

HOUSE BILL NO. 4455

March 09, 2021, Introduced by Reps. Cambensy, Howell, Sowerby, VanSingel, Tate, Rabhi, Borton, Kuppa, Martin, O'Malley, Manoogian, Pohutsky, Anthony, Brixie, Liberati, Hood, Markkanen, Breen, Morse, Cavanagh, Aiyash, Puri, Brabec, Brenda Carter and Hammoud and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11504, 11505, 11506, 11507, 11507a, and 11508 (MCL 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a, and 324.11508), section 11504 as amended by 2020 PA 85, section 11505 as amended by 2018 PA 640, section 11506 as amended by 2018 PA 615, and section 11507a as amended by 2004 PA 39.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11504. (1) ~~"Health officer" means a full-time~~

1 ~~administrative officer of a certified health department.~~ "Hauler"
2 means a person who owns or operates a managed materials
3 transporting unit.

4 (2) "Host community approval" means an agreement, resolution,
5 letter, or other document indicating that the governing body of the
6 municipality where the materials management facility is proposed to
7 be located has reviewed and approved the development of that
8 specific facility.

9 (3) "Household waste" means solid waste that is generated from
10 single-family dwellings. Household waste does not include
11 commercial waste, industrial waste, hazardous waste, or
12 construction and demolition waste.

13 (4) ~~(2)~~—"Industrial waste" means solid waste that is generated
14 by manufacturing or industrial processes **at an industrial site** and
15 that is not a hazardous waste regulated under part 111.

16 (5) ~~(3)~~—"Industrial waste landfill" means a landfill that is
17 used for the disposal of any of the following, as applicable:

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

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

22 (6) ~~(4)~~—"Inert material" means any of the following:

23 (a) Rock.

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

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

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

29 (iii) The debris is placed at least 3 feet above the groundwater

1 table as observed at the time of placement.

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

4 (c) Uncontaminated excavated soil or dredged sediment.

5 Excavated soil or dredged sediment is considered uncontaminated if
6 it does not contain more than de minimis amounts of solid waste and
7 ~~1-any~~ of the following ~~applies~~**apply**:

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

16 (ii) For any hazardous substance that could reasonably be
17 expected to be present as a result of past land use and human
18 activity, the soil or sediment does not exceed the background
19 concentration, as that term is defined in ~~part 201~~**section 20101**.

20 (iii) For any hazardous substance that could reasonably be
21 expected to be present as a result of past land use and human
22 activity, the soil or sediment falls below part 201 generic
23 residential soil direct contact cleanup criteria and hazardous
24 substances in leachate from the soil or sediment, using, at the
25 option of the generator, EPA method 1311, "**Toxicity Characteristic**
26 **Leaching Procedure**", EPA method 1312, "**Synthetic Precipitation**
27 **Leaching Procedure**", or any other leaching protocol approved by the
28 department, fall below part 201 generic residential health based
29 groundwater drinking water values or criteria, and the soil or

1 sediment would not cause a violation of any surface water quality
2 standard established under part 31 at the area of placement,
3 disposal, or use.

4 (d) Excavated soil from a site of environmental contamination,
5 corrective action, or response activity if the soil is not a listed
6 hazardous waste under part 111 and if hazardous substances in the
7 soil do not exceed generic soil cleanup criteria for unrestricted
8 residential use as defined in ~~part 201~~ **section 20101** or background
9 concentration as defined in ~~part 201~~, **section 20101**, as applicable.

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

13 (i) The use of the material does not violate section 3108, part
14 301, or part 303.

15 (ii) The material is not materially contaminated. Typical
16 surface oil staining on pavement ~~and or~~ concrete from driveways,
17 roadways, ~~and or~~ parking lots is not material contamination.
18 Material covered in whole or in part with ~~lead-based paint~~ **that**
19 **contains more than 0.5% lead** is materially contaminated.

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

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

24 (g) Asphalt pavement or concrete pavement that meets all of
25 the following requirements:

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

27 (ii) Has been stockpiled or crushed for reuse as aggregate
28 material.

29 (iii) Does not include exposed reinforcement bars.

1 (h) Cuttings, drilling materials, and fluids used to drill or
2 complete a well installed pursuant to part 127 of the public health
3 code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of
4 the well is not a facility under part 201.

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

8 **(7) "Innovative technology facility" means a materials**
9 **management facility that converts solid waste into energy or a**
10 **usable product and that is not a materials recovery facility, a**
11 **composting facility, or an anaerobic digester.**

12 **(8) ~~(5)~~"Insurance" means insurance that conforms to the**
13 **requirements of 40 CFR 258.74(d) and is provided by an insurer who**
14 **that has a certificate of authority from the director of insurance**
15 **and financial services to sell this line of coverage. An applicant**
16 **for an operating license or general permit shall submit evidence of**
17 **the required coverage by submitting both of the following to the**
18 **department:**

19 (a) A certificate of insurance that uses wording approved by
20 the department.

21 (b) A certified true and complete copy of the insurance
22 policy.

23 **(9) ~~(6)~~"Landfill" means a disposal area that is a sanitary**
24 **type II landfill or type III landfill.**

25 **(10) "Landfill care fund" means a landfill care fund required**
26 **by section 11525d(2).**

27 **(11) "Landfill care fund bond" means a surety bond, an**
28 **irrevocable letter of credit, or a combination of these instruments**
29 **in favor of the department used to establish a landfill care fund.**

1 (12) "Large", in reference to a composting facility, means a
2 composting facility to which both of the following apply:

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

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

7 (13) ~~(7)~~ "Lateral expansion" means a horizontal expansion of
8 the solid waste boundary of any of the following:

9 (a) A landfill, other than a coal ash landfill, if the
10 expansion is beyond the limit established in a construction permit
11 or engineering plans approved by the ~~solid waste control agency~~
12 **department or a certified health department** before January 11,
13 1979.

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

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

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

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

24 (14) ~~(8)~~ "Letter of credit" means an irrevocable letter of
25 credit that complies with 40 CFR 258.74(c).

26 (15) "License" means an operating license.

27 (16) ~~(9)~~ "Lime kiln dust" means particulate matter collected
28 in air emission control devices serving lime kilns.

29 (17) "Local health officer" means a local health officer as

1 defined in section 1105 of the public health code, 1978 PA 368, MCL
2 333.1105, to which the department delegates certain duties under
3 part 115.

4 (18) ~~(10)~~—"Low-hazard industrial waste" means industrial
5 material that has a low potential for groundwater contamination
6 when managed in ~~accordance~~ **compliance** with ~~this~~ part 115. ~~The~~ **All**
7 **of the** following materials are low-hazard industrial wastes:

- 8 (a) Coal ash and wood ash.
9 (b) Cement kiln dust.
10 (c) Pulp and paper mill material.
11 (d) Scrap wood.
12 (e) Sludge from the treatment and conditioning of water for
13 domestic use.
14 (f) Residue from the thermal treatment of petroleum
15 contaminated soil, media, or debris.
16 (g) Sludge from the treatment and conditioning of water from a
17 community water supply.
18 (h) Foundry sand.
19 (i) Mixed wood ash, scrap wood ash, and pulp and paper mill
20 ash.
21 (j) Street cleanings.
22 (k) Asphalt shingles.
23 (l) New construction or production scrap drywall.
24 (m) Chipped or shredded tires.
25 (n) Copper slag.
26 (o) Copper stamp sands.
27 (p) Dredge material from nonremedial activities.
28 (q) Flue gas desulfurization material.
29 (r) Dewatered grinding slurry generated from public

1 transportation agency road projects.

2 (s) Any material determined by the department under section
3 11553(7) to be a low-hazard industrial waste.

4 (19) ~~(11)~~—"Low-hazard-potential coal ash impoundment" means a
5 coal ash impoundment that is a diked surface impoundment, the
6 failure or ~~miseperation~~ **mis-operation** of which is expected to
7 result in no loss of human life and low economic or environmental
8 losses principally limited to the impoundment owner's property.

9 (20) "MAC" means the Michigan Administrative Code.

10 (21) "Managed material" means solid waste, diverted waste, or
11 recyclable material. Managed material does not include a material
12 or product that contains iron, steel, or nonferrous metals and that
13 is directed to or received by a scrap processor as defined in
14 section 3 of the scrap metal regulatory act, 2008 PA 429, MCL
15 445.423, or by a reuser of these metals.

16 (22) "Managed materials transporting unit" means a container,
17 which may be an integral part of a truck or other piece of
18 equipment, used for the transportation of managed materials.

19 (23) "Materials management facility" or, unless the context
20 implies a different meaning, "facility" means any of the following,
21 subject to subsection (24):

22 (a) A disposal area.

23 (b) A materials utilization facility.

24 (c) A waste diversion center.

25 (24) Materials management facility or facility does not
26 include a person, utilizing machinery and equipment and operating
27 from a fixed location, whose principal business is the processing
28 and manufacturing of iron, steel, or nonferrous metals into
29 prepared grades of products suitable for consumption, reuse, or

1 additional processing.

2 (25) "Materials management goals" means goals identified in
3 the MMP pursuant to section 11578(1)(a).

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

6 (27) "Materials recovery facility", subject to subsection
7 (28), means a facility that meets both of the following
8 requirements:

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

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

19 (28) Materials recovery facility does not include any of the
20 following:

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

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

25 (c) A beverage distributor, or its agent, that manages
26 returnable beverage containers under 1976 IL 1, MCL 445.571 to
27 445.576.

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

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

4 (f) A facility that primarily manages material that was
5 previously sorted or processed.

6 (g) An anaerobic digester.

7 (29) "Materials utilization" means recycling, composting, or
8 converting material into energy rather than disposing of the
9 material.

10 (30) "Materials utilization facility" means a facility that is
11 any of the following:

12 (a) A materials recovery facility.

13 (b) A composting facility.

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

16 (d) An innovative technology facility.

17 (31) ~~(12)~~"Medical waste" means that term as it is defined in
18 section 13805 of the public health code, 1978 PA 368, MCL
19 333.13805.

20 (32) "Medium", in reference to a composting facility, means a
21 composting facility to which all of the following apply:

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

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

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

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

29 (e) Unless approved by the department, the site does not at

1 any time on any acre contain more than 5,000 cubic yards of
2 compostable material, finished product, compost additives, or
3 screening rejects.

4 (33) ~~(13)~~—"Mixed wood ash" means the material recovered from
5 air pollution control systems for, or the noncombusted residue
6 remaining after, the combustion of any combination of wood, scrap
7 wood, railroad ties, or tires, if railroad ties composed less than
8 35% by weight of the total combusted material and tires composed
9 less than 10% by weight of the total combusted material.

10 (34) "Municipal solid waste" means household waste, commercial
11 waste, waste generated by other nonindustrial locations, waste that
12 has characteristics similar to that generated at a household or
13 commercial business, or any combination thereof. Municipal solid
14 waste does not include municipal wastewater treatment sludges,
15 industrial process wastes, automobile bodies, combustion ash, or
16 construction and demolition debris.

17 (35) ~~(14)~~—"Municipal solid waste incinerator" means an
18 incinerator that is owned or operated by any person, and **that** meets
19 all of the following requirements:

20 (a) The incinerator receives solid waste from off site and
21 burns only ~~household~~ waste from ~~single~~ **single-family** and ~~multiple~~
22 **multifamily** dwellings, hotels, motels, and other residential
23 sources, or such ~~household~~ waste together with solid waste from
24 commercial, institutional, municipal, county, or industrial sources
25 that, if disposed of, would not be required to be placed in a
26 disposal facility licensed under part 111.

27 (b) The incinerator has established contractual requirements
28 or other notification or inspection procedures sufficient to ensure
29 that the incinerator receives and burns only waste referred to in

1 subdivision (a).

2 (c) The incinerator meets the requirements of ~~this part and~~
3 ~~the rules promulgated under this part 115.~~

4 (d) The incinerator is not an industrial furnace as defined in
5 40 CFR 260.10.

6 (e) The incinerator is not an incinerator that receives and
7 burns only medical waste or only waste produced at 1 or more
8 hospitals.

9 **(36)** ~~(15)~~—"Municipal solid waste incinerator ash" means the
10 substances remaining after combustion in a municipal solid waste
11 incinerator.

12 **(37)** "Municipal solid waste recycling rate" means the amount
13 of municipal solid waste recycled or composted, divided by the
14 amount of municipal solid waste recycled, composted, landfilled, or
15 incinerated.

16 **(38)** ~~(16)~~—"New coal ash impoundment" means a coal ash
17 impoundment that first receives coal ash after ~~the effective date~~
18 ~~of the amendatory act that added this subsection.~~**December 28, 2018.**

19 **(39)** ~~(17)~~—"New disposal area" means a disposal area that
20 requires a construction permit under this part and includes all of
21 the following:

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

24 (b) For a landfill, a lateral expansion, vertical expansion,
25 or other expansion that results in an increase in the landfill's
26 design capacity.

27 (c) A new coal ash impoundment, or a lateral expansion of a
28 coal ash impoundment beyond the placement of waste as of October
29 14, 2015.

1 (d) For a disposal area other than ~~landfills~~ **a landfill** or
 2 coal ash ~~impoundments~~, **impoundment**, an enlargement in capacity
 3 beyond that indicated in the construction permit or in engineering
 4 plans approved before January 11, 1979.

5 (e) For any existing disposal area, an alteration of the
 6 disposal area to a different disposal area type than ~~had been~~ **was**
 7 specified in the previous construction permit application or in
 8 engineering plans that were approved by the director or his or her
 9 designee before January 11, 1979.

10 **(40)** ~~(18)~~ "Nonresidential property" means property not used or
 11 intended to be used for any of the following:

12 (a) A child day care center.

13 (b) An elementary school.

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

15 (d) A nursing home.

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

20 **(41) "Operate" includes, but is not limited to, conducting,**
 21 **managing, and maintaining.**

22 **(42) "Part 115" means this part and rules promulgated under**
 23 **this part.**

24 ~~(19) "Part 115 rules" means R 299.4101 to R 299.4922 of the~~
 25 ~~Michigan Administrative Code including any amendments to or~~
 26 ~~replacements of those rules.~~

27 **(43)** ~~(20)~~ "Perpetual care fund" means a trust ~~or~~ **fund**, escrow
 28 account, or perpetual care fund bond ~~provided for in section~~
 29 ~~11525~~. **required by section 11525(2).**

1 **(44)** ~~(21)~~—"Perpetual care fund bond" means a surety bond, an
2 irrevocable letter of credit, or a combination of these instruments
3 in favor of and ~~on a form approved by the department by which used~~
4 **to establish** a perpetual care fund. ~~is established.~~

5 **(45)** "Planning area" means the geographic area to which a
6 materials management plan applies.

7 **(46)** "Planning committee" means a committee appointed under
8 section 11572.

9 **(47)** "Preexisting unit" means a landfill unit that is or was
10 licensed under part 115 but has not received waste after October 9,
11 1993.

12 **(48)** ~~(22)~~—"Pulp and paper mill ash" means the material
13 recovered from air pollution control systems for, or the
14 noncombusted residue remaining after, the combustion of any
15 combination of coal, wood, pulp and paper mill material, wood or
16 biomass fuel pellets, scrap wood, railroad ties, or tires, ~~from-in~~
17 a boiler, power plant, or furnace at a pulp and paper mill, if
18 railroad ties composed less than 35% by weight of the total
19 combusted material and tires composed less than 10% by weight of
20 the total combusted material.

21 **(49)** ~~(23)~~—"Pulp and paper mill material" means all of the
22 following materials if generated at a facility that produces pulp
23 or paper:

24 (a) Wastewater treatment sludge, including wood fibers,
25 minerals, and microbial biomass.

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

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

28 (d) Scrap paper.

29 (e) Causticizing residues, including lime mud and grit and

1 green liquor dregs.

2 (f) Any material that the department determines has
3 characteristics that are similar to any of the materials listed in
4 subdivisions (a) to (e).

5 (50) "Pyrolysis" means a process that does not involve
6 combustion and through which materials are heated in the absence of
7 oxygen until melted and thermally decomposed, and then are cooled,
8 condensed, and converted into other intermediate or final products.
9 If the feedstock is source separated material, pyrolysis is not
10 considered to be incineration, disposal, or processing of solid
11 waste.

12 Sec. 11505. (1) "RDDP" means a research, development, and
13 demonstration project for a new or existing type II landfill unit
14 or for a lateral expansion of a type II landfill unit.

15 (2) ~~(1)~~ "Recyclable materials" means ~~source separated~~
16 ~~materials, site separated materials, high grade paper, glass,~~
17 ~~metal, plastic, aluminum, newspaper, corrugated~~ **plastics**, paper
18 **products, wood, rubber, textiles, food waste**, yard clippings, and
19 other materials that may be recycled or composted.

20 (3) "Recycling" means any process applied to materials that
21 are no longer being used and that would have otherwise been
22 disposed as waste, for the purpose of converting the materials into
23 raw materials or intermediate or new products.

24 (4) ~~(2)~~ "Regional ~~solid waste management~~ planning agency"
25 means the regional solid waste planning agency designated by the
26 governor pursuant to **section 4006 of subtitle D of the solid waste**
27 **disposal act**, 42 USC 6946.

28 (5) ~~(3)~~ "Resource recovery facility" means machinery,
29 equipment, structures, or any parts or accessories of machinery,

1 equipment, or structures, installed or acquired for the primary
2 purpose of recovering materials or energy from the waste stream.

3 (6) ~~(4)~~—"Response activity" means an activity that is
4 necessary to protect the **environment, natural resources, or the**
5 public health, safety, **or** welfare, ~~or the environment,~~ and
6 includes, but is not limited to, evaluation, cleanup, removal,
7 containment, isolation, treatment, monitoring, maintenance,
8 replacement of water supplies, and temporary relocation of people.

9 (7) **"Restricted use compost" means compost that is produced**
10 **from class 2 compostable material, including any combination of**
11 **class 1 compostable material and class 2 compostable material, that**
12 **is not approved as inert under section 11553(5).**

13 (8) **"Reuse" means to remanufacture, use again, use in a**
14 **different manner, or use after reclamation.**

15 (9) ~~(5)~~—"Rubbish" means nonputrescible solid waste, excluding
16 ashes, consisting of both combustible and noncombustible waste,
17 including paper, cardboard, metal containers, yard ~~clippings,~~
18 **waste**, wood, glass, bedding, crockery, demolished building
19 materials, or litter of any kind that may be a detriment to the
20 **environment, natural resources, or the** public health, ~~and safety,~~
21 **or welfare.**

22 (10) ~~(6)~~—"Salvaging" means the lawful and controlled removal
23 of reusable materials from solid waste.

24 ~~(7) "Sanitary landfill" means a type of disposal area~~
25 ~~consisting of 1 or more landfill units and the active work areas~~
26 ~~associated with those units. Sanitary landfills are classified as 1~~
27 ~~of the following types of landfills:~~

28 ~~(a) A type II landfill, which is a municipal solid waste~~
29 ~~landfill and includes a municipal solid waste incinerator ash~~

1 ~~landfill.~~

2 ~~(b) A type III landfill, which is any landfill that is not a~~
 3 ~~municipal solid waste landfill or hazardous waste landfill and~~
 4 ~~includes all of the following:~~

5 ~~(i) A construction and demolition waste landfill.~~

6 ~~(ii) An industrial waste landfill.~~

7 ~~(iii) A landfill that accepts waste other than household waste,~~
 8 ~~municipal solid waste incinerator ash, or hazardous waste from~~
 9 ~~conditionally exempt small quantity generators.~~

10 ~~(iv) A coal ash landfill.~~

11 ~~(v) An existing coal ash impoundment that is closed or is~~
 12 ~~actively being closed as a landfill pursuant to R 299.4309 of the~~
 13 ~~part 115 rules.~~

14 **(11)** ~~(8)~~ "Scrap wood" means wood or wood product that is 1 or
 15 more of the following:

16 (a) Plywood, particle board, pressed board, oriented strand
 17 board, fiberboard, resonated wood, or any other wood or wood
 18 product mixed with glue, resins, or filler.

19 (b) Wood or wood product treated with creosote or
 20 pentachlorophenol.

21 (c) Any wood or wood product designated as scrap wood in rules
 22 promulgated by the department.

23 **(12)** ~~(9)~~ "Sharps" means that term as defined in section 13807
 24 of the public health code, 1978 PA 368, MCL 333.13807.

25 ~~(10) "Site separated material" means glass, metal, wood, paper~~
 26 ~~products, plastics, rubber, textiles, garbage, or any other~~
 27 ~~material approved by the department that is separated from solid~~
 28 ~~waste for the purpose of recycling or conversion into raw materials~~
 29 ~~or new products.~~

1 (13) ~~(11)~~ "Slag" means the nonmetallic product resulting from
2 melting or smelting operations for iron or steel.

3 (14) "Small", in reference to a composting facility, means a
4 composting facility to which both of the following apply:

5 (a) The site at any time contains more than 500 cubic yards of
6 compostable material but does not at any time contain 1,000 or more
7 cubic yards of compostable material.

8 (b) The site does not at any time contain 5% or more by volume
9 of class 1 compostable material other than yard waste.

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

15 (a) Human body waste.

16 (b) Medical waste.

17 (c) ~~Organic waste~~ **Manure or animal bedding** generated in the
18 production of livestock and poultry, **if managed in compliance with**
19 **the appropriate GAAMPS.**

20 (d) Liquid waste.

21 (e) ~~Ferrous or nonferrous scrap~~ **Scrap metal, as defined in**
22 **section 3 of the scrap metal regulatory act, 2008 PA 429, MCL**
23 **445.423, directed to a scrap metal processor as defined in that**
24 **section or to a reuser of ferrous or nonferrous products.**~~scrap~~
25 **metal.**

26 (f) Slag or slag products directed to a slag processor or to a
27 reuser of slag or slag products.

28 (g) Sludges and ashes managed as recycled or nondetrimental
29 materials appropriate for agricultural or silvicultural use

1 pursuant to a plan approved by the department.

2 (h) The following materials that are used as animal feed, or
3 are applied on, or are composted and applied on, farmland or
4 forestland for an agricultural or silvicultural purpose at an
5 agronomic rate consistent with GAAMPS:

6 (i) Food processing residuals and ~~garbage~~ **food waste**.

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

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

10 (iv) Lime from kraft pulping processes generated ~~prior to~~
11 **before** bleaching.

12 (v) Aquatic plants.

13 (i) Materials approved for emergency disposal by the
14 department.

15 (j) Source separated materials.

16 ~~(k) Site separated material.~~

17 **(k)** ~~(l)~~ Coal ash, when used under any of the following
18 circumstances:

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

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

26 (iii) As aggregate, road material, or building material that in
27 ultimate use is or will be stabilized or bonded by cement, limes,
28 or asphalt, or itself act as a bonding agent. To be considered to
29 act as a bonding agent, the coal ash must have at least 10%

1 available lime.

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

5 (l) ~~(m)~~—Inert material.

6 (m) ~~(n)~~—Soil that is washed or otherwise removed from sugar
7 beets, has not more than 55% moisture content, and is registered as
8 a soil conditioner under part 85. Any testing required to become
9 registered under part 85 is the responsibility of the generator.

10 (n) ~~(o)~~—Soil that is relocated under section 20120c.

11 (o) ~~(p)~~—Diverted waste that is managed through a waste
12 diversion center.

13 (p) ~~(q)~~—Beneficial use by-products.

14 (q) ~~(r)~~—Coal bottom ash, if substantially free of fly ash or
15 economizer ash, when used as cold weather road abrasive.

16 (r) ~~(s)~~—Stamp sands when used as cold weather road abrasive in
17 the Upper Peninsula by any of the following:

18 (i) A public road agency.

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

21 (s) ~~(t)~~—Any material that is reclaimed or reused in the
22 process that generated it.

23 (t) ~~(u)~~—Any secondary material that, as specified in or
24 determined pursuant to 40 CFR part 241, is not a solid waste when
25 combusted.

26 (u) ~~(v)~~—Other wastes regulated by statute.

27 ~~(2) "Solid waste hauler" means a person who owns or operates a
28 solid waste transporting unit.~~

29 (2) **"Solid waste management fund" means the solid waste**

1 **management fund created in section 11550.**

2 (3) **"Solid waste processing plant" and transfer facility"**
 3 means a tract of land, **a building**, ~~or unit, or appurtenance~~ **and**
 4 **any appurtenances** of a building or unit, **a container**, or ~~a any~~
 5 combination of ~~land, buildings, and units~~ **these** that is used or
 6 intended for use ~~for~~ **in the handling, storage, transfer, or**
 7 processing of solid waste, ~~or the separation of material for~~
 8 ~~salvage or disposal, or both, but does not include a plant engaged~~
 9 ~~primarily in the acquisition, processing, and shipment of ferrous~~
 10 ~~or nonferrous metal scrap, or a plant engaged primarily in the~~
 11 ~~acquisition, processing, and shipment of slag or slag products.~~ **and**
 12 **is not located at the site of generation or the site of disposal of**
 13 **the solid waste. Solid waste processing and transfer facility**
 14 **includes a pyrolysis facility or gasification plant that uses solid**
 15 **waste as a feedstock.**

16 ~~(4) "Solid waste transporting unit" means a container, which~~
 17 ~~may be an integral part of a truck or other piece of equipment used~~
 18 ~~for the transportation of solid waste.~~

19 ~~(5) "Solid waste transfer facility" means a tract of land, a~~
 20 ~~building and any appurtenances, or a container, or any combination~~
 21 ~~of land, buildings, or containers that is used or intended for use~~
 22 ~~in the rehandling or storage of solid waste incidental to the~~
 23 ~~transportation of the solid waste, but is not located at the site~~
 24 ~~of generation or the site of disposal of the solid waste.~~

25 (4) **"Source reduction" means any practice that reduces or**
 26 **eliminates the generation of waste at the source.**

27 (5) ~~(6)~~ **"Source separated material" means any of the following**
 28 **materials if separated at the source of generation or at a**
 29 **materials management facility that complies with part 115 and if**

1 not speculatively accumulated:

2 (a) Glass, metal, wood, paper products, plastics, rubber,
3 textiles, ~~garbage,~~ **food waste, electronics, latex paint, yard**
4 **waste**, or any other material approved by the department that is
5 used for conversion into raw materials or **intermediate or** new
6 products. For the purposes of this subdivision, raw materials or
7 **intermediate or** new products include, but are not limited to,
8 compost, biogas from anaerobic digestion, synthesis gas from
9 gasification or pyrolysis, or other fuel. This subdivision does not
10 prohibit material from being classified as a renewable energy
11 resource as defined in section 11 of the clean and renewable energy
12 and energy waste reduction act, 2008 PA 295, MCL 460.1011.

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

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

23 (d) Recovered paint solids if used to fuel an industrial
24 boiler, kiln, power plant, **gasification plant**, or furnace, subject
25 to part 55; ~~—if bonded with cement or asphalt;~~ or if used for
26 other uses approved by the department.

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

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

3 (g) Asphalt shingles that ~~do meet both of the following~~
4 **requirements:**

5 (i) **Do not contain asbestos, rolled roofing, wood, nails, or**
6 **tar paper.**

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

8 (A) **As a component in hot mix asphalt, warm mix asphalt, or**
9 **~~used to cold patch asphalt.~~**

10 (B) **To fuel an industrial boiler, kiln, power plant, or**
11 **furnace, subject to part 55. ~~or for other~~**

12 (C) **Mixed with recycled asphalt pavement at a maximum of 1 to**
13 **1 ratio by volume to produce a base that is covered by concrete or**
14 **asphalt paving.**

15 (D) **Other uses approved by the department.**

16 (h) Municipal solid waste incinerator ash that meets criteria
17 specified by the department and that is used as daily cover at a
18 disposal facility licensed pursuant to ~~this part 115.~~

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

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

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

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

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

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

3 (o) Yard waste, class 1 compostable material, and class 2
4 compostable material that are delivered to an anaerobic digester
5 authorized by the department under part 115 to receive the
6 material.

7 (p) **Recyclable materials.**

8 (6) ~~(7)~~—"Stamp sands" means finely grained crushed rock
9 resulting from mining, milling, or smelting of copper ore and
10 includes native substances contained within the crushed rock and
11 any ancillary material associated with the crushed rock.

12 (7) ~~(8)~~—"Treated wood" means wood or wood product that has
13 been treated with 1 or more of the following:

14 (a) Chromated copper arsenate (CCA).

15 (b) Ammoniacal copper quat (ACQ).

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

17 (d) Any other chemical designated in rules promulgated by the
18 department.

19 (8) ~~(9)~~—"Trust fund" means a fund held by a trustee who has
20 the authority to act as a trustee and whose trust operations are
21 regulated and examined by a federal or state agency.

22 (9) ~~(10)~~—"Type I public water supply", "type IIa public water
23 supply", "type IIb public water supply", and "type III public water
24 supply" mean those terms, respectively, as described in R 325.10502
25 of the ~~Michigan Administrative Code~~.**MAC.**

26 (10) **"Type II landfill" means a landfill that receives**
27 **household waste or municipal solid waste incinerator ash, or both,**
28 **and that may also receive other types of solid waste, such as any**
29 **of the following:**

- 1 (a) Construction and demolition waste.
2 (b) Sewage sludge.
3 (c) Commercial waste.
4 (d) Nonhazardous sludge.
5 (e) Hazardous waste from conditionally exempt small quantity
6 generators.

7 (f) Industrial waste.

8 (11) "Type III landfill" means a landfill that is not a type
9 II landfill or hazardous waste landfill. Type III landfill includes
10 all of the following:

11 (a) A construction and demolition waste landfill.

12 (b) An industrial waste landfill.

13 (c) A low hazard industrial waste landfill.

14 (d) A surface impoundment authorized as an industrial waste
15 landfill.

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

19 (f) A coal ash landfill.

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

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

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

27 (12) "Vermiculture" means the controlled and managed process
28 by which live worms degrade organic materials into worm castings or
29 worm humus.

1 (13) ~~(11)~~—"Waste diversion center" means property or a
 2 building, or a portion of property or a building, designated for
 3 the purpose of receiving or collecting diverted wastes and not used
 4 for residential purposes.

5 (14) ~~(12)~~—"Wood" means trees, branches and associated leaves,
 6 bark, lumber, pallets, wood chips, sawdust, or other wood or wood
 7 product but does not include scrap wood, treated wood, painted wood
 8 or painted wood product, or any wood or wood product that has been
 9 contaminated during manufacture or use.

10 (15) ~~(13)~~—"Wood ash" means any type of ash or slag resulting
 11 from the burning of wood.

12 (16) ~~(14)~~—"Yard ~~clippings~~" **waste**" means leaves, grass
 13 clippings, vegetable or other garden debris, shrubbery, or brush or
 14 tree trimmings, less than 4 feet in length and 2 inches in
 15 diameter, that can be converted to compost. ~~Yard clippings do waste~~
 16 **does** not include stumps, agricultural wastes, animal waste, roots,
 17 sewage sludge, ~~or garbage~~. **Christmas trees or wreaths, food waste,**
 18 **or screened finished compost made from yard waste.**

19 Sec. 11507. (1) **Optimizing recycling opportunities, including**
 20 **electronics recycling opportunities, and the reuse of materials are**
 21 **a principal objective of this state's solid waste management plan.**
 22 **Recycling and reuse of materials, including the reuse of materials**
 23 **from electronic devices, are in the best interest of the**
 24 **environment, natural resources, and the public health, safety, and**
 25 **welfare. This state should develop policies, practices, and goals**
 26 **that promote recycling and reuse of materials, waste reduction, and**
 27 **pollution prevention and that, to the extent practical, minimize**
 28 **the use of landfilling and municipal solid waste incineration as**
 29 **methods for disposal of waste. Policies and practices that promote**

1 recycling and reuse of materials, including materials from
2 electronic devices, result in conservation of raw materials and
3 landfill space and avoid the contamination of soil and groundwater
4 from heavy metals and other pollutants.

5 (2) It is the goal of this state to achieve through the
6 benchmark recycling standards a 45% municipal solid waste recycling
7 rate and, as an interim step, by 2029, a 30% municipal solid waste
8 recycling rate.

9 (3) ~~(1)~~ The department and a local health officer shall assist
10 in developing and encouraging methods for the disposal of solid
11 waste that are environmentally sound, that maximize the utilization
12 of valuable resources, and that encourage resource conservation
13 including source reduction and source separation.

14 (4) ~~(2)~~ This part **Part 115** shall be construed and administered
15 to encourage and facilitate ~~the effort of~~ all persons to engage in
16 source separation ~~and site separation~~ of material from solid waste,
17 and other environmentally sound measures to prevent materials from
18 entering the waste stream or ~~which encourage the removal of~~ to
19 **remove** materials from the waste stream.

20 (5) **A person shall not dispose, store, or transport solid**
21 **waste in this state unless the person complies with part 115.**

22 (6) ~~(3)~~ The department may exempt from regulation under this
23 part solid waste that is determined by the department to be inert
24 material for uses and in a manner approved by the department. **Part**
25 **115 is intended to encourage the continuation of the private sector**
26 **in materials management, disposal, and transportation in compliance**
27 **with part 115. Part 115 is not intended to prohibit salvaging.**

28 Sec. 11507a. ~~(1)~~ The owner or operator of a landfill shall
29 annually submit a report to the state and the county and

1 ~~municipality in which the landfill is located that contains~~
 2 ~~information on the amount of solid waste received by the landfill~~
 3 ~~during the year itemized, to the extent possible, by county, state,~~
 4 ~~or country of origin and the amount of remaining disposal capacity~~
 5 ~~at the landfill. Remaining disposal capacity shall be calculated as~~
 6 ~~the permitted capacity less waste in place for any area that has~~
 7 ~~been constructed and is not yet closed plus the permitted capacity~~
 8 ~~for each area that has a permit for construction under this part~~
 9 ~~but has not yet been constructed. The report shall be submitted on~~
 10 ~~a form provided by the department within 45 days following the end~~
 11 ~~of each state fiscal year.~~

12 ~~(2) By January 31 of each year, the department shall submit to~~
 13 ~~the legislature a report summarizing the information obtained under~~
 14 ~~subsection (1).~~ **Under rules promulgated by the department, the**
 15 **department may certify a city, county, or district health**
 16 **department to perform a solid waste management program or**
 17 **designated activities as prescribed in part 115. The department may**
 18 **rescind certification under either of the following circumstances:**

19 (a) **Upon request of the certified health department.**

20 (b) **After reasonable notice and an opportunity for a hearing**
 21 **if the department finds that the certified health department is not**
 22 **performing the program or designated activities as required.**

23 ~~Sec. 11508. (1) A city, county, or district health department~~
 24 ~~may be certified by the department to perform a solid waste~~
 25 ~~management program. Certification procedures shall be established~~
 26 ~~by the department by rule. The department may rescind certification~~
 27 ~~upon request of the certified health department or after reasonable~~
 28 ~~notice and hearing if the department finds that a certified health~~
 29 ~~department is not performing the program as required.~~ **A person shall**

1 not operate a materials management facility unless all of the
2 following requirements are met:

3 (a) The owner or operator has complied with any applicable
4 requirement of part 115 to notify the department, register with the
5 department, obtain an approval from the department under a general
6 permit, or obtain a construction permit and operating license from
7 the department.

8 (b) The operation is in compliance with the terms of any
9 registration, general permit, construction permit, or operating
10 license issued for the materials management facility under part
11 115.

12 (c) Subject to subsection (2)(a) to (c), the facility is
13 consistent with the MMP. This subdivision does not apply to a
14 disposal area described in section 11509(1)(b) or 11513(1).

15 (2) The department shall deny an application for a
16 registration, for approval under a general permit, or for a
17 construction permit or operating license for a materials management
18 facility unless the department has, under section 11575(9),
19 approved an MMP for the planning area where the facility is located
20 or proposed to be located and the facility is consistent with the
21 MMP, as determined under section 11585. However, all of the
22 following apply:

23 (a) Before an MMP is initially approved by the department
24 under section 11575(9), the department may issue a construction
25 permit for a solid waste processing and transfer facility or an
26 approval under a general permit or a registration for a materials
27 utilization facility if the county approval agency and the
28 legislative body of the municipality in which the facility is or is
29 proposed to be located have each notified the department in writing

1 that they approve the issuance.

2 (b) Proposed landfill expansions shall follow the siting
3 process of the existing solid waste management plan until an MMP
4 for the planning area is approved by the department.

5 (c) Before an MMP for the planning area has been approved by
6 the department, materials utilization facilities that are required
7 to provide a notification or registration to the department under
8 part 115 may be sited under local zoning ordinances.

9 (3) A notification or application under part 115 for a
10 construction permit, operating license, approval under a general
11 permit, or registration required to operate a materials management
12 facility; a notice of intent to prepare a materials management
13 plan; a bond; a risk pooling financial mechanism; evidence of
14 financial assurance; a request for the reduction of the amount of a
15 financial assurance mechanism; an agreement governing the operation
16 of a perpetual care fund trust fund or escrow account; an
17 application for a grant or loan; or a report or other information
18 required to be submitted to the department under part 115 shall
19 meet all of the following requirements:

20 (a) Be on a form and in a medium provided or approved by the
21 department.

22 (b) Contain relevant information required by the department.

23 (c) If an application, be accompanied by any applicable
24 application fee provided for by this part.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect
28 unless all of the following bills of the 101st Legislature are
29 enacted into law:

- 1** (a) Senate Bill No. _____ or House Bill No. 4454 (request no.
2 01463'21 *).
- 3** (b) Senate Bill No. _____ or House Bill No. 4456 (request no.
4 01464'21).
- 5** (c) Senate Bill No. _____ or House Bill No. 4457 (request no.
6 01465'21).
- 7** (d) Senate Bill No. _____ or House Bill No. 4458 (request no.
8 01466'21 *).
- 9** (e) Senate Bill No. _____ or House Bill No. 4460 (request no.
10 01467'21).
- 11** (f) Senate Bill No. _____ or House Bill No. 4461 (request no.
12 01468'21).
- 13** (g) Senate Bill No. _____ or House Bill No. 4459 (request no.
14 02173'21).