

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 513

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11502, 11503, 11505, 11506, and 11514 (MCL
324.11502, 324.11503, 324.11505, 324.11506, and 324.11514), section
11502 as amended by 2004 PA 35, sections 11503 and 11506 as amended
by 1998 PA 466, and section 11514 as amended by 2005 PA 243, and by
adding section 11521.

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,

1 paper, or plastic container, or a container composed of a
2 combination of these materials, which, at the time of sale,
3 contains 1 gallon or less of any of the following:

4 (a) A soft drink, soda water, carbonated natural or mineral
5 water, or other nonalcoholic carbonated drink.

6 (b) A beer, ale, or other malt drink of whatever alcoholic
7 content.

8 (c) A mixed wine drink or a mixed spirit drink.

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

22 (5) "Certificate of deposit" means a negotiable certificate of
23 deposit held by a bank or other financial institution regulated and
24 examined by a state or federal agency, the value of which is fully
25 insured by an agency of the United States government. A certificate
26 of deposit used to fulfill the requirements of this part shall be
27 in the sole name of the department with a maturity date of not less

1 than 1 year and shall be renewed not less than 60 days before the
2 maturity date. An applicant who uses a certificate of deposit as a
3 bond shall receive any accrued interest on that certificate of
4 deposit upon release of the bond by the department.

5 (6) "Certified health department" means a city, county, or
6 district department of health that is specifically delegated
7 authority by the department to perform designated activities as
8 prescribed by this part.

9 (7) "Coal or wood ash" means either or both of the following:

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

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

16 (8) "Collection center" means a tract of land, building, unit,
17 or appurtenance or combination thereof that is used to collect junk
18 motor vehicles and farm implements under section 11530.

19 (9) **"COMPOSTING FACILITY" MEANS A FACILITY WHERE COMPOSTING OF**
20 **YARD CLIPPINGS OR OTHER ORGANIC MATERIALS OCCURS USING MECHANICAL**
21 **HANDLING TECHNIQUES SUCH AS PHYSICAL TURNING, WINDROWING, OR**
22 **AERATION OR USING OTHER MANAGEMENT TECHNIQUES APPROVED BY THE**
23 **DIRECTOR.**

24 (10) ~~(9)~~ "Consistency review" means evaluation of the
25 administrative and technical components of an application for a
26 permit ~~—OR~~ license ~~—or for~~ **EVALUATION OF** operating conditions in
27 the course of inspection, for the purpose of determining

consistency with the requirements of this part, rules promulgated under this part, and approved plans and specifications.

(11) ~~(10)~~—"Corrective action" means the investigation, assessment, cleanup, removal, containment, isolation, treatment, or monitoring of constituents, as defined in a facility's approved hydrogeological monitoring plan, released into the environment from a disposal area, or the taking of other actions related to the release as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, the environment, or natural resources that is consistent with ~~subtitle D of the solid waste disposal act, title II of Public Law 89-272, 42 U.S.C. 6941 and 6942~~ 42 USC 6941 to 6949a ~~or~~ AND regulations promulgated pursuant to that act ~~THEREUNDER~~.

Sec. 11503. (1) **"DE MINIMIS" REFERS TO A SMALL AMOUNT OF MATERIAL OR NUMBER OF ITEMS, AS APPLICABLE, COMMINGLED AND INCIDENTALLY DISPOSED OF WITH OTHER SOLID WASTE.**

(2) ~~(1)~~—"Department" means the department of environmental quality.

(3) ~~(2)~~—"Director" means the director of the department.

(4) ~~(3)~~—"Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a substance into the environment which is or may become injurious to the public health, safety, or welfare, or to the environment.

(5) ~~(4)~~—"Disposal area" means 1 or more of the following at a location as defined by the boundary identified in its construction

1 permit or engineering plans approved by the department:

2 (a) A solid waste transfer facility.

3 (b) Incinerator.

4 (c) Sanitary landfill.

5 (d) Processing plant.

6 (e) Other solid waste handling or disposal facility utilized
7 in the disposal of solid waste.

8 (6) ~~(5)~~—"Enforceable mechanism" means a legal method whereby
9 the state, a county, a municipality, or a ~~ANOTHER~~ person is
10 authorized to take action to guarantee compliance with an approved
11 county solid waste management plan. Enforceable mechanisms include
12 contracts, intergovernmental agreements, laws, ordinances, rules,
13 and regulations.

14 (7) ~~(6)~~—"Escrow account" means an account managed by a bank or
15 other financial institution whose account operations are regulated
16 and examined by a federal or state agency and which complies with
17 section 11523b.

18 (8) **"FARM" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE**
19 **MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.**

20 (9) **"FARM OPERATION" MEANS THAT TERM AS DEFINED IN SECTION 2**
21 **OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.**

22 (10) ~~(7)~~—"Financial assurance" means the mechanisms used to
23 demonstrate that the funds necessary to meet the cost of closure,
24 postclosure maintenance and monitoring, and corrective action will
25 be available whenever they are needed.

26 (11) ~~(8)~~—"Financial test" means a corporate or local
27 government financial test or guarantee approved for type II

landfills under ~~subtitle D of the solid waste disposal act, title II of Public Law 89-272, 42 U.S.C. 6941 and 6942~~ **42 USC 6941** to 6949a. An owner or operator may use a single financial test for more than 1 facility. Information submitted to the department to document compliance with the test shall include a list showing the name and address of each facility and the amount of funds assured by the test for each facility. For purposes of the financial test, the owner or operator shall aggregate the sum of the closure, postclosure, and corrective action costs it seeks to assure with any other environmental obligations assured by a financial test under state or federal law.

(12) ~~(9)~~—"Food processing residuals" means any of the following:

(a) Residuals of fruits, vegetables, aquatic plants, or field crops.

(b) Otherwise unusable parts of fruits, vegetables, aquatic plants, or field crops from the processing thereof.

(c) Otherwise unusable food products which do not meet size, quality, or other product specifications and which were intended for human or animal consumption.

(13) ~~(10)~~—"Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that ~~attends~~ **RESULTS FROM** the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.

(14) ~~(11)~~—"Scrap wood" means wood or wood product that is 1 or more of the following:

1 (a) Plywood, pressed board, oriented strand board, or any
2 other wood or wood product mixed with glue or filler.

3 (b) Wood or wood product treated with creosote or
4 pentachlorophenol.

5 (c) Any other wood or wood product designated as scrap wood in
6 rules promulgated by the department.

7 **(15)** ~~(12)~~—"Treated wood" means wood or wood product that has
8 been treated with 1 or more of the following:

9 (a) Chromated copper arsenate (CCA).

10 (b) Ammoniacal copper quat (ACQ).

11 (c) Ammoniacal copper zinc arsenate (ACZA).

12 (d) Any other chemical designated in rules promulgated by the
13 department.

14 **(16)** ~~(13)~~—"Wood" means trees, branches, bark, lumber, pallets,
15 wood chips, sawdust, or other wood or wood product but does not
16 include scrap wood, treated wood, painted wood or painted wood
17 product, or any wood or wood product that has been contaminated
18 during manufacture or use.

19 Sec. 11505. (1) "Recyclable materials" means source separated
20 materials, site separated materials, high grade paper, glass,
21 metal, plastic, aluminum, newspaper, corrugated paper, yard
22 clippings, and other materials that may be recycled or composted.

23 (2) "Regional solid waste management planning agency" means
24 the regional solid waste planning agency designated by the governor
25 pursuant to ~~section 4006 of subtitle D of the solid waste disposal~~
26 ~~act, title II of Public Law 89-272, 42 U.S.C. 42 USC 6946.~~

27 (3) "Resource recovery facility" means machinery, equipment,

1 structures, or any parts or accessories of machinery, equipment, or
2 structures, installed or acquired for the primary purpose of
3 recovering materials or energy from the waste stream.

4 (4) "Response activity" means an activity that is necessary to
5 protect the public health, safety, welfare, or the environment, and
6 includes, but is not limited to, evaluation, cleanup, removal,
7 containment, isolation, treatment, monitoring, maintenance,
8 replacement of water supplies, and temporary relocation of people.

9 (5) "Rubbish" means nonputrescible solid waste, excluding
10 ashes, consisting of both combustible and noncombustible waste,
11 including paper, cardboard, metal containers, yard clippings, wood,
12 glass, bedding, crockery, demolished building materials, or litter
13 of any kind that may be a detriment to the public health and
14 safety.

15 (6) "Salvaging" means the lawful and controlled removal of
16 reusable materials from solid waste.

17 (7) "Site separated material" means glass, metal, wood, paper
18 products, plastics, rubber, textiles, garbage, ~~yard clippings,~~ or
19 any other material approved by the department that is separated
20 from solid waste for the purpose of conversion into raw materials
21 or new products. Site separated material does not include the
22 residue remaining after glass, metal, wood, paper products,
23 plastics, rubber, textiles, or any other material approved by the
24 department is separated from solid waste.

25 (8) "Slag" means the nonmetallic product resulting from
26 melting or smelting operations for iron or steel.

27 Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,

1 incinerator ash, incinerator residue, street cleanings, municipal
2 and industrial sludges, solid commercial and solid industrial
3 waste, and animal waste other than organic waste generated in the
4 production of livestock and poultry. ~~Solid~~ **HOWEVER, SOLID** waste
5 does not include the following:

6 (a) Human body waste.

7 (b) Medical waste as it is defined in part 138 of the public
8 health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated
9 under that part and part 55.

10 (c) Organic waste generated in the production of livestock and
11 poultry.

12 (d) Liquid waste.

13 (e) Ferrous or nonferrous scrap directed to a scrap metal
14 processor or to a reuser of ferrous or nonferrous products.

15 (f) Slag or slag products directed to a slag processor or to a
16 reuser of slag or slag products.

17 (g) Sludges and ashes managed as recycled ~~—~~ or nondetrimental
18 materials appropriate for agricultural or silvicultural use
19 pursuant to a plan approved by the department. Food processing
20 residuals; wood ashes resulting solely from a source that burns
21 only wood that is untreated and inert; lime from kraft pulping
22 processes generated prior to bleaching; or aquatic plants may be
23 applied on, or composted and applied on, farmland or forestland for
24 an agricultural or silvicultural purpose, or used as animal feed,
25 as appropriate, and such an application or use does not require a
26 plan described in this subdivision or a permit or license under
27 this part. In addition, source separated materials approved by the

1 department for land application for agricultural and silvicultural
2 purposes and compost produced from those materials may be applied
3 to the land for agricultural and silvicultural purposes and such an
4 application does not require a plan described in this subdivision
5 or permit or license under this part. Land application authorized
6 under this subdivision for an agricultural or silvicultural
7 purpose, or use as animal feed, as provided for in this subdivision
8 shall ~~occur~~ **BE PERFORMED** in a manner that prevents losses from
9 runoff and leaching. ~~, and if applied to land, the land~~ **LAND**
10 application **UNDER THIS SUBDIVISION** shall be at an agronomic rate
11 consistent with generally accepted agricultural and management
12 practices under the Michigan right to farm act, 1981 PA 93, MCL
13 286.471 to 286.474.

14 (h) Materials approved for emergency disposal by the
15 department.

16 (i) Source separated materials.

17 (j) Site separated material.

18 (k) Fly ash or any other ash produced from the combustion of
19 coal, when used in the following instances:

20 (i) With a maximum of 6% of unburned carbon as a component of
21 concrete, grout, mortar, or casting molds.

22 (ii) With a maximum of 12% unburned carbon passing M.D.O.T.
23 test method MTM 101 when used as a raw material in asphalt for road
24 construction.

25 (iii) As aggregate, road, or building material ~~which~~ **THAT** in
26 ultimate use will be stabilized or bonded by cement, limes, or
27 asphalt.

1 (iv) As a road base or construction fill that is covered with
2 asphalt, concrete, or other material approved by the department and
3 ~~which~~**THAT** is placed at least 4 feet above the seasonal groundwater
4 table.

5 (v) As the sole material in a depository designed to reclaim,
6 develop, or otherwise enhance land, subject to the approval of the
7 department. In evaluating the site, the department shall consider
8 the physical and chemical properties of the ash including
9 leachability, and the engineering of the depository, including, but
10 not limited to, the compaction, control of surface water and
11 groundwater that may threaten to infiltrate the site, and evidence
12 that the depository is designed to prevent water percolation
13 through the material.

14 (l) Other wastes regulated by statute.

15 (2) "Solid waste hauler" means a person who owns or operates a
16 solid waste transporting unit.

17 (3) "Solid waste processing plant" means a tract of land,
18 building, unit, or appurtenance of a building or unit or a
19 combination of land, buildings, and units that is used or intended
20 for use for the processing of solid waste or the separation of
21 material for salvage or disposal, or both, but does not include a
22 plant engaged primarily in the acquisition, processing, and
23 shipment of ferrous or nonferrous metal scrap, or a plant engaged
24 primarily in the acquisition, processing, and shipment of slag or
25 slag products.

26 (4) "Solid waste transporting unit" means a container that may
27 be an integral part of a truck or other piece of equipment used for

1 the transportation of solid waste.

2 (5) "Solid waste transfer facility" means a tract of land, a
3 building and any appurtenances, or a container, or any combination
4 of land, buildings, or containers that is used or intended for use
5 in the rehandling or storage of solid waste incidental to the
6 transportation of the solid waste, but is not located at the site
7 of generation or the site of disposal of the solid waste.

8 (6) "Source separated material" means glass, metal, wood,
9 paper products, plastics, rubber, textiles, garbage, ~~yard~~
10 ~~clippings~~, or any other material approved by the department that is
11 separated at the source of generation for the purpose of conversion
12 into raw materials or new products including, but not limited to,
13 compost.

14 (7) **"TYPE I PUBLIC WATER SUPPLY", "TYPE IIA PUBLIC WATER**
15 **SUPPLY", "TYPE IIB PUBLIC WATER SUPPLY", AND "TYPE III PUBLIC WATER**
16 **SUPPLY" MEAN THOSE TERMS, RESPECTIVELY, AS DESCRIBED IN R 325.10502**
17 **OF THE MICHIGAN ADMINISTRATIVE CODE.**

18 (8) ~~(7)~~—"Yard clippings" means leaves, grass clippings,
19 vegetable or other garden debris, shrubbery, or brush or tree
20 trimmings, less than 4 feet in length and 2 inches in diameter,
21 that can be converted to compost humus. Yard clippings do not
22 include stumps, agricultural wastes, animal waste, roots, sewage
23 sludge, or garbage.

24 Sec. 11514. (1) Optimizing recycling opportunities and the
25 reuse of materials shall be a principal objective of the state's
26 solid waste management plan. Recycling and reuse of materials are
27 in the best interest of promoting the public health and welfare.

1 The state shall develop policies and practices that promote
2 recycling and reuse of materials and, to the extent practical,
3 minimize the use of landfilling as a method for disposal of its
4 waste.

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

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

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

14 (c) More than a de minimis number of whole motor vehicle
15 tires.

16 (d) More than a de minimis amount of yard clippings, unless
17 they are diseased, ~~or~~-infested, **OR COMPOSED OF INVASIVE SPECIES AS**
18 **AUTHORIZED BY SECTION 11521(1)(I) .**

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) Bulk or noncontainerized liquid waste or waste that
3 contains free liquids, unless the waste is 1 of the following:

4 (i) Household waste other than septage waste.

5 (ii) Leachate or gas condensate that is approved for
6 recirculation.

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

9 (f) Sewage.

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

11 (h) Asbestos waste, unless the landfill complies with 40 CFR
12 61.154.

13 (4) A person shall not knowingly deliver to a municipal solid
14 waste incinerator for disposal, or, if the person is an owner or
15 operator of a municipal solid waste incinerator, knowingly permit
16 disposal in the incinerator of, more than a de minimis amount of
17 yard clippings, unless they are diseased, ~~or~~-infested, **OR COMPOSED**
18 **OF INVASIVE SPECIES AS AUTHORIZED BY SECTION 11521(1)(I)**. The
19 department shall post, and a solid waste hauler that disposes of
20 solid waste in a municipal solid waste incinerator shall provide
21 its customers with, notice of the prohibitions of this subsection
22 in the same manner as provided in section 11527a.

23 (5) If the department determines that a safe, sanitary, and
24 feasible alternative does not exist for the disposal in a landfill
25 or municipal solid waste incinerator of any items described in
26 subsection (2) or (4), respectively, the department shall submit a
27 report setting forth that determination and the basis for the

determination to the standing committees of the senate and house of representatives with primary responsibility for solid waste issues.

~~—— (6) As used in this section, "de minimis" means incidental disposal of small amounts of these materials that are commingled with other solid waste.~~

SEC. 11521. (1) YARD CLIPPINGS SHALL BE MANAGED BY 1 OF THE FOLLOWING MEANS:

(A) COMPOSTED ON THE PROPERTY WHERE THE YARD CLIPPINGS ARE GENERATED.

(B) TEMPORARILY ACCUMULATED UNDER SUBSECTION (2).

(C) COMPOSTED AT A COMPOSTING FACILITY CONTAINING NOT MORE THAN 200 CUBIC YARDS OF YARD CLIPPINGS IF DECOMPOSITION OCCURS WITHOUT CREATING A NUISANCE.

(D) COMPOSTED ON A FARM AS DESCRIBED BY SUBSECTION (3).

(E) COMPOSTED AT SITE THAT QUALIFIES AS A REGISTERED COMPOSTING FACILITY UNDER SUBSECTION (4).

(F) DECOMPOSED 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 DIRECTOR UNDER THIS PART.

(G) COMPOSTED AND USED AS PART OF NORMAL OPERATIONS BY A MUNICIPAL SOLID WASTE LANDFILL IF THE COMPOSTING AND USE MEET ALL OF THE FOLLOWING REQUIREMENTS:

(i) TAKE PLACE ON PROPERTY DESCRIBED IN THE LANDFILL CONSTRUCTION PERMIT.

(ii) ARE DESCRIBED IN AND CONSISTENT WITH THE LANDFILL OPERATION PLANS.

(iii) ARE OTHERWISE IN COMPLIANCE WITH THIS ACT.

1 (H) PROCESSED AT A PROCESSING PLANT IN ACCORDANCE WITH THIS
2 PART AND THE RULES PROMULGATED UNDER THIS PART.

3 (I) DISPOSED OF IN A LANDFILL OR AN INCINERATOR, BUT ONLY IF
4 THE YARD CLIPPINGS ARE DISEASED OR INFESTED OR ARE COMPOSED OF
5 INVASIVE PLANTS, SUCH AS GARLIC MUSTARD, PURPLE LOOSESTRIFE, OR
6 SPOTTED KNAPWEED, THAT WERE COLLECTED THROUGH AN ERADICATION OR
7 CONTROL PROGRAM, INCLUDE NO MORE THAN A DE MINIMIS AMOUNT OF OTHER
8 YARD CLIPPINGS, AND ARE INAPPROPRIATE TO COMPOST.

9 (2) A PERSON MAY TEMPORARILY ACCUMULATE YARD CLIPPINGS AT A
10 SITE NOT DESIGNED FOR COMPOSTING IF ALL OF THE FOLLOWING
11 REQUIREMENTS ARE MET:

12 (A) THE ACCUMULATION DOES NOT CREATE A NUISANCE OR OTHERWISE
13 RESULT IN A VIOLATION OF THIS ACT.

14 (B) THE YARD CLIPPINGS ARE NOT MIXED WITH OTHER COMPOSTABLE
15 MATERIALS.

16 (C) NO MORE THAN 1,000 CUBIC YARDS ARE PLACED ON SITE UNLESS A
17 GREATER VOLUME IS APPROVED BY THE DEPARTMENT.

18 (D) YARD CLIPPINGS PLACED ON SITE ON OR AFTER APRIL 1 BUT
19 BEFORE DECEMBER 1 ARE MOVED TO ANOTHER LOCATION AND MANAGED AS
20 PROVIDED IN SUBSECTION (1) WITHIN 30 DAYS AFTER BEING PLACED ON
21 SITE. THE DIRECTOR MAY APPROVE A LONGER TIME PERIOD BASED ON A
22 DEMONSTRATION THAT ADDITIONAL TIME IS NECESSARY.

23 (E) YARD CLIPPINGS PLACED ON SITE ON OR AFTER DECEMBER 1 BUT
24 BEFORE THE NEXT APRIL 1 ARE MOVED TO ANOTHER LOCATION AND MANAGED
25 AS PROVIDED IN SUBSECTION (1) BY THE NEXT APRIL 10 AFTER THE YARD
26 CLIPPINGS ARE PLACED ON SITE.

27 (F) THE OWNER OR OPERATOR OF THE SITE MAINTAINS AND MAKES

1 AVAILABLE TO THE DEPARTMENT RECORDS NECESSARY TO DEMONSTRATE THAT
2 THE REQUIREMENTS OF THIS SUBSECTION ARE MET.

3 (3) A PERSON MAY COMPOST YARD CLIPPINGS ON A FARM IF
4 COMPOSTING DOES NOT OTHERWISE RESULT IN A VIOLATION OF THIS ACT AND
5 IS DONE IN ACCORDANCE WITH GENERALLY ACCEPTED AGRICULTURAL AND
6 MANAGEMENT PRACTICES UNDER THE MICHIGAN RIGHT TO FARM ACT, 1981 PA
7 93, MCL 286.471 TO 286.474, AND IF 1 OR MORE OF THE FOLLOWING
8 APPLY:

9 (A) ONLY YARD CLIPPINGS GENERATED ON THE FARM ARE COMPOSTED.

10 (B) THERE ARE NOT MORE THAN 5,000 CUBIC YARDS OF YARD
11 CLIPPINGS ON THE FARM.

12 (C) IF THERE ARE MORE THAN 5,000 CUBIC YARDS OF YARD CLIPPINGS
13 ON THE FARM AT ANY TIME, ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

14 (i) THE FARM OPERATION ACCEPTS YARD CLIPPINGS GENERATED AT A
15 LOCATION OTHER THAN THE FARM ONLY TO ASSIST IN MANAGEMENT OF WASTE
16 MATERIAL GENERATED BY THE FARM OPERATION.

17 (ii) THE FARM OPERATION DOES NOT ACCEPT YARD CLIPPINGS
18 GENERATED AT A LOCATION OTHER THAN THE FARM FOR MONETARY OR OTHER
19 VALUABLE CONSIDERATION.

20 (iii) THE OWNER OR OPERATOR OF THE FARM REGISTERS WITH THE
21 DEPARTMENT OF AGRICULTURE ON A FORM PROVIDED BY THE DEPARTMENT OF
22 AGRICULTURE AND CERTIFIES THAT THE FARM OPERATION MEETS AND WILL
23 CONTINUE TO MEET THE REQUIREMENTS OF SUBPARAGRAPHS (i) AND (ii).

24 (4) A SITE QUALIFIES AS A REGISTERED COMPOSTING FACILITY IF
25 ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

26 (A) THE OWNER OR OPERATOR OF THE SITE REGISTERS AS A
27 COMPOSTING FACILITY WITH THE DEPARTMENT AND REPORTS TO THE

1 DEPARTMENT WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL YEAR
2 THE AMOUNT OF YARD CLIPPINGS AND OTHER COMPOSTABLE MATERIAL
3 COMPOSTED IN THE PREVIOUS STATE FISCAL YEAR. THE REGISTRATION AND
4 REPORTING SHALL BE DONE ON FORMS PROVIDED BY THE DEPARTMENT. THE
5 REGISTRATION SHALL BE ACCOMPANIED BY A FEE OF \$600.00. THE
6 REGISTRATION IS FOR A TERM OF 3 YEARS. REGISTRATION FEES COLLECTED
7 UNDER THIS SUBDIVISION SHALL BE FORWARDED TO THE STATE TREASURER
8 FOR DEPOSIT IN THE SOLID WASTE STAFF ACCOUNT OF THE SOLID WASTE
9 MANAGEMENT FUND ESTABLISHED IN SECTION 11550.

10 (B) THE SITE IS OPERATED IN COMPLIANCE WITH THE FOLLOWING
11 LOCATION RESTRICTIONS:

12 (i) IF THE SITE IS IN OPERATION ON DECEMBER 1, 2007, THE
13 MANAGEMENT OR STORAGE OF YARD CLIPPINGS, COMPOST, AND RESIDUALS
14 DOES NOT EXPAND FROM ITS LOCATION ON THAT DATE TO AN AREA THAT IS
15 WITHIN THE FOLLOWING DISTANCES FROM ANY OF THE FOLLOWING FEATURES:

16 (A) 50 FEET FROM A PROPERTY LINE.

17 (B) 200 FEET FROM A RESIDENCE.

18 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
19 STREAM, OR WETLAND.

20 (ii) IF THE SITE BEGINS OPERATION AFTER DECEMBER 1, 2007, THE
21 MANAGEMENT OR STORAGE OF YARD CLIPPINGS, COMPOST, AND RESIDUALS
22 OCCURS IN AN AREA THAT IS NOT IN THE 100-YEAR FLOODPLAIN AND IS AT
23 LEAST THE FOLLOWING DISTANCES FROM EACH OF THE FOLLOWING FEATURES:

24 (A) 50 FEET FROM A PROPERTY LINE.

25 (B) 200 FEET FROM A RESIDENCE.

26 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
27 STREAM, OR WETLAND.

1 (D) 2,000 FEET FROM A TYPE I OR TYPE IIA WATER SUPPLY WELL.

2 (E) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

3 (F) 500 FEET FROM A CHURCH OR OTHER HOUSE OF WORSHIP,
4 HOSPITAL, NURSING HOME, LICENSED DAY CARE CENTER, OR SCHOOL, OTHER
5 THAN A HOME SCHOOL.

6 (G) 4 FEET ABOVE GROUNDWATER.

7 (C) COMPOSTING AND MANAGEMENT OF THE SITE OCCURS IN A MANNER
8 THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

9 (i) DOES NOT VIOLATE THIS ACT OR CREATE A FACILITY AS DEFINED
10 IN SECTION 20101.

11 (ii) UNLESS APPROVED BY THE DEPARTMENT, DOES NOT RESULT IN MORE
12 THAN 5,000 CUBIC YARDS OF YARD CLIPPINGS AND OTHER COMPOSTABLE
13 MATERIAL, COMPOST, AND RESIDUALS PRESENT ON ANY ACRE OF PROPERTY AT
14 THE SITE.

15 (iii) DOES NOT RESULT IN AN ACCUMULATION OF YARD CLIPPINGS FOR A
16 PERIOD OF OVER 3 YEARS UNLESS THE SITE HAS THE CAPACITY TO COMPOST
17 THE YARD CLIPPINGS AND THE OWNER OR OPERATOR OF THE SITE CAN
18 DEMONSTRATE, BEGINNING IN THE THIRD YEAR OF OPERATION AND EACH YEAR
19 THEREAFTER, UNLESS A LONGER TIME IS APPROVED BY THE DIRECTOR, THAT
20 THE AMOUNT OF YARD CLIPPINGS AND COMPOST THAT IS TRANSFERRED OFF-
21 SITE IN A CALENDAR YEAR IS NOT LESS THAN 75% BY WEIGHT OR VOLUME,
22 ACCOUNTING FOR NATURAL VOLUME REDUCTION, OF THE AMOUNT OF YARD
23 CLIPPINGS AND COMPOST THAT WAS ON-SITE AT THE BEGINNING OF THE
24 CALENDAR YEAR.

25 (iv) RESULTS IN FINISHED COMPOST WITH NOT MORE THAN 1%, BY
26 WEIGHT, OF FOREIGN MATTER THAT WILL REMAIN ON A 4 MILLIMETER
27 SCREEN.

1 (v) IF YARD CLIPPINGS ARE COLLECTED IN BAGS OTHER THAN PAPER
2 BAGS, DEBAGS THE YARD CLIPPINGS BY THE END OF EACH BUSINESS DAY.

3 (vi) PREVENTS THE POOLING OF WATER BY MAINTAINING PROPER SLOPES
4 AND GRADES.

5 (vii) PROPERLY MANAGES STORM WATER RUNOFF.

6 (viii) DOES NOT ATTRACT OR HARBOR RODENTS OR OTHER VECTORS.

7 (D) THE OWNER OR OPERATOR MAINTAINS, AND MAKES AVAILABLE TO
8 THE DEPARTMENT, ALL OF THE FOLLOWING RECORDS:

9 (i) RECORDS IDENTIFYING THE VOLUME OF YARD CLIPPINGS AND OTHER
10 COMPOSTABLE MATERIAL ACCEPTED BY THE FACILITY AND THE VOLUME OF
11 YARD CLIPPINGS AND OTHER COMPOSTABLE MATERIAL AND OF COMPOST
12 TRANSFERRED OFF-SITE EACH MONTH.

13 (ii) RECORDS DEMONSTRATING THAT THE COMPOSTING OPERATION IS
14 BEING PERFORMED IN A MANNER THAT PREVENTS NUISANCES AND MINIMIZES
15 ANAEROBIC CONDITIONS. UNLESS OTHER RECORDS ARE APPROVED BY THE
16 DEPARTMENT, THESE RECORDS SHALL INCLUDE RECORDS OF CARBON-TO-
17 NITROGEN RATIOS, THE AMOUNT OF LEAVES AND THE AMOUNT OF GRASS IN
18 TONS OR CUBIC YARDS, TEMPERATURE READINGS, MOISTURE CONTENT
19 READINGS, AND LAB ANALYSIS OF FINISHED PRODUCTS.

20 (5) A SITE AT WHICH YARD CLIPPINGS ARE MANAGED IN ACCORDANCE
21 WITH THIS SECTION, OTHER THAN A SITE DESCRIBED IN SUBSECTION
22 (1) (G), (H) OR (I), IS NOT A DISPOSAL AREA, NOTWITHSTANDING SECTION
23 11503(5).

24 (6) EXCEPT WITH RESPECT TO SUBSECTION (1) (H) AND (I),
25 MANAGEMENT OF YARD CLIPPINGS IN ACCORDANCE WITH THIS SECTION IS NOT
26 CONSIDERED DISPOSAL FOR PURPOSES OF SECTION 11538(6).

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.