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## BILL ANALYSIS

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Senate Bill 513 (Substitute S-1)  
Sponsor: Senator Alan Sanborn  
Committee: Natural Resources and Environmental Affairs

Date Completed: 6-25-07

**CONTENT**

**The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:**

- **Establish regulations pertaining to the management of yard clippings.**
- **Prescribe criteria for a site to qualify as a composting facility, including a requirement that the site owner or operator register with the Department of Environmental Quality (DEQ) and pay a \$1,000 registration fee.**
- **Allow the temporary accumulation of yard clippings at a site not designed for composting under certain circumstances.**
- **Allow the composting of yard clippings on a farm if done in accordance with generally accepted agricultural and management practices, under certain circumstances.**
- **Permit yard clippings composed of invasive species to be disposed of in a landfill or incinerator.**

Management of Yard Clippings

Under the bill, yard clippings would have to be managed by one of the following means:

- Composted on the property where the clippings were generated.
- Temporarily accumulated as described in the bill.
- Composted at a site containing a maximum of 25 cubic yards of yard clippings, if decomposition occurred without creating a nuisance.
- Composted on a farm as described in the bill.
- Composted at a site that qualified as a composting facility as described in the bill.
- Composted in a controlled manner using a closed container to create and maintain anaerobic conditions, if in compliance with Part 55 (Air Pollution Control) and otherwise approved by the DEQ Director.
- Processed at a processing plant in accordance with Part 115 and the rules promulgated under it.
- Disposed of in a landfill or incinerator, but only if the yard clippings were diseased or infested, or were composed of invasive plants, such as garlic mustard, purple loosestrife, or spotted knapweed, that were collected through an eradication control program, included not more than a de minimis amount of other yard clippings, and were inappropriate to compost.

A person temporarily could accumulate yard clippings at a site not designed for composting if the accumulation did not otherwise result in a violation of the Act, and the clippings were

moved to another location and managed as otherwise provided above within 90 days of being placed on the site. The site owner or operator would have to maintain records necessary to demonstrate that this requirement was met.

(Currently, "de minimis" means incidental disposal of small amounts of materials that are commingled with other solid waste. Under the bill, the term would refer to a small amount of material or number of items, as applicable, commingled and incidentally disposed of with other solid waste. "Yard clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than four feet in length and two inches in diameter, that can be converted to compost humus. The term does not include stumps, agricultural waste, animal waste, roots, sewage sludge, or garbage.)

#### Composting on a Farm

A person could compost yard clippings on a farm if the composting did not otherwise result in a violation of the Act and were done in accordance with generally accepted agricultural and management practices under the Michigan Right to Farm Act, and if one or more of the following applied:

- Only yard clippings generated on the farm were composted.
- There were less than 5,000 cubic yards of yard clippings on the farm.
- There were at least 5,000 cubic yards of clippings on the farm and the farm operation accepted clippings generated at a location other than the farm only to assist in management of waste material generated by the farming operation; the farm operation did not accept clippings generated at a location other than the farm for monetary or other valuable consideration; and the farm owner or operator registered with the Michigan Department of Agriculture and certified that the farm operation met these requirements.

("Farm" would mean that term as defined in the Michigan Right to Farm Act, i.e., the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activity, machinery, equipment, and other appurtenances used in the commercial production of farm products. "Farm operation" also would have the same definition as under the Right to Farm Act, i.e., the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes marketing produce at roadside stands or farm markets; the generation of noise, odors, dust, fumes, and other associated conditions; and the operation of machinery and equipment necessary for a farm.)

#### Yard Clippings Composed of Invasive Species

Part 115 prohibits a person from knowingly delivering to a landfill or municipal solid waste incinerator for disposal, and a landfill or municipal incinerator owner or operator from knowingly permitting disposal in the landfill or incinerator of, more than a de minimis amount of yard clippings, unless they are diseased or infested.

The bill also would make an exception for yard clippings composed of invasive species, as described above.

#### Composting Facility Criteria

In order to qualify as a composting facility, a site owner or operator would have to register as a composting facility with the DEQ and report annually the amount of yard clippings composted the previous year. The registration and reporting would have to be done on forms provided by the Department, and the registration would have to be accompanied by a fee of \$1,000.

Additionally, if the site began operation after the bill's effective date, the management or storage of yard clippings, compost, and residuals would have to occur in an area that was not in the 100-year floodplain and was at least the following applicable distance from any of the following features:

- 50 feet from a property line.
- 100 feet from a body of surface water, including a lake, stream, or wetland.
- 2,000 feet from a class 1 or class 2 water supply well.
- 800 feet from a class 2B or class 2I water supply well.
- 500 feet from a church or other house of worship, school, hospital, nursing home, or licensed day care center.
- Four feet above groundwater.

Composting and management of the site would have to occur in a manner that met all of the following requirements:

- Did not violate the Act or create a facility as defined in Part 201 (Environmental Remediation).
- Unless otherwise approved by the DEQ, did not result in more than 5,000 cubic yards of yard clippings, compost, and residuals present on any acre of property where those materials were managed or stored.
- Did not result in an accumulation of yard clippings for more than three years unless the site had the capacity to compost the clippings and the site owner or operator could demonstrate, beginning in the third year of operation and then annually, that the amount of clippings and compost that was transferred off-site in a calendar year was not less than 75% by weight or volume, accounting for natural volume reduction, of the amount of yard clippings and compost that was on-site at the beginning of the calendar year.
- Resulted in finished compost with not more than 1%, by weight, of foreign matter that would remain on a four-millimeter screen.
- If yard clippings were collected in bags other than paper bags, debagged the clippings by the end of each business day.
- Prevented the pooling of water by maintaining proper slopes and grades.
- Properly managed storm water runoff.
- Did not attract or harbor rodents or other vectors.

(Under Part 201, "facility" means any area, place, or property where a hazardous substance in excess of concentrations that satisfy the requirements established by the DEQ for residential facilities, or the cleanup criteria for unrestricted residential use under Part 213 (Leaking Underground Storage Tanks), has been released, deposited, or disposed of, or otherwise comes to be located.)

The site owner or operator would have to maintain, and make available to the DEQ, all of the following records:

- Records identifying the volume of yard clippings accepted by the facility and the volume of clippings and compost transferred off-site each month.
- Records demonstrating that conditions in each compost pile, including carbon to nitrogen ratio, temperature, and moisture content, allowed for proper composting and prevented anaerobic decomposition.

The bill specifies that a site at which yard clippings were managed in accordance with these provisions, other than a site described in Section 11521(1)(f) or (g), would not be a disposal area (a solid waste transfer facility, an incinerator, a sanitary landfill, a processing plant, or other solid waste handling or disposal facility).

(Subsection (1)(f) refers to a site at which yard clippings were composted in a controlled manner using a closed container to create and maintain anaerobic conditions if in compliance with Part 55 and otherwise approved by the DEQ Director. Subsection (1)(g) refers to clippings processed at a processing plant in accordance with Part 115 and rules promulgated under it.)

#### Other Provisions

Under Part 115, "solid waste" does not include site separated material. Part 115 defines "site separated material" as glass, metal, wood, paper products, plastics, rubber, textiles, garbage, yard clippings, or any other material approved by the DEQ that is separated from solid waste for the purpose of conversion into raw materials or new products. The bill would delete the reference to yard clippings.

The bill would define "type I public water supply", "type IIA public water supply", "type IIB public water supply", and "type III public water supply" as they are described in R 325.10502 of the Michigan Administrative Code.

MCL 324.11503 et al.

Legislative Analyst: Julie Cassidy

#### **FISCAL IMPACT**

The bill would require owners and operators of sites that accept yard clippings for composting to register with the Department of Environmental Quality and pay a one-time registration fee of \$1,000. Revenue from the fee would be deposited into the General Fund since the bill does not specify a fund source for deposit. It is unknown how many facilities would register as composting facilities. The Department of Environmental Quality and the Department of Agriculture would incur small amounts of administrative costs for establishing and maintaining registries. These costs would be paid from existing resources unless additional appropriations were provided.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.