

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

SUBPART 10
MATERIALS UTILIZATION FACILITIES

324.11555 Management of compostable materials; temporary accumulation of yard waste; composting on a farm; composting facility; location requirements; list of composting facilities.

Sec. 11555. (1) Compostable material shall be managed by 1 of the following means:

- (a) Composted on the property where the compostable material is generated.
- (b) If yard waste, temporarily accumulated subject to subsection (2).
- (c) Composted at a class 1 composting facility where the quantity of compostable material does not at any time exceed 500 cubic yards and does not create a nuisance.
- (d) Composted at a small composting facility for which notification has been given under section 11568(3), if applicable.

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

(f) Composted at a medium composting facility registered under section 11568(3), if applicable.

(g) Composted at any of the following that has received approval under a general permit under section 11568(3), if applicable:

(i) A large composting facility.

(ii) A small or medium class 1 composting facility that meets the requirements of subsection (4) and where the total volume of class 1 compostable material other than yard waste exceeds 10% of the total volume of compostable material on-site, unless otherwise approved by the department.

(iii) A class 2 composting facility.

(h) Decomposed in a controlled manner using a closed container to create and maintain anaerobic conditions if in compliance with part 55 and otherwise approved by the department under part 115.

(i) Composted by a type II landfill if the following requirements are met:

(i) The landfill reports annually the number of cubic yards of compost managed.

(ii) The composting and use meet the following requirements:

(A) Take place on property described in the landfill construction permit.

(B) Are described in and consistent with the landfill operations plans.

(C) Are otherwise in compliance with this act.

(iii) Yard waste or unfinished compost is not used as daily cover.

(j) Disposed of in a landfill or an incinerator. This subdivision applies to yard waste only if all of the following requirements, as applicable, are met:

(i) The yard waste is any of the following:

(A) Diseased or infested.

(B) Plants that are prohibited species or restricted species, as defined in part 413, and that were collected through an eradication or control program.

(C) A state or federal controlled substance.

(D) Contaminated, with hazardous material as determined by the department.

(ii) The yard waste includes no more than a de minimis amount of yard waste other than that described in subparagraph (i).

(iii) For yard waste described in subparagraph (i)(A), (B), or (C), if the yard waste is composted, use of the compost may contribute to the spread of the disease or infestation or of viable invasive plant or controlled substance seeds or other propagules.

(2) A person may temporarily accumulate yard waste under subsection (1)(b) at a site not designed for composting if all of the following requirements are met:

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

(b) The yard waste is not mixed with other compostable material.

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

(d) Yard waste placed on-site on or after April 1 but before December 1 is moved to another location and managed as provided in subsection (1) within 30 days after being placed on-site. The department may approve a longer time period based on a demonstration that additional time is necessary.

(e) Yard waste placed on-site on or after December 1 but before the next April 1 is moved to another location and managed as provided in subsection (1) by the next April 1 after the yard waste is placed on-site.

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

(g) The owner or operator of the site annually notifies the department that it is a temporary yard waste accumulation site.

(3) A person may compost class 1 compostable material on a farm under subsection (1)(e) if all of the following requirements are met:

(a) All the compost is used on the farm.

(b) The composting does not result in a violation of this act and is done in compliance with GAAMPS.

(c) Any of the following apply:

(i) Only class 1 compostable material that is generated on the farm and does not contain paper products, dead animals, or compostable products is composted.

(ii) There is not more than 5,000 cubic yards of class 1 compostable material on the farm at any time.

(iii) All of the following requirements are met:

(A) The farm operation accepts class 1 compostable material only to assist in management of waste material generated by the farm operation or to supply the nutrient needs of the farm as determined by a certified crop advisor, Michigan agriculture environmental assurance program technician, comprehensive nutrient management plan writer, licensed professional engineer, or staff of the department of agriculture and rural development who administer the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(B) The farm operation does not accept compostable material generated at a location other than the farm for monetary or other valuable consideration.

(C) The owner or operator of the farm registers with the department of agriculture and rural development and certifies that the farm operation meets and will continue to meet the requirements of sub-subparagraphs (A) and (B).

(4) The owner or operator of a composting facility that is subject to a requirement for notification, registration, or approval under a general permit under section 11568(3) shall meet the following requirements, as applicable:

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

(i) Does not result in an accumulation of compostable material for a period of over 3 state fiscal years unless the site has the capacity to compost the compostable material and the owner or operator of the site can demonstrate, beginning with the third full state fiscal year after commencement of operation and each state fiscal year thereafter, unless a longer time is approved by the department, that the amount of compostable material and compost that is transferred off-site in a state fiscal year is not less than 75% by weight or volume, accounting for natural volume reduction, of the amount of compostable material and compost that was on-site at the beginning of the state fiscal year.

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

(iii) If yard waste is collected in bags other than paper bags or compostable bags meeting ASTM D6400 "Standard Specification for Compostable Plastics", by ASTM International, debags the yard waste by the end of each business day.

(iv) Prevents the pooling of water by maintaining proper slopes and grades.

(v) Operates in compliance with parts 31 and 55.

(vi) Does not attract or harbor rodents or other vectors.

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

(i) Records identifying the volume of compostable material accepted by the facility each month, the volume of compostable material and of compost transferred off-site each month, and the volume of compostable material on-site on October 1 each year.

(ii) Records demonstrating that the composting is performed in a manner that prevents nuisances and minimizes anaerobic conditions. Unless otherwise provided by the department, these records shall include carbon-to-nitrogen ratios, the amount of leaves and the amount of grass in tons or cubic yards, temperature readings, moisture content readings, and lab analysis of finished compost products.

(c) If the site is a small composting facility, the site is operated in compliance with the following location conditions:

(i) If the site was in operation on December 1, 2007, the management or storage of compost, compostable material, and residuals does not expand from its location on that date to an area that is within the following distance from any of the following features:

(A) 50 feet from a property line.

(B) 200 feet from a residence.

- (C) 100 feet from a body of surface water, including a lake, stream, or wetland.
- (ii) If the site begins operation after December 1, 2007, the management and storage of compost, compostable material, and residuals occur at least the following distance from each of the following features:
 - (A) 50 feet from a property line.
 - (B) 200 feet from a residence.
 - (C) 100 feet from a body of surface water, including a lake, stream, or wetland.
 - (D) 2,000 feet from a type I or type IIa water supply well.
 - (E) 800 feet from a type IIb or type III water supply well.
 - (F) 500 feet from a church or other house of worship, hospital, nursing home, licensed day care center, or school, other than a home school.
 - (G) 4 feet above groundwater.
- (5) A local unit of government may impose location requirements that are more restrictive than those in subsection (4)(c)(i) and (ii). However, the local requirements shall not be so restrictive that a facility that meets the requirements of the siting process in the materials management plan cannot be established.
- (6) A site at which compostable material is managed in compliance with this section, other than a site described in subsection (1)(i) or (j), is not a disposal area.
- (7) The department shall maintain and post on its website a list of composting facilities for which notification has been given, which are registered, or which are approved under a general permit under section 11568(3). Except as provided in section 11514, a hauler shall not deliver yard waste to a site that is not on the list. A contract between a local unit of government and a hauler for curbside pick-up of yard waste or collection of yard waste from a drop-off location shall require the delivery of the yard waste to a site on the list.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11556 Class 1 and 2 compostable materials; composting of dead animals.

Sec. 11556. (1) A person who composts class 1 compostable material shall do so at 1 of the following:

- (a) A composting facility as described in section 11555(1)(c).
- (b) A small or medium class 1 composting facility that meets the requirements of section 11555(4) and where the total volume of class 1 compostable material other than yard waste is equally distributed and does not exceed 5% for a small composting facility, or 10% for a medium composting facility, of the total volume of compostable material on-site or a greater percentage if approved by the department.
- (c) A composting facility described in section 11555(1)(g).
- (2) Class 1 compostable material is considered to be source separated for conversion into compost if the class 1 compostable material is composted at a site that is described in and meets the requirements of section 11555(4) or section 11557(2).
- (3) Composting of class 2 compostable material shall be done at a class 2 composting facility. Class 2 compostable material is considered to be source separated for conversion into compost if the class 2 compostable material is composted at a class 2 composting facility.
- (4) Composting of dead animals using bulking agents as defined in section 3 of 1982 PA 239, MCL 287.653, is subject to part 115 if the composting occurs at any of the following:
 - (a) A farm that maintains more than 5,000 cubic yards of bulking agents from a source other than the farm.
 - (b) A slaughtering facility that, for composting purposes, maintains on-site more than 5,000 cubic yards of bulking agents as defined in section 3 of 1982 PA 239, MCL 287.653.
 - (c) A facility that manages dead animals from more than 1 farm or slaughtering facility.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11557 Location of composting facilities; notification requirements near airport.

Sec. 11557. (1) The location at a medium or large composting facility, or a class 1 or class 2 composting facility, where class 1 and class 2 compostable material, finished compost, and residuals were managed and stored on the effective date of the amendatory act that added this section shall not be expanded to an area that is within the following distance from any of the following features:

- (a) 100 feet from a property line.
- (b) 300 feet from a residence.
- (c) 200 feet from a body of surface water, including a lake, stream, or wetland.

(2) If a medium or large composting facility or a class 1 or 2 composting facility begins operation after the effective date of the amendatory act that added this section, the management and storage of class 1 and class 2 compostable material, compost, and residuals shall not occur in a wetland or floodplain, or in an area that is within the following distance from any of the following features:

- (a) 100 feet from a property line.
- (b) 300 feet from a residence.
- (c) 200 feet from a body of surface water, including a lake, stream, or wetland.
- (d) 2,000 feet from a type I or type IIa water supply well.
- (e) 800 feet from a type IIb or type III water supply well.
- (f) 4 feet above groundwater.

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

(3) Not later than 90 days after the establishment of a new class 1 or class 2 composting facility or the expansion of the location at a class 1 or class 2 composting facility where compostable material, finished compost, and residuals were managed and stored on the effective date of the amendatory act that added this section, the owner or operator of the composting facility shall, if the composting facility is located within 5 miles of the end of an airport runway that is used by turbojet or piston type aircraft, notify in writing the affected airport and the Federal Aviation Administration.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11558 Large class 1 composting facilities; owner or operator responsibilities; separation of class 2 compostable materials.

Sec. 11558. (1) The owner or operator of a large class 1 composting facility shall submit to the department the following items:

- (a) A site map.
- (b) An operations plan.
- (c) An odor management plan.
- (d) A training plan.
- (e) A fire prevention plan.
- (f) A facility closure plan.

(2) The owner or operator of a large class 1 composting facility shall ensure that all of the following requirements are met:

(a) Finished compost is tested in compliance with section 11564.

(b) The compostable material is not stored in a manner constituting speculative accumulation. The owner or operator of the large composting facility shall maintain and make available to the department records to demonstrate compliance with this requirement.

(c) Composting does not result in standing water or attract or harbor rodents or other vectors.

(d) Unless approved by the department, the composting operations do not result in more than the following volume on any acre:

(i) 5,000 cubic yards of compostable material, finished compost, compost additives, or screening rejects or any combination thereof.

(ii) 10,000 cubic yards of compostable material if the site is using forced air static pile composting.

(e) The composting facility complies with wellhead protection programs.

(3) Class 2 compostable material shall be separated out from other solid waste and maintained separately until used to produce compost, unless otherwise authorized by the department.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11560 Annual report.

Sec. 11560. The owner or operator of a composting facility that is required to notify or register under part 115 or that is approved under a general permit shall, within 45 days after the end of each state fiscal year, report to the department all of the following information for that fiscal year:

- (a) The amount of compostable material brought to the site, by county of origin.
- (b) The amount of finished compost removed from the site.
- (c) The amount of unfinished compostable material removed from the site.
- (d) The volume of residuals removed from the site.
- (e) The total amount of compostable material, compost, and residuals on-site at the end of the fiscal year.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11561 Characterization of finished compost; use of compost; approval by department.

Sec. 11561. (1) A person shall not use compost produced from class 2 compostable material unless the department approves the class 2 compostable material as appropriate for the use under part 115.

(2) A person shall not compost solid waste unless the person has filed a petition under R 299.4118a of the MAC and obtained approval from the department. To characterize the finished compost, the petitioner shall include all of the following information in the petition, in addition to the information required in R 299.4118a of the MAC:

- (a) The type of waste and its potential for creating a nuisance or environmental contamination.
- (b) The time required for compost to reach maturity, as determined by a reduction of organic matter content during composting. Organic matter content shall be determined by measuring the volatile residues content using a method that is approved by the department or EPA method 160.4, contained in "Methods for Chemical Analysis of Water and Waste", EPA-600, Revision 8, July 2014, Update V.
- (c) The foreign matter content of finished compost. The foreign matter content shall be determined as follows:

- (i) A weighed sample of the finished compost is sifted through a 4.0-millimeter screen.
- (ii) The foreign matter remaining on the screen is separated and weighed.
- (iii) The weight of the separated foreign matter is divided by the weight of the finished compost.
- (iv) The quotient under subparagraph (iii) is multiplied by 100.
- (d) Particle size, as determined by sieve analysis.

(3) The department shall approve a material for use as compostable material if the person who proposes the use demonstrates all of the following:

- (a) The material has or will be converted to compost under controlled conditions at a class 2 composting facility.
- (b) The material will not be a source of environmental contamination or cause a nuisance.
- (c) The end user will be given written instructions on the proper use of the finished compost.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11562 Petition for classification; pilot composting project; testing parameters.

Sec. 11562. (1) A person may petition the department to do any of the following:

- (a) Classify a solid waste, a class 2 compostable material, or a combination of class 1 compostable material and class 2 compostable material, as a class 1 compostable material.
- (b) Classify compost produced from solid waste, class 2 compostable material, or a combination of class 1 compostable material and class 2 compostable material, as general use compost.

(2) A petition under subsection (1) shall meet the requirements of R 299.4118a of the MAC. If authorized by the department in writing, a person may conduct a pilot composting project to support a petition under subsection (1).

(3) In granting a petition under subsection (1), the department shall specify which parameters listed in section 11565 shall be tested under subsection (4). The department's decision shall be based on both of the following:

- (a) The difference between the concentration of a given parameter in the compost and the criteria for that parameter described in section 11553(5)(c)(i).

- (b) The variability of the results among the samples.
- (4) If a material is classified as a class 1 compostable material by the department based on the petition under subsection (1), the operator shall test compost produced from the class 1 compostable material when both of the following apply:
 - (a) There is a significant change in the process that generated the compost.
 - (b) The change has the potential to alter the classification of the finished compost as general use compost under section 11553(5).
- (5) If any finished compost produced from class 2 compostable material that has been classified as a general use compost fails to meet the requirements for a general use compost under section 11553(5), both of the following apply:
 - (a) The finished compost is reclassified as a restricted use compost.
 - (b) The owner or operator of the composting facility shall notify the department within 10 business days after receipt of information that the finished compost no longer meets the requirements to be classified as general use compost, and shall do 1 of the following with the finished compost:
 - (i) Dispose of the remaining finished compost at a properly licensed landfill.
 - (ii) Stockpile the finished compost on-site until the generator re-petitions the department and the department reclassifies the compost as provided in this section.
 - (iii) Use the finished compost for a specified use if approved for that specified use under section 11553(4).
- (6) If finished compost produced by a composting facility is restricted use compost, the owner or operator of the composting facility shall do the following, as applicable:
 - (a) Retest the finished compost annually, or biennially if the department has determined that the test results demonstrate insignificant variability over a 2-year period, using the procedures specified in R 299.4118a of the MAC. The owner or operator shall submit the test results to the department. The department shall specify a more frequent schedule for testing if the characteristics of the material vary significantly.
 - (b) If the owner or operator of the composting facility receives information that test results show a significant increase in any parameter or a significant decrease in pH from previous test results, notify the department within 10 business days and do any of the following with the finished compost:
 - (i) Dispose of the finished compost at a properly licensed landfill.
 - (ii) Stockpile the finished compost on-site until the generator re-petitions the department and the department reclassifies the compost under this section.
 - (iii) Use the finished compost for a use specified by the department under section 11553(3).

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Compiler's note: In subsection (6), the reference to "composing facility" evidently should read "composting facility."

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11563 Sale of general use compost; labeling requirements; management of restricted use compost.

Sec. 11563. (1) General use compost offered for sale shall be accompanied by a label, in the case of bagged compost, or an information sheet in the case of bulk sales. The label or information sheet shall contain all of the following information:

- (a) The name and generator of the compost.
 - (b) The feedstock and bulking agents used to produce the compost.
 - (c) Use instructions, including application rates and any restrictions on use.
 - (d) If the compost is marketed as a fertilizer, micronutrient, or soil conditioner, the label shall list the applicable parameters under section 11565 and comply with the requirements of part 85, if applicable.
 - (e) If the compost is marketed as a liming material, the label shall list the applicable parameters under section 11565 and shall include a statement indicating that the generator of the compost is in compliance with the applicable requirements of 1955 PA 162, MCL 290.531 to 290.538. The label shall specify the generator's liming license number.
 - (f) A statement indicating how the user of the compost can obtain the results of all testing, including test parameters and concentration levels.
- (2) Restricted use compost shall be managed as provided in any of the following:
- (a) Disposed of at a properly licensed landfill.
 - (b) Stockpiled on-site until the generator petitions the department under section 11562 and the department reclassifies the compost as provided in that section.

- (c) Used for a use specified by the department under section 11553(3).
- (d) If offered for sale, accompanied by a label, in the case of bagged compost, or an information sheet in the case of bulk sales. The label or information sheet shall contain both of the following:
 - (i) The information required by subsection (1).
 - (ii) A statement that the compost has been approved for use by this state and further indicating how the user of the compost may obtain the results of all testing including test parameters, concentration levels, and the applicable standards.
- (3) The department may impose conditions for use of restricted use compost to ensure the protection of the environment, natural resources, or the public health, safety, or welfare.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11564 Testing of finished compost; compliance.

Sec. 11564. (1) The following sites shall test their finished compost in compliance with the US Composting Council's Seal of Testing Assurance, unless the department has approved an alternate procedure:

(a) Class 1 composting facilities that produce over 2,000 cubic yards of finished compost per year. The finished compost shall be analyzed for the parameters listed in section 11565.

(b) Class 2 composting facilities. The finished compost shall be analyzed for the parameters listed in section 11565 and, if the compost is produced from class 2 compostable material, other parameters identified in the facility's general permit.

(2) All sites not listed in subsection (1) shall test at least 1 sample of finished compost per 4,000 cubic yards or 2,000 tons per year for the parameters listed in section 11565, unless the department has approved an alternate procedure.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

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Popular name: Solid Waste Act

324.11565 General use parameters for compost.

Sec. 11565. All of the following are general use parameters for compost:

- (a) pH.
- (b) Carbon-to-nitrogen ratio.
- (c) Soluble salts.
- (d) Total available nitrogen.
- (e) Phosphorus reported as P₂O₅.
- (f) Potassium reported as K₂O.
- (g) Calcium.
- (h) Magnesium.
- (i) Chloride.
- (j) Sulfate.
- (k) Arsenic.
- (l) Cadmium.
- (m) Copper.
- (n) Lead.
- (o) Mercury.
- (p) Molybdenum.
- (q) Nickel.
- (r) Selenium.
- (s) Zinc.
- (t) Pathogens.
- (u) Fecal coliforms.
- (v) Salmonella.
- (w) Percent organic matter.
- (x) Percent foreign matter.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

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324.11567 Creation of soil-like product; blending requirements; gypsum drywall.

Sec. 11567. (1) A person may blend low-hazard industrial waste or compost additives with general use compost or compost produced from yard waste to create a soil-like product if all of the following conditions are met, as applicable:

(a) The blending occurs at a class 1 or class 2 composting facility.

(b) The mixture meets the requirements of section 11553(5) or other requirements approved by the department.

(c) If the blending is with general use compost, the blending occurs within 30 days after the low-hazard industrial waste or compost additives are collected at the class 1 or class 2 composting facility.

(2) Gypsum drywall may be added to finished compost if the gypsum drywall constitutes less than 50% of the compost by weight and is less than 1/4 inch in diameter.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

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Popular name: NREPA

Popular name: Solid Waste Act

324.11568 Materials utilization facility; reporting and compliance requirements; anaerobic digester; application; approval; fees.

Sec. 11568. (1) The operator of a materials utilization facility shall comply with all of the following:

(a) The operator shall operate the facility in a manner that does not create a nuisance or a hazard to the environment, natural resources, or the public health, safety, or welfare and shall keep the facility clean and free of litter.

(b) The operator shall comply with this act, including parts 31 and 55, and not create a facility as defined in section 20101.

(c) Unless exempted, the operator shall record the types and quantities in tons, or cubic yards for composting facilities, of material collected, the period of storage, the planning area of origin of the material, and where the material is transferred, processed, recycled, or disposed. The operator shall report to the department this information for each state fiscal year within 45 days after the end of the state fiscal year.

(d) On an annual basis, the weight of solid waste residuals shall be less than 15% of the total weight of material received unless the requirements of subdivision (b) of the definition of materials recovery facility in section 11504 are met.

(e) The facility shall be operated by personnel who are knowledgeable about the safe management of the types of material that are accepted and utilized.

(f) The operator shall limit access to the facility to a time when a responsible individual is on duty.

(g) The operator shall not store material overnight at the facility except in a secure location and with adequate containment to prevent any release of material.

(h) Within 1 year after material is collected by the facility, the material shall be transported from the facility for use in production of ultimate end use products or disposal. This subdivision does not apply to a composting facility.

(i) The material shall be protected, as appropriate for the type of material, from weather, fire, physical damage, and vandalism.

(j) Operations shall not attract or harbor rodents or other vectors.

(k) If salvaging is permitted, salvaged material shall be removed from the site at the end of each business day or salvaging shall be confined to a storage area that is approved by the department.

(l) Handling and processing equipment that is of adequate size, quantity, and operating condition shall be available as needed to ensure proper management of the facility. If the handling or processing equipment is inoperable for more than 72 hours, an alternative method that is approved by the department shall be used to manage the material.

(m) Solid waste shall not be burned at the facility.

(2) The operator of a materials recovery facility, including an electronic waste processor not required to report under part 173, shall comply with both of the following:

(a) Beginning 1 year after the effective date of the amendatory act that added this section, a person shall not operate a materials recovery facility that sorts, bales, or processes more than 100 tons of material per year and does not have more than 100 tons of managed material on-site at any time unless the owner or operator

has registered the materials recovery facility with the department. The application for registration shall be accompanied by a fee of \$750.00. The term of the registration is 5 years.

(b) Beginning 2 years after the effective date of the amendatory act that added this section, a person shall not operate a materials recovery facility that has more than 100 tons of managed material on-site at any time unless the owner or operator has obtained approval of the materials recovery facility under a general permit, subject to subsections (6) to (9).

(3) The operator of a composting facility shall comply with all of the following:

(a) Beginning 1 year after the effective date of the amendatory act that added this section, a person shall not operate a small class 1 composting facility unless the owner or operator has notified the department. Notification shall be given upon initial operation and, subsequently, within 45 days after the end of each state fiscal year. The subsequent notices shall report the amount of compostable material managed at the facility during the state fiscal year.

(b) Beginning 1 year after the effective date of the amendatory act that added this section, a person shall not operate a medium class 1 composting facility unless the owner or operator has registered with the department. The application for registration shall be accompanied by a fee of \$750.00. The term of the registration is 5 years.

(c) Beginning 2 years after the effective date of the amendatory act that added this section, a person shall not operate a class 2 composting facility or a large class 1 composting facility unless approved by the department under a general permit, subject to subsections (6) to (9).

(4) The operator of an anaerobic digester shall comply with all of the following:

(a) Beginning 1 year after the effective date of the amendatory act that added this section, a person shall not operate an anaerobic digester if the anaerobic digester manages source separated material generated on-site and if not more than 20% of the material managed is generated off-site unless the owner or operator has notified the department. Notification shall be given upon initial operation and, subsequently, within 45 days after the end of each state fiscal year. The subsequent notices shall report the amount of material managed at the anaerobic digester during the state fiscal year.

(b) Beginning 1 year after the effective date of the amendatory act that added this section, a person shall not operate an anaerobic digester if the anaerobic digester manages source separated material generated on-site and if more than 20% of the material managed is generated off-site unless the owner or operator has registered the anaerobic digester with the department. The application for registration shall be accompanied by a fee of \$750.00. The term of the registration is 5 years.

(c) Beginning 2 years after the effective date of the amendatory act that added this section, a person shall not operate an anaerobic digester that manages only source separated material, manures, bedding, or crop residuals that are generated off-site unless approved by the department under a general permit, subject to subsections (6) to (9).

(d) Liquid digestate that is generated by the anaerobic digester shall be managed by 1 or more of the following:

(i) On-site treatment and discharge by a facility that is permitted under part 31 or is otherwise approved by the department.

(ii) Discharge, by sewer or pipeline, to an off-site publicly owned treatment works or other facility that is permitted under part 31 or is otherwise approved by the department.

(iii) Discharge, by pumping and hauling, to an off-site publicly owned treatment works or other facility that is permitted under part 31 or is otherwise approved by the department.

(iv) Covered storage, as approved by the department, on-site for not less than 180 days followed by land application under R 299.4111 of the MAC.

(5) Beginning 2 years after the effective date of the amendatory act that added this section, a person shall not operate an innovative technology facility unless approved by the department under a general permit, subject to subsections (6) to (9).

(6) If the owner or operator of a materials utilization facility in operation on the effective date of the amendatory act that added this section is required to obtain approval under a general permit and submits a complete application for approval by the deadline for obtaining approval, the owner or operator is considered to be in compliance with the approval requirement pending the department's approval or denial of the application.

(7) An application for approval under a general permit under this section shall be accompanied by a fee of \$1,000.00. The department shall approve or deny the application within 90 days after receiving a complete application. If the application is denied, within 6 months after the denial, the applicant may resubmit the application together with additional information or corrections necessary to address the reason for denial, without paying an additional application fee.

(8) The term of approval under a general permit under this section is 5 years, except that the term of approval under an innovative technology general permit is 2 years.

(9) An approval under a general permit under this section may be renewed upon the submittal of a timely and sufficient application. To be considered timely and sufficient for purposes of section 91 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.291, an application for renewal of a general permit approval shall meet both of the following requirements:

(a) Contain the information as required by the applicable general permit application.

(b) Be received by the department not later than 90 days before the expiration of the preceding authorization.

(10) Fees collected under this subpart shall be deposited in the perpetual care account established under section 11550.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

324.11569 Materials utilization facilities; site map and operations plan; final closure plan; notification requirements.

Sec. 11569. (1) With a registration or an application for approval under a general permit required under section 11568, the owner or operator of a materials utilization facility shall submit a site map and operations plan for the materials utilization facility. With an application for approval under a general permit, the owner or operator shall submit a final closure plan. Pending registration or authorization under a general permit of a materials utilization facility in operation on the effective date of the amendatory act that added this section, the department shall review the operating requirements for the facility. If the department determines upon review that the operating requirements do not comply with part 115, the department shall issue a schedule of remedial measures that will lead to compliance within a reasonable period of time not to exceed 1 year from the determination of noncompliance.

(2) If an increase in the volume or change in the type of material managed by a materials utilization facility triggers a requirement for notification, registration, or approval under a general permit, the owner or operator of the facility shall submit the notification, complete application for registration, or complete application for approval under a general permit within 90 days.

History: Add. 2022, Act 249, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act