

HOUSE BILL No. 4277

February 17, 2009, Introduced by Reps. Byrnes, Liss, Miller, Scripps, Smith, Robert Jones, Switalski, Roberts and Lisa Brown and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11503, 11514, and 11539 (MCL 324.11503,
324.11514, and 324.11539), section 11503 as amended by 2007 PA 212
and section 11514 as amended by 2008 PA 394.

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

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

4 (a) A solid waste transfer facility.

5 (b) ~~Incinerator~~ **AN INCINERATOR**.

6 (c) ~~Sanitary~~ **A SANITARY** landfill.

7 (d) ~~Processing~~ **A PROCESSING** plant.

8 (e) ~~Other~~ **ANOTHER** solid waste handling or disposal facility
9 utilized in the disposal of solid waste.

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

16 (6) "Escrow account" means an account managed by a bank or
17 other financial institution whose account operations are regulated
18 and examined by a federal or state agency and ~~which~~ **THAT** complies
19 with section 11523b.

20 (7) "Financial assurance" means the mechanisms used to
21 demonstrate that the funds necessary to meet the cost of closure,
22 postclosure maintenance and monitoring, and corrective action will
23 be available whenever they are needed.

24 (8) "Financial test" means a corporate or local government
25 financial test or guarantee approved for type II landfills under
26 ~~subtitle D of the solid waste disposal act, title II of Public Law~~
27 ~~89-272, 42 U.S.C. 6941 and 6942 to 6949a~~ **40 CFR PART 258**. An owner

1 or operator may use a single financial test for more than 1
2 facility. Information submitted to the department to document
3 compliance with the test shall include a list showing the name and
4 address of each facility and the amount of funds assured by the
5 test for each facility. For purposes of the financial test, the
6 owner or operator shall aggregate the sum of the closure,
7 postclosure, and corrective action costs it seeks to assure with
8 any other environmental obligations assured by a financial test
9 under state or federal law.

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

11 (a) Residuals of fruits, vegetables, aquatic plants, or field
12 crops.

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

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

18 (10) "Garbage" means rejected food wastes including waste
19 accumulation of animal, fruit, or vegetable matter used or intended
20 for food or that attends the preparation, use, cooking, dealing in,
21 or storing of meat, fish, fowl, fruit, or vegetable matter.

22 **(11) "LABELED MERCURY-ADDED PRODUCT" MEANS A MERCURY-ADDED**
23 **PRODUCT LABELED AS PROVIDED IN SECTION 17208.**

24 **(12) "MERCURY-ADDED PRODUCT" MEANS THAT TERM AS DEFINED IN**
25 **SECTION 17201.**

26 **(13) ~~(11)~~"Scrap wood"** means wood or wood product that is 1 or
27 more of the following:

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

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

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

7 **(14)** ~~(12)~~—"Treated wood" means wood or wood product that has
8 been treated with 1 or more of the following:

9 (a) Chromated copper arsenate (CCA).

10 (b) Ammoniacal copper quat (ACQ).

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

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

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

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

1 practices that promote recycling and reuse of materials, including
2 materials from electronic devices, will conserve raw materials,
3 conserve landfill space, and avoid the contamination of soil and
4 groundwater from heavy metals and other pollutants.

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

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

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

14 (c) More than a de minimis number of whole motor vehicle
15 tires.

16 (d) More than a de minimis amount of yard clippings, unless
17 they are diseased, infested, or composed of invasive species as
18 authorized by section 11521(1)(i).

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

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

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

24 (c) Low-level radioactive waste as defined in section 2 of the
25 low-level radioactive waste authority act, 1987 PA 204, MCL
26 333.26202.

27 (d) Regulated hazardous waste as defined in R 299.4104 of the

1 Michigan administrative code.

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

4 (i) Household waste other than septage waste.

5 (ii) Leachate or gas condensate that is approved for
6 recirculation.

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

9 (f) Sewage.

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

11 (h) Asbestos waste, unless the landfill complies with 40 CFR
12 61.154.

13 **(I) BEGINNING JANUARY 1, 2013, A LABELED MERCURY-ADDED**
14 **PRODUCT.**

15 (4) A person shall not knowingly deliver to a municipal solid
16 waste incinerator for disposal, or, if the person is an owner or
17 operator of a municipal solid waste incinerator, knowingly permit
18 disposal in the incinerator of, more than a de minimis amount of
19 yard clippings, unless they are diseased, infested, or composed of
20 invasive species as authorized by section 11521(1)(i). The
21 department shall post, and a solid waste hauler that disposes of
22 solid waste in a municipal solid waste incinerator shall provide
23 its customers with, notice of the prohibitions of this subsection
24 in the same manner as provided in section 11527a.

25 **(5) BEGINNING JANUARY 1, 2011, A PERSON SHALL NOT DELIVER TO**
26 **AN INCINERATOR FOR DISPOSAL, OR, IF THE PERSON IS AN OWNER OR**
27 **OPERATOR OF AN INCINERATOR, PERMIT DISPOSAL AT THE INCINERATOR OF,**

1 **A LABELED MERCURY-ADDED PRODUCT.**

2 (6) ~~(5)~~—If the department determines that a safe, sanitary,
3 and feasible alternative does not exist for the disposal in a
4 landfill or municipal solid waste incinerator of any items
5 described in subsection (2) or (4), respectively, the department
6 shall submit a report setting forth that determination and the
7 basis for the determination to the standing committees of the
8 senate and house of representatives with primary responsibility for
9 solid waste issues.

10 Sec. 11539. (1) The director shall not approve a plan update
11 unless:

12 (a) The plan contains an analysis or evaluation of the best
13 available information applicable to the plan area in regard to
14 recyclable materials and all of the following:

15 (i) The kind and volume of material in the plan area's waste
16 stream that may be recycled or composted.

17 (ii) How various factors do or may affect a recycling and
18 composting program in the plan area. Factors shall include an
19 evaluation of the existing solid waste collection system; materials
20 market; transportation networks; local composting and recycling
21 support groups; ~~—or both—~~ institutional arrangements; the
22 population in the plan area; and other pertinent factors.

23 (iii) An identification of impediments to implementing a
24 recycling and composting program and recommended strategies for
25 removing or minimizing impediments.

26 (iv) How recycling and composting and other processing or
27 disposal methods could complement each other and an examination of

1 the feasibility of excluding site separated material and source
2 separated material from other processing or disposal methods.

3 (v) Identification and quantification of environmental,
4 economic, and other benefits that could result from the
5 implementation of a recycling and composting program.

6 (vi) The feasibility of source separation of materials that
7 contain potentially hazardous components at disposal areas. ~~This~~
8 ~~subparagraph applies only to plan updates that are due after~~
9 ~~January 31, 1989.~~

10 (b) The plan ~~either~~ provides for recycling and composting
11 recyclable materials from the plan area's waste stream. ~~or THIS~~
12 **SUBDIVISION DOES NOT APPLY TO RECYCLING OR COMPOSTING IF THE PLAN**
13 establishes that recycling ~~and OR~~ composting, ~~are~~ **RESPECTIVELY, IS**
14 not necessary or feasible or is only necessary or feasible to a
15 limited extent.

16 (c) A plan that proposes a recycling **PROGRAM** or composting
17 program, or both, details the major features of that program,
18 including all of the following:

19 (i) The kinds and volumes of recyclable materials that will be
20 recycled or composted.

21 (ii) Collection methods.

22 (iii) Measures that will ensure collection, such as ordinances
23 or cooperative arrangements, or both.

24 (iv) Ordinances or regulations affecting the program.

25 (v) The role of counties and municipalities in implementing
26 the plan.

27 (vi) The involvement of existing recycling interests, solid

1 waste haulers, and the community.

2 (vii) Anticipated costs.

3 (viii) ~~On-going~~ **ONGOING** program financing.

4 (ix) Equipment selection.

5 (x) Public and private sector involvement.

6 (xi) Site availability and selection.

7 (xii) Operating parameters, such as pH and heat range.

8 ~~—— (d) The plan includes an evaluation of how the planning entity~~
9 ~~is meeting the state's waste reduction and recycling goals as~~
10 ~~established pursuant to section 11541(4).~~

11 **(D) FOR A PLAN AMENDED OR UPDATED AFTER THE EFFECTIVE DATE OF**
12 **THE 2009 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE PLAN**
13 **PROVIDES FOR THE COLLECTION AND THE PROPER MANAGEMENT OR DISPOSAL**
14 **OF MERCURY-ADDED PRODUCTS.**

15 (2) The director may promulgate rules as may be necessary to
16 implement this section.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. _____ or House Bill No. 4278(request no.
19 01064'09) of the 95th Legislature is enacted into law.