

# SENATE BILL No. 513

May 17, 2007, Introduced by Senator SANBORN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11502, 11504, 11505, and 11506 (MCL 324.11502,  
324.11504, 324.11505, and 324.11506), section 11502 as amended by  
2004 PA 35, section 11504 as amended by 1996 PA 359, and section  
11506 as amended by 1998 PA 466.

## 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,  
5 paper, or plastic container, or a container composed of a  
6 combination of these materials, which, at the time of sale,  
7 contains 1 gallon or less of any of the following:

8       (a) A soft drink, soda water, carbonated natural or mineral

1 water, or other nonalcoholic carbonated drink.

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

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

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

19 (5) "Certificate of deposit" means a negotiable certificate of  
20 deposit held by a bank or other financial institution regulated and  
21 examined by a state or federal agency, the value of which is fully  
22 insured by an agency of the United States government. A certificate  
23 of deposit used to fulfill the requirements of this part shall be  
24 in the sole name of the department with a maturity date of not less  
25 than 1 year and shall be renewed not less than 60 days before the  
26 maturity date. An applicant who uses a certificate of deposit as a  
27 bond shall receive any accrued interest on that certificate of

1 deposit upon release of the bond by the department.

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

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

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

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

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

16 (9) "COMPOSTING" MEANS THE PROCESS BY WHICH BIOLOGICAL  
17 DECOMPOSITION OF ORGANIC MATTER IS CARRIED OUT UNDER CONTROLLED  
18 AEROBIC CONDITIONS, OR WITHIN A CONTROLLED SYSTEM DESIGNED FOR THE  
19 ANAEROBIC DECOMPOSITION OF ORGANIC MATTER, AND WHICH STABILIZES THE  
20 ORGANIC FRACTION INTO A MATERIAL THAT CAN EASILY AND SAFELY BE  
21 STORED, HANDLED, AND USED IN AN ENVIRONMENTALLY ACCEPTABLE MANNER.  
22 DECOMPOSITION UNDER CONTROLLED AEROBIC CONDITIONS MAY INCLUDE THE  
23 PRESENCE OF INSIGNIFICANT ANAEROBIC ZONES WITHIN THE COMPOSTING  
24 MATERIAL.

25 (10) "COMPOSTING FACILITY" MEANS A FACILITY WHERE COMPOSTING  
26 OCCURS USING PHYSICAL TURNING, WINDROWING, AERATION, VERMICULTURE,  
27 OR OTHER MEANS AS APPROVED BY THE DIRECTOR.

1       (11) ~~(9)~~ "Consistency review" means evaluation of the  
 2 administrative and technical components of an application for a  
 3 permit ~~, OR~~ license, or ~~for OF~~ operating conditions in the course  
 4 of inspection, for the purpose of determining consistency with the  
 5 requirements of this part, rules promulgated under this part, and  
 6 approved plans and specifications.

7       (12) ~~(10)~~ "Corrective action" means the investigation,  
 8 assessment, cleanup, removal, containment, isolation, treatment, or  
 9 monitoring of constituents, as defined in a facility's approved  
 10 hydrogeological monitoring plan, released into the environment from  
 11 a disposal area, or the taking of other actions related to the  
 12 release as may be necessary to prevent, minimize, or mitigate  
 13 injury to the public health, safety, or welfare, the environment,  
 14 or natural resources that is consistent with ~~subtitle D of the~~  
 15 ~~solid waste disposal act, title II of Public Law 89-272, 42 U.S.C.~~  
 16 ~~6941 and 6942 to 42 USC 6941 TO 6949a or~~ **AND** regulations  
 17 promulgated ~~pursuant to that act~~ **THEREUNDER**.

18       Sec. 11504. (1) "Health officer" means a full-time  
 19 administrative officer of a certified city, county, or district  
 20 department of health.

21       (2) "Inert material" means a substance that will not  
 22 decompose, dissolve, or in any other way form a contaminated  
 23 leachate upon contact with water, or other liquids determined by  
 24 the department as likely to be found at the disposal area,  
 25 percolating through the substance.

26       (3) "Insurance" means insurance that conforms to the  
 27 requirements of 40 ~~C.F.R.~~ **CFR** 258.74(d) provided by an insurer who

1 has a certificate of authority from the Michigan commissioner of  
2 insurance to sell this line of coverage. An applicant for an  
3 operating license shall submit evidence of the required coverage by  
4 submitting both of the following to the department:

5 (a) A certificate of insurance that uses wording approved by  
6 the department.

7 (b) A certified true and complete copy of the insurance  
8 policy.

9 (4) "Landfill" means a disposal area that is a sanitary  
10 landfill.

11 (5) "Letter of credit" means an irrevocable letter of credit  
12 that complies with 40 C.F.R. ~~CFR~~ 258.74(c).

13 (6) "Medical waste" means that term as it is defined in part  
14 138 of the public health code, ~~Act No. 378 of the Public Acts of~~  
15 ~~1978, being sections 333.13801 to 333.13831 of the Michigan~~  
16 ~~Compiled Laws 1978 PA 368, MCL 333.13801 TO 333.13831.~~

17 (7) "Municipal solid waste incinerator" means an incinerator  
18 that is owned or operated by any person, and meets all of the  
19 following requirements:

20 (a) The incinerator receives solid waste from off site and  
21 burns only household waste from single and multiple dwellings,  
22 hotels, motels, and other residential sources, or this household  
23 waste together with solid waste from commercial, institutional,  
24 municipal, county, or industrial sources that, if disposed of,  
25 would not be required to be placed in a disposal facility licensed  
26 under part 111.

27 (b) The incinerator has established contractual requirements

1 or other notification or inspection procedures sufficient to assure  
 2 that the incinerator receives and burns only waste referred to in  
 3 subdivision (a).

4 (c) The incinerator meets the requirements of this part and  
 5 the rules promulgated under this part.

6 (d) The incinerator is not an industrial furnace as defined in  
 7 40 C.F.R.—CFR 260.10.

8 (e) The incinerator is not an incinerator that receives and  
 9 burns only medical waste or only waste produced at 1 or more  
 10 hospitals.

11 (8) "Municipal solid waste incinerator ash" means the  
 12 substances remaining after combustion in a municipal solid waste  
 13 incinerator.

14 (9) **"NONQUALIFIED YARD CLIPPINGS" MEANS YARD CLIPPINGS OTHER**  
 15 **THAN QUALIFIED YARD CLIPPINGS.**

16 (10) ~~(9)~~—"Perpetual care fund" means a perpetual care fund  
 17 provided for in section 11525.

18 ~~—— (10) "Trust fund" means a trust fund held by a trustee which~~  
 19 ~~has the authority to act as a trustee and whose trust operations~~  
 20 ~~are regulated and examined by a federal or state agency. A trust~~  
 21 ~~fund shall comply with section 11523b.~~

22 (11) **"QUALIFIED YARD CLIPPINGS" MEANS YARD CLIPPINGS COMPOSTED**  
 23 **AT THE SITE OF GENERATION OR ACCUMULATED FOR COMPOSTING, STORAGE,**  
 24 **TRANSFER, OR DISPOSAL IN A QUANTITY OF LESS THAN 1,000 CUBIC YARDS.**

25 Sec. 11505. (1) "Recyclable materials" means source separated  
 26 materials, site separated materials, high grade paper, glass,  
 27 metal, plastic, aluminum, newspaper, corrugated paper, yard

1 clippings, and other materials that may be recycled or composted.

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

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

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

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

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

23 (7) "Site separated material" means glass, metal, wood, paper  
24 products, plastics, rubber, textiles, garbage, **QUALIFIED** yard  
25 clippings, or any other material approved by the department that is  
26 separated from solid waste for the purpose of conversion into raw  
27 materials or new products. Site separated material does not include

1 the residue remaining after glass, metal, wood, paper products,  
2 plastics, rubber, textiles, or any other material approved by the  
3 department is separated from solid waste.

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

6 Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,  
7 incinerator ash, incinerator residue, street cleanings, municipal  
8 and industrial sludges, solid commercial and solid industrial  
9 waste, **NONQUALIFIED YARD CLIPPINGS**, and animal waste other than  
10 organic waste generated in the production of livestock and poultry.

11 ~~Solid~~ **HOWEVER, SOLID** waste does not include the following:

12 (a) Human body waste.

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

16 (c) Organic waste generated in the production of livestock and  
17 poultry.

18 (d) Liquid waste.

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

21 (f) Slag or slag products directed to a slag processor or to a  
22 reuser of slag or slag products.

23 (g) Sludges and ashes managed as recycled ~~or~~ nondetrimental  
24 materials appropriate for agricultural or silvicultural use  
25 pursuant to a plan approved by the department. Food processing  
26 residuals; wood ashes resulting solely from a source that burns  
27 only wood that is untreated and inert; lime from kraft pulping



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

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

23 (i) Source separated materials.

24 (j) Site separated material.

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

27 (i) With a maximum of 6% of unburned carbon as a component of

1 concrete, grout, mortar, or casting molds.

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

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

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

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

21 **(I) NONQUALIFIED YARD CLIPPINGS MANAGED, OR STORED FOR TRANSFER**  
22 **TO BE MANAGED, AT A COMPOSTING FACILITY, FOR APPROPRIATE**  
23 **AGRICULTURAL, HORTICULTURAL, OR SILVICULTURAL USE CONSISTENT WITH**  
24 **GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES AS DETERMINED**  
25 **BY THE DEPARTMENT OF AGRICULTURE AND PURSUANT TO A PLAN APPROVED BY**  
26 **THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE.**

27 **(M) ~~(I)~~ Other wastes regulated by statute.**

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

3           (3) "Solid waste processing plant" means a tract of land,  
4 building, unit, or appurtenance of a building or unit or a  
5 combination of land, buildings, and units that is used or intended  
6 for use for the processing of solid waste or the separation of  
7 material for salvage or disposal, or both, but does not include a  
8 plant engaged primarily in the acquisition, processing, and  
9 shipment of ferrous or nonferrous metal scrap, or a plant engaged  
10 primarily in the acquisition, processing, and shipment of slag or  
11 slag products.

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

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

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

27           (7) **"TRUST FUND" MEANS A TRUST FUND HELD BY A TRUSTEE THAT HAS**

1 THE AUTHORITY TO ACT AS A TRUSTEE AND WHOSE TRUST OPERATIONS ARE  
2 REGULATED AND EXAMINED BY A FEDERAL OR STATE AGENCY. A TRUST FUND  
3 SHALL COMPLY WITH SECTION 11523B.

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