

HOUSE BILL No. 4837

May 24, 2007, Introduced by Reps. Acciavatti, Pavlov, Meltzer, Stakoe and Tobocman and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11506 (MCL 324.11506), as amended by 1998 PA 466.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,
2 incinerator ash, incinerator residue, street cleanings, municipal
3 and industrial sludges, solid commercial and solid industrial
4 waste, and animal waste. ~~other than organic waste generated in the~~
5 ~~production of livestock and poultry. Solid~~ **HOWEVER, SOLID** waste
6 does not include **ANY OF** the following:
7 (a) Human body waste.
8 (b) Medical waste as it is defined in part 138 of the public
9 health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated

1 under that part and part 55.

2 (c) Organic waste generated in the production of livestock ~~and~~
3 **OR** poultry.

4 (d) Liquid waste.

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

7 (f) Slag or slag products directed to a slag processor or to a
8 reuser of slag or slag products.

9 (g) Sludges and ashes managed as recycled, or nondetrimental
10 materials appropriate for agricultural or silvicultural use
11 pursuant to a plan approved by the department. Food processing
12 residuals; wood ashes resulting solely from a source that burns
13 only wood that is untreated and inert; lime from kraft pulping
14 processes generated prior to bleaching; or aquatic plants may be
15 applied on, or composted and applied on, farmland or forestland for
16 an agricultural or silvicultural purpose, or used as animal feed,
17 as appropriate, and such an application or use does not require a
18 plan described in this subdivision or a permit or license under
19 this part. In addition, source separated materials approved by the
20 department for land application for agricultural and silvicultural
21 purposes and compost produced from those materials may be applied
22 to the land for agricultural and silvicultural purposes and such an
23 application does not require a plan described in this subdivision
24 or permit or license under this part. Land application ~~authorized~~
25 ~~under this subdivision for an agricultural or silvicultural~~
26 ~~purpose,~~ **OF MATERIAL** or use **OF MATERIAL** as animal feed, as provided
27 for in this subdivision, shall occur in a manner that prevents

1 losses from runoff and leaching. ~~and if applied to land, the~~ **THE**
2 land application shall be at an agronomic rate consistent with
3 generally accepted agricultural and management practices under the
4 Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

5 (h) Materials approved for emergency disposal by the
6 department.

7 (i) Source separated materials, **SUBJECT TO SUBSECTION (3) (B)**.

8 (j) Site separated material, **SUBJECT TO SUBSECTION (3) (B)**.

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

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

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

16 (iii) As aggregate, road, or building material which in ultimate
17 use will be stabilized or bonded by cement, limes, or asphalt.

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

22 (v) As the sole material in a depository designed to reclaim,
23 develop, or otherwise enhance land, subject to the approval of the
24 department. In evaluating the site, the department shall consider
25 the physical and chemical properties of the ash including
26 leachability, and the engineering of the depository, including, but
27 not limited to, the compaction **OF SOIL AT THE SITE**, control of

1 surface water and groundwater that may threaten to infiltrate the
2 site, and evidence that the depository is designed to prevent water
3 percolation through the material.

4 (1) Other wastes regulated by statute.

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

7 (3) "Solid waste processing plant" OR "**PROCESSING PLANT**" means
8 a tract of land, building, unit, ~~ex-~~appurtenance of a building or
9 unit, or a ~~ANY~~ combination ~~of land, buildings, and units~~ **THEREOF**
10 that is used or intended for use for the processing of solid waste
11 or the separation of material for salvage or disposal, or both, ~~but~~
12 **SUBJECT TO BOTH OF THE FOLLOWING:**

13 (A) **PROCESSING PLANT** does not include a plant engaged
14 primarily in the acquisition, processing, and shipment of ferrous
15 or nonferrous metal scrap, or a plant engaged primarily in the
16 acquisition, processing, and shipment of slag or slag products.

17 (B) **PROCESSING PLANT INCLUDES THAT PORTION OF A FARM ENGAGED**
18 **IN THE COMPOSTING OF YARD CLIPPINGS AS A PART OF FARM OPERATIONS IF**
19 **BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:**

20 (i) **AT LEAST 1,000 CUBIC YARDS OF YARD CLIPPINGS THAT WERE**
21 **GENERATED OFF-SITE WERE ACCUMULATED ON THE FARM AT ANY TIME DURING**
22 **THE PAST YEAR.**

23 (ii) **THE OWNER OR OPERATOR OF THE FARM RECEIVED CONSIDERATION**
24 **FOR ACCEPTING ANY OF THE YARD CLIPPINGS.**

25 (4) "Solid waste transporting unit" means a container, ~~that~~
26 **WHICH** may be an integral part of a truck or other piece of
27 equipment, used for the transportation of solid waste.

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

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

13 (7) "Yard clippings" means leaves, grass clippings, vegetable
14 or other garden debris, shrubbery, or brush or tree trimmings, less
15 than 4 feet in length and 2 inches in diameter, that can be
16 converted to compost humus. Yard clippings do not include stumps,
17 agricultural wastes, animal waste, roots, sewage sludge, or
18 garbage.