

SENATE BILL NO. 543

October 03, 2023, Introduced by Senators BAYER, IRWIN, GEISS and SHINK and referred to the Committee on Energy and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11503, 11504, and 11506 (MCL 324.11502, 324.11503, 324.11504, and 324.11506), sections 11502 and 11503 as amended by 2022 PA 243 and sections 11504 and 11506 as amended by 2022 PA 244.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11502. (1) "Agreement" means a written contract.
- 2 (2) "Agronomic rate" means a rate that meets both of the
- 3 following requirements:

1 (a) Is generally recognized by the agricultural community or
2 is calculated for a particular area of land to improve the physical
3 nature of soil, such as structure, tilth, water retention, pH, or
4 porosity, or to provide macronutrients or micronutrients in an
5 amount not materially in excess of that needed by the crop, forest,
6 or vegetation grown on the land.

7 (b) Takes into account and minimizes runoff of beneficial use
8 by-products to surface water or neighboring properties, the
9 percolation of excess nutrients beyond the root zone, and the
10 liberation of metals from the soil into groundwater.

11 (3) "Anaerobic digester" means a facility that uses
12 microorganisms to break down biodegradable material in the absence
13 of oxygen, producing methane and an organic product.

14 (4) "Animal bedding" means a mixture of manure and wood chips,
15 sawdust, shredded paper or cardboard, hay, straw, or other similar
16 fibrous materials normally used for bedding animals.

17 (5) "Ashes" means the residue from the burning of wood, scrap
18 wood, tires, biomass, wastewater sludge, fossil fuels including
19 coal or coke, or other combustible materials.

20 (6) "Benchmark recycling standards" means all of the following
21 requirements:

22 (a) By January 1, 2026, at least 90% of single-family
23 dwellings in urban areas as identified by the most recent federal
24 decennial census and, by January 1, 2028, at least 90% of single-
25 family dwellings in municipalities with more than 5,000 residents
26 have access to curbside recycling that meets all of the following
27 criteria:

28 (i) One or more recyclable materials, as determined by the
29 county's material management plan, that are typically collected

1 through curbside recycling programs, are collected at least twice
2 per month.

3 (ii) If recyclable materials are not collected separately, the
4 mixed load is delivered to a solid waste processing and transfer
5 facility and the recyclable materials are separated from material
6 to be sent to a solid waste disposal area.

7 (iii) Recyclable materials collected are delivered to a
8 materials recovery facility that complies with part 115 or are
9 managed appropriately at an out-of-state recycling facility.

10 (iv) The curbside recycling is provided by the municipality or
11 the resident has access to curbside recycling by the resident's
12 chosen hauler.

13 (b) By January 1, 2032, the following additional criteria:

14 (i) In counties with a population of less than 100,000, there
15 is at least 1 drop-off location for each 10,000 residents without
16 access to curbside recycling at their dwelling, and the drop-off
17 location is available at least 24 hours per month.

18 (ii) In counties with a population of 100,000 or more, there is
19 at least 1 drop-off location for each 50,000 residents without
20 access to curbside recycling at their dwelling, and the drop-off
21 location is available at least 24 hours per month.

22 (7) "Beneficial use 1" means use as aggregate, road material,
23 or building material that in ultimate use is or will be bonded or
24 encapsulated by cement, limes, or asphalt.

25 (8) "Beneficial use 2" means use as any of the following:

26 (a) Construction fill at nonresidential property that meets
27 all of the following requirements:

28 (i) Is placed at least 4 feet above the seasonal groundwater
29 table.

1 (ii) Does not come into contact with a surface water body.

2 (iii) Is covered by concrete, asphalt pavement, or other
3 material approved by the department.

4 (iv) Does not exceed 4 feet in thickness, except for areas
5 where exceedances are incidental to variations in the existing
6 topography. This subparagraph does not apply to construction fill
7 placed underneath a building or other structure.

8 (b) Road base or soil stabilizer that does not exceed 4 feet
9 in thickness except for areas where exceedances are incidental to
10 variations in existing topography, is placed at least 4 feet above
11 the seasonal groundwater table, does not come into contact with a
12 surface water body, and is covered by concrete, asphalt pavement,
13 or other material approved by the department.

14 (c) Road shoulder material that does not exceed 4 feet in
15 thickness except for areas where exceedances are incidental to
16 variations in existing topography, is placed at least 4 feet above
17 the seasonal groundwater table, does not come into contact with a
18 surface water body, is sloped, and is covered by asphalt pavement,
19 concrete, 6 inches of gravel, or other material approved by the
20 department.

21 (9) "Beneficial use 3" means applied to land as a fertilizer
22 or soil conditioner under part 85 or a liming material under 1955
23 PA 162, MCL 290.531 to 290.538, if all of the following
24 requirements are met:

25 (a) The material is applied at an agronomic rate consistent
26 with GAAMPS.

27 (b) The use, placement, or storage at the location of use does
28 not do any of the following:

29 (i) Violate part 55 or create a nuisance.

1 (ii) Cause groundwater to no longer be fit for 1 or more
2 protected uses as defined in R 323.2202 of the MAC.

3 (iii) Cause a violation of a part 31 surface water quality
4 standard.

5 (10) "Beneficial use 4" means any of the following uses:

6 (a) To stabilize, neutralize, solidify, or otherwise treat
7 waste for ultimate disposal at a facility licensed under this part
8 or part 111.

9 (b) To treat wastewater, wastewater treatment sludge, or
10 wastewater sludge in compliance with part 31 or the federal water
11 pollution control act, 33 USC 1251 to ~~1388~~, **1389**, at a private or
12 publicly owned wastewater treatment plant.

13 (c) To stabilize, neutralize, solidify, cap, or otherwise
14 remediate hazardous substances or contaminants as part of a
15 response activity in compliance with part 201, part 213, or the
16 comprehensive environmental response, compensation and liability
17 act of 1980, 42 USC 9601 to 9657, or a corrective action in
18 compliance with part 111 or the solid waste disposal act, 42 USC
19 6901 to 6992k.

20 (d) As construction material at a landfill licensed under this
21 part.

22 (e) As alternate daily cover at a licensed landfill in
23 compliance with an operational plan approved pursuant to R 299.4429
24 of the MAC.

25 (11) "Beneficial use 5" means blended with inert materials or
26 with compost and used to manufacture soil.

27 (12) "Beneficial use by-product" means the following materials
28 if the materials are stored for beneficial use or are used
29 beneficially as specified and the requirements of section 11551(1)

1 are met:

2 (a) Coal bottom ash or wood ash used for beneficial use 3 or
3 wood ash or coal ash, except for segregated flue gas
4 desulfurization material, used for beneficial use 1, 2, or 4.

5 (b) Pulp and paper mill ash used for beneficial use 1, 2, 3,
6 or 4.

7 (c) Mixed wood ash used for beneficial use 1, 2, 3, or 4.

8 (d) Cement kiln dust used as a flue gas scrubbing reagent or
9 for beneficial use 1, 2, 3, or 4.

10 (e) Lime kiln dust used as a flue gas scrubbing reagent or for
11 beneficial use 1, 2, 3, or 4.

12 (f) Stamp sands used for beneficial use 1 or 2.

13 (g) Foundry sand from ferrous or aluminum foundries used for
14 beneficial use 1, 2, 3, 4, or 5.

15 (h) Pulp and paper mill material, other than the following,
16 used for beneficial use 3:

17 (i) Rejects, from screens, cleaners, and mills dispersion
18 equipment, containing more than de minimis amounts of plastic.

19 (ii) Scrap paper.

20 (i) Spent media from sandblasting, with uncontaminated sand,
21 newly manufactured, unpainted steel used for beneficial use 1 or 2.

22 (j) Dewatered concrete grinding slurry from public
23 transportation agency road projects used for beneficial use 1, 2,
24 3, or 4.

25 (k) Lime softening residuals from the treatment and
26 conditioning of water for domestic use or from a community water
27 supply used for beneficial use 3 or 4.

28 (l) Soil washed or otherwise removed from sugar beets that is
29 used for beneficial use 3.

1 (m) Segregated flue gas desulfurization material used for
2 beneficial use 1 or 3.

3 (n) Materials and uses approved by the department under
4 section 11553(3) or (4). Approval of materials and uses by the
5 department under section 11553(3) or (4) does not require the use
6 of those materials by any governmental entity or any other person.

7 (13) "Beverage container" means an airtight metal, glass,
8 paper, or plastic container, or a container composed of a
9 combination of these materials, which, at the time of sale,
10 contains 1 gallon or less of any of the following:

11 (a) A soft drink, soda water, carbonated natural or mineral
12 water, or other nonalcoholic carbonated drink.

13 (b) A beer, ale, or other malt drink of whatever alcoholic
14 content.

15 (c) A mixed wine drink or a mixed spirit drink.

16 (14) "Biosolids" means a solid, semisolid, or liquid that has
17 been treated to meet the requirements of R 323.2414 of the MAC.
18 Biosolids include, but are not limited to, scum or solids removed
19 in a primary, secondary, or advanced wastewater treatment process
20 and a derivative of the removed scum or solids.

21 (15) "Bond" means a financial instrument guaranteeing
22 performance, including a surety bond from a surety company
23 authorized to transact business in this state, a certificate of
24 deposit, a cash bond, an irrevocable letter of credit, an insurance
25 policy, a trust fund, an escrow account, or a combination of any of
26 these instruments in favor of the department.

27 (16) "Captive facility" means a landfill or coal ash
28 impoundment that accepts for disposal, and accepted for disposal
29 during the previous calendar year, only nonhazardous industrial

1 waste generated only by the owner of the landfill or coal ash
2 impoundment.

3 (17) "Captive type III landfill" means a type III landfill
4 that meets either of the following requirements:

5 (a) Accepts for disposal only nonhazardous industrial waste
6 generated only by the owner of the landfill.

7 (b) Is a nonhazardous industrial waste landfill described in
8 section 11525(4) (a), (b), or (c).

9 (18) "Cement kiln dust" means particulate matter collected in
10 air emission control devices serving Portland cement kilns.

11 (19) "Certificate of deposit" means a certificate of deposit
12 that meets all of the following requirements:

13 (a) Is negotiable.

14 (b) Is held by a bank or other financial institution regulated
15 and examined by a state or federal agency.

16 (c) Is fully insured by an agency of the United States
17 government.

18 (d) Is in the sole name of the department.

19 (e) Has a maturity date of not less than 1 year.

20 (f) Is renewed not later than 60 days before the maturity
21 date.

22 (20) "Certified health department" means a city, county, or
23 district department of health certified under section 11507a.

24 ~~(21) "Chemical recycling" means a manufacturing process for~~
25 ~~the conversion of source separated post-use polymers into basic raw~~
26 ~~materials, feedstocks, chemicals, and other products through~~
27 ~~processes that include pyrolysis (catalytic and noncatalytic),~~
28 ~~gasification, depolymerization, hydrogenation, solvolysis, and~~
29 ~~other similar chemical technologies. The recycled products produced~~

1 ~~include, but are not limited to, monomers, oligomers, plastics,~~
2 ~~plastic and chemical feedstocks, basic and unfinished chemicals,~~
3 ~~waxes, lubricants, coatings, and adhesives. For the purposes of~~
4 ~~part 115, chemical recycling does not include incineration of~~
5 ~~plastics, waste-to-energy processes, or activities performed at a~~
6 ~~facility excluded from the definition of materials management~~
7 ~~facility by section 11504(25). Products sold as fuel are not~~
8 ~~recycled products. For purposes of part 115, chemical recycling is~~
9 ~~not solid waste management, solid waste processing, waste~~
10 ~~diversion, resource recovery, municipal solid waste incineration or~~
11 ~~combustion, the conversion of waste to energy, or identification,~~
12 ~~separation, or sorting of recyclable materials through mechanical~~
13 ~~processes.~~

14 ~~(22) "Chemical recycling facility" means a manufacturing~~
15 ~~facility that receives, stores, and, using chemical recycling,~~
16 ~~converts post-use polymers. A chemical recycling facility is a~~
17 ~~manufacturing facility subject to applicable requirements of this~~
18 ~~act and rules promulgated under this act concerning air, water,~~
19 ~~waste, and land use or any other applicable regulation. A chemical~~
20 ~~recycling facility is not a solid waste processing plant, solid~~
21 ~~waste transfer facility, waste diversion center, resource recovery~~
22 ~~facility, or municipal solid waste incinerator.~~

23 ~~(21) (23) "Class 1 compostable material" means any of the~~
24 ~~following:~~

- 25 (a) Yard waste.
26 (b) Wood.
27 (c) Food waste.
28 (d) Paper products.
29 (e) Manure or animal bedding.

1 (f) Anaerobic digester digestate that does not contain free
2 liquids.

3 (g) Compostable products.

4 (h) Dead animals unless infectious or managed under 1982 PA
5 239, MCL 287.651 to 287.683.

6 (i) Spent grain from breweries.

7 (j) Paunch.

8 (k) Food processing residuals.

9 (l) Aquatic plants.

10 (m) Any other material, including, but not limited to, fat,
11 oil, or grease, that the department classifies as class 1
12 compostable material under section 11562 or that is approved as
13 part of a large composting facility operations plan.

14 (n) A mixture of any of these materials.

15 **(22)** ~~(24)~~—"Class 1 composting facility" means a composting
16 facility where only class 1 compostable material is composted.

17 **(23)** ~~(25)~~—"Class 2 compostable material" means mixed municipal
18 solid waste, biosolids, state or federal controlled substances, and
19 all other compostable material that is not listed or approved as a
20 class 1 compostable material.

21 **(24)** ~~(26)~~—"Class 2 composting facility" means a composting
22 facility where class 2 compostable material or a combination of
23 class 2 compostable material and class 1 compostable material is
24 composted.

25 **(25)** ~~(27)~~—"Coal ash", subject to subsection ~~(28)~~, **(26)**, means
26 any of the following:

27 (a) Material recovered from systems for the control of air
28 pollution from, or the noncombusted residue remaining after, the
29 combustion of coal or coal coke, including, but not limited to,

1 coal bottom ash, fly ash, boiler slag, flue gas desulfurization
2 materials, or fluidized-bed combustion ash.

3 (b) Residuals removed from coal ash impoundments.

4 **(26)** ~~(28)~~—For beneficial use 2, coal ash does not include coal
5 fly ash except for the following if used at nonresidential
6 property:

7 (a) Class C fly ash under ASTM C618-12A, "Standard
8 Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan
9 for Use in Concrete", by ASTM International.

10 (b) Class F fly ash under ASTM C618-12A, if that fly ash forms
11 a pozzolanic-stabilized mixture by being blended with lime,
12 Portland cement, or cement kiln dust.

13 (c) A combination of class C fly ash and class F fly ash under
14 ASTM C618-12A if that combination forms a pozzolanic-stabilized
15 mixture by being blended with lime, Portland cement, or cement kiln
16 dust and is used as a road base, soil stabilizer, or road shoulder
17 material under beneficial use 2.

18 **(27)** ~~(29)~~—"Coal ash impoundment" means a natural topographic
19 depression, man-made excavation, or diked area that is designed to
20 hold and, after October 14, 2015, accepted an accumulation of coal
21 ash and liquids or other materials approved by the department for
22 treatment, storage, or disposal and did not receive department
23 approval of its closure. A coal ash impoundment in existence before
24 October 14, 2015 that receives waste after December 28, 2018, and
25 that does not have a permit pursuant to part 31, is considered an
26 open dump beginning December 28, 2020 unless the owner or operator
27 has completed closure of the coal ash impoundment under section
28 11519b or obtained an operating license for the coal ash
29 impoundment. Coal ash impoundment includes an existing coal ash

1 impoundment.

2 **(28)** ~~(30)~~—"Coal ash landfill" means a landfill that is used
3 for the disposal of coal ash and may also be used for the disposal
4 of inert materials and construction material used for purposes of
5 meeting the definition of beneficial use 4, or other materials
6 approved by the department.

7 **(29)** ~~(31)~~—"Coal bottom ash" means ash particles from the
8 combustion of coal that are too large to be carried in flue gases
9 and that collect on furnace walls or at the bottom of the furnace.

10 **(30)** ~~(32)~~—"Collection center" means a tract of land, building,
11 unit, or appurtenance or combination thereof that is used to
12 collect junk motor vehicles and farm implements under section
13 11530.

14 **(31)** ~~(33)~~—"Commercial waste", subject to subsection ~~(34)~~,
15 **(32)**, means solid waste generated by nonmanufacturing activities,
16 including, but not limited to, solid waste from any of the
17 following:

- 18 (a) Stores.
19 (b) Offices.
20 (c) Restaurants.
21 (d) Warehouses.
22 (e) Multifamily dwellings.
23 (f) Hotels and motels.
24 (g) Bunkhouses.
25 (h) Ranger stations.
26 (i) Crew quarters.
27 (j) Campgrounds.
28 (k) Picnic grounds.
29 (l) Day use recreation areas.

1 (m) Hospitals.

2 (n) Schools.

3 **(32)** ~~(34)~~—Commercial waste does not include household waste,
4 hazardous waste, or industrial waste.

5 **(33)** ~~(35)~~—"Compost additive" means any of the following
6 materials if added to finished compost to improve the quality of
7 the finished compost:

8 (a) Products designed to enhance finished compost.

9 (b) Sugar beet limes.

10 (c) Wood ash.

11 (d) Drywall.

12 (e) Synthetic gypsum.

13 (f) Other materials approved by the department.

14 **(34)** ~~(36)~~—"Compostable material" means organic material that
15 can be converted to finished compost. Compostable material
16 comprises class 1 compostable material and class 2 compostable
17 material.

18 **(35)** ~~(37)~~—"Compostable products" means utensils, food service
19 containers, and other packaging and products that are certified by
20 the Biodegradable Products Institute or an equivalent, recognized,
21 third-party, independent verification body, as meeting either of
22 the following requirements:

23 (a) ASTM D6400, "Standard Specification for Labeling of
24 Plastics Designed to Be Aerobically Composted in Municipal or
25 Industrial Facilities", by ASTM International.

26 (b) ASTM D6868, "Standard Specification for Labeling of End
27 Items that Incorporate Plastics and Polymers as Coatings or
28 Additives with Paper and Other Substrates Designed to Be
29 Aerobically Composted in Municipal or Industrial Facilities", by

1 ASTM International.

2 **(36)** ~~(38)~~—"Composting" means a process of biological
3 decomposition of class 1 compostable material or class 2
4 compostable material that meets the following requirements:

5 (a) Is carried out as provided in either of the following:

6 (i) In a system using vermiculture.

7 (ii) Under controlled aerobic conditions using mechanical
8 handling techniques such as physical turning, windrowing, or
9 aeration or using other management techniques approved by the
10 department. For the purposes of this subparagraph, aerobic
11 conditions may include the presence of insignificant anaerobic
12 zones within the composting material.

13 (b) Stabilizes the organic fraction into a material that can
14 be stored, handled, and used easily, safely, and in an
15 environmentally acceptable manner.

16 **(37)** ~~(39)~~—"Composting facility" means a facility where
17 composting occurs. However, composting facility does not include a
18 site where only composting described in section 11555(1)(a), (b),
19 or (e) occurs.

20 **(38)** ~~(40)~~—"Consistency review" means evaluation of the
21 administrative and technical components of an application for a
22 permit or license or evaluation of operating conditions in the
23 course of inspection, for the purpose of determining consistency
24 with the requirements of part 115 and approved plans and
25 specifications.

26 **(39)** ~~(41)~~—"Corrective action" means the investigation,
27 assessment, cleanup, removal, containment, isolation, treatment, or
28 monitoring of constituents, as defined in a materials management
29 facility's approved hydrogeological monitoring plan, released into

1 the environment from a materials management facility, or the taking
2 of other actions related to the release as may be necessary to
3 prevent, minimize, or mitigate injury to the public health, safety,
4 or welfare, the environment, or natural resources that is
5 consistent with subtitle D of the solid waste disposal act, 42 USC
6 6941 to 6949a, and regulations promulgated thereunder.

7 (40) ~~(42)~~ "County approval agency" or "CAA" means the county
8 board of commissioners, the municipalities in the county, or the
9 regional planning agency, whichever submits a notice of intent to
10 prepare a materials management plan under section 11571.

11 (41) ~~(43)~~ "County board of commissioners" means the county
12 board of commissioners or the elected county executive, as
13 appropriate.

14 (42) ~~(44)~~ "Custodial care" includes all of the following:

15 (a) Preventing deep-rooted vegetation from establishing on the
16 final cover.

17 (b) Repairing erosion damage on the final cover.

18 (c) Maintaining stormwater controls.

19 (d) Maintaining limited access to the site.

20 Sec. 11503. (1) "De minimis" refers to a small amount of
21 material or number of items, as applicable, incidentally commingled
22 with inert material for beneficial use by-products or with source
23 separated material or incidentally disposed of with other solid
24 waste.

25 (2) "Department", subject to section 11554, means the
26 department of environment, Great Lakes, and energy.

27 ~~(3) "Depolymerization" means a manufacturing process in which~~
28 ~~post-use polymers are broken into smaller molecules such as~~
29 ~~monomers and oligomers or raw, intermediate, or final products,~~

1 ~~plastic and chemical feedstocks, basic and unfinished chemicals,~~
 2 ~~waxes, lubricants, or coatings.~~

3 (3) ~~(4)~~—"Designated planning agency" or "DPA" means the
 4 planning agency designated under section 11571(10). Designated
 5 planning agency does not mean a regional planning agency unless the
 6 county approval agency identifies the regional planning agency as
 7 the DPA.

8 (4) ~~(5)~~—"Director" means the director of the department.

9 (5) ~~(6)~~—"Discharge" includes, but is not limited to, spilling,
 10 leaking, pumping, pouring, emitting, emptying, discharging,
 11 injecting, escaping, leaching, dumping, or disposing of a substance
 12 into the environment that is or may become injurious to the
 13 environment, natural resources, or the public health, safety, or
 14 welfare.

15 (6) ~~(7)~~—"Disposal area", subject to section 11555(6), means 1
 16 or more of the following that accepts solid waste at a location as
 17 defined by the boundary identified in its construction permit, in
 18 engineering plans approved by the department, or in a notification
 19 or registration:

20 (a) A solid waste processing and transfer facility.

21 (b) A municipal solid waste incinerator.

22 (c) A landfill.

23 (d) A coal ash impoundment.

24 (e) Any other solid waste handling or disposal facility
 25 utilized in the disposal of solid waste, as determined by the
 26 department.

27 (7) ~~(8)~~—"Diverted waste" means waste that meets all of the
 28 following requirements:

29 (a) Is generated by households, businesses, or governmental

1 entities.

2 (b) Can lawfully be disposed of at a licensed landfill or
3 municipal solid waste incinerator.

4 (c) Is separated from other waste.

5 (d) Is 1 or more of the following:

6 (i) Hazardous material.

7 (ii) Liquid waste.

8 (iii) Pharmaceuticals.

9 (iv) Electronics.

10 (v) Batteries.

11 (vi) Light bulbs.

12 (vii) Pesticides.

13 (viii) Thermostats, switches, thermometers, or other devices
14 that contain elemental mercury.

15 (ix) Sharps.

16 (x) Other waste approved by the department that can be readily
17 separated from solid waste for diversion to preferred methods of
18 management and disposal.

19 **(8)** ~~(9)~~—"Enforceable mechanism" means a legal method that
20 authorizes this state, a county, a municipality, or another person
21 to take action to guarantee compliance with a materials management
22 plan. Enforceable mechanisms include agreements, laws, ordinances,
23 rules, and regulations.

24 **(9)** ~~(10)~~—"EPA" means the United States Environmental
25 Protection Agency.

26 **(10)** ~~(11)~~—"Escrow account" means an account that is managed by
27 a bank or other financial institution whose account operations are
28 regulated and examined by a federal or state agency and that
29 complies with section 11523b.

1 **(11)** ~~(12)~~—"Existing coal ash impoundment" means a coal ash
2 impoundment that received coal ash before December 28, 2018, and
3 that, as of that date, had not initiated elements of closure that
4 include dewatering, stabilizing residuals, or placement of an
5 engineered cover or otherwise closed pursuant to its part 31 permit
6 or pursuant to R 299.4309 of the MAC and, therefore, is capable of
7 receiving coal ash in the future. A coal ash impoundment that has
8 initiated closure is considered an open dump unless the owner or
9 operator has completed closure of the coal ash impoundment under
10 section 11519b or obtained an operating license for the coal ash
11 impoundment by December 28, 2020.

12 **(12)** ~~(13)~~—"Existing coal ash landfill" means a coal ash
13 landfill to which either of the following applies:

14 (a) The landfill received coal ash both before and after
15 October 19, 2015.

16 (b) Construction of the landfill commenced before October 19,
17 2015, and the landfill received coal ash on or after October 19,
18 2015. For the purposes of this subdivision, construction of a
19 landfill commenced before October 19, 2015 if both of the following
20 requirements were met before that date:

21 (i) The owner or operator obtained the federal, state, and
22 local approvals or permits necessary to begin physical
23 construction.

24 (ii) A continuous, on-site physical construction program began.

25 **(13)** ~~(14)~~—"Existing disposal area" means any of the following:

26 (a) A disposal area that has in effect a construction permit
27 under this part.

28 (b) A disposal area that had engineering plans approved by the
29 director before January 11, 1979.

1 (c) An industrial waste landfill that was authorized to
2 operate by the director or by court order before October 9, 1993.

3 (d) An industrial waste pile that was located at the site of
4 generation on October 9, 1993.

5 (e) An existing coal ash impoundment.

6 **(14)** ~~(15)~~—"Existing landfill unit" or "existing unit" means
7 any landfill unit that received solid waste on or before October 9,
8 1993.

9 **(15)** ~~(16)~~—"Farm" means that term as defined in section 2 of
10 the Michigan right to farm act, 1981 PA 93, MCL 286.472.

11 **(16)** ~~(17)~~—"Farm operation" means that term as defined in
12 section 2 of the Michigan right to farm act, 1981 PA 93, MCL
13 286.472.

14 **(17)** ~~(18)~~—"Fats, oils, or greases" means organic polar
15 compounds that meet all of the following requirements:

16 (a) Contain multiple carbon chain triglyceride molecules.

17 (b) Are derived from animal or plant sources.

18 (c) Are generated at food manufacturing and food service
19 establishments.

20 (d) Are generated by-products from food preparation
21 activities.

22 **(18)** ~~(19)~~—"Financial assurance" means the mechanisms used to
23 demonstrate that the funds necessary to meet the cost of closure,
24 postclosure maintenance and monitoring, and corrective action will
25 be available to the department whenever they are needed for those
26 purposes.

27 **(19)** ~~(20)~~—"Financial test" means a corporate or local
28 government financial test or guarantee approved under subtitle D of
29 the solid waste disposal act, 42 USC 6941 to 6949a and regulations

1 promulgated thereunder. An owner or operator may use a single
2 financial test for more than 1 facility. Information submitted to
3 the department to document compliance with the financial test shall
4 include a list showing the name and address of each facility and
5 the amount of funds assured by the financial test for each
6 facility. For purposes of the financial test, the owner or operator
7 shall aggregate the sum of the closure, postclosure, and corrective
8 action costs it seeks to assure with any other environmental
9 obligations assured by a financial test under state or federal law.

10 **(20)** ~~(21)~~—"Finished compost" means organic matter that meets
11 all of the following requirements:

12 (a) Has undergone biological decomposition and has been
13 stabilized to a degree that is beneficial to plant growth without
14 creating a nuisance.

15 (b) Is used or sold for use as a soil amendment, fertilizer,
16 topsoil blend, growing medium amendment, or other similar use.

17 (c) With any compost additives, does not contain more than 1%,
18 by weight, of foreign matter that will remain on a 4-millimeter
19 screen or more than a de minimis amount of viable weed seeds.

20 **(21)** ~~(22)~~—"Flue gas desulfurization material" means the
21 material recovered from air pollution control systems that capture
22 sulfur dioxide from the combustion of wood, coal, or fossil fuels,
23 or other combustible materials, if the other combustible materials
24 constitute less than 50% by weight of the total material combusted
25 and the department determines in writing that the other combustible
26 materials do not materially affect the character of the residue.
27 Flue gas desulfurization material includes synthetic gypsum.

28 **(22)** ~~(23)~~—"Food processing residuals" means any of the
29 following:

1 (a) Residuals of fruits, vegetables, aquatic plants, or field
2 crops, including such residuals generated by a brewery or
3 distillery.

4 (b) Otherwise unusable parts of fruits, vegetables, aquatic
5 plants, or field crops from the processing thereof.

6 (c) Otherwise unusable food products that do not meet size,
7 quality, or other product specifications and that were intended for
8 human or animal consumption.

9 **(23)** ~~(24)~~—"Food waste" means an accumulation of animal or
10 vegetable matter that was used or intended for human or animal food
11 or that results from the preparation, use, cooking, dealing in, or
12 storing of animal or vegetable matter for human or animal food if
13 the accumulation is or is intended to be discarded. Food waste does
14 not include fats, oils, or greases.

15 **(24)** ~~(25)~~—"Foreign matter" means organic and inorganic
16 constituents, other than sticks and stones, that will not readily
17 decompose during composting and do not aid in producing compost,
18 including glass, textiles, rubber, metal, ceramics, noncompostable
19 plastic, and painted, laminated, or treated wood.

20 **(25)** ~~(26)~~—"Foundry sand" means silica sand used in the metal
21 casting process, including binding material or carbonaceous
22 additives, from ferrous or nonferrous foundries.

23 **(26)** ~~(27)~~—"Functional stability" means the stage at which a
24 landfill does not pose a significant risk to the environment,
25 natural resources, or the public health, safety, or welfare at a
26 point of exposure, in the absence of active control systems.

27 **(27)** ~~(28)~~—"GAAMPS" means generally accepted agricultural and
28 management practices under the Michigan right to farm act, 1981 PA
29 93, MCL 286.471 to 286.474.

1 ~~(29) "Gasification" means a manufacturing process in which~~
2 ~~post-use polymers are heated in an oxygen-controlled atmosphere and~~
3 ~~converted to syngas (carbon monoxide (CO) and hydrogen (H2)) and~~
4 ~~the syngas is converted into valuable raw materials or intermediate~~
5 ~~or final products, including, but not limited to, plastic monomers,~~
6 ~~chemicals, waxes, lubricants, coatings, and plastic and chemical~~
7 ~~feedstocks.~~

8 **(28)** ~~(30)~~ "General permit" means a permit that does both of
9 the following:

10 (a) Covers a category of activities that the department
11 determines will not negatively impact public health, safety, or
12 welfare and will not have more than minimal short-term adverse
13 impacts on the environment or natural resources.

14 (b) Includes requirements for a site plan, an operations plan,
15 a facility final closure plan, and financial assurance.

16 **(29)** ~~(31)~~ "General use compost" means finished compost that is
17 produced from 1 of the following:

18 (a) Class 1 compostable material.

19 (b) Class 2 compostable material, including any combination of
20 class 1 compostable material and class 2 compostable material, that
21 meets the requirements listed in section 11553(5).

22 Sec. 11504. (1) "Hauler" means a person who owns or operates a
23 managed materials transporting unit.

24 (2) "Host community approval" means an agreement, resolution,
25 letter, or other document indicating that the governing body of the
26 municipality where the materials management facility is proposed to
27 be located has reviewed and approved the development of that
28 specific facility.

29 (3) "Household waste" means solid waste that is generated from

1 single-family dwellings. Household waste does not include
 2 commercial waste, industrial waste, hazardous waste, or
 3 construction and demolition waste.

4 ~~(4) "Hydrogenation" means the chemical reaction between~~
 5 ~~molecular hydrogen and an element or compound, ordinarily in the~~
 6 ~~presence of a catalyst.~~

7 (4) ~~(5)~~—"Industrial waste" means solid waste that is generated
 8 by manufacturing or industrial processes at an industrial site and
 9 that is not a hazardous waste regulated under part 111.

10 (5) ~~(6)~~—"Industrial waste landfill" means a landfill that is
 11 used for the disposal of any of the following, as applicable:

12 (a) Industrial waste that has been characterized for hazard
 13 and that has been determined to be nonhazardous under part 111.

14 (b) If the landfill is an existing disposal area, nonhazardous
 15 solid waste that originates from an industrial site.

16 (6) ~~(7)~~—"Inert material" means any of the following:

17 (a) Rock.

18 (b) Trees, stumps, and other similar land-clearing debris, if
 19 all of the following conditions are met:

20 (i) The debris is buried on the site of origin or another site,
 21 with the approval of the owner of the site.

22 (ii) The debris is not buried in a wetland or floodplain.

23 (iii) The debris is placed at least 3 feet above the groundwater
 24 table as observed at the time of placement.

25 (iv) The placement of the debris does not violate federal,
 26 state, or local law or create a nuisance.

27 (c) Uncontaminated excavated soil or dredged sediment.

28 Excavated soil or dredged sediment is considered uncontaminated if
 29 it does not contain more than de minimis amounts of solid waste and

1 any of the following apply:

2 (i) The soil or sediment is not contaminated by a hazardous
3 substance as a result of human activity. Soil or sediment that
4 naturally contains elevated levels of hazardous substances above
5 unrestricted residential or any other part 201 generic soil cleanup
6 criteria is not considered contaminated for purposes of this
7 subdivision. A soil or sediment analysis is not required under this
8 subparagraph if, based on past land use, there is no reason to
9 believe that the soil or sediment is contaminated.

10 (ii) For any hazardous substance that could reasonably be
11 expected to be present as a result of past land use and human
12 activity, the soil or sediment does not exceed the background
13 concentration, as that term is defined in section 20101.

14 (iii) For any hazardous substance that could reasonably be
15 expected to be present as a result of past land use and human
16 activity, the soil or sediment falls below part 201 generic
17 residential soil direct contact cleanup criteria and hazardous
18 substances in leachate from the soil or sediment, using, at the
19 option of the generator, EPA method 1311, "Toxicity Characteristic
20 Leaching Procedure", EPA method 1312, "Synthetic Precipitation
21 Leaching Procedure", or any other leaching protocol approved by the
22 department, fall below part 201 generic residential health based
23 groundwater drinking water values or criteria, and the soil or
24 sediment would not cause a violation of any surface water quality
25 standard established under part 31 at the area of placement,
26 disposal, or use.

27 (d) Excavated soil from a site of environmental contamination,
28 corrective action, or response activity if the soil is not a listed
29 hazardous waste under part 111 and if hazardous substances in the

1 soil do not exceed generic soil cleanup criteria for unrestricted
2 residential use as defined in section 20101 or background
3 concentration as defined in section 20101, as applicable.

4 (e) Construction brick, masonry, pavement, or broken concrete
5 that is reused for fill, rip rap, slope stabilization, or other
6 construction, if all of the following conditions are met:

7 (i) The use of the material does not violate section 3108, part
8 301, or part 303.

9 (ii) The material is not materially contaminated. Typical
10 surface oil staining on pavement or concrete from driveways,
11 roadways, or parking lots is not material contamination. Material
12 covered in whole or in part with paint that contains more than 0.5%
13 lead is materially contaminated.

14 (iii) The material does not include exposed reinforcing bars.

15 (f) Portland cement clinker produced by a cement kiln using
16 wood, fossil fuels, or solid waste as a fuel or feedstock, but not
17 including cement kiln dust generated in the process.

18 (g) Asphalt pavement or concrete pavement that meets all of
19 the following requirements:

20 (i) Has been removed from a public right-of-way.

21 (ii) Has been stockpiled or crushed for reuse as aggregate
22 material.

23 (iii) Does not include exposed reinforcement bars.

24 (h) Cuttings, drilling materials, and fluids used to drill or
25 complete a well installed ~~pursuant to~~ **in compliance with** part 127
26 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771,
27 if the location of the well is not a facility under part 201.

28 (i) Any material determined by the department under section
29 11553(5) or (6) to be an inert material, either for general use or

1 for a particular use.

2 (7) ~~(8)~~—"Innovative technology facility" means a materials
3 management facility that converts solid waste into energy or a
4 usable product and that is not a materials recovery facility, a
5 composting facility, or an anaerobic digester.

6 (8) ~~(9)~~—"Insurance" means insurance that conforms to the
7 requirements of 40 CFR 258.74(d) and is provided by an insurer that
8 has a certificate of authority from the director of insurance and
9 financial services to sell this line of coverage. An applicant for
10 an operating license or general permit shall submit evidence of the
11 required coverage by submitting both of the following to the
12 department:

13 (a) A certificate of insurance that uses wording approved by
14 the department.

15 (b) A certified true and complete copy of the insurance
16 policy.

17 (9) ~~(10)~~—"Landfill" means a type II landfill or type III
18 landfill.

19 (10) ~~(11)~~—"Landfill care fund" means a landfill care fund
20 required by section 11525d(2).

21 (11) ~~(12)~~—"Landfill care fund bond" means a surety bond, an
22 irrevocable letter of credit, or a combination of these instruments
23 in favor of the department used to establish a landfill care fund.

24 (12) ~~(13)~~—"Large", in reference to a composting facility,
25 means a composting facility to which both of the following apply:

26 (a) The site at any time contains more than 500 cubic yards of
27 compostable material.

28 (b) The site does not qualify as a small or medium composting
29 facility.

1 **(13)** ~~(14)~~—"Lateral expansion" means a horizontal expansion of
2 the solid waste boundary of any of the following:

3 (a) A landfill, other than a coal ash landfill, if the
4 expansion is beyond the limit established in a construction permit
5 or engineering plans approved by the department or a certified
6 health department before January 11, 1979.

7 (b) A coal ash landfill, if either of the following applies:

8 (i) The expansion is beyond the limit established in a
9 construction permit issued after December 28, 2018.

10 (ii) The expansion is made after October 19, 2015, and is a
11 horizontal expansion of the outermost boundary, as defined by a
12 construction certification or operating license, of an existing
13 coal ash landfill.

14 (c) A coal ash impoundment, if the expansion is beyond the
15 limit established in a construction permit or the horizontal limits
16 of coal ash in place on or before October 14, 2015.

17 **(14)** ~~(15)~~—"Letter of credit" means an irrevocable letter of
18 credit that complies with 40 CFR 258.74(c).

19 **(15)** ~~(16)~~—"License" means an operating license.

20 **(16)** ~~(17)~~—"Lime kiln dust" means particulate matter collected
21 in air emission control devices serving lime kilns.

22 **(17)** ~~(18)~~—"Local health officer" means a local health officer
23 as defined in section 1105 of the public health code, 1978 PA 368,
24 MCL 333.1105, to which the department delegates certain duties
25 under part 115.

26 **(18)** ~~(19)~~—"Low-hazard industrial waste" means industrial
27 material that has a low potential for groundwater contamination
28 when managed in compliance with part 115. All of the following
29 materials are low-hazard industrial wastes:

- 1 (a) Coal ash and wood ash.
2 (b) Cement kiln dust.
3 (c) Pulp and paper mill material.
4 (d) Scrap wood.
5 (e) Sludge from the treatment and conditioning of water for
6 domestic use.
7 (f) Residue from the thermal treatment of petroleum
8 contaminated soil, media, or debris.
9 (g) Sludge from the treatment and conditioning of water from a
10 community water supply.
11 (h) Foundry sand.
12 (i) Mixed wood ash, scrap wood ash, and pulp and paper mill
13 ash.
14 (j) Street cleanings.
15 (k) Asphalt shingles.
16 (l) New construction or production scrap drywall.
17 (m) Chipped or shredded tires.
18 (n) Copper slag.
19 (o) Copper stamp sands.
20 (p) Dredge material from nonremedial activities.
21 (q) Flue gas desulfurization material.
22 (r) Dewatered grinding slurry generated from public
23 transportation agency road projects.
24 (s) Any material determined by the department under section
25 11553(7) to be a low-hazard industrial waste.
26 **(19)** ~~(20)~~—"Low-hazard-potential coal ash impoundment" means a
27 coal ash impoundment that is a diked surface impoundment, the
28 failure or mis-operation of which is expected to result in no loss
29 of human life and low economic or environmental losses principally

1 limited to the impoundment owner's property.

2 (20) ~~(21)~~ "MAC" means the Michigan Administrative Code.

3 (21) ~~(22)~~ "Managed material" means solid waste, diverted
4 waste, or recyclable material. Managed material does not include a
5 material or product that contains iron, steel, or nonferrous metals
6 and that is directed to or received by a scrap processor as defined
7 in section 3 of the scrap metal regulatory act, 2008 PA 429, MCL
8 445.423, or by a reuser of these metals.

9 (22) ~~(23)~~ "Managed materials transporting unit" means a
10 container, which may be an integral part of a truck or other piece
11 of equipment, used for the transportation of managed materials.

12 (23) ~~(24)~~ "Materials management facility" or, unless the
13 context implies a different meaning, "facility" means any of the
14 following, subject to subsection ~~(25)~~: (24) :

15 (a) A disposal area.

16 (b) A materials utilization facility.

17 (c) A waste diversion center.

18 (24) ~~(25)~~ Materials management facility or facility does not
19 include a person, utilizing machinery and equipment and operating
20 from a fixed location, whose principal business is the processing
21 and manufacturing of iron, steel, or nonferrous metals into
22 prepared grades of products suitable for consumption, reuse, or
23 additional processing.

24 (25) ~~(26)~~ "Materials management goals" means goals identified
25 in the MMP pursuant to ~~under~~ section 11578(1)(a).

26 (26) ~~(27)~~ "Materials management plan" or "MMP" means a plan
27 required under section 11571.

28 (27) ~~(28)~~ "Materials recovery facility", subject to subsection
29 ~~(29)~~, (28), means a facility that meets both of the following

1 requirements:

2 (a) Receives primarily source separated material and sorts,
3 bales, or processes the source separated material for reuse,
4 recycling, or utilization as a raw material or new product.

5 (b) On an annual basis, does not receive an amount of solid
6 waste equal to or more than 15% of the total weight of material
7 received by the facility unless the materials recovery facility is
8 making reasonable effort and has an education program to reduce the
9 amount of solid waste. Material disposed of as a result of
10 recycling market fluctuations is not included in the 15%
11 calculation.

12 **(28)** ~~(29)~~ Materials recovery facility does not include any of
13 the following:

14 (a) A retail, commercial, or industrial establishment that
15 bales for off-site shipment managed material that it generates.

16 (b) A retail establishment that collects returnable beverage
17 containers under 1976 IL 1, MCL 445.571 to 445.576.

18 (c) A beverage distributor, or its agent, that manages
19 returnable beverage containers under 1976 IL 1, MCL 445.571 to
20 445.576.

21 (d) A facility or area used for reuse, recycling, or storage
22 of recyclable materials solely generated by an industrial facility.

23 (e) A facility that is an end user or secondary processor and
24 that uses as fuel or otherwise, processes, or stores material
25 generated by industrial facilities.

26 (f) A facility that primarily manages material that was
27 previously sorted or processed.

28 (g) An anaerobic digester.

29 **(29)** ~~(30)~~ "Materials utilization" means recycling, composting,

1 or converting material into energy rather than disposing of the
2 material.

3 **(30)** ~~(31)~~—"Materials utilization facility" means a facility
4 that is any of the following:

5 (a) A materials recovery facility.

6 (b) A composting facility.

7 (c) An anaerobic digester, except at a manufacturing facility
8 that generates its own feedstock.

9 (d) An innovative technology facility.

10 **(31)** ~~(32)~~—"Medical waste" means that term as it is defined in
11 section 13805 of the public health code, 1978 PA 368, MCL
12 333.13805.

13 **(32)** ~~(33)~~—"Medium", in reference to a composting facility,
14 means a composting facility to which all of the following apply:

15 (a) The site at any time contains more than 500 cubic yards of
16 compostable material.

17 (b) The site does not qualify as a small composting facility.

18 (c) The site does not at any time contain more than 10,000
19 cubic yards of compostable material.

20 (d) The site does not at any time contain more than 10% by
21 volume of class 1 compostable material other than yard waste.

22 (e) Unless approved by the department, the site does not at
23 any time on any acre contain more than 5,000 cubic yards of
24 compostable material, finished product, compost additives, or
25 screening rejects.

26 **(33)** ~~(34)~~—"Mixed wood ash" means the material recovered from
27 air pollution control systems for, or the noncombusted residue
28 remaining after, the combustion of any combination of wood, scrap
29 wood, railroad ties, or tires, if railroad ties composed less than

1 35% by weight of the total combusted material and tires composed
 2 less than 10% by weight of the total combusted material.

3 (34) ~~(35)~~ "Municipal solid waste" means household waste,
 4 commercial waste, waste generated by other nonindustrial locations,
 5 waste that has characteristics similar to that generated at a
 6 household or commercial business, or any combination thereof.
 7 Municipal solid waste does not include municipal wastewater
 8 treatment sludges, industrial process wastes, automobile bodies,
 9 combustion ash, or construction and demolition debris.

10 (35) ~~(36)~~ "Municipal solid waste incinerator" means an
 11 incinerator that is owned or operated by any person, and that meets
 12 all of the following requirements:

13 (a) The incinerator receives solid waste from off site and
 14 burns only waste from single-family and multifamily dwellings,
 15 hotels, motels, and other residential sources, or such waste
 16 together with solid waste from commercial, institutional,
 17 municipal, county, or industrial sources that, if disposed of,
 18 would not be required to be placed in a disposal facility licensed
 19 under part 111.

20 (b) The incinerator has established contractual requirements
 21 or other notification or inspection procedures sufficient to ensure
 22 that the incinerator receives and burns only waste referred to in
 23 subdivision (a).

24 (c) The incinerator meets the requirements of part 115.

25 (d) The incinerator is not an industrial furnace as defined in
 26 40 CFR 260.10.

27 (e) The incinerator is not an incinerator that receives and
 28 burns only medical waste or only waste produced at 1 or more
 29 hospitals.

1 **(36)** ~~(37)~~—"Municipal solid waste incinerator ash" means the
2 substances remaining after combustion in a municipal solid waste
3 incinerator.

4 **(37)** ~~(38)~~—"Municipal solid waste recycling rate" means the
5 amount of municipal solid waste recycled or composted, divided by
6 the amount of municipal solid waste recycled, composted,
7 landfilled, or incinerated.

8 **(38)** ~~(39)~~—"New coal ash impoundment" means a coal ash
9 impoundment that first receives coal ash after December 28, 2018.

10 **(39)** ~~(40)~~—"New disposal area" means a disposal area that
11 requires a construction permit under this part and includes all of
12 the following:

13 (a) A disposal area, other than an existing disposal area,
14 that is proposed for construction.

15 (b) For a landfill, a lateral expansion, vertical expansion,
16 or other expansion that results in an increase in the landfill's
17 design capacity.

18 (c) A new coal ash impoundment, or a lateral expansion of a
19 coal ash impoundment beyond the placement of waste as of October
20 14, 2015.

21 (d) For a disposal area other than a landfill or coal ash
22 impoundment, an enlargement in capacity beyond that indicated in
23 the construction permit or in engineering plans approved before
24 January 11, 1979.

25 (e) For any existing disposal area, an alteration of the
26 disposal area to a different disposal area type than was specified
27 in the previous construction permit application or in engineering
28 plans that were approved by the director or his or her designee
29 before January 11, 1979.

1 **(40)** ~~(41)~~ "Nonresidential property" means property **that is** not
2 used or intended to be used for any of the following:

3 (a) A child day care center.

4 (b) An elementary school.

5 (c) An elder care and assisted living center.

6 (d) A nursing home.

7 (e) A single-family or multifamily dwelling unless the
8 dwelling is part of a mixed use development and all dwelling units
9 and associated outdoor residential use areas are located above the
10 ground floor.

11 **(41)** ~~(42)~~ "Operate" includes, but is not limited to,
12 conducting, managing, and maintaining.

13 **(42)** ~~(43)~~ "Part 115" means this part and rules promulgated
14 under this part.

15 **(43)** ~~(44)~~ "Perpetual care fund" means a trust fund, escrow
16 account, or perpetual care fund bond required by section 11525(2).

17 **(44)** ~~(45)~~ "Perpetual care fund bond" means a surety bond, an
18 irrevocable letter of credit, or a combination of these instruments
19 in favor of the department used to establish a perpetual care fund.

20 **(45)** ~~(46)~~ "Planning area" means the geographic area to which a
21 materials management plan applies.

22 **(46)** ~~(47)~~ "Planning committee" means a committee appointed
23 under section 11572.

24 ~~(48) "Post-use polymer" means a plastic to which all of the~~
25 ~~following apply:~~

26 ~~(a) It has been source separated.~~

27 ~~(b) It has been sorted from solid waste and other regulated~~
28 ~~waste but may contain residual amounts of solid waste.~~

29 ~~(c) It is not mixed with solid waste or hazardous waste on-~~

1 ~~site or during conversion at a chemical recycling facility.~~

2 ~~(d) It is converted at a chemical recycling facility or,~~
 3 ~~subject to applicable speculative accumulation time frames, stored~~
 4 ~~at a chemical recycling facility before conversion.~~

5 **(47)** ~~(49)~~—"Preexisting unit" means a landfill unit that is or
 6 was licensed under part 115 but has not received waste after
 7 October 9, 1993.

8 **(48)** ~~(50)~~—"Pulp and paper mill ash" means the material
 9 recovered from air pollution control systems for, or the
 10 noncombusted residue remaining after, the combustion of any
 11 combination of coal, wood, pulp and paper mill material, wood or
 12 biomass fuel pellets, scrap wood, railroad ties, or tires, in a
 13 boiler, power plant, or furnace at a pulp and paper mill, if
 14 railroad ties composed less than 35% by weight of the total
 15 combusted material and tires composed less than 10% by weight of
 16 the total combusted material.

17 **(49)** ~~(51)~~—"Pulp and paper mill material" means all of the
 18 following materials if generated at a facility that produces pulp
 19 or paper:

20 (a) Wastewater treatment sludge, including wood fibers,
 21 minerals, and microbial biomass.

22 (b) Rejects from screens, cleaners, and mills.

23 (c) Bark, wood fiber, and chips.

24 (d) Scrap paper.

25 (e) Causticizing residues, including lime mud and grit and
 26 green liquor dregs.

27 (f) Any material that the department determines has
 28 characteristics that are similar to any of the materials listed in
 29 subdivisions (a) to (e).

1 ~~(52) "Pyrolysis" means a manufacturing process in which post-~~
2 ~~use polymers are heated in the absence of oxygen until melted and~~
3 ~~thermally decomposed, and then are cooled, condensed, and converted~~
4 ~~into valuable raw materials and intermediate and final products,~~
5 ~~including, but not limited to, plastic monomers, chemicals, waxes,~~
6 ~~lubricants, and plastic and chemical feedstocks that have economic~~
7 ~~utility as raw materials and products.~~

8 Sec. 11506. (1) "Solid waste" means food waste, rubbish,
9 ashes, incinerator ash, incinerator residue, street cleanings,
10 municipal and industrial sludges, solid commercial waste, solid
11 industrial waste, and animal waste. However, solid waste does not
12 include any of the following:

13 (a) Human body waste.

14 (b) Medical waste.

15 (c) Manure or animal bedding generated in the production of
16 livestock and poultry, if managed in compliance with the
17 appropriate GAAMPS.

18 (d) Liquid waste.

19 (e) Scrap metal, as defined in section 3 of the scrap metal
20 regulatory act, 2008 PA 429, MCL 445.423, directed to a scrap
21 processor as defined in that section or to a reuser of scrap metal.

22 (f) Slag or slag products directed to a slag processor or to a
23 reuser of slag or slag products.

24 (g) Sludges and ashes managed as recycled or nondetrimental
25 materials appropriate for agricultural or silvicultural use
26 pursuant to a plan approved by the department.

27 (h) The following materials that are used as animal feed, or
28 are applied on, or are composted and applied on, farmland or
29 forestland for an agricultural or silvicultural purpose at an

1 agronomic rate consistent with GAAMPS:

2 (i) Food processing residuals and food waste.

3 (ii) Precipitated calcium carbonate from sugar beet processing.

4 (iii) Wood ashes resulting solely from a source that burns only
5 wood that is untreated and inert.

6 (iv) Lime from kraft pulping processes generated before
7 bleaching.

8 (v) Aquatic plants.

9 (i) Materials approved for emergency disposal by the
10 department.

11 (j) Source separated materials.

12 (k) Coal ash, when used under any of the following
13 circumstances:

14 (i) As a component of concrete, grout, mortar, or casting
15 molds, if the coal ash does not have more than 6% unburned carbon.

16 (ii) As a raw material in asphalt for road construction, if the
17 coal ash does not have more than 12% unburned carbon and passes
18 Michigan test method for water asphalt preferential test, MTM 101,
19 as set forth in the state transportation department's manual for
20 the Michigan test methods (MTM).

21 (iii) As aggregate, road material, or building material that in
22 ultimate use is or will be stabilized or bonded by cement, limes,
23 or asphalt, or itself act as a bonding agent. To be considered to
24 act as a bonding agent, the coal ash must have at least 10%
25 available lime.

26 (iv) As a road base or construction fill that is placed at
27 least 4 feet above the seasonal groundwater table and covered with
28 asphalt, concrete, or other material approved by the department.

29 (l) Inert material.

1 (m) Soil that is washed or otherwise removed from sugar beets,
2 has not more than 55% moisture content, and is registered as a soil
3 conditioner under part 85. Any testing required to become
4 registered under part 85 is the responsibility of the generator.

5 (n) Soil that is relocated under section 20120c.

6 (o) Diverted waste that is managed through a waste diversion
7 center.

8 (p) Beneficial use by-products.

9 (q) Coal bottom ash, if substantially free of fly ash or
10 economizer ash, when used as cold weather road abrasive.

11 (r) Stamp sands when used as cold weather road abrasive in the
12 Upper Peninsula by any of the following:

13 (i) A public road agency.

14 (ii) Any other person pursuant to a plan approved by a public
15 road agency.

16 (s) Any material that is reclaimed or reused in the process
17 that generated it.

18 (t) Any secondary material that, as specified in or determined
19 pursuant to 40 CFR part 241, is not a solid waste when combusted.

20 ~~(u) Post-use polymers.~~

21 ~~(u) (v) Other wastes regulated by statute.~~

22 (2) "Solid waste management fund" means the solid waste
23 management fund created in section 11550.

24 (3) "Solid waste processing and transfer facility" means a
25 tract of land, a building or unit and any appurtenances of a
26 building or unit, a container, or any combination of these that is
27 used or intended for use in the handling, storage, transfer, or
28 processing of solid waste, and is not located at the site of
29 generation or the site of disposal of the solid waste.

1 ~~(4) "Solvolysis" means a manufacturing process in which post-~~
2 ~~use polymers are purified with the aid of solvents, while heated at~~
3 ~~low temperatures or pressurized, or both, to make useful products~~
4 ~~while allowing additives and contaminants to be removed. The~~
5 ~~products of solvolysis include, but are not limited to, monomers,~~
6 ~~intermediates, and valuable chemicals and raw materials. Solvolysis~~
7 ~~includes, but is not limited to, the following:~~

8 ~~(a) Hydrolysis.~~

9 ~~(b) Aminolysis.~~

10 ~~(c) Ammonolysis.~~

11 ~~(d) Methanolysis.~~

12 ~~(e) Glycolysis.~~

13 (4) ~~(5)~~—"Source reduction" means any practice that reduces or
14 eliminates the generation of waste at the source.

15 (5) ~~(6)~~—"Source separated material" means any of the following
16 materials if separated at the source of generation or at a
17 materials management facility that complies with part 115 and if
18 not speculatively accumulated:

19 (a) Glass, metal, wood, paper products, plastics, rubber,
20 textiles, food waste, electronics, latex paint, yard waste, or any
21 other material approved by the department that is used for
22 conversion, **other than through pyrolysis**, into raw materials or
23 intermediate or new products. For the purposes of this subdivision,
24 raw materials or intermediate or new products include, but are not
25 limited to, compost, biogas from anaerobic digestion, synthesis gas
26 from gasification, ~~or pyrolysis~~, or other fuel. This subdivision
27 does not prohibit material from being classified as a renewable
28 energy resource as defined in section 11 of the clean and renewable
29 energy and energy waste reduction act, 2008 PA 295, MCL 460.1011.

1 (b) Scrap wood and railroad ties used to fuel an industrial
2 boiler, kiln, power plant, or furnace, subject to part 55, for
3 production of new wood products, or for other uses approved by the
4 department.

5 (c) Chipped or whole tires used to fuel an industrial boiler,
6 kiln, power plant, or furnace, subject to part 55, or for other
7 uses approved by the department. This subdivision does not prohibit
8 material from being classified as a renewable energy resource as
9 defined in section 11 of the clean and renewable energy and energy
10 waste reduction act, 2008 PA 295, MCL 460.1011.

11 (d) Recovered paint solids if used to fuel an industrial
12 boiler, kiln, power plant, gasification plant, or furnace, subject
13 to part 55; if bonded with cement or asphalt; or if used for other
14 uses approved by the department.

15 (e) Gypsum drywall generated from the production of wallboard
16 used for stock returned to the production process or for other uses
17 approved by the department.

18 (f) Flue gas desulfurization gypsum used for production of
19 cement or wallboard or other uses approved by the department.

20 (g) Asphalt shingles that meet both of the following
21 requirements:

22 (i) Do not contain asbestos, rolled roofing, wood, nails, or
23 tar paper.

24 (ii) Are used as described in any of the following:

25 (A) As a component in hot mix asphalt, warm mix asphalt, or
26 cold patch asphalt.

27 (B) To fuel an industrial boiler, kiln, power plant, or
28 furnace, subject to part 55.

29 (C) Mixed with recycled asphalt pavement at a maximum of 1 to

1 1 ratio by volume to produce a base that is covered by concrete or
2 asphalt paving.

3 (D) Other uses approved by the department.

4 (h) Municipal solid waste incinerator ash that meets criteria
5 specified by the department and that is used as daily cover at a
6 disposal facility licensed pursuant to part 115.

7 (i) Utility poles or pole segments reused as poles, posts, or
8 similar uses approved by the department in writing.

9 (j) Railroad ties reused in landscaping, embankments, or
10 similar uses approved by the department in writing.

11 (k) Any materials and uses approved by the department under
12 section 11553(8).

13 (l) Leaves that are ground or mixed with ground wood and sold
14 as mulch for landscaping purposes if the volumes so managed are
15 reported to the department in the manner provided in section 11560.

16 (m) Any material determined by the department in writing
17 before September 16, 2014 to be a source separated material.

18 (n) Yard waste that is land applied on a farm in a manner
19 consistent with GAAMPS.

20 (o) Yard waste, class 1 compostable material, and class 2
21 compostable material that are delivered to an anaerobic digester
22 authorized by the department under part 115 to receive the
23 material.

24 (p) Recyclable materials.

25 **(6)** ~~(7)~~—"Stamp sands" means finely grained crushed rock
26 resulting from mining, milling, or smelting of copper ore and
27 includes native substances contained within the crushed rock and
28 any ancillary material associated with the crushed rock.

29 **(7)** ~~(8)~~—"Treated wood" means wood or wood product that has

1 been treated with 1 or more of the following:

- 2 (a) Chromated copper arsenate (CCA).
3 (b) Ammoniacal copper quat (ACQ).
4 (c) Ammoniacal copper zinc arsenate (ACZA).
5 (d) Any other chemical designated in rules promulgated by the
6 department.

7 **(8)** ~~(9)~~—"Trust fund" means a fund held by a trustee who has
8 the authority to act as a trustee and whose trust operations are
9 regulated and examined by a federal or state agency.

10 **(9)** ~~(10)~~—"Type I public water supply", "type IIa public water
11 supply", "type IIb public water supply", and "type III public water
12 supply" mean those terms, respectively, as described in R 325.10502
13 of the MAC.

14 **(10)** ~~(11)~~—"Type II landfill" means a landfill that receives
15 household waste or municipal solid waste incinerator ash, or both,
16 and that may also receive other types of solid waste, such as any
17 of the following:

- 18 (a) Construction and demolition waste.
19 (b) Sewage sludge.
20 (c) Commercial waste.
21 (d) Nonhazardous sludge.
22 (e) Hazardous waste from conditionally exempt small quantity
23 generators.
24 (f) Industrial waste.

25 **(11)** ~~(12)~~—"Type III landfill" means a landfill that is not a
26 type II landfill or hazardous waste landfill. Type III landfill
27 includes all of the following:

- 28 (a) A construction and demolition waste landfill.
29 (b) An industrial waste landfill.

1 (c) A low hazard industrial waste landfill.

2 (d) A surface impoundment authorized as an industrial waste
3 landfill.

4 (e) A landfill that accepts only waste other than household
5 waste, municipal solid waste incinerator ash, or hazardous waste
6 from conditionally exempt small quantity generators.

7 (f) A coal ash landfill.

8 (g) Any coal ash impoundment, including, but not limited to,
9 the following:

10 (i) An existing coal ash impoundment that is closed as a
11 landfill pursuant to R 299.4309 of the MAC.

12 (ii) An existing coal ash impoundment where coal ash will
13 remain after closure and that will be closed as a landfill pursuant
14 to R 299.4309 of the MAC.

15 **(12)** ~~(13)~~—"Vermiculture" means the controlled and managed
16 process by which live worms degrade organic materials into worm
17 castings or worm humus.

18 **(13)** ~~(14)~~—"Waste diversion center" means property or a
19 building, or a portion of property or a building, designated for
20 the purpose of receiving or collecting diverted wastes and not used
21 for residential purposes.

22 **(14)** ~~(15)~~—"Wood" means trees, branches and associated leaves,
23 bark, lumber, pallets, wood chips, sawdust, or other wood or wood
24 product but does not include scrap wood, treated wood, painted wood
25 or painted wood product, or any wood or wood product that has been
26 contaminated during manufacture or use.

27 **(15)** ~~(16)~~—"Wood ash" means any type of ash or slag resulting
28 from the burning of wood.

29 **(16)** ~~(17)~~—"Yard waste" means leaves, grass clippings,

1 vegetable or other garden debris, shrubbery, or brush or tree
2 trimmings, less than 4 feet in length and 2 inches in diameter,
3 that can be converted to compost. Yard waste does not include
4 stumps, agricultural wastes, animal waste, roots, sewage sludge,
5 Christmas trees or wreaths, food waste, or screened finished
6 compost made from yard waste.