

**House Bill 4174 (Substitute S-2 as reported)**

Sponsor: Representative Jerry C. Bartnik

House Committee: Conservation and Environment

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 1-20-88

**RATIONALE**

Several groups, ranging from State departments and local units of government to private conservation agencies, are concerned about the handling of solid wastes in the State. One of the major concerns voiced is that many of the resources being used in the State are not expendable and should be reused whenever possible. Another major concern is that eventually landfills will not be available and the State should start developing alternatives to dumping and burning wastes. Some feel that the State should provide greater impetus for reducing and recycling as a part of the solid waste management planning.

**CONTENT**

The bill would amend the Solid Waste Management Act to specify conditions that would have to be met by a solid waste management plan update before the Director of the Department of Natural Resources (DNR) could approve it. Under the bill, the Director could not approve a solid waste management plan update unless:

- The plan contained an analysis or evaluation of the best available information applicable to the plan area; and
- The plan either provided for recycling and composting of the recyclable and compostable portions of the plan area's waste stream or established that such recycling and composting was not necessary or feasible or was necessary or feasible only to a limited extent.

The bill provides that county or municipal ordinances relating to the financing of a public disposal area that directed all area waste to that area would be in compliance with the Act, if established prior to the bill's effective date. The bill also would update the definition of "solid waste" and add the definitions of "site separated material", "source separated material", and "yard clippings".

Under the Act, counties are required to prepare 20-year solid waste management plans, and plans must be updated every five years. County plans must be submitted to the Director of the DNR and must meet certain requirements, such as taking into account existing local solid waste management plans and those of neighboring counties. In addition, plans must comply with a set of requirements listed in Section 30 of the Solid Waste Management Act, including evaluation of waste problems, selection of technically feasible options, inventory of existing facilities, and public involvement in the planning process.

**Analysis/Evaluation of the Plan Area**

For approval of a plan update, the plan would have to contain an analysis or evaluation of the best available

information applicable to the plan area in regard to all of the following:

- The kind and volume of material in the plan area's waste stream.
- How various factors did or could affect a recycling and composting program in the plan area.
- An identification of impediments to a recycling and composting program and recommended strategies for dealing with them.
- How recycling and composting and other processing or disposal methods could complement each other.
- Identification and quantification of environmental, economic and other benefits that could result from a recycling and composting program.

**Recycling/Composting Program**

A plan that proposed a recycling or composting program, or both, would have to detail the major features of that program, including all of the following:

- The kinds and volumes of wastes.
- Collection methods.
- Measures that would ensure collection.
- Ordinances or regulations affecting the program.
- The role of counties and municipalities in implementing the plan.
- The involvement of existing recycling interests, solid waste haulers, and the community.
- Anticipated costs.
- Ongoing program financing.
- Equipment selection.
- Public and private sector involvement.
- Site availability and selection.
- Operation parameters, such as PH and heat range.

**Waste Ordinances in Effect Prior to Effective Date of Bill**

The bill provides that an ordinance, enacted by a county or municipality relating to the financing of a publicly owned disposal area or construction of an area prior to the effective date of the bill, that requires that all or part of the solid waste generated in that county or municipality be directed to such a disposal area, would be "ratified" as an acceptable means of compliance with the requirement that a municipality or county assure that all solid waste is removed from the site of generation and delivered to licensed disposal areas, except as otherwise permitted by law or the DNR. Compliance with such an ordinance would be acceptable even if the ordinance had not been approved by the Governor, as current law requires. The bill specifies that it "is not intended to validate or invalidate an ordinance adopted thereafter as an acceptable means of compliance".

## DEFINITIONS

Under the bill, "site separated material" would mean glass, metal, wood, paper products, plastics, rubber, textiles, garbage, yard clippings, or any other material approved by the Director that is separated from solid waste for the purpose of conversion into raw material, or new products. It would not include residue that remained after the material was separated from solid waste. "Source separated material" would mean the above materials that were separated at the source of generation for conversion into raw materials or new products.

The bill would amend the definition of "solid waste" by adding the following to the list of materials that solid waste does not include:

- Sludges and ashes managed as recycled or nondetrimental materials appropriate for agriculture or silvicultural use pursuant to a plan.
- Materials approved for emergency disposal by the Director.
- Source separated materials.
- Site separated materials.
- Fly ash or any other ash produced from the combustion of coal, when used in the following instances:
  - With a maximum of 6% of unburned carbon as a component of concrete, grout, mortar, or casting molds.
  - With a maximum of 12% unburned carbon passing Michigan Department of Transportation test method MTM 101 when used as a raw material in asphalt for road construction.
  - As aggregate road, or building material, which in ultimate use will be stabilized or bonded by cement, limes or asphalt.
  - As a road base or construction fill which is covered with asphalt, concrete, or other material approved by the Director and that is placed at least four feet above the seasonal groundwater table.
  - As the sole material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the Director.

MCL 299.406 and 299.407

## ***FISCAL IMPACT***

The bill would have no fiscal impact on State or local government.

## ***ARGUMENTS***

### ***Supporting Argument***

The bill addresses the fact that eventually there will be no landfills available to receive wastes in the State and would give counties an added incentive to start preparing for this occurrence by developing alternatives including the options of recycling or composting waste. The bill would also help promote the idea of conservation by forcing counties to evaluate which wastes could be reused.

### ***Supporting Argument***

The bill would make technical changes to the definitions of "solid waste" and add the definitions of "site separated material", "source separated material", and "yard clippings", which would help to bring them into agreement with other sections of the Solid Waste Management Act.

Legislative Analyst: B. Baker

Fiscal Analyst: A. Rich