

Act No. 55
Public Acts of 2016
Approved by the Governor
March 29, 2016
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March 29, 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

**Introduced by Senators Green, Schmidt, O'Brien, Brandenburg, Warren, Emmons, Pavlov, Kowall,
Schuitmaker, MacGregor and Zorn**

ENROLLED SENATE BILL No. 507

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 175.

The People of the State of Michigan enact:

PART 175 RECYCLING REPORTING

Sec. 17501. As used in this part:

(a) "Commercial waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, but does not include household waste from single residences, hazardous waste, or industrial waste. Commercial waste includes solid waste from any of the following:

- (i) Multiple residences.
- (ii) Hotels and motels.
- (iii) Bunkhouses.
- (iv) Ranger stations.
- (v) Campgrounds.
- (vi) Picnic grounds.
- (vii) Day-use recreation areas.

(b) "Department" means the department of environmental quality.

(c) "Household waste" means any solid waste that is derived from single residences, but does not include any of the following:

- (i) Commercial waste.
- (ii) Industrial waste.
- (iii) Construction and demolition waste.
- (d) "Recyclable materials" means that term as it is defined in section 11505.

(e) "Recycling" means an action or process, such as separation, sorting, baling, or shipping, applied to reportable recyclable materials for the purposes of reuse or conversion into raw materials or new products.

(f) "Recycling establishment" means an establishment engaged in recycling of, or brokering of, reportable recyclable materials. Recycling establishment does not include any of the following:

- (i) An establishment that recycles fewer than 100 tons per year.
- (ii) A retail establishment that bales cardboard packaging for off-site shipment.
- (iii) A retail establishment that collects returnable beverage containers under 1976 IL 1, MCL 445.571 to 445.576, for transfer to a recycling establishment.
- (iv) An end user of reportable recyclable materials such as a paper mill, steel mill, foundry, or die caster that converts the reportable recyclable materials into new products or raw materials for conversion into new products.
- (v) A drop-off recycling location that sends all reportable recyclable materials to a recycling establishment registered under section 17502.
- (vi) An establishment that ships reportable recyclable material to recycling establishments registered under section 17502 but that does not engage in any other recycling.

(g) "Reportable recyclable materials", subject to subdivision (h), means any of the following categories of recyclable materials that are separated from household waste or commercial waste, or from a combination of household waste and commercial waste, and that are delivered to a recycling establishment for recycling:

- (i) Glass.
 - (ii) Paper and paper products.
 - (iii) Plastic and plastic products.
 - (iv) Ferrous metal, including white goods.
 - (v) Nonferrous metal.
 - (vi) Textiles.
 - (vii) Single stream recyclable materials that include any combination of the materials listed in subparagraphs (i) to (vi).
- (h) "Reportable recyclable materials" does not include any of the following:
- (i) Materials or products that contain iron, steel, or nonferrous metals and that are directed to or received by a person subject to the scrap metal regulatory act, 2008 PA 429, MCL 445.421 to 445.443, or by a reuser of these metals.
 - (ii) Materials generated from the shredding or dismantling of motor vehicles or parts of motor vehicles.
 - (iii) A beneficial use by-product, as defined in section 11502.
 - (iv) A covered electronic device reported under part 173.

Sec. 17502. A recycling establishment shall annually register with the department on a form provided by the department and containing the recycling establishment's name, location, postal mailing address, electronic mail address, and telephone number and the name of the recycling establishment's contact person. The recycling establishment shall register each year by July 1. However, a recycling establishment established after the effective date of this section and after June 1 but not after December 1 shall first register not later than 30 days after it is established.

Sec. 17503. (1) A recycling establishment in this state shall report to the department the amount of each category of reportable recyclable material received by and the amount shipped from the recycling establishment. For each state fiscal year, the recycling establishment shall, at its option, submit either an annual report or 4 quarterly reports. All of the following apply:

(a) If the recycling establishment opts to submit an annual report covering the October 1 to September 30 state fiscal year, the report shall be submitted by the following November 15.

(b) If the recycling establishment opts to submit quarterly reports, the reports shall be submitted by the following dates:

- (i) For the October 1 to December 31 quarter, by the following February 15.
- (ii) For the January 1 to March 31 quarter, by the following May 15.
- (iii) For the April 1 to June 30 quarter, by the following August 15.
- (iv) For the July 1 to September 30 quarter, by the following November 15.

(c) A report shall specify quantities of reportable recyclable materials in tons. Quantities may be determined using a volume-to-weight conversion formula provided by the department.

(d) A report may provide only aggregate quantities for multiple recycling establishments if the report identifies each recycling establishment covered by the report.

(e) A report shall be submitted in the manner provided by the department.

(f) A report shall comply with any reporting guidelines established by the department to ensure that reportable recyclable materials are not counted more than once.

(g) A report is not required to cover recycling establishment activities occurring before October 1, 2016.

(2) A person that is not a recycling establishment may voluntarily submit reports under this section.

Sec. 17504. (1) Except as provided in subsection (2), information contained in a report from a recycling establishment under this part is confidential, shall not be disclosed by the department, and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) The department may aggregate data contained within reports submitted from recycling establishments under this part for the purpose of determining statewide quantities of reportable recyclable materials that were recycled. Subsection (1) does not apply to this aggregated data but does apply to information identifying a recycling establishment.

Sec. 17505. (1) The department shall annually post on its website all of the following:

(a) The aggregated amount of reportable recyclable materials by category listed in section 17501(g) that were recycled during the preceding state fiscal year.

(b) The total aggregated amount of reportable recyclable materials that were recycled during the preceding state fiscal year.

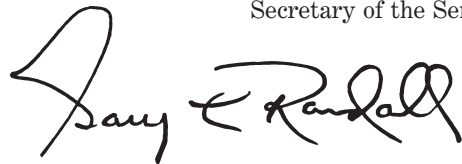
(2) By January 31, 2018 and each year thereafter, the department, after consultation with interested parties, shall submit to the legislature a report on this part, including information posted under subsection (1) and any recommendations for amendments to this part.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor