

SUBSTITUTE FOR  
SENATE BILL NO. 513

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11503, 11505, 11506, and 11514 (MCL 324.11503,  
324.11505, 324.11506, and 324.11514), 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. 11503. (1) "DE MINIMIS" REFERS TO A SMALL AMOUNT OF  
2 MATERIAL OR NUMBER OF ITEMS, AS APPLICABLE, COMMINGLED AND  
3 INCIDENTALLY DISPOSED OF WITH OTHER SOLID WASTE.

4       (2) ~~(1)~~—"Department" means the department of environmental  
5 quality.

6       (3) ~~(2)~~—"Director" means the director of the department.

1       (4) ~~(3)~~—"Discharge" includes, but is not limited to, any  
2     spilling, leaking, pumping, pouring, emitting, emptying,  
3     discharging, injecting, escaping, leaching, dumping, or disposing  
4     of a substance into the environment which is or may become  
5     injurious to the public health, safety, or welfare, or to the  
6     environment.

7       (5) ~~(4)~~—"Disposal area" means 1 or more of the following at a  
8     location as defined by the boundary identified in its construction  
9     permit or engineering plans approved by the department:

10       (a) A solid waste transfer facility.

11       (b) Incinerator.

12       (c) Sanitary landfill.

13       (d) Processing plant.

14       (e) Other solid waste handling or disposal facility utilized  
15     in the disposal of solid waste.

16       (6) ~~(5)~~—"Enforceable mechanism" means a legal method whereby  
17     the state, a county, a municipality, or a ~~ANOTHER~~ person is  
18     authorized to take action to guarantee compliance with an approved  
19     county solid waste management plan. Enforceable mechanisms include  
20     contracts, intergovernmental agreements, laws, ordinances, rules,  
21     and regulations.

22       (7) ~~(6)~~—"Escrow account" means an account managed by a bank or  
23     other financial institution whose account operations are regulated  
24     and examined by a federal or state agency and which complies with  
25     section 11523b.

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

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

3           (10) ~~(7)~~"Financial assurance" means the mechanisms used to  
4 demonstrate that the funds necessary to meet the cost of closure,  
5 postclosure maintenance and monitoring, and corrective action will  
6 be available whenever they are needed.

7           (11) ~~(8)~~"Financial test" means a corporate or local  
8 government financial test or guarantee approved for type II  
9 landfills under ~~subtitle D of the solid waste disposal act, title~~  
10 ~~II of Public Law 89-272, 42 U.S.C. 6941 and 6942~~ **42 USC 6941** to  
11 6949a. An owner or operator may use a single financial test for  
12 more than 1 facility. Information submitted to the department to  
13 document compliance with the test shall include a list showing the  
14 name and address of each facility and the amount of funds assured  
15 by the test for each facility. For purposes of the financial test,  
16 the owner or operator shall aggregate the sum of the closure,  
17 postclosure, and corrective action costs it seeks to assure with  
18 any other environmental obligations assured by a financial test  
19 under state or federal law.

20           (12) ~~(9)~~"Food processing residuals" means any of the  
21 following:

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

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

26           (c) Otherwise unusable food products which do not meet size,  
27 quality, or other product specifications and which were intended

1 for human or animal consumption.

2 (13) ~~(10)~~—"Garbage" means rejected food wastes including waste  
3 accumulation of animal, fruit, or vegetable matter used or intended  
4 for food or that ~~attends~~ **RESULTS FROM** the preparation, use,  
5 cooking, dealing in, or storing of meat, fish, fowl, fruit, or  
6 vegetable matter.

7 (14) ~~(11)~~—"Scrap wood" means wood or wood product that is 1 or  
8 more of the following:

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

11 (b) Wood or wood product treated with creosote or  
12 pentachlorophenol.

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

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

17 (a) Chromated copper arsenate (CCA).

18 (b) Ammoniacal copper quat (ACQ).

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

20 (d) Any other chemical designated in rules promulgated by the  
21 department.

22 (16) ~~(13)~~—"Wood" means trees, branches, bark, lumber, pallets,  
23 wood chips, sawdust, or other wood or wood product but does not  
24 include scrap wood, treated wood, painted wood or painted wood  
25 product, or any wood or wood product that has been contaminated  
26 during manufacture or use.

27 Sec. 11505. (1) "Recyclable materials" means source separated

1 materials, site separated materials, high grade paper, glass,  
2 metal, plastic, aluminum, newspaper, corrugated paper, yard  
3 clippings, and other materials that may be recycled or composted.

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

8 (3) "Resource recovery facility" means machinery, equipment,  
9 structures, or any parts or accessories of machinery, equipment, or  
10 structures, installed or acquired for the primary purpose of  
11 recovering materials or energy from the waste stream.

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

17 (5) "Rubbish" means nonputrescible solid waste, excluding  
18 ashes, consisting of both combustible and noncombustible waste,  
19 including paper, cardboard, metal containers, yard clippings, wood,  
20 glass, bedding, crockery, demolished building materials, or litter  
21 of any kind that may be a detriment to the public health and  
22 safety.

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

25 (7) "Site separated material" means glass, metal, wood, paper  
26 products, plastics, rubber, textiles, garbage, ~~yard clippings,~~ or  
27 any other material approved by the department that is separated

1 from solid waste for the purpose of conversion into raw materials  
2 or new products. Site separated material does not include the  
3 residue remaining after glass, metal, wood, paper products,  
4 plastics, rubber, textiles, or any other material approved by the  
5 department is separated from solid waste.

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

8 Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,  
9 incinerator ash, incinerator residue, street cleanings, municipal  
10 and industrial sludges, solid commercial and solid industrial  
11 waste, and animal waste other than organic waste generated in the  
12 production of livestock and poultry. ~~Solid~~ **HOWEVER, SOLID** waste  
13 does not include the following:

14 (a) Human body waste.

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

18 (c) Organic waste generated in the production of livestock and  
19 poultry.

20 (d) Liquid waste.

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

23 (f) Slag or slag products directed to a slag processor or to a  
24 reuser of slag or slag products.

25 (g) Sludges and ashes managed as recycled ~~—~~ or nondetrimental  
26 materials appropriate for agricultural or silvicultural use  
27 pursuant to a plan approved by the department. Food processing

1 residuals; wood ashes resulting solely from a source that burns  
2 only wood that is untreated and inert; lime from kraft pulping  
3 processes generated prior to bleaching; or aquatic plants may be  
4 applied on, or composted and applied on, farmland or forestland for  
5 an agricultural or silvicultural purpose, or used as animal feed,  
6 as appropriate, and such an application or use does not require a  
7 plan described in this subdivision or a permit or license under  
8 this part. In addition, source separated materials approved by the  
9 department for land application for agricultural and silvicultural  
10 purposes and compost produced from those materials may be applied  
11 to the land for agricultural and silvicultural purposes and such an  
12 application does not require a plan described in this subdivision  
13 or permit or license under this part. Land application authorized  
14 under this subdivision for an agricultural or silvicultural  
15 purpose, or use as animal feed, as provided for in this subdivision  
16 shall ~~occur~~ **BE PERFORMED** in a manner that prevents losses from  
17 runoff and leaching. ~~, and if applied to land, the land~~ **LAND**  
18 application **UNDER THIS SUBDIVISION** shall be at an agronomic rate  
19 consistent with generally accepted agricultural and management  
20 practices under the Michigan right to farm act, 1981 PA 93, MCL  
21 286.471 to 286.474.

22 (h) Materials approved for emergency disposal by the  
23 department.

24 (i) Source separated materials.

25 (j) Site separated material.

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

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

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

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

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

13 (v) As the sole material in a depository designed to reclaim,  
14 develop, or otherwise enhance land, subject to the approval of the  
15 department. In evaluating the site, the department shall consider  
16 the physical and chemical properties of the ash including  
17 leachability, and the engineering of the depository, including, but  
18 not limited to, the compaction, control of surface water and  
19 groundwater that may threaten to infiltrate the site, and evidence  
20 that the depository is designed to prevent water percolation  
21 through the material.

22 (l) Other wastes regulated by statute.

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

25 (3) "Solid waste processing plant" means a tract of land,  
26 building, unit, or appurtenance of a building or unit or a  
27 combination of land, buildings, and units that is used or intended



1 for use for the processing of solid waste or the separation of  
2 material for salvage or disposal, or both, but does not include a  
3 plant engaged primarily in the acquisition, processing, and  
4 shipment of ferrous or nonferrous metal scrap, or a plant engaged  
5 primarily in the acquisition, processing, and shipment of slag or  
6 slag products.

7 (4) "Solid waste transporting unit" means a container that may  
8 be an integral part of a truck or other piece of equipment used for  
9 the transportation of solid waste.

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

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

22 (7) **"TYPE I PUBLIC WATER SUPPLY", "TYPE IIA PUBLIC WATER**  
23 **SUPPLY", "TYPE IIB PUBLIC WATER SUPPLY", AND "TYPE III PUBLIC WATER**  
24 **SUPPLY" MEAN THOSE TERMS, RESPECTIVELY, AS DESCRIBED IN R 325.10502**  
25 **OF THE MICHIGAN ADMINISTRATIVE CODE.**

26 (8) ~~(7)~~ "Yard clippings" means leaves, grass clippings,  
27 vegetable or other garden debris, shrubbery, or brush or tree

1 trimmings, less than 4 feet in length and 2 inches in diameter,  
2 that can be converted to compost humus. Yard clippings do not  
3 include stumps, agricultural wastes, animal waste, roots, sewage  
4 sludge, or garbage.

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

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

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

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

22 (c) More than a de minimis number of whole motor vehicle  
23 tires.

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

27 (3) A person shall not deliver to a landfill for disposal, or,

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

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

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

5 (c) Low-level radioactive waste as defined in section 2 of the  
6 low-level radioactive waste authority act, 1987 PA 204, MCL  
7 333.26202.

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

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

12 (i) Household waste other than septage waste.

13 (ii) Leachate or gas condensate that is approved for  
14 recirculation.

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

17 (f) Sewage.

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

19 (h) Asbestos waste, unless the landfill complies with 40 CFR  
20 61.154.

21 (4) A person shall not knowingly deliver to a municipal solid  
22 waste incinerator for disposal, or, if the person is an owner or  
23 operator of a municipal solid waste incinerator, knowingly permit  
24 disposal in the incinerator of, more than a de minimis amount of  
25 yard clippings, unless they are diseased, ~~or~~ infested, **OR COMPOSED**  
26 **OF INVASIVE SPECIES AS AUTHORIZED BY SECTION 11521(1)(I)**. The  
27 department shall post, and a solid waste hauler that disposes of

1 solid waste in a municipal solid waste incinerator shall provide  
2 its customers with, notice of the prohibitions of this subsection  
3 in the same manner as provided in section 11527a.

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

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

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

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

18 (B) TEMPORARILY ACCUMULATED UNDER SUBSECTION (2).

19 (C) COMPOSTED AT A SITE CONTAINING NO MORE THAN 25 CUBIC YARDS  
20 OF YARD CLIPPINGS IF DECOMPOSITION OCCURS WITHOUT CREATING A  
21 NUISANCE.

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

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

25 (F) DECOMPOSED IN A CONTROLLED MANNER USING A CLOSED CONTAINER  
26 TO CREATE AND MAINTAIN ANAEROBIC CONDITIONS IF IN COMPLIANCE WITH  
27 PART 55 AND OTHERWISE APPROVED BY THE DIRECTOR.

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

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

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

8 (iii) ARE OTHERWISE IN COMPLIANCE WITH THIS ACT.

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

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

17 (2) A PERSON MAY TEMPORARILY ACCUMULATE YARD CLIPPINGS AT A  
18 SITE NOT DESIGNED FOR COMPOSTING IF BOTH OF THE FOLLOWING  
19 REQUIREMENTS ARE MET:

20 (A) THE ACCUMULATION DOES NOT OTHERWISE RESULT IN A VIOLATION  
21 OF THIS ACT.

22 (B) THE YARD CLIPPINGS ARE MOVED TO ANOTHER LOCATION AND  
23 MANAGED AS OTHERWISE PROVIDED BY SUBSECTION (1) WITHIN 90 DAYS OF  
24 BEING PLACED ON THE SITE. THE OWNER OR OPERATOR OF THE SITE SHALL  
25 MAINTAIN RECORDS NECESSARY TO DEMONSTRATE THAT THIS REQUIREMENT IS  
26 MET.

27 (3) A PERSON MAY COMPOST YARD CLIPPINGS ON A FARM IF

1 COMPOSTING DOES NOT OTHERWISE RESULT IN A VIOLATION OF THIS ACT AND  
2 IS DONE IN ACCORDANCE WITH GENERALLY ACCEPTED AGRICULTURAL AND  
3 MANAGEMENT PRACTICES UNDER THE MICHIGAN RIGHT TO FARM ACT, 1981 PA  
4 93, MCL 286.471 TO 286.474, AND IF 1 OR MORE OF THE FOLLOWING  
5 APPLY:

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

7 (B) THERE ARE LESS THAN 5,000 CUBIC YARDS OF YARD CLIPPINGS ON  
8 THE FARM.

9 (C) THERE ARE 5,000 CUBIC YARDS OR MORE OF YARD CLIPPINGS ON  
10 THE FARM AT ANY TIME AND ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

11 (i) THE FARM OPERATION ACCEPTS YARD CLIPPINGS GENERATED AT A  
12 LOCATION OTHER THAN THE FARM ONLY TO ASSIST IN MANAGEMENT OF WASTE  
13 MATERIAL GENERATED BY THE FARMING OPERATION.

14 (ii) THE FARM OPERATION DOES NOT ACCEPT YARD CLIPPINGS  
15 GENERATED AT A LOCATION OTHER THAN THE FARM FOR MONETARY OR OTHER  
16 VALUABLE CONSIDERATION.

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

21 (4) A SITE QUALIFIES AS A COMPOSTING FACILITY IF ALL OF THE  
22 FOLLOWING REQUIREMENTS ARE MET:

23 (A) THE OWNER OR OPERATOR OF THE SITE REGISTERS AS A  
24 COMPOSTING FACILITY WITH THE DEPARTMENT AND REPORTS TO THE  
25 DEPARTMENT WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL YEAR  
26 THE AMOUNT OF YARD CLIPPINGS COMPOSTED IN THE PREVIOUS STATE FISCAL  
27 YEAR. THE REGISTRATION AND REPORTING SHALL BE DONE ON FORMS

1 PROVIDED BY THE DEPARTMENT. THE REGISTRATION SHALL BE ACCOMPANIED  
2 BY A FEE OF \$600.00. THE REGISTRATION IS FOR A TERM OF 3 YEARS.  
3 REGISTRATION FEES COLLECTED UNDER THIS SUBDIVISION SHALL BE  
4 FORWARDED TO THE STATE TREASURER FOR DEPOSIT IN THE SOLID WASTE  
5 STAFF ACCOUNT OF THE SOLID WASTE MANAGEMENT FUND ESTABLISHED IN  
6 SECTION 11550.

7 (B) IF THE SITE BEGINS OPERATION AFTER THE EFFECTIVE DATE OF  
8 THE AMENDATORY ACT THAT ADDED THIS SECTION, THE MANAGEMENT OR  
9 STORAGE OF YARD CLIPPINGS, COMPOST, AND RESIDUALS OCCURS IN AN AREA  
10 THAT IS NOT IN THE 100-YEAR FLOODPLAIN AND IS AT LEAST THE  
11 FOLLOWING APPLICABLE DISTANCE FROM ANY OF THE FOLLOWING FEATURES:

12 (i) 50 FEET FROM A PROPERTY LINE.

13 (ii) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,  
14 STREAM, OR WETLAND.

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

16 (iv) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

17 (v) 500 FEET FROM A CHURCH OR OTHER HOUSE OF WORSHIP, SCHOOL,  
18 HOSPITAL, NURSING HOME, OR LICENSED DAY CARE CENTER.

19 (vi) 4 FEET ABOVE GROUNDWATER.

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

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

24 (ii) UNLESS APPROVED BY THE DEPARTMENT, DOES NOT RESULT IN MORE  
25 THAN 5,000 CUBIC YARDS OF YARD CLIPPINGS, COMPOST, AND RESIDUALS  
26 PRESENT ON ANY ACRE OF PROPERTY WHERE THOSE MATERIALS ARE MANAGED  
27 OR STORED.

1           (iii) DOES NOT RESULT IN AN ACCUMULATION OF YARD CLIPPINGS FOR A  
2 PERIOD OF OVER 3 YEARS UNLESS THE SITE HAS THE CAPACITY TO COMPOST  
3 THE YARD CLIPPINGS AND THE OWNER OR OPERATOR OF THE SITE CAN  
4 DEMONSTRATE, BEGINNING IN THE THIRD YEAR OF OPERATION AND EACH YEAR  
5 THEREAFTER, THAT THE AMOUNT OF YARD CLIPPINGS AND COMPOST THAT IS  
6 TRANSFERRED OFF-SITE IN A CALENDAR YEAR IS NOT LESS THAN 75% BY  
7 WEIGHT OR VOLUME, ACCOUNTING FOR NATURAL VOLUME REDUCTION, OF THE  
8 AMOUNT OF YARD CLIPPINGS AND COMPOST THAT WAS ON-SITE AT THE  
9 BEGINNING OF THE CALENDAR YEAR.

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

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

15           (vi) PREVENTS THE POOLING OF WATER BY MAINTAINING PROPER SLOPES  
16 AND GRADES.

17           (vii) PROPERLY MANAGES STORM WATER RUNOFF.

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

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

21           (i) RECORDS IDENTIFYING THE VOLUME OF YARD CLIPPINGS ACCEPTED  
22 BY THE FACILITY AND THE VOLUME OF YARD CLIPPINGS AND COMPOST  
23 TRANSFERRED OFF-SITE EACH MONTH.

24           (ii) RECORDS DEMONSTRATING THAT CONDITIONS IN EACH COMPOST  
25 PILE, INCLUDING CARBON TO NITROGEN RATIO, TEMPERATURE, AND MOISTURE  
26 CONTENT, ALLOW FOR PROPER COMPOSTING AND PREVENT ANAEROBIC  
27 DECOMPOSITION.



1           (5) A SITE AT WHICH YARD CLIPPINGS ARE MANAGED IN ACCORDANCE  
2 WITH THIS SECTION, OTHER THAN A SITE DESCRIBED IN SUBSECTION  
3 (1) (G), (H) OR (I), IS NOT A DISPOSAL AREA, NOTWITHSTANDING SECTION  
4 11503(5).

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