

HOUSE BILL No. 6485

September 22, 2010, Introduced by Reps. Mayes, Espinoza, McDowell, Byrum, Huckleberry, Terry Brown, Neumann and Horn and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11506 (MCL 324.11506), as amended by 2007 PA
212.

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. However, solid waste does not
6 include the following:

7 (a) Human body waste.

8 (b) Medical waste. ~~as it is defined in part 138 of the public~~

1 ~~health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated~~
2 ~~under that part and part 55.~~

3 (c) Organic waste generated in the production of livestock and
4 poultry.

5 (d) Liquid waste.

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

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

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

1 subdivision shall be performed in a manner that prevents losses
2 from runoff and leaching. Land application under this subdivision
3 shall be at an agronomic rate consistent with generally accepted
4 agricultural and management practices under the Michigan right to
5 farm act, 1981 PA 93, MCL 286.471 to 286.474.

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

8 (i) Source separated materials.

9 (j) Site separated material.

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

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

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

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

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

23 (v) As the sole material in a depository designed to reclaim,
24 develop, or otherwise enhance land, subject to the approval of the
25 department. In evaluating the site, the department shall consider
26 the physical and chemical properties of the ash, including, **BUT NOT**
27 **LIMITED TO**, leachability, and the engineering of the depository,

1 including, but not limited to, the compaction, control of surface
2 water and groundwater that may threaten to infiltrate the site, and
3 evidence that the depository is designed to prevent water
4 percolation through the material.

5 (I) **PRECIPITATED CALCIUM CARBONATE AND SOIL WASHED FROM FRUITS**
6 **OR VEGETABLES.**

7 (M) ~~(I)~~—Other wastes regulated by statute.

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

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

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

22 (5) "Solid waste transfer facility" means a tract of land, a
23 building and any appurtenances, or a container, or any combination
24 of land, buildings, or containers that is used or intended for use
25 in the rehandling or storage of solid waste incidental to the
26 transportation of the solid waste, but is not located at the site
27 of generation or the site of disposal of the solid waste.

1 (6) "Source separated material" means glass, metal, wood,
2 paper products, plastics, rubber, textiles, garbage, or any other
3 material approved by the department that is separated at the source
4 of generation for the purpose of conversion into raw materials or
5 new products including, but not limited to, compost.

6 (7) "Type I public water supply", "type IIa public water
7 supply", "type IIb public water supply", and "type III public water
8 supply" mean those terms, respectively, as described in R 325.10502
9 of the Michigan administrative code.

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