

HOUSE BILL No. 5740

September 9, 2014, Introduced by Rep. LaFontaine and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 175 RECYCLING REPORTS

SEC. 17501. AS USED IN THIS PART:

(A) "BENEFICIAL USE BY-PRODUCT" MEANS THAT TERM AS DEFINED IN
SECTION 11502.

(B) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
ENVIRONMENTAL QUALITY OR HIS OR HER DESIGNEE.

(C) "FOOD PROCESSING RESIDUALS" MEANS THAT TERM AS DEFINED IN
SECTION 11503.

(D) "MUNICIPAL SOURCE" MEANS A RESIDENTIAL, MUNICIPAL,

1 COMMERCIAL, OR INSTITUTIONAL ESTABLISHMENT, OR ANOTHER GENERATOR OF
2 RECYCLABLE MATERIALS THAT ARE ESSENTIALLY THE SAME AS RECYCLABLE
3 MATERIALS NORMALLY GENERATED BY 1 OF THESE ESTABLISHMENTS.

4 (E) "RECYCLABLE MATERIALS" MEANS THAT TERM AS DEFINED IN
5 SECTION 11505.

6 (F) "RECYCLER" MEANS A PERSON THAT, AS A PRINCIPAL COMPONENT
7 OF BUSINESS OPERATIONS AT AN ESTABLISHMENT, ACQUIRES RECYCLABLE
8 MATERIALS FOR USE OR REUSE, SEPARATING, SORTING, PROCESSING,
9 CONVERTING INTO RAW MATERIALS, OR TRANSFERRING TO OTHER RECYCLERS.
10 RECYCLER INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

11 (i) THE OWNER OR OPERATOR OF A DISPOSAL AREA AS DEFINED IN
12 SECTION 11503 THAT RECYCLES MATERIALS FROM THE SOLID WASTE STREAM
13 RECEIVED BY THE DISPOSAL AREA.

14 (ii) THE OWNER OR OPERATOR OF A COMPOSTING FACILITY AS DEFINED
15 IN SECTION 11502.

16 (iii) THE OWNER OR OPERATOR OF A COLLECTION SITE AS DEFINED IN
17 SECTION 16901.

18 (iv) A RECYCLER, AS THAT TERM IS DEFINED IN SECTION 17301.

19 (v) THE OWNER OR OPERATOR OF A RESOURCE RECOVERY FACILITY AS
20 DEFINED IN SECTION 11505.

21 (vi) THE OWNER OR OPERATOR OF A COLLECTION FACILITY THAT
22 DIRECTLY MARKETS RECYCLABLE MATERIAL TO A BROKER OR END USER.

23 (vii) THE OWNER OR OPERATOR OF AN ESTABLISHMENT THAT PRODUCES
24 BIOGAS, SYNTHETIC GAS, OR OTHER FUEL FROM RECYCLABLE MATERIALS, BUT
25 DOES NOT INCLUDE A SOLID WASTE INCINERATOR OR A LANDFILL THAT
26 COLLECTS LANDFILL GAS FOR USE AS A FUEL.

27 (viii) THE OWNER OR OPERATOR OF AN ESTABLISHMENT ENGAGED

1 PRIMARILY IN THE ACQUISITION, PROCESSING, AND SHIPMENT OF SCRAP
2 METAL, SITE SEPARATED MATERIAL, SOURCE SEPARATED MATERIAL, OR A
3 COMBINATION OF SUCH MATERIALS.

4 (G) "SINGLE STREAM RECYCLABLE MATERIALS" MEANS 2 OR MORE TYPES
5 OF RECYCLABLE MATERIALS THAT HAVE BEEN COMMINGLED.

6 (H) "SITE SEPARATED MATERIAL" MEANS THAT TERM AS DEFINED IN
7 SECTION 11505.

8 (I) "SOLID WASTE" MEANS THAT TERM AS DEFINED IN SECTION 11506.

9 (J) "SOLID WASTE INCINERATOR" MEANS A DEVICE THAT IS
10 SPECIFICALLY DESIGNED FOR THE DESTRUCTION, BY BURNING, OF
11 COMBUSTIBLE SOLID WASTE, AND IN WHICH THE PRODUCTS OF COMBUSTION
12 ARE EMITTED INTO THE OUTER AIR BY PASSING THROUGH A STACK OR
13 CHIMNEY, BUT DOES NOT INCLUDE A BOILER, INDUSTRIAL FURNACE, OR
14 POWER PLANT THAT BURNS RECYCLABLE MATERIALS AS FUEL.

15 (K) "SOURCE SEPARATED MATERIAL" MEANS THAT TERM AS DEFINED IN
16 SECTION 11506.

17 (L) "USE OR REUSE" MEANS THE DIRECT USE OF A RECYCLABLE
18 MATERIAL AS A PRODUCT OR RAW MATERIAL, BUT DOES NOT INCLUDE ANY OF
19 THE FOLLOWING USES:

20 (i) FUEL AT A SOLID WASTE INCINERATOR.

21 (ii) DAILY COVER AT A LANDFILL.

22 (iii) LANDFILL GAS PRODUCTION.

23 SEC. 17503. (1) BEGINNING ON OCTOBER 1, 2015, NOT MORE THAN 30
24 DAYS AFTER THE CLOSE OF EACH STATE FISCAL YEAR QUARTER, A RECYCLER
25 SHALL SUBMIT TO THE DIRECTOR A COMPLETED RECYCLING ACTIVITY REPORT
26 REGARDING RECYCLING ACTIVITIES CONDUCTED BY THE RECYCLER DURING THE
27 PRECEDING STATE FISCAL YEAR QUARTER. THE REPORT SHALL BE SUBMITTED

1 ON A FORM OR THROUGH AN ELECTRONIC REPORTING SYSTEM PROVIDED BY THE
2 DEPARTMENT. A SEPARATE REPORT SHALL BE SUBMITTED FOR EACH
3 ESTABLISHMENT OWNED OR OPERATED BY THE SAME RECYCLER.

4 (2) ANY PERSON NOT REQUIRED TO SUBMIT A RECYCLING ACTIVITY
5 REPORT UNDER SUBSECTION (1) MAY VOLUNTARILY SUBMIT THE REPORT TO
6 THE DEPARTMENT. THE DEPARTMENT SHALL INCLUDE THE VOLUNTARILY
7 REPORTED INFORMATION IN ITS REPORT TO THE LEGISLATURE UNDER
8 SUBSECTION (6) UNLESS THE DIRECTOR DETERMINES THAT THIS INFORMATION
9 IS DUPLICATIVE OF OTHER INFORMATION SUBMITTED UNDER SUBSECTION (1).

10 (3) A RECYCLING ACTIVITY REPORT SHALL INCLUDE INFORMATION ON
11 THE FOLLOWING RECYCLABLE MATERIALS:

- 12 (A) ASHES.
- 13 (B) ASPHALT SHINGLES.
- 14 (C) BENEFICIAL USE BY-PRODUCTS, REPORTED SEPARATELY BY TYPE.
- 15 (D) CONSTRUCTION AND DEMOLITION DEBRIS.
- 16 (E) CONCRETE AND ASPHALT.
- 17 (F) DRYWALL.
- 18 (G) ELECTRONIC DEVICES.
- 19 (H) FOOD PROCESSING RESIDUALS AND REJECTED FOOD WASTES.
- 20 (I) FOUNDRY SAND.
- 21 (J) GLASS AND GLASS PRODUCTS.
- 22 (K) METAL (FERROUS), INCLUDING WHITE GOODS.
- 23 (L) METAL (NONFERROUS).
- 24 (M) PAPER AND PAPER PRODUCTS (ALL GRADES).
- 25 (N) PLASTIC AND PLASTIC PRODUCTS.
- 26 (O) TEXTILES, MATTRESSES, AND CARPETING.
- 27 (P) RUBBER AND TIRES (CHIPPED AND WHOLE).

1 (Q) SINGLE STREAM RECYCLABLE MATERIALS, INCLUDING THE TYPES OF
2 RECYCLABLE MATERIALS AND ESTIMATED PERCENTAGE PORTION OF EACH TYPE
3 OF RECYCLABLE MATERIAL CONTAINED IN THE SINGLE STREAM RECYCLABLE
4 MATERIALS.

5 (R) SLUDGES.

6 (S) WOOD AND WOOD PRODUCTS.

7 (T) YARD CLIPPINGS AND OTHER COMPOSTABLE MATERIALS.

8 (U) OTHER RECYCLABLE MATERIALS SPECIFIED BY THE DEPARTMENT.

9 (4) NOT LATER THAN MARCH 31, 2015, THE DIRECTOR SHALL POST ON
10 THE DEPARTMENT'S WEBSITE A UNIFORM RECYCLING ACTIVITY REPORT FORM
11 OR OTHER MEANS TO REPORT RECYCLING INFORMATION UNDER THIS PART.
12 INFORMATION REQUIRED IN A REPORT UNDER THIS SUBSECTION SHALL
13 INCLUDE ONLY THE FOLLOWING:

14 (A) THE RECYCLER'S NAME.

15 (B) THE LOCATION OF, AND PRINCIPAL BUSINESS ACTIVITIES
16 CONDUCTED AT, THE RECYCLER'S ESTABLISHMENT.

17 (C) A CERTIFICATION, SIGNED BY A SENIOR OFFICIAL WITH
18 MANAGEMENT RESPONSIBILITY FOR THE RECYCLER, REGARDING THE ACCURACY
19 AND COMPLETENESS OF THE REPORT.

20 (D) THE QUANTITY, IN TONS, OF EACH RECYCLABLE MATERIAL LISTED
21 IN SUBSECTION (3) IN STORAGE AT THE RECYCLER'S ESTABLISHMENT AT THE
22 CLOSE OF THE STATE FISCAL YEAR QUARTER COVERED BY THE REPORT,
23 EXCLUDING TO THE EXTENT POSSIBLE THE QUANTITY OF ANY NONRECYCLABLE
24 RESIDUALS COMMINGLED WITH THE RECYCLABLE MATERIAL.

25 (E) FOR EACH RECYCLABLE MATERIAL LISTED IN SUBSECTION (3) THAT
26 WAS RECEIVED AT THE RECYCLER'S ESTABLISHMENT DURING THE STATE
27 FISCAL YEAR QUARTER COVERED BY THE REPORT, THE QUANTITY RECEIVED,

1 IN TONS, EXCLUDING TO THE EXTENT POSSIBLE THE QUANTITY OF ANY
2 NONRECYCLABLE RESIDUALS COMMINGLED WITH THE RECYCLABLE MATERIAL,
3 AND THE ESTIMATED PERCENTAGE PORTION OF THE RECYCLABLE MATERIAL
4 GENERATED BY A MUNICIPAL SOURCE. THE RECYCLER SHALL REPORT THIS
5 INFORMATION SEPARATELY FOR EACH RECYCLABLE MATERIAL TYPE RECEIVED
6 FROM THE FOLLOWING:

7 (i) PERSONS LOCATED WITHIN THIS STATE THAT ARE NOT RECYCLERS,
8 INCLUDING GENERATORS OF RECYCLABLE MATERIALS.

9 (ii) RECYCLERS LOCATED WITHIN THIS STATE.

10 (iii) PERSONS LOCATED OUTSIDE THIS STATE.

11 (F) FOR EACH RECYCLABLE MATERIAL LISTED IN SUBSECTION (3) THAT
12 WAS TRANSPORTED FROM THE RECYCLER'S ESTABLISHMENT DURING THE STATE
13 FISCAL YEAR QUARTER COVERED BY THE REPORT, THE QUANTITY
14 TRANSPORTED, IN TONS, EXCLUDING TO THE EXTENT POSSIBLE THE QUANTITY
15 OF ANY NONRECYCLABLE RESIDUALS COMMINGLED WITH THE RECYCLABLE
16 MATERIAL. THE RECYCLER SHALL REPORT THIS INFORMATION SEPARATELY FOR
17 EACH RECYCLABLE MATERIAL TYPE TRANSPORTED TO THE FOLLOWING:

18 (i) PERSONS LOCATED WITHIN THIS STATE THAT ARE NOT RECYCLERS,
19 INCLUDING END USERS OF RECYCLABLE MATERIALS BUT EXCLUDING PERSONS
20 LISTED IN SUBPARAGRAPH (iv) .

21 (ii) RECYCLERS LOCATED WITHIN THIS STATE.

22 (iii) PERSONS LOCATED OUTSIDE THIS STATE.

23 (iv) THE OWNER OR OPERATOR OF A LANDFILL OR SOLID WASTE
24 INCINERATOR IF THE RECYCLABLE MATERIALS WERE DISPOSED OF.

25 (G) ANY CONVERSION FACTOR OR METHOD APPLIED BY THE RECYCLER TO
26 CONVERT VOLUME DATA TO THE WEIGHT DATA REQUIRED TO BE CONTAINED IN
27 THE REPORT. THE DEPARTMENT MAY POST ON ITS WEBSITE CONVERSION

1 FACTORS FOR SPECIFIC RECYCLABLE MATERIALS.

2 (5) THE DEPARTMENT MAY IMPLEMENT AN ELECTRONIC REPORTING
3 SYSTEM THAT ALLOWS PERSONS TO FILE RECYCLING ACTIVITY REPORTS UNDER
4 THIS PART WITH THE DEPARTMENT ELECTRONICALLY.

5 (6) BEGINNING JANUARY 1, 2016, BY JANUARY 31 OF EACH YEAR, THE
6 DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE A REPORT SUMMARIZING THE
7 INFORMATION OBTAINED UNDER SUBSECTIONS (1) AND (2) AND UNDER
8 SECTION 11552 FOR THE PRECEDING STATE FISCAL YEAR. THE REPORT
9 REQUIRED UNDER THIS SECTION SHALL NOT CONTAIN THE NAMES OF PERSONS
10 SUBMITTING RECYCLABLE MATERIALS REPORTS OR OTHER INFORMATION OR
11 IDENTIFIERS THAT WOULD MAKE IT POSSIBLE TO IDENTIFY THOSE PERSONS.

12 (7) A RECYCLER THAT SHIPS, OR ARRANGES FOR THE SHIPMENT OF,
13 RECYCLABLE MATERIALS FROM THE RECYCLER'S ESTABLISHMENT TO ANOTHER
14 RECYCLER LOCATED WITHIN THIS STATE SHALL PROVIDE AN ANNUAL NOTICE
15 TO THE RECIPIENT STATING THAT THE SHIPPER IS A RECYCLER REGULATED
16 UNDER THIS PART AND THAT ALL RECYCLABLE MATERIALS RECEIVED FROM THE
17 SHIPPER WILL BE INCLUDED IN THE SHIPPER'S RECYCLING ACTIVITY REPORT
18 SUBMITTED UNDER THIS PART. THE SHIPPING AND RECEIVING RECYCLERS
19 EACH SHALL MAINTAIN A COPY OF THE NOTICE AT THEIR RESPECTIVE
20 ESTABLISHMENTS FOR A PERIOD OF 3 YEARS AND SHALL MAKE THE NOTICE
21 AVAILABLE TO THE DEPARTMENT UPON REQUEST DURING REGULAR BUSINESS
22 HOURS.

23 (8) A RECYCLER IS NOT REQUIRED TO WEIGH A RECYCLABLE MATERIAL
24 FOR PURPOSES OF COMPLETING A RECYCLING ACTIVITY REPORT FORM IF THE
25 RECYCLER CONVERTS VOLUME DATA TO WEIGHT DATA BASED ON THE DENSITY
26 OF THE RECYCLABLE MATERIAL AND PROVIDES IN THE REPORT THE
27 CONVERSION FACTOR USED.

1 (9) A PERSON THAT SUBMITS A RECYCLING ACTIVITY REPORT UNDER
2 THIS PART MAY DESIGNATE THE INFORMATION IN THE REPORT AS
3 CONFIDENTIAL BUSINESS INFORMATION. IF THE SCOPE OF A REQUEST FOR
4 PUBLIC RECORDS UNDER SECTION 5 OF THE FREEDOM OF INFORMATION ACT,
5 1976 PA 442, MCL 15.235, INCLUDES INFORMATION DESIGNATED BY THE
6 PERSON THAT SUBMITTED THE REPORT AS CONFIDENTIAL, THE DEPARTMENT
7 SHALL PROMPTLY NOTIFY THE PERSON THAT SUBMITTED THE REPORT OF THE
8 REQUEST, INCLUDING THE DATE THE REQUEST WAS RECEIVED BY THE
9 DEPARTMENT, AND, PURSUANT TO THAT SECTION, SHALL ISSUE A NOTICE
10 EXTENDING FOR 10 BUSINESS DAYS THE PERIOD DURING WHICH THE
11 DEPARTMENT SHALL RESPOND TO THE REQUEST. THE DEPARTMENT SHALL GRANT
12 THE REQUEST FOR THE INFORMATION UNLESS, WITHIN 12 BUSINESS DAYS
13 AFTER THE DATE THE REQUEST WAS RECEIVED BY THE DEPARTMENT, THE
14 PERSON THAT SUBMITTED THE REPORT DEMONSTRATES TO THE SATISFACTION
15 OF THE DEPARTMENT THAT THE INFORMATION DESIGNATED AS CONFIDENTIAL
16 SHOULD NOT BE DISCLOSED BECAUSE THE INFORMATION CONSTITUTES A TRADE
17 SECRET OR SECRET PROCESS OR IS PRODUCTION OR COMMERCIAL INFORMATION
18 THE DISCLOSURE OF WHICH WOULD JEOPARDIZE THE COMPETITIVE POSITION
19 OF THE PERSON THAT SUBMITTED THE REPORT. IF THERE IS A DISPUTE OVER
20 THE RELEASE OF INFORMATION BETWEEN THE PERSON THAT SUBMITTED THE
21 REPORT AND THE PERSON REQUESTING THE INFORMATION, THE DIRECTOR
22 SHALL GRANT OR DENY THE REQUEST. THE DEPARTMENT SHALL NOTIFY THE
23 PERSON THAT SUBMITTED THE REPORT OF A DECISION TO GRANT THE REQUEST
24 AT LEAST 2 DAYS BEFORE THE RELEASE OF THE REQUESTED INFORMATION. IF
25 THE DEPARTMENT DETERMINES THAT THE INFORMATION DESIGNATED AS
26 CONFIDENTIAL SHOULD NOT BE DISCLOSED AS PROVIDED UNDER THIS
27 SUBSECTION, THEN THAT INFORMATION IS EXEMPT FROM DISCLOSURE UNDER

1 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

2 (10) A PERSON THAT VIOLATES THIS SECTION IS RESPONSIBLE FOR A
3 CIVIL FINE OF NOT MORE THAN \$500.00. THIS SUBSECTION DOES NOT APPLY
4 TO A PERSON THAT VOLUNTARILY SUBMITS A REPORT UNDER SUBSECTION (2).

5 (11) A PERSON THAT SUBMITS FALSE INFORMATION ON A RECYCLING
6 ACTIVITY REPORT UNDER THIS SECTION KNOWING THAT THE INFORMATION IS
7 FALSE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
8 MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.