

# HOUSE BILL No. 5774

September 9, 2014, Introduced by Reps. Slavens, Geiss, Hovey-Wright, Switalski, Segal, Singh, Zemke, Banks, Roberts, Schor, McCann, Cochran, Driskell, Irwin, Darany, Haugh, Tlaib, Stallworth, Faris, Lane, Phelps, Townsend, Brunner, Smiley, Cavanagh, Yanez, Hobbs, Barnett, Brown and Oakes 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 section 11514 (MCL 324.11514), as amended by 2008 PA 394, and by adding section 11105a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 11105A. (1) A PERSON SHALL NOT DELIVER TO A LANDFILL FOR  
2 DISPOSAL OR, IF THE PERSON IS AN OWNER OR OPERATOR OF A LANDFILL,  
3 PERMIT DISPOSAL IN THE LANDFILL OF RADIOACTIVE WASTE FROM HYDRAULIC  
4 FRACTURING OPERATIONS.

5           (2) AS USED IN THIS SECTION, "HYDRAULIC FRACTURING" MEANS  
6 INJECTING FOAM OR FLUID IN A WELL UNDER PRESSURE TO CREATE  
7 FRACTURES IN A FORMATION AND THEREBY ENHANCE PRODUCTION OF  
8 HYDROCARBONS.

9           Sec. 11514. (1) Optimizing recycling opportunities, including

1 electronics recycling opportunities, and the reuse of materials  
2 shall be a principal objective of the state's solid waste  
3 management plan. Recycling and reuse of materials, including the  
4 reuse of materials from electronic devices, are in the best  
5 interest of promoting the public health and welfare. The state  
6 shall develop policies and practices that promote recycling and  
7 reuse of materials and, to the extent practical, minimize the use  
8 of landfilling as a method for disposal of its waste. Policies and  
9 practices that promote recycling and reuse of materials, including  
10 materials from electronic devices, will conserve raw materials,  
11 conserve landfill space, and avoid the contamination of soil and  
12 groundwater from heavy metals and other pollutants.

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

16 (a) Medical waste, unless that medical waste has been  
17 decontaminated or is not required to be decontaminated but is  
18 packaged in the manner required under part 138 of the public health  
19 code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~-333.13832.

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

22 (c) More than a de minimis number of whole motor vehicle  
23 tires.

24 (d) More than a de minimis amount of yard clippings, unless  
25 they are diseased, infested, or composed of invasive species as  
26 authorized by section 11521(1)(i).

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 **(I) RADIOACTIVE WASTE FROM HYDRAULIC FRACTURING OPERATIONS. AS**  
22 **USED IN THIS SUBDIVISION, "HYDRAULIC FRACTURING" MEANS INJECTING**  
23 **FOAM OR FLUID IN A WELL UNDER PRESSURE TO CREATE FRACTURES IN A**  
24 **FORMATION AND THEREBY ENHANCE PRODUCTION OF HYDROCARBONS.**

25 (4) A person shall not knowingly deliver to a municipal solid  
26 waste incinerator for disposal, or, if the person is an owner or  
27 operator of a municipal solid waste incinerator, knowingly permit

1 disposal in the incinerator of, more than a de minimis amount of  
2 yard clippings, unless they are diseased, infested, or composed of  
3 invasive species as authorized by section 11521(1)(i). The  
4 department shall post, and a solid waste hauler that disposes of  
5 solid waste in a municipal solid waste incinerator shall provide  
6 its customers with, notice of the prohibitions of this subsection  
7 in the same manner as provided in section 11527a.

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