in which the materials were acquired. If the person who acquired the materials is located outside of Michigan, the person from whom the recyclable materials were obtained would have to submit the report. The report would have to contain:

- The amount (actual or estimated) of each type of recyclable material directly acquired during the previous state fiscal year, by county, state, or country of origin.
- The name and location of the facility or facilities to which the materials are being sent.

Annual county recycling report to DEQ. [Section 11507a(4)] By February 28 of each year, each county would have to submit to the DEQ, on a DEQ form, a report setting forth a summary of the information submitted to the county. The county would have to evaluate the recycling data it receives to ensure that the same materials are not counted more than once. A county that fails to submit a complete report to the DEQ as required would not qualify for certain distributions from the Recycling Fund described in House Bill 4222 until a complete report is submitted. Failure to file a complete report would disqualify the county for distributions under Section 11532d(1)(a)(i) [the \$6,250 per quarter or \$25,000 per year each county would receive to defray the costs of its reporting obligation, Section 11532d(1)(G) [an individual eligible county's per capita share of the 15 percent share of certain funds going to counties] or Section 11532e(3)(a) [certain funds that could be transferred from an ineligible municipality to the county], at least until the required report was filed.

Requirements of solid waste plans. [Section 11539] The DEQ director could not approve a solid waste plan (instead of "plan update" as is currently the case) under Section 11539 unless the plan contains all of the following:

- An analysis of reports and other information about the plan area's waste stream, including all of the twelve factors described below. [Some of the factors in this section of the plan are new or amended as described later in this summary under the heading "Waste Stream Analysis."]

- A description of the methods used for recycling and composting recyclable materials from the plan area's waste stream. [Currently, the plan may either provide for recycling and composting or, in the alternative, establish that recycling and composting is not necessary or feasible at all or only to a limited extent. The bill would delete the current option of declaring that recycling or composting was unnecessary or infeasible.]
- A description of the major features of the recycling or composting program, or both, if the plan creates or relies on one or both. Here, too, the plan would have to describe twelve factors. The bill makes what appear to be minor amendments to these factors.
- An explanation of how the designated planning agency is using a comprehensive planning system that reflects Michigan's solid waste policy under Section 11541(1), or if such a system is not being used, describes how the planning agency will "make progress" in implementing one. [Currently, the plan must include an evaluation of how the planning entity is meeting Michigan's waste reduction and recycling goals as established in Section 11541(4).]
- A description of how, and by how much, the county will increase solid waste diversion over the five-year plan period. [A new requirement.]
- Copies of "enforceable mechanisms" that demonstrate the disposal capacity is available to the county. [A new requirement.]
- Copies of all host community agreements between a county or a municipality within the county and a disposal facility. [A new requirement.]

Waste stream analysis. A plan would have to contain an analysis or evaluation of the "best information applicable to the plan area" (derived from the various reports required by Section 11507a and any other sources consistent with those reports) as to recyclable materials and all of the following (with amounts to be reported "in tons and a conversion factor provided for materials whose quantity was initially measured in cubic yards"):

1. The amount of each type of material in the plan area's waste stream that could be recycled or composted. [An amended existing requirement.]
2. The amount of waste generated annually per capita and a projection of future waste generation. [A new requirement.]
3. The amount of each type of material that was recycled and composted within the county each year since the last plan update. [A new requirement.]
4. The amount of municipal solid waste generated in the county each year since the last plan update that was disposed of in a landfill or incinerator located in the county. [A new requirement.]
5. The amount of municipal solid waste generated in the county each year since the last plan update that was disposed of in a landfill or incinerator in another county. [A new requirement.]
6. An evaluation of how various factors, including those specified, could affect a recycling and composting program in the plan area. [An amended existing requirement.]

7. An identification of impediments to implementing a recycling and composting program and recommended strategies for removing or minimizing the impediments. [An existing requirement.]
8. How recycling and composting and other processing or disposal methods could complement each other and an examination of the feasibility of excluding site separated material and source separated material from other processing or disposal methods. [An existing requirement.]
9. The feasibility of source separation of materials that contain hazardous components at disposal areas. [An amended existing requirement with an obsolete effective date removed.]
10. The amount of material annually processed in the county, including organic material and curbside and drop-off collected material. [A new requirement.]
11. Identification of facilities within and outside of Michigan that are processing residential recyclable materials collected in the county and the volumes annually processed at each of those facilities. [A new requirement.]

Eliminate promotion of waste to energy facilities. Section 11541(4) would be amended so that the DEQ would still be required to promote policies that encourage resource recovery, as is currently the case, but would no longer be required to promote the establishment of waste-to-energy facilities.

Grants to counties or designated planning agencies. Section 11547(1), which provides for grants to assist with solid waste planning duties, would be amended to make the grants available to designated planning agencies (instead of counties or "regional solid waste management planning agencies.") [Note: Counties are supposed to receive \$375,000 per quarter, or \$1.5 million per year, in grants under Section 11547(1) from a distribution called for by House Bill 4222, to which this bill is tie-barred. The grants to counties would be financed by a distribution from the Recycling Fund to be created in House Bill 4222 with landfill disposal surcharges.]

Grants to certified health departments. Section 11547(2), which recommends an annual appropriation from the General Fund to provide financial assistance to certified health departments for its duties under Part 115, would be deleted.

Definitions. The bill would add the following definitions to Part 115, and amend others not described in this summary:

"Designated planning agency" would mean an agency, other than the Department of Environmental Quality, responsible for preparing a solid waste management plan under Section 11533.

"Solid Waste Diversion" would mean either the "recovery of resources from solid waste through reuse, recycling, or composting" or "resource conservation measures that reduce the amount of solid waste generated."

"Solid Waste Management Plan" or **"Plan"** would mean "a plan prepared, approved, and updated as provided in Sections 11533 to 11539, including any amendments to that plan."

POSITIONS:

The Department of Environmental Quality supports the bill. (10-23-07)

Clean Water Action supports the bill. (10-23-07)

The Ecology Center supports the bill. (10-24-07)

The Michigan Environmental Council supports the bill. (10-24-07)

The Michigan Association of Counties indicated opposition to the bill. (10-17-07)

The Michigan Manufacturers Association indicated opposition to the bill. (10-17-07)

The Michigan Waste Industry Association indicated opposition to the bill. (10-17-07)

Republic Waste Services indicated opposition to the bill. (10-17-07)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.