

SENATE BILL No. 903

November 8, 2007, Introduced by Senators RICHARDVILLE, KAHN, BIRKHOLZ, BROWN, PAPPAGEORGE, GLEASON, JANSEN and HARDIMAN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11503, 11514, and 11526b (MCL 324.11503,
324.11514, and 324.11526b), section 11503 as amended by 1998 PA
466, section 11514 as amended by 2005 PA 243, and section 11526b as
added by 2004 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11503. (1) "Department" means the department of
2 environmental quality.

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

4 (3) "Discharge" includes, but is not limited to, any spilling,
5 leaking, pumping, pouring, emitting, emptying, discharging,
6 injecting, escaping, leaching, dumping, or disposing of a substance

1 into the environment ~~which~~**THAT** is or may become injurious to the
2 public health, safety, or welfare, or to the environment.

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

6 (a) A solid waste transfer facility.

7 (b) Incinerator.

8 (c) Sanitary landfill.

9 (d) Processing plant.

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

12 (5) **"ELECTRONIC WASTE" MEANS THAT TERM AS DEFINED IN SECTION**
13 **17301.**

14 (6) ~~(5)~~-"Enforceable mechanism" means a legal method whereby
15 the state, a county, a municipality, or a ~~ANOTHER~~ person is
16 authorized to take action to guarantee compliance with an approved
17 county solid waste management plan. Enforceable mechanisms include
18 contracts, intergovernmental agreements, laws, ordinances, rules,
19 and regulations.

20 (7) ~~(6)~~-"Escrow account" means an account managed by a bank or
21 other financial institution whose account operations are regulated
22 and examined by a federal or state agency and which complies with
23 section 11523b.

24 (8) ~~(7)~~-"Financial assurance" means the mechanisms used to
25 demonstrate that the funds necessary to meet the cost of closure,
26 postclosure maintenance and monitoring, and corrective action will
27 be available whenever they are needed.

1 (9) ~~(8)~~ "Financial test" means a corporate or local government
2 financial test or guarantee approved for type II landfills under
3 ~~subtitle D of the solid waste disposal act, title II of Public Law~~
4 ~~89-272, 42 U.S.C. 6941 and 6942~~ **42 USC 6941** to 6949a. An owner or
5 operator may use a single financial test for more than 1 facility.
6 Information submitted to the department to document compliance with
7 the test shall include a list showing the name and address of each
8 facility and the amount of funds assured by the test for each
9 facility. For purposes of the financial test, the owner or operator
10 shall aggregate the sum of the closure, postclosure, and corrective
11 action costs it seeks to assure with any other environmental
12 obligations assured by a financial test under state or federal law.

13 (10) ~~(9)~~ "Food processing residuals" means any of the
14 following:

15 (a) Residuals of fruits, vegetables, aquatic plants, or field
16 crops.

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

19 (c) Otherwise unusable food products ~~which~~ **THAT** do not meet
20 size, quality, or other product specifications and ~~which~~ **THAT** were
21 intended for human or animal consumption.

22 (11) ~~(10)~~ "Garbage" means rejected food wastes including waste
23 accumulation of animal, fruit, or vegetable matter used or intended
24 for food or that ~~attends~~ **RESULTS FROM** the preparation, use,
25 cooking, dealing in, or storing of meat, fish, fowl, fruit, or
26 vegetable matter.

27 (12) ~~(11)~~ "Scrap wood" means wood or wood product that is 1 or

1 more of the following:

2 (a) Plywood, pressed board, oriented strand board, or any
3 other wood or wood product mixed with glue or filler.

4 (b) Wood or wood product treated with creosote or
5 pentachlorophenol.

6 (c) Any other wood or wood product designated as scrap wood in
7 rules promulgated by the department.

8 **(13)** ~~(12)~~—"Treated wood" means wood or wood product that has
9 been treated with 1 or more of the following:

10 (a) Chromated copper arsenate (CCA).

11 (b) Ammoniacal copper quat (ACQ).

12 (c) Ammoniacal copper zinc arsenate (ACZA).

13 (d) Any other chemical designated in rules promulgated by the
14 department.

15 **(14)** ~~(13)~~—"Wood" means trees, branches, bark, lumber, pallets,
16 wood chips, sawdust, or other wood or wood product but does not
17 include scrap wood, treated wood, painted wood or painted wood
18 product, or any wood or wood product that has been contaminated
19 during manufacture or use.

20 Sec. 11514. (1) Optimizing recycling opportunities and the
21 reuse of materials shall be a principal objective of the state's
22 solid waste management plan. Recycling and reuse of materials are
23 in the best interest of promoting the public health and welfare.
24 The state shall develop policies and practices that promote
25 recycling and reuse of materials and, to the extent practical,
26 minimize the use of landfilling as a method for disposal of its
27 waste.

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

4 (a) Medical waste, unless that medical waste has been
5 decontaminated or is not required to be decontaminated but is
6 packaged in the manner required under part 138 of the public health
7 code, 1978 PA 368, MCL 333.13801 to 333.13831.

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

10 (c) More than a de minimis number of whole motor vehicle
11 tires.

12 (d) More than a de minimis amount of yard clippings, unless
13 they are diseased or infested.

14 **(E) ELECTRONIC WASTE, BEGINNING DECEMBER 1, 2008.**

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

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

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

20 (c) Low-level radioactive waste as defined in section 2 of the
21 low-level radioactive waste authority act, 1987 PA 204, MCL
22 333.26202.

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

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

27 (i) Household waste other than septage waste.

1 (ii) Leachate or gas condensate that is approved for
2 recirculation.

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

5 (f) Sewage.

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

7 (h) Asbestos waste, unless the landfill complies with 40 CFR
8 61.154.

9 (4) A person shall not knowingly deliver to a municipal solid
10 waste incinerator for disposal, or, if the person is an owner or
11 operator of a municipal solid waste incinerator, knowingly permit
12 disposal in the incinerator of, more than a de minimis amount of
13 yard clippings, unless they are diseased or infested. The
14 department shall post, and a solid waste hauler that disposes of
15 solid waste in a municipal solid waste incinerator shall provide
16 its customers with, notice of the prohibitions of this subsection
17 in the same manner as provided in section 11527a.

18 (5) If the department determines that a safe, sanitary, and
19 feasible alternative does not exist for the disposal in a landfill
20 or municipal solid waste incinerator of any items described in
21 subsection (2) or (4), respectively, the department shall submit a
22 report setting forth that determination and the basis for the
23 determination to the standing committees of the senate and house of
24 representatives with primary responsibility for solid waste issues.

25 (6) As used in this section, "de minimis" means ~~incidental~~
26 ~~disposal of small amounts of these materials that are~~ **A SMALL**
27 **QUANTITY OF MATERIAL THAT IS** commingled **AND INCIDENTALLY DISPOSED**

1 OF with other solid waste.

2 Sec. 11526b. (1) Not later than October 1, 2004, the
3 department shall do all of the following:

4 (a) Notify each state, the country of Canada, and each
5 province in Canada that landfills in this state will not accept for
6 disposal solid waste that does not comply with section 11526a.

7 (b) Compile a list of countries, states, provinces, and local
8 jurisdictions that ~~prohibit from disposal in a landfill the~~ **EXCLUDE**
9 **FROM A SOLID WASTE STREAM THAT MAY BE DISPOSED OF AT A LANDFILL IN**
10 **THIS STATE** items prohibited from disposal in a landfill ~~located in~~
11 ~~this state or that prevent from disposal in a landfill the items~~
12 ~~prohibited from disposal in a landfill located in this state~~ **UNDER**
13 **SECTION 11514, BY PROHIBITING THE DISPOSAL OF THOSE ITEMS IN A**
14 **LANDFILL, BY PREVENTING THE DISPOSAL OF THOSE ITEMS IN A LANDFILL**
15 through enforceable solid waste disposal requirements that are
16 comparable to this part, **OR BY OTHER MEANS.**

17 (c) Prepare and provide to each landfill in the state a copy
18 of a list of the countries, states, provinces, and local
19 jurisdictions compiled under subdivision (b).

20 (2) The department shall include a country, state, province,
21 or local jurisdiction on the list described in subsection (1) if
22 the country, state, province, or local jurisdiction, or another
23 person, provides the department with documentation that the
24 country, state, province, or local jurisdiction ~~prohibits from~~
25 ~~disposal in a landfill the items prohibited from disposal in a~~
26 ~~landfill located in this state or that it prevents from disposal in~~
27 ~~a landfill the items prohibited from disposal in a landfill located~~

1 ~~in this state through enforceable solid waste disposal requirements~~
2 ~~that are comparable to this part~~ **MEETS THE REQUIREMENTS OF**
3 **SUBSECTION (1) (B)**. Such documentation shall include all pertinent
4 statutes, administrative regulations, and ordinances.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 897.

7 of the 94th Legislature is enacted into law.