

SENATE BILL No. 864

November 1, 2007, Introduced by Senator BIRKHOLZ and referred to the Committee on Energy Policy and Public Utilities.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11504, 11507a, and 11514 (MCL 324.11504,
324.11507a, and 324.11514), section 11504 as amended by 1996 PA
359, section 11507a as amended by 2004 PA 39, and section 11514 as
amended by 2005 PA 243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) "Inert material" means a substance that will not
5 decompose, dissolve, or in any other way form a contaminated
6 leachate upon contact with water, or other liquids determined by

1 the department as likely to be found at the disposal area,
2 percolating through the substance.

3 (3) "Insurance" means insurance that conforms to the
4 requirements of 40 ~~C.F.R.~~ **CFR** 258.74(d) provided by an insurer who
5 has a certificate of authority from the Michigan commissioner of
6 insurance to sell this line of coverage. An applicant for an
7 operating license shall submit evidence of the required coverage by
8 submitting both of the following to the department:

9 (a) A certificate of insurance that uses wording approved by
10 the department.

11 (b) A certified true and complete copy of the insurance
12 policy.

13 (4) "Landfill" means a disposal area that is a sanitary
14 landfill.

15 (5) **"LANDFILL ENERGY PRODUCTION FACILITY" MEANS A LANDFILL**
16 **THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

17 **(A) THE LANDFILL'S OPERATING LICENSE AUTHORIZES THE RECOVERY**
18 **OF GAS PRODUCED BY WASTE IN THE LANDFILL AS A SOURCE OF ENERGY FOR**
19 **A DEMONSTRATED USE.**

20 **(B) AN OPERABLE GAS COLLECTION SYSTEM EXISTS OR IS PLANNED FOR**
21 **THOSE CELLS OF THE LANDFILL WHERE YARD CLIPPINGS ARE DISPOSED OF.**

22 (6) ~~(5)~~ "Letter of credit" means an irrevocable letter of
23 credit that complies with 40 ~~C.F.R.~~ **CFR** 258.74(c).

24 (7) ~~(6)~~ "Medical waste" means that term as it is defined in
25 ~~part 138~~ **SECTION 13805** of the public health code, ~~Act No. 378 of~~
26 ~~the Public Acts of 1978, being sections 333.13801 to 333.13831 of~~
27 ~~the Michigan Compiled Laws 1978 PA 368, MCL 333.13805.~~

1 (8) ~~(7)~~—"Municipal solid waste incinerator" means an
2 incinerator that is owned or operated by any person, and meets all
3 of the following requirements:

4 (a) The incinerator receives ~~solid waste~~ from off site and
5 burns only household **SOLID** waste from single and multiple
6 dwellings, hotels, motels, and other residential sources, or ~~this~~
7 **SUCH** household waste together with solid waste from commercial,
8 institutional, municipal, county, or industrial sources that, if
9 **OTHERWISE** disposed of, would not be required to be placed in a
10 disposal facility licensed under part 111.

11 (b) The incinerator has established contractual requirements
12 or other notification or inspection procedures sufficient to ~~assure~~
13 **ENSURE** that the incinerator receives and burns only waste referred
14 to in subdivision (a).

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

17 (d) The incinerator is not an industrial furnace as defined in
18 40 C.F.R.—**CFR** 260.10.

19 (e) The incinerator is not an incinerator that receives and
20 burns only medical waste or only waste produced at 1 or more
21 hospitals.

22 (9) ~~(8)~~—"Municipal solid waste incinerator ash" means the
23 substances remaining after combustion in a municipal solid waste
24 incinerator.

25 (10) ~~(9)~~—"Perpetual care fund" means a perpetual care fund
26 provided for in section 11525.

27 (11) ~~(10)~~—"Trust fund" means a trust fund held by a trustee

1 ~~which~~**THAT** has the authority to act as a trustee and whose trust
 2 operations are regulated and examined by a federal or state agency.
 3 A trust fund shall comply with section 11523b.

4 Sec. 11507a. (1) The owner or operator of a landfill shall
 5 annually submit a report to the state and the county and
 6 municipality in which the landfill is located that contains
 7 information on ~~the~~**ALL OF THE FOLLOWING:**

8 **(A) THE** amount of solid waste received by the landfill during
 9 the year itemized, to the extent possible, by county, state, or
 10 country of origin. ~~and the~~

11 **(B) THE** amount of remaining disposal capacity at the landfill.
 12 Remaining disposal capacity shall be calculated as the permitted
 13 capacity less waste in place for any area that has been constructed
 14 and is not yet closed plus the permitted capacity for each area
 15 that has a permit for construction under this part but has not yet
 16 been constructed.

17 **(C) IF THE LANDFILL IS A LANDFILL ENERGY PRODUCTION FACILITY,**
 18 **THE AMOUNT OF GAS RECOVERED DURING THE YEAR AND THE USE TO WHICH**
 19 **THE GAS WAS PUT AS A SOURCE OF ENERGY.**

20 (2) The report **UNDER SUBSECTION (1)** shall be submitted on a
 21 form provided by the department within 45 days following the end of
 22 each state fiscal year.

23 **(3) ~~(2)~~**By January 31 of each year, the department shall
 24 submit to the legislature a report summarizing the information
 25 obtained under subsection (1).

26 Sec. 11514. (1) Optimizing recycling opportunities and the
 27 reuse of materials shall be a principal objective of the state's

1 solid waste management plan. Recycling and reuse of materials are
2 in the best interest of promoting the public health and welfare.
3 The state shall develop policies and practices that promote
4 recycling and reuse of materials and, to the extent practical,
5 minimize the use of landfilling as a method for disposal of its
6 waste.

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

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

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

16 (c) More than a de minimis number of whole motor vehicle
17 tires.

18 (d) More than a de minimis amount of yard clippings, unless
19 ~~they~~ **1 OR BOTH OF THE FOLLOWING APPLY:**

20 **(i) THE YARD CLIPPINGS** are diseased or infested.

21 **(ii) THE LANDFILL IS A LANDFILL ENERGY PRODUCTION FACILITY.**

22 (3) A person shall not deliver to a landfill for disposal, or,
23 if the person is an owner or operator of a landfill, permit
24 disposal in the landfill of, any of the following:

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

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

27 (c) Low-level radioactive waste as defined in section 2 of the

1 low-level radioactive waste authority act, 1987 PA 204, MCL
2 333.26202.

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

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

7 (i) Household waste other than septage waste.

8 (ii) Leachate or gas condensate that is approved for
9 recirculation.

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

12 (f) Sewage.

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

14 (h) Asbestos waste, unless the landfill complies with 40 CFR
15 61.154.

16 (4) A person shall not knowingly deliver to a municipal solid
17 waste incinerator for disposal, or, if the person is an owner or
18 operator of a municipal solid waste incinerator, knowingly permit
19 disposal in the incinerator of, more than a de minimis amount of
20 yard clippings, unless they are diseased or infested. The
21 department shall post, and a solid waste hauler that disposes of
22 solid waste in a municipal solid waste incinerator shall provide
23 its customers with, notice of the prohibitions of this subsection
24 in the same manner as provided in section 11527a.

25 (5) If the department determines that a safe, sanitary, and
26 feasible alternative does not exist for the disposal in a landfill
27 or municipal solid waste incinerator of any items described in

1 subsection (2) or (4), respectively, the department shall submit a
2 report setting forth that determination and the basis for the
3 determination to the standing committees of the senate and house of
4 representatives with primary responsibility for solid waste issues.

5 (6) As used in this section, "de minimis" means ~~incidental~~
6 ~~disposal of small amounts of these materials that are~~ **A SMALL**
7 **QUANTITY OF MATERIAL THAT IS** commingled **AND INCIDENTALLY DISPOSED**
8 **OF** with other solid waste.