

HOUSE BILL No. 6006

July 2, 1998, Introduced by Reps. Birkholz, Bobier, Perricone, Jellema, Cassis, Sikkema, McNutt, Middaugh, Geiger, Hammerstrom, Rhead, Llewellyn, Gernaat, Lowe, Middleton, Green, Gilmer, DeVuyst, Byl, Fitzgerald, Jansen, Brackenridge, Crissman, Voorhees, Jelinek, Richner, Dalman, McManus, Whyman, Scranton and Raczkowski and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503 and 11506 (MCL 324.11503 and 324.11506), section 11503 as amended by 1996 PA 359 and section 11506 as amended by 1996 PA 392.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11503. (1) "Department" means the department of envi-
2 ronmental quality.

3 (2) "Director" means the director of the department.

4 (3) "Discharge" includes, but is not limited to, any spill-
5 ing, leaking, pumping, pouring, emitting, emptying, discharging,
6 injecting, escaping, leaching, dumping, or disposing of a sub-
7 stance into the environment which is or may become injurious to
8 the public health, safety, or welfare, or to the environment.

1 (4) "Disposal area" means 1 or more of the following at a
2 location as defined by the boundary identified in its
3 construction permit or engineering plans approved by the
4 department:

5 (a) A solid waste transfer facility.

6 (b) Incinerator.

7 (c) Sanitary landfill.

8 (d) Processing plant.

9 (e) Other solid waste handling or disposal facility utilized
10 in the disposal of solid waste.

11 (5) "Enforceable mechanism" means a legal method whereby the
12 state, a county, a municipality, or a person is authorized to
13 take action to guarantee compliance with an approved county solid
14 waste management plan. Enforceable mechanisms include contracts,
15 intergovernmental agreements, laws, ordinances, rules, and
16 regulations.

17 (6) "Escrow account" means an account managed by a bank or
18 other financial institution whose account operations are regu-
19 lated and examined by a federal or state agency and which com-
20 plies with section 11523b.

21 (7) "Financial assurance" means the mechanisms used to
22 demonstrate that the funds necessary to meet the cost of closure,
23 postclosure maintenance and monitoring, and corrective action
24 will be available whenever they are needed.

25 (8) "Financial test" means a corporate or local government
26 financial test or guarantee approved for type II landfills under
27 subtitle D of the solid waste disposal act, title II of Public

1 Law 89-272, 42 U.S.C. ~~6945~~ 6941 AND 6942 TO 6949a. An owner
2 or operator may use a single financial test for more than 1
3 facility. Information submitted to the department to document
4 compliance with the test shall include a list showing the name
5 and address of each facility and the amount of funds assured by
6 the test for each facility. For purposes of the financial test,
7 the owner or operator shall aggregate the sum of the closure,
8 postclosure, and corrective action costs it seeks to assure with
9 any other environmental obligations assured by a financial test
10 under state or federal law.

11 (9) "FOOD PROCESSING RESIDUALS" MEANS ANY OF THE FOLLOWING:

12 (A) RESIDUALS OF FRUITS, VEGETABLES, AQUATIC PLANTS, OR
13 FIELD CROPS.

14 (B) OTHERWISE UNUSABLE BY-PRODUCTS FROM THE PROCESSING OF
15 FRUITS, VEGETABLES, AQUATIC PLANTS, OR FIELD CROPS.

16 (C) OTHERWISE UNUSABLE FOOD PRODUCTS WHICH DO NOT MEET SIZE,
17 QUALITY, OR OTHER PRODUCT SPECIFICATIONS AND WHICH WERE INTENDED
18 FOR HUMAN OR ANIMAL CONSUMPTION.

19 (10) "FOREST PRODUCT RESIDUALS" MEANS BARK, WOOD CHIPS, SAW-
20 DUST, WOOD FINES, OR OTHER WOOD FIBER BY-PRODUCTS RESULTING FROM
21 THE PROCESSING OF LOGS OR OTHER RAW WOOD MATERIALS USED IN CON-
22 JUNCTION WITH THE MANUFACTURE OF PAPER, FURNITURE, OR OTHER WOOD
23 PRODUCTS. FOREST PRODUCT RESIDUALS DO NOT INCLUDE RESIDUALS FROM
24 THE PROCESSING OF LOGS OR OTHER RAW WOOD MATERIALS WITH PAINT,
25 CHEMICAL TREATMENTS, OR GLUE.

26 (11) ~~(9)~~ "Garbage" means rejected food wastes including
27 waste accumulation of animal, fruit, or vegetable matter used or

1 intended for food or that attends the preparation, use, cooking,
2 dealing in, or storing of meat, fish, fowl, fruit, or vegetable
3 matter.

4 Sec. 11506. (1) "Solid waste" means garbage, rubbish,
5 ashes, incinerator ash, incinerator residue, street cleanings,
6 municipal and industrial sludges, solid commercial and solid
7 industrial waste, and animal waste other than organic waste gen-
8 erated in the production of livestock and poultry. Solid waste
9 does not include the following:

10 (a) Human body waste.

11 (b) Medical waste as it is defined in part 138 of the public
12 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~
13 ~~tions 333.13801 to 333.13831 of the Michigan Compiled Laws 1978~~
14 PA 368, MCL 333.13801 TO 333.13831, and regulated under ~~part 138~~
15 ~~of Act No. 368 of the Public Acts of 1978~~ THAT PART and
16 part 55.

17 (c) Organic waste generated in the production of livestock
18 and poultry.

19 (d) Liquid waste.

20 (e) Ferrous or nonferrous scrap directed to a scrap metal
21 processor or to a reuser of ferrous or nonferrous products.

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

24 (g) Sludges and ashes managed as recycled, or nondetrimental
25 materials appropriate for agricultural or silvicultural use pur-
26 suant to a plan approved by the department. ~~A by-product from~~
27 ~~the processing of or a residual from fruits, vegetables, sugar~~

1 ~~beets, or field crops~~ FOOD PROCESSING RESIDUALS; FOREST PRODUCT
2 RESIDUALS; wood ashes resulting solely from a source that burns
3 only wood that is untreated and inert; lime from kraft pulping
4 processes generated prior to bleaching; or aquatic plants may be
5 applied on, OR COMPOSTED AND APPLIED ON, farmland OR FORESTLAND
6 for an agricultural or silvicultural purpose, or used as animal
7 feed, as appropriate, and such an application or use does not
8 require a plan described in this subdivision or a permit or
9 license under this part. In addition, source separated materials
10 approved by the department for land application for agricultural
11 and silvicultural purposes and compost produced from those mate-
12 rials may be applied to the land for agricultural and silvicult-
13 tural purposes and such an application does not require a plan
14 described in this subdivision or permit or license under this
15 part. Land application authorized under this subdivision for an
16 agricultural or silvicultural purpose, or use as animal feed, as
17 provided for in this subdivision shall occur in a manner that
18 prevents losses from runoff and leaching, and if applied to land,
19 the land application shall be at an agronomic rate consistent
20 with generally accepted agricultural and management practices
21 under the MICHIGAN right to farm act, ~~Act No. 93 of the Public~~
22 ~~Acts of 1981, being sections 286.471 to 286.474 of the Michigan~~
23 ~~Compiled Laws~~ 1981 PA 93, MCL 286.471 TO 286.474.

24 (h) Materials approved for emergency disposal by the
25 department.

26 (i) Source separated materials.

- 1 (j) Site separated material.
- 2 (k) Fly ash or any other ash produced from the combustion of
3 coal, when used in the following instances:
- 4 (i) With a maximum of 6% of unburned carbon as a component
5 of concrete, grout, mortar, or casting molds.
- 6 (ii) With a maximum of 12% unburned carbon passing
7 M.D.O.T. test method MTM 101 when used as a raw material in
8 asphalt for road construction.
- 9 (iii) As aggregate, road, or building material which in
10 ultimate use will be stabilized or bonded by cement, limes, or
11 asphalt.
- 12 (iv) As a road base or construction fill that is covered
13 with asphalt, concrete, or other material approved by the depart-
14 ment and which is placed at least 4 feet above the seasonal
15 groundwater table.
- 16 (v) As the sole material in a depository designed to
17 reclaim, develop, or otherwise enhance land, subject to the
18 approval of the department. In evaluating the site, the depart-
19 ment shall consider the physical and chemical properties of the
20 ash including leachability, and the engineering of the deposito-
21 ry, including, but not limited to, the compaction, control of
22 surface water and groundwater that may threaten to infiltrate the
23 site, and evidence that the depository is designed to prevent
24 water percolation through the material.
- 25 (1) Other wastes regulated by statute.
- 26 (2) "Solid waste hauler" means a person who owns or operates
27 a solid waste transporting unit.

1 (3) "Solid waste processing plant" means a tract of land,
2 building, unit, or appurtenance of a building or unit or a combi-
3 nation of land, buildings, and units that is used or intended for
4 use for the processing of solid waste or the separation of mate-
5 rial for salvage or disposal, or both, but does not include a
6 plant engaged primarily in the acquisition, processing, and ship-
7 ment of ferrous or nonferrous metal scrap, or a plant engaged
8 primarily in the acquisition, processing, and shipment of slag or
9 slag products. A COMPOSTING PLANT IS NOT A SOLID WASTE PROCESS-
10 ING PLANT REGARDLESS OF THE VOLUME OF MATERIALS HANDLED, IF THE
11 PLANT OTHERWISE SATISFIES RULES ESTABLISHED BY THE DEPARTMENT.

12 (4) "Solid waste transporting unit" means a container that
13 may be an integral part of a truck or other piece of equipment
14 used for the transportation of solid waste.

15 (5) "Solid waste transfer facility" means a tract of land, a
16 building and any appurtenances, or a container, or any combina-
17 tion of land, buildings, or containers that is used or intended
18 for use in the rehandling or storage of solid waste incidental to
19 the transportation of the solid waste, but is not located at the
20 site of generation or the site of disposal of the solid waste.

21 (6) "Source separated material" means glass, metal, wood,
22 paper products, plastics, rubber, textiles, garbage, yard clip-
23 pings, FOOD PROCESSING RESIDUALS, FOREST PRODUCT RESIDUALS, or
24 any other material approved by the department that is separated
25 at the source of generation for the purpose of conversion into
26 raw materials or new products OR, IF THE MATERIAL IS COMPOSTABLE,
27 FOR COMPOSTING.

1 (7) "Yard clippings" means leaves, grass clippings,
2 vegetable or other garden debris, shrubbery, or brush or tree
3 trimmings, less than 4 feet in length and 2 inches in diameter,
4 that can be converted to compost humus. Yard clippings do not
5 include stumps, agricultural wastes, animal waste, roots, sewage
6 sludge, or garbage.