

SENATE BILL No. 1268

September 12, 2012, Introduced by Senator BOOHER and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11506 (MCL 324.11506), as amended by 2010 PA
345.

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:

1 (a) Human body waste.

2 (b) Medical waste.

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, precipitated calcium carbonate from sugar beet
14 processing, wood ashes resulting solely from a source that burns
15 only wood that is untreated and inert, lime from kraft pulping
16 processes generated prior to bleaching, ~~ex~~-aquatic plants, ~~may be~~
17 **POULTRY OR LIVESTOCK MANURE, POULTRY OR LIVESTOCK PAUNCH, OR FILTER**
18 **CAKE BY-PRODUCT, IF THE FILTER CAKE BY-PRODUCT IS FROM A WASTE**
19 **TREATMENT FACILITY AND CONTAINS AT LEAST 90% ANIMAL WASTE, ARE NOT**
20 **SOLID WASTE IF THEY ARE** applied on, or composted and applied on,
21 farmland or forestland for an agricultural or silvicultural
22 purpose, or used as animal feed, as appropriate, and ~~such~~**THAT** an
23 application or use does not require a plan described in this
24 subdivision or a permit or license under this part. In addition,
25 source separated materials approved by the department for land
26 application for agricultural and silvicultural purposes and compost
27 produced from those materials ~~may be~~**ARE NOT SOLID WASTE IF THEY**

1 **ARE** applied to the land for agricultural and silvicultural purposes
2 and ~~such an~~**THAT** application does not require a plan described in
3 this subdivision or permit or license under this part. Land
4 application ~~authorized~~**OF SUBSTANCES EXCLUDED FROM THE DEFINITION**
5 **OF SOLID WASTE** under this subdivision for an agricultural or
6 silvicultural purpose, or use as animal feed as provided for in
7 this subdivision shall be performed in a manner that prevents
8 losses from runoff and leaching. Land application under this
9 subdivision shall be at an agronomic rate consistent with generally
10 accepted agricultural and management practices under the Michigan
11 right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

12 (h) Materials approved for emergency disposal by the
13 department.

14 (i) Source separated materials.

15 (j) Site separated material.

16 (k) Fly ash or any other ash produced from the combustion of
17 coal, when used in **ANY OF** the following ~~instances~~**CIRCUMSTANCES**:

18 (i) With a maximum of 6% of unburned carbon, if used as a
19 component of concrete, grout, mortar, or casting molds.

20 (ii) With a maximum of 12% unburned carbon passing M.D.O.T.
21 test method MTM 101, if used as a raw material in asphalt for road
22 construction.

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

25 (iv) As a road base or construction fill that is covered with
26 asphalt, concrete, or other material approved by the department and
27 that is placed at least 4 feet above the seasonal groundwater

1 table.

2 (v) As the sole material in a depository designed to reclaim,
3 develop, or otherwise enhance land, subject to the approval of the
4 department. In evaluating the site, the department shall consider
5 the physical and chemical properties of the ash, including, but not
6 limited to, leachability, and the engineering of the depository,
7 including, but not limited to, the compaction, control of surface
8 water and groundwater that may threaten to infiltrate the site, and
9 evidence that the depository is designed to prevent water
10 percolation through the material.

11 (l) Other wastes regulated by statute.

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

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

23 (4) "Solid waste transporting unit" means a container, which
24 may be an integral part of a truck or other piece of equipment used
25 for the transportation of solid waste.

26 (5) "Solid waste transfer facility" means a tract of land, a
27 building and any appurtenances, or a container, or any combination

1 of land, buildings, or containers that is used or intended for use
2 in the rehandling or storage of solid waste incidental to the
3 transportation of the solid waste, but is not located at the site
4 of generation or the site of disposal of the solid waste.

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

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

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