

HOUSE BILL No. 4266

February 16, 2011, Introduced by Reps. Horn and Opsommer and referred to the Committee on Energy and Technology.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a and 11514 (MCL 324.11507a and 324.11514), section 11507a as amended by 2004 PA 39 and section 11514 as amended by 2008 PA 394.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

8 **(B) THE** amount of remaining disposal capacity at the landfill.

1 Remaining disposal capacity shall be calculated as the permitted
2 capacity less waste in place for any area that has been constructed
3 and is not yet closed plus the permitted capacity for each area
4 that has a permit for construction under this part but has not yet
5 been constructed.

6 (C) IF THE LANDFILL IS A LANDFILL ENERGY PRODUCTION FACILITY,
7 BOTH OF THE FOLLOWING:

8 (i) THE AMOUNT OF LANDFILL GAS RECOVERED AT THE LANDFILL DURING
9 THE YEAR, AS DETERMINED BY METERING OR ANOTHER APPROVED METHOD.

10 (ii) HOW THE LANDFILL GAS WAS UTILIZED.

11 (iii) THE TIME PERIODS DURING WHICH ANY FLARING TOOK PLACE AND
12 THE REASONS FOR THE FLARING.

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

16 (3) ~~(2)~~—By January 31 of each year, the department shall
17 submit to the legislature a report summarizing the information
18 obtained under subsection (1).

19 Sec. 11514. (1) Optimizing recycling opportunities, including
20 electronics recycling opportunities, and the reuse of materials
21 shall be a principal objective of the state's solid waste
22 management plan. Recycling and reuse of materials, including the
23 reuse of materials from electronic devices, are in the best
24 interest of promoting the public health and welfare. The state
25 shall develop policies and practices that promote recycling and
26 reuse of materials and, to the extent practical, minimize the use
27 of landfilling as a method for disposal of its waste. Policies and

1 practices that promote recycling and reuse of materials, including
 2 materials from electronic devices, will conserve raw materials,
 3 conserve landfill space, and avoid the contamination of soil and
 4 groundwater from heavy metals and other pollutants.

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

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

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

14 (c) More than a de minimis number of whole motor vehicle
 15 tires.

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

18 (i) **THE YARD CLIPPINGS** are diseased, infested, or composed of
 19 invasive species as authorized by section 11521(1)(i).

20 (ii) **YARD CLIPPINGS REMAINING AFTER THE TRADITIONAL YARD**
 21 **CLIPPINGS COLLECTION SEASON ENDS AND THE MAJORITY OF STATE**
 22 **REGISTERED COMPOST FACILITIES ARE CLOSED OR THE PERIOD EACH YEAR**
 23 **BETWEEN DECEMBER 1 AND MARCH 30.**

24 (iii) **THE LANDFILL IS A LANDFILL ENERGY PRODUCTION FACILITY, AND**
 25 **THE YARD CLIPPINGS DO NOT CONSIST OF SOURCE-SEPARATED SHRUBBERY,**
 26 **BRUSH, TREE TRIMMINGS, OR A COMBINATION THEREOF.**

27 (3) A person shall not deliver to a landfill for disposal, or,

1 if the person is an owner or operator of a landfill, permit
2 disposal in the landfill of, any of the following:

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

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

5 (c) Low-level radioactive waste as defined in section 2 of the
6 low-level radioactive waste authority act, 1987 PA 204, MCL
7 333.26202.

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

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

12 (i) Household waste other than septage waste.

13 (ii) Leachate or gas condensate that is approved for
14 recirculation.

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

17 (f) Sewage.

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

19 (h) Asbestos waste, unless the landfill complies with 40 CFR
20 61.154.

21 (4) A person shall not knowingly deliver to a municipal solid
22 waste incinerator for disposal, or, if the person is an owner or
23 operator of a municipal solid waste incinerator, knowingly permit
24 disposal in the incinerator of, more than a de minimis amount of
25 yard clippings, unless they are diseased, infested, or composed of
26 invasive species as authorized by section 11521(1)(i). The
27 department shall post, and a solid waste hauler that disposes of

1 solid waste in a municipal solid waste incinerator shall provide
2 its customers with, notice of the prohibitions of this subsection
3 in the same manner as provided in section 11527a.

4 (5) AN ORDINANCE, LAW, RULE, REGULATION, POLICY, OR PRACTICE
5 OF A MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY CREATED BY
6 STATUTE, WHICH PROHIBITS OR REGULATES THE TYPE OF SOLID WASTE THAT
7 MAY BE DISPOSED OF AT A LICENSED DISPOSAL AREA IS IN CONFLICT WITH
8 THIS PART AND IS NOT ENFORCEABLE.

9 (6) ~~(5)~~—If the department determines that a safe, sanitary,
10 and feasible alternative does not exist for the disposal in a
11 landfill or municipal solid waste incinerator of any items
12 described in subsection (2) or (4), respectively, the department
13 shall submit a report setting forth that determination and the
14 basis for the determination to the standing committees of the
15 senate and house of representatives with primary responsibility for
16 solid waste issues.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 4265 (request no.
19 00617'11 **) of the 96th Legislature is enacted into law.