

SENATE BILL No. 905

November 8, 2007, Introduced by Senators KAHN, BIRKHOLZ, RICHARDVILLE, PAPPAGEORGE, GILBERT, BROWN, JANSEN, GLEASON 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 section 11514 (MCL 324.11514), as amended by 2005 PA
243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11514. (1) Optimizing recycling opportunities and the
2 reuse of materials shall be a principal objective of the state's
3 solid waste management plan. Recycling and reuse of materials are
4 in the best interest of promoting the public health and welfare.
5 The state shall develop policies and practices that promote
6 recycling and reuse of materials and, to the extent practical,
7 minimize the use of landfilling as a method for disposal of its
8 waste.

9 (2) A person shall not knowingly deliver to a landfill for

1 disposal, or, if the person is an owner or operator of a landfill,
2 knowingly permit disposal in the landfill of, any of the following:

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

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

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

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

13 **(E) BEGINNING DECEMBER 1, 2010, MORE THAN A DE MINIMIS AMOUNT**
14 **OF HIGH DENSITY POLYETHYLENE (HDPE) .**

15 **(F) BEGINNING DECEMBER 1, 2010, MORE THAN A DE MINIMIS AMOUNT**
16 **OF POLYETHYLENE TEREPHTHALATE (PETE) .**

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

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

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

22 (c) Low-level radioactive waste as defined in section 2 of the
23 low-level radioactive waste authority act, 1987 PA 204, MCL
24 333.26202.

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

27 (e) Bulk or noncontainerized liquid waste or waste that

1 contains free liquids, unless the waste is 1 of the following:

2 (i) Household waste other than septage waste.

3 (ii) Leachate or gas condensate that is approved for
4 recirculation.

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

7 (f) Sewage.

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

9 (h) Asbestos waste, unless the landfill complies with 40 CFR
10 61.154.

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

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

27 (6) As used in this section, "de minimis" means ~~incidental~~

1 ~~disposal of small amounts of these materials that are~~ **A SMALL**
2 **QUANTITY OF MATERIAL THAT IS** commingled **AND INCIDENTALLY DISPOSED**
3 **OF** with other solid waste.