

SENATE BILL No. 314

March 8, 2001, Introduced by Senators DE BEAUSSAERT, SMITH, PETERS, DINGELL, NORTH, KOIVISTO, BYRUM, YOUNG and MILLER 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 11502 and 11514 (MCL 324.11502 and 324.11514), section 11502 as amended by 1996 PA 359.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11502. (1) "Applicant" includes any person.

2 (2) "Ashes" means the residue from the burning of wood,
3 coal, coke, refuse, wastewater sludge, or other combustible
4 materials.

5 (3) "BEVERAGE CONTAINER" MEANS AN AIRTIGHT METAL, GLASS,
6 PAPER, OR PLASTIC CONTAINER, OR A CONTAINER COMPOSED OF A COMBI-
7 NATION OF THESE MATERIALS, WHICH, AT THE TIME OF SALE, CONTAINS 1
8 GALLON OR LESS OF A SOFT DRINK, SODA WATER, CARBONATED NATURAL OR
9 MINERAL WATER, OR OTHER NONALCOHOLIC CARBONATED DRINK; BEER, ALE,

1 OR OTHER MALT DRINK OF WHATEVER ALCOHOLIC CONTENT; OR A MIXED
2 WINE DRINK OR A MIXED SPIRIT DRINK.

3 (4) ~~(3)~~ "Bond" means a financial instrument executed on a
4 form approved by the department, including a surety bond from a
5 surety company authorized to transact business in this state, a
6 certificate of deposit, a cash bond, an irrevocable letter of
7 credit, insurance, a trust fund, an escrow account, or a combina-
8 tion of any of these instruments in favor of the department. The
9 owner or operator of a disposal area who is required to establish
10 a bond under other state or federal statute may petition the
11 department to allow such a bond to meet the requirements of this
12 part. The department shall approve a bond established under
13 other state or federal statute if the bond provides equivalent
14 funds and access by the department as other financial instruments
15 allowed by this subsection.

16 (5) ~~(4)~~ "Certificate of deposit" means a negotiable cer-
17 tificate of deposit held by a bank or other financial institution
18 regulated and examined by a state or federal agency, the value of
19 which is fully insured by an agency of the United States
20 government. A certificate of deposit used to fulfill the
21 requirements of this part shall be in the sole name of the
22 department with a maturity date of not less than 1 year and shall
23 be renewed not less than 60 days before the maturity date. An
24 applicant who uses a certificate of deposit as a bond shall
25 receive any accrued interest on that certificate of deposit upon
26 release of the bond by the department.

1 (6) ~~(5)~~ "Certified health department" means a city,
2 county, or district department of health that is specifically
3 delegated authority by the department to perform designated
4 activities as prescribed by this part.

5 (7) ~~(6)~~ "Coal or wood ash" means either or both of the
6 following:

7 (a) The residue remaining after the ignition of coal or
8 wood, or both, and may include noncombustible materials, other-
9 wise referred to as bottom ash.

10 (b) The airborne residues from burning coal or wood, or
11 both, that are finely divided particles entrained in flue gases
12 arising from a combustion chamber, otherwise referred to as fly
13 ash.

14 (8) ~~(7)~~ "Collection center" means a tract of land, build-
15 ing, unit, or appurtenance or combination thereof that is used to
16 collect junk motor vehicles and farm implements under section
17 11530.

18 (9) ~~(8)~~ "Consistency review" means evaluation of the
19 administrative and technical components of an application for a
20 permit, license, or for operating conditions in the course of
21 inspection, for the purpose of determining consistency with the
22 requirements of this part, rules promulgated under this part, and
23 approved plans and specifications.

24 (10) ~~(9)~~ "Corrective action" means the investigation,
25 assessment, cleanup, removal, containment, isolation, treatment,
26 or monitoring of constituents, as defined in a facility's
27 approved hydrogeological monitoring plan, released into the

1 environment from a disposal area, or the taking of other actions
2 related to the release as may be necessary to prevent, minimize,
3 or mitigate injury to the public health, safety, or welfare, the
4 environment, or natural resources that is consistent with subti-
5 tle D of the solid waste disposal act, title II of Public Law
6 89-272, 42 U.S.C. 6941 and 6942 to 6949a or regulations promul-
7 gated pursuant to that act.

8 Sec. 11514. A person shall not knowingly dispose of, and an
9 owner or operator of a landfill shall not knowingly permit the
10 disposal of ~~, medical waste in a landfill~~ EITHER OF THE FOLLOW-
11 ING IN A LANDFILL:

12 (A) MEDICAL WASTE, unless that medical waste has been decon-
13 taminated or is not required to be decontaminated but is packaged
14 in the manner required under part 138 of the public health code,
15 ~~Act No. 368 of the Public Acts of 1978, being sections 333.13801~~
16 ~~to 333.13831 of the Michigan Compiled Laws~~ 1978 PA 368,
17 MCL 333.13801 TO 333.13831.

18 (B) A BEVERAGE CONTAINER.