

HOUSE BILL No. 5659

May 17, 2016, Introduced by Reps. Goike and Chirkun and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11514 and 11521 (MCL 324.11514 and 324.11521),
section 11514 as amended by 2008 PA 394 and section 11521 as added
by 2007 PA 212.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11514. (1) Optimizing recycling opportunities, including
2 electronics recycling opportunities, and the reuse of materials
3 shall be a principal objective of ~~the~~**THIS** state's solid waste
4 management plan. Recycling and reuse of materials, including the
5 reuse of materials from electronic devices, are in the best
6 interest of promoting the public health and welfare. ~~The~~**THIS** state
7 shall develop policies and practices that promote recycling and

1 reuse of materials and, to the extent practical, minimize the use
2 of landfilling as a method for disposal of its waste. Policies and
3 practices that promote recycling and reuse of materials, including
4 materials from electronic devices, will conserve raw materials,
5 conserve landfill space, and avoid the contamination of soil and
6 groundwater from heavy metals and other pollutants.

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

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

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

16 (c) More than a de minimis number of whole motor vehicle
17 tires.

18 ~~— (d) More than a de minimis amount of yard clippings, unless~~
19 ~~they are diseased, infested, or composed of invasive species as~~
20 ~~authorized by section 11521(1)(i).~~

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

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

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

26 (c) Low-level radioactive waste as defined in section 2 of the
27 low-level radioactive waste authority act, 1987 PA 204, MCL

1 333.26202.

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

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

6 (i) Household waste other than septage waste.

7 (ii) Leachate or gas condensate that is approved for
8 recirculation.

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

11 (f) Sewage.

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

13 (h) Asbestos waste, unless the landfill complies with 40 CFR
14 61.154.

15 (4) ~~A-EXCEPT AS PROVIDED IN SECTION 11521(1)(J), A~~ person
16 shall not knowingly deliver to a municipal solid waste incinerator
17 for disposal, or, if the person is an owner or operator of a
18 municipal solid waste incinerator, knowingly permit disposal in the
19 incinerator of, more than a de minimis amount of yard clippings. ~~7~~
20 ~~unless they are diseased, infested, or composed of invasive species~~
21 ~~as authorized by section 11521(1)(i).~~ The department shall post,
22 and a solid waste hauler that disposes of solid waste in a
23 municipal solid waste incinerator shall provide its customers with,
24 notice of the prohibitions of this subsection in the same manner as
25 provided in section 11527a.

26 (5) If the department determines that a safe, sanitary, and
27 feasible alternative does not exist for the disposal in a landfill

1 or municipal solid waste incinerator of any items described in
2 subsection (2) or (4), respectively, the department shall submit a
3 report setting forth that determination and the basis for the
4 determination to the standing committees of the senate and house of
5 representatives with primary responsibility for solid waste issues.

6 Sec. 11521. (1) Yard clippings shall be managed by 1 of the
7 following means:

8 (a) Composted on the property where the yard clippings are
9 generated.

10 (b) Temporarily accumulated under subsection (2).

11 (c) Composted at a composting facility containing not more
12 than 200 cubic yards of yard clippings if decomposition occurs
13 without creating a nuisance.

14 (d) Composted on a farm as described by subsection (3).

15 (e) Composted at site that qualifies as a registered
16 composting facility under subsection (4).

17 (f) Decomposed in a controlled manner using a closed container
18 to create and maintain anaerobic conditions if in compliance with
19 part 55 and otherwise approved by the director under this part.

20 (g) Composted and used as part of normal operations by a
21 municipal solid waste landfill if the composting and use meet all
22 of the following requirements:

23 (i) Take place on property described in the landfill
24 construction permit.

25 (ii) Are described in and consistent with the landfill
26 operation plans.

27 (iii) Are otherwise in compliance with this act.

1 (h) Processed at a processing plant in accordance with this
2 part and the rules promulgated under this part.

3 (i) Disposed of in a landfill. ~~or~~

4 **(J) DISPOSED OF IN** an incinerator, but only if the yard
5 clippings are diseased or infested or are composed of invasive
6 plants, such as garlic mustard, purple loosestrife, or spotted
7 knapweed, that were collected through an eradication or control
8 program, include no more than a de minimis amount of other yard
9 clippings, and are inappropriate to compost.

10 (2) A person may temporarily accumulate yard clippings at a
11 site not designed for composting if all of the following
12 requirements are met:

13 (a) The accumulation does not create a nuisance or otherwise
14 result in a violation of this act.

15 (b) The yard clippings are not mixed with other compostable
16 materials.

17 (c) No more than 1,000 cubic yards are placed on site unless a
18 greater volume is approved by the department.

19 (d) Yard clippings placed on site on or after April 1 but
20 before December 1 are moved to another location and managed as
21 provided in subsection (1) within 30 days after being placed on
22 site. The director may approve a longer time period based on a
23 demonstration that additional time is necessary.

24 (e) Yard clippings placed on site on or after December 1 but
25 before the next April 1 are moved to another location and managed
26 as provided in subsection (1) by the next April 10 after the yard
27 clippings are placed on site.

1 (f) The owner or operator of the site maintains and makes
2 available to the department records necessary to demonstrate that
3 the requirements of this subsection are met.

4 (3) A person may compost yard clippings on a farm if
5 composting does not otherwise result in a violation of this act and
6 is done in accordance with generally accepted agricultural and
7 management practices under the Michigan right to farm act, 1981 PA
8 93, MCL 286.471 to 286.474, and if 1 or more of the following
9 apply:

10 (a) Only yard clippings generated on the farm are composted.

11 (b) There are not more than 5,000 cubic yards of yard
12 clippings on the farm -

13 ~~— (c) If there are more than 5,000 cubic yards of yard clippings~~
14 ~~on the farm~~ at any time, **UNLESS** all of the following requirements
15 are met:

16 (i) The farm operation accepts yard clippings generated at a
17 location other than the farm only to assist in management of waste
18 material generated by the farm operation.

19 (ii) The farm operation does not accept yard clippings
20 generated at a location other than the farm for monetary or other
21 valuable consideration.

22 (iii) The owner or operator of the farm registers with the
23 department of agriculture **AND RURAL DEVELOPMENT** on a form provided
24 by the department of agriculture **AND RURAL DEVELOPMENT** and
25 certifies that the farm operation meets and will continue to meet
26 the requirements of subparagraphs (i) and (ii).

27 (4) A site qualifies as a registered composting facility if

1 all of the following requirements are met:

2 (a) The owner or operator of the site registers as a
3 composting facility with the department and reports to the
4 department within 30 days after the end of each state fiscal year
5 the amount of yard clippings and other compostable material
6 composted in the previous state fiscal year. The registration and
7 reporting shall be done on forms provided by the department. The
8 registration shall be accompanied by a fee of \$600.00. The
9 registration is for a term of 3 years. Registration fees collected
10 under this subdivision shall be forwarded to the state treasurer
11 for deposit in the solid waste staff account of the solid waste
12 management fund established in section 11550.

13 (b) The site is operated in compliance with the following
14 location restrictions:

15 (i) If the site is in operation on December 1, 2007, the
16 management or storage of yard clippings, compost, and residuals
17 does not expand from its location on that date to an area that is
18 within the following distances from any of the following features:

19 (A) 50 feet from a property line.

20 (B) 200 feet from a residence.

21 (C) 100 feet from a body of surface water, including a lake,
22 stream, or wetland.

23 (ii) If the site begins operation after December 1, 2007, the
24 management or storage of yard clippings, compost, and residuals
25 occurs in an area that is not in the 100-year floodplain and is at
26 least the following distances from each of the following features:

27 (A) 50 feet from a property line.

1 (B) 200 feet from a residence.

2 (C) 100 feet from a body of surface water, including a lake,
3 stream, or wetland.

4 (D) 2,000 feet from a type I or type IIA water supply well.

5 (E) 800 feet from a type IIB or type III water supply well.

6 (F) 500 feet from a church or other house of worship,
7 hospital, nursing home, licensed day care center, or school, other
8 than a home school.

9 (G) 4 feet above groundwater.

10 (c) Composting and management of the site occurs in a manner
11 that meets all of the following requirements:

12 (i) Does not violate this act or create a facility as defined
13 in section 20101.

14 (ii) Unless approved by the department, does not result in
15 more than 5,000 cubic yards of yard clippings and other compostable
16 material, compost, and residuals present on any acre of property at
17 the site.

18 (iii) Does not result in an accumulation of yard clippings for
19 a period of over 3 years unless the site has the capacity to
20 compost the yard clippings and the owner or operator of the site
21 can demonstrate, beginning in the third year of operation and each
22 year thereafter, unless a longer time is approved by the director,
23 that the amount of yard clippings and compost that is transferred
24 off-site in a calendar year is not less than 75% by weight or
25 volume, accounting for natural volume reduction, of the amount of
26 yard clippings and compost that was on-site at the beginning of the
27 calendar year.

1 (iv) Results in finished compost with not more than 1%, by
2 weight, of foreign matter that will remain on a 4 millimeter
3 screen.

4 (v) If yard clippings are collected in bags other than paper
5 bags, debags the yard clippings by the end of each business day.

6 (vi) Prevents the pooling of water by maintaining proper
7 slopes and grades.

8 (vii) Properly manages storm water runoff.

9 (viii) Does not attract or harbor rodents or other vectors.

10 (d) The owner or operator maintains, and makes available to
11 the department, all of the following records:

12 (i) Records identifying the volume of yard clippings and other
13 compostable material accepted by the facility and the volume of
14 yard clippings and other compostable material and of compost
15 transferred off-site each month.

16 (ii) Records demonstrating that the composting operation is
17 being performed in a manner that prevents nuisances and minimizes
18 anaerobic conditions. Unless other records are approved by the
19 department, these records shall include records of carbon-to-
20 nitrogen ratios, the amount of leaves and the amount of grass in
21 tons or cubic yards, temperature readings, moisture content
22 readings, and lab analysis of finished products.

23 (5) A site at which yard clippings are managed in accordance
24 with this section, other than a site described in subsection
25 (1)(g), (h) ~~or~~ (i), **OR (J)**, is not a disposal area, notwithstanding
26 section 11503(5).

27 (6) Except with respect to subsection (1)(h), ~~and~~ (i), **AND**

1 (J), management of yard clippings in accordance with this section
2 is not considered disposal for purposes of section 11538(6).