

HOUSE BILL No. 4469

April 16, 2015, Introduced by Reps. Pagan, Irwin, Sarah Roberts, Chang, Hoadley, Plawecki and Liberati and referred to the Committee on Natural Resources.

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 11131.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11131. (1) A PERSON SHALL NOT DELIVER TO A LANDFILL FOR
2 DISPOSAL AND THE OWNER OR OPERATOR OF A LANDFILL SHALL NOT PERMIT
3 DISPOSAL IN THE LANDFILL OF TECHNOLOGICALLY ENHANCED, NATURALLY
4 OCCURRING RADIOACTIVE MATERIAL UNLESS THE CONCENTRATION OF RADIUM-
5 226, RADIUM-228, OR ANY COMBINATION OF THESE DOES NOT EXCEED 50
6 PICOCURIES PER GRAM, AVERAGED OVER ANY SINGLE CONTAINER.

7 (2) BEFORE DELIVERING TENORM TO A LANDFILL FOR DISPOSAL, THE
8 GENERATOR SHALL PROVIDE THE FOLLOWING INFORMATION IN WRITING TO THE
9 DEPARTMENT'S OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL
10 PROTECTION, OR SUCCESSOR OFFICE:

1 (A) THE CONCENTRATION OF RADIUM-226, RADIUM-228, OR ANY
2 COMBINATION OF RADIUM-226 AND RADIUM-228 IN THE TENORM BASED ON
3 REPRESENTATIVE SAMPLING.

4 (B) AN ESTIMATE OF THE TOTAL VOLUME OF THE TENORM.

5 (C) AN ESTIMATE OF THE TOTAL RADIOACTIVITY CONTENT OF THE
6 TENORM.

7 (D) THE PROPOSED DATE OF DELIVERY.

8 (E) THE NAME AND ADDRESS OF THE LANDFILL.

9 (3) THE DEPARTMENT MAY TEST TENORM PROPOSED TO BE DELIVERED TO
10 A LANDFILL UNDER SUBSECTION (2).

11 (4) A LANDFILL OWNER OR OPERATOR SHALL TEST ALL WASTE RECEIVED
12 BY THE LANDFILL FOR RADIUM-226, RADIUM-228, OR ANY COMBINATION OF
13 RADIUM-226 AND RADIUM-228. FOR EACH SHIPMENT OF TENORM RECEIVED BY
14 A LANDFILL, THE LANDFILL OWNER OR OPERATOR SHALL RECORD ALL OF THE
15 FOLLOWING:

16 (A) THE INFORMATION DESCRIBED IN SUBSECTION (2) (A) TO (C), AS
17 DETERMINED INDEPENDENTLY BY THE LANDFILL.

18 (B) THE NAME AND ADDRESS OF THE GENERATOR.

19 (C) THE DATE OF DELIVERY.

20 (5) A LANDFILL OWNER OR OPERATOR SHALL ANNUALLY REPORT TO THE
21 DEPARTMENT THE INFORMATION RECORDED UNDER SUBSECTION (4).

22 (6) THE OWNER OR OPERATOR OF A LANDFILL SHALL NOT PERMIT
23 DISPOSAL IN THE LANDFILL OF MORE THAN 2,000 CUBIC METERS OF TENORM
24 ANNUALLY. TENORM SHALL BE DEPOSITED AT LEAST 10 FEET BELOW THE
25 BOTTOM OF THE FUTURE LANDFILL CAP AND KEPT SEPARATE FROM OTHER
26 WASTE IN THE LANDFILL.

27 (7) IF THE OWNER OR OPERATOR OF A LANDFILL HAS PERMITTED

1 DISPOSAL OF TENORM IN THE LANDFILL, THE OWNER OR OPERATOR SHALL
2 TEST THE LANDFILL LEACHATE AND GROUNDWATER FOR RADIUM-226 AND
3 RADIUM-228 AND REPORT THE TEST RESULTS TO THE DEPARTMENT. THE TESTS
4 SHALL BE CONDUCTED AND THE RESULTS REPORTED WHEN LEACHATE AND
5 GROUNDWATER TESTING AND REPORTING ARE OTHERWISE REQUIRED UNDER THE
6 LANDFILL'S OPERATING LICENSE OR RULES PROMULGATED UNDER THIS PART.

7 (8) AS USED IN THIS SECTION:

8 (A) "LANDFILL" MEANS THAT TERM AS DEFINED IN SECTION 11103 OR
9 A MUNICIPAL SOLID WASTE LANDFILL REGULATED UNDER PART 115.

10 (B) "TECHNOLOGICALLY ENHANCED, NATURALLY OCCURRING RADIOACTIVE
11 MATERIAL" OR "TENORM" MEANS NATURALLY OCCURRING RADIOACTIVE
12 MATERIAL WITH RADIONUCLIDE CONCENTRATIONS THAT ARE INCREASED BY OR
13 AS A RESULT OF PAST OR PRESENT HUMAN ACTIVITIES.

14 Sec. 11514. (1) Optimizing recycling opportunities, including
15 electronics recycling opportunities, and the reuse of materials
16 shall be a principal objective of the state's solid waste
17 management plan. Recycling and reuse of materials, including the
18 reuse of materials from electronic devices, are in the best
19 interest of promoting the public health and welfare. The state
20 shall develop policies and practices that promote recycling and
21 reuse of materials and, to the extent practical, minimize the use
22 of landfilling as a method for disposal of its waste. Policies and
23 practices that promote recycling and reuse of materials, including
24 materials from electronic devices, will conserve raw materials,
25 conserve landfill space, and avoid the contamination of soil and
26 groundwater from heavy metals and other pollutants.

27 (2) A person shall not knowingly deliver to a landfill for

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

3 (a) Medical waste, unless that medical waste has been
4 decontaminated or is not required to be decontaminated but is
5 packaged in the manner required under part 138 of the public health
6 code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~ **333.13832**.

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

9 (c) More than a de minimis number of whole motor vehicle
10 tires.

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

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

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

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

19 (c) Low-level radioactive waste as defined in section 2 of the
20 low-level radioactive waste authority act, 1987 PA 204, MCL
21 333.26202.

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

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

26 (i) Household waste other than septage waste.

27 (ii) Leachate or gas condensate that is approved for

1 recirculation.

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

4 (f) Sewage.

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

6 (h) Asbestos waste, unless the landfill complies with 40 CFR
7 61.154.

8 (4) A person shall not knowingly deliver to a municipal solid
9 waste incinerator for disposal, or, if the person is an owner or
10 operator of a municipal solid waste incinerator, knowingly permit
11 disposal in the incinerator of, more than a de minimis amount of
12 yard clippings, unless they are diseased, infested, or composed of
13 invasive species as authorized by section 11521(1)(i). The
14 department shall post, and a solid waste hauler that disposes of
15 solid waste in a municipal solid waste incinerator shall provide
16 its customers with, notice of the prohibitions of this subsection
17 in the same manner as provided in section 11527a.

18 (5) **THE DISPOSAL OF TECHNOLOGICALLY ENHANCED, NATURALLY**
19 **OCCURRING RADIOACTIVE MATERIAL IN A LANDFILL IS SUBJECT TO SECTION**
20 **11131.**

21 (6) ~~(5)~~—If the department determines that a safe, sanitary,
22 and feasible alternative does not exist for the disposal in a
23 landfill or municipal solid waste incinerator of any items
24 described in subsection (2) or (4), respectively, the department
25 shall submit a report setting forth that determination and the
26 basis for the determination to the standing committees of the
27 senate and house of representatives with primary responsibility for

1 solid waste issues.

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.