



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1506 (as enacted)
Sponsor: Senator Gerald Van Woerkom
Senate Committee: Agriculture and Bioeconomy
House Committee: Great Lakes and Environment

PUBLIC ACT 345 of 2010

Date Completed: 4-20-11

RATIONALE

Calcium carbonate, also known as lime, is a byproduct of sugar beet processing. Over the years, sugar producers have accumulated large piles of lime on their property. In recent years, lime has been discovered to have numerous benefits when applied to soil; these include a lowered pH, increased microbiological activity, and improved crop growth. As a result, sugar producers have been selling their residual lime to farmers.

In 2010, the former Department of Natural Resources and Environment (DNRE) began the process of writing rules pertaining to the management of solid waste. It was suggested that calcium carbonate from sugar beet processing be excluded from the definition of "solid waste" in order to allow its continued use for agricultural purposes.

In another matter, the former DNRE also began working on rules pertaining to inert materials in late 2010. The Natural Resources and Environmental Protection Act authorizes the Department to designate certain industrial waste products such as foundry sand, coal ash, and gypsum as "inert materials", allowing them to be reused in a beneficial way. With the end of the legislative session and a change in administration nearing, it was suggested that the Department should delay the rule-making process until March 1, 2011. (Under Executive Order No. 2011-1, the DNRE was split into two departments: the Department of Natural Resources and the Department of Environmental Quality (DEQ). The solid waste and inert materials rules fall within the purview of the DEQ.)

CONTENT

The bill amended Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to exclude from the definition of "solid waste" precipitated calcium carbonate from sugar beet processing.

"Solid waste" means garbage, rubbish, ashes, incinerator ash and residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Part 115 makes exceptions to the definition for a number of substances and materials. The bill also excludes precipitated calcium carbonate from sugar beet processing.

In addition, the bill prohibited the DEQ from promulgating rules under Part 115 affecting inert materials before March 1, 2011. This provision was repealed on that date. ("Inert material" means a substance that will not decompose, dissolve, or in any other way form a contaminated leachate upon contact with water, or other liquids determined by the DEQ as likely to be found at the disposal area, percolating through the substance. "Disposal area" means a solid waste transfer facility, incinerator, sanitary landfill, processing plant, or other solid waste handling or disposal facility used in the disposal of solid waste.)

The bill took effect on December 21, 2010.

MCL 324.11506 & 324.11540a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Agricultural use of lime adds value to what would otherwise be a waste product. The demand for lime has increased as farmers have learned about its benefits, technology has advanced, and application practices have been refined. The calcium carbonate is used according to generally accepted agricultural management practices, and its safety and effectiveness have been demonstrated through many years of research. In light of its worth, this material should be excluded from regulation as solid waste.

Supporting Argument

The former DNRE began work on rules regarding inert materials with little time remaining in the legislative session and the previous Governor's tenure. In the interest of good policy, both the Department and the regulated community agreed that a longer time period to consider the rules would be appropriate.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

A0910\1506ea

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.