

HOUSE BILL No. 6122

June 6, 2018, Introduced by Reps. Barrett, LaFave and Frederick and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11506 (MCL 324.11506), as amended by 2014 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,
2 incinerator ash, incinerator residue, street cleanings, municipal
3 and industrial sludges, solid commercial waste, solid industrial
4 waste, and animal waste. However, solid waste does not include the
5 following:

6 (a) Human body waste.

7 (b) Medical waste.

8 (c) Organic waste generated in the production of livestock and
9 poultry.

1 (d) Liquid waste.

2 (e) Ferrous or nonferrous scrap directed to a scrap metal
3 processor or to a reuser of ferrous or nonferrous products.

4 (f) Slag or slag products directed to a slag processor or to a
5 reuser of slag or slag products.

6 (g) Sludges and ashes managed as recycled or nondetrimental
7 materials appropriate for agricultural or silvicultural use
8 pursuant to a plan approved by the department.

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

13 (i) Food processing residuals and garbage.

14 (ii) Precipitated calcium carbonate from sugar beet
15 processing.

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

18 (iv) Lime from kraft pulping processes generated prior to
19 bleaching.

20 (v) Aquatic plants.

21 (i) Materials approved for emergency disposal by the
22 department.

23 (j) Source separated materials.

24 (k) Site separated material.

25 (l) Coal ash, when used under any of the following
26 circumstances:

27 (i) As a component of concrete, grout, mortar, or casting

1 molds, if the coal ash does not have more than 6% unburned carbon.

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

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

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

15 (m) Inert material.

16 (n) Soil that is washed or otherwise removed from sugar beets,
17 has not more than ~~35%~~50% moisture content, and is registered as a
18 soil conditioner under part 85. Any testing required to become
19 registered under part 85 is the responsibility of the generator.

20 (o) Soil that is relocated under section 20120c.

21 (p) Diverted waste that is managed through a waste diversion
22 center.

23 (q) Beneficial use by-products.

24 (r) Coal bottom ash, if substantially free of fly ash or
25 economizer ash, when used as cold weather road abrasive.

26 (s) Stamp sands when used as cold weather road abrasive in the
27 Upper Peninsula by any of the following:

1 (i) A public road agency.

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

4 (t) Any material that is reclaimed or reused in the process
5 that generated it.

6 (u) Any secondary material that, as specified in or determined
7 pursuant to 40 CFR part 241, is not a solid waste when combusted.

8 (v) Other wastes regulated by statute.

9 (2) "Solid waste hauler" means a person who owns or operates a
10 solid waste transporting unit.

11 (3) "Solid waste processing plant" means a tract of land,
12 building, unit, or appurtenance of a building or unit or a
13 combination of land, buildings, and units that is used or intended
14 for use for the processing of solid waste or the separation of
15 material for salvage or disposal, or both, but does not include a
16 plant engaged primarily in the acquisition, processing, and
17 shipment of ferrous or nonferrous metal scrap, or a plant engaged
18 primarily in the acquisition, processing, and shipment of slag or
19 slag products.

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

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

1 of generation or the site of disposal of the solid waste.

2 (6) "Source separated material" means any of the following
3 materials if separated at the source of generation and not
4 speculatively accumulated:

5 (a) Glass, metal, wood, paper products, plastics, rubber,
6 textiles, garbage, or any other material approved by the department
7 that is used for conversion into raw materials or new products. For
8 the purposes of this subdivision, raw materials or new products
9 include, but are not limited to, compost, biogas from anaerobic
10 digestion, ~~synthetic~~**-SYNTHESIS** gas from gasification or pyrolysis,
11 or other fuel. This subdivision does not ~~prevent~~**-PROHIBIT** material
12 from being classified as a renewable energy resource as defined in
13 section 11 of the clean ~~AND~~ renewable ~~ENERGY~~ and ~~efficient~~
14 energy **WASTE REDUCTION** act, 2008 PA 295, MCL 460.1011.

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

19 (c) Chipped or whole tires used to fuel an industrial boiler,
20 kiln, power plant, or furnace, subject to part 55, or for other
21 uses approved by the department. This subdivision does not ~~prevent~~
22 **PROHIBIT** material from being classified as a renewable energy
23 resource as defined in section 11 of the clean ~~AND~~ renewable ~~ENERGY~~
24 **ENERGY** and ~~efficient~~-energy **WASTE REDUCTION** act, 2008 PA 295, MCL
25 460.1011.

26 (d) Recovered paint solids **IF** used to fuel an industrial
27 boiler, kiln, power plant, or furnace, subject to part 55, or **IF**

1 **USED** for other uses approved by the department.

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

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

7 (g) Asphalt shingles that do not contain asbestos, rolled
8 roofing, or tar paper used as a component in asphalt or used to
9 fuel an industrial boiler, kiln, power plant, or furnace, subject
10 to part 55, or for other uses approved by the department.

11 (h) Municipal solid waste incinerator ash that meets criteria
12 specified by the department and that is used as daily cover at a
13 disposal facility licensed pursuant to this part.

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

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

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

20 (l) Any material determined by the department in writing ~~prior~~
21 ~~to the effective date of the 2014 amendatory act that added this~~
22 ~~subdivision~~ **BEFORE SEPTEMBER 16, 2014** to be a source separated
23 material.

24 (7) "Stamp sands" means finely grained crushed rock resulting
25 from mining, milling, or smelting of copper ore and includes native
26 substances contained within the crushed rock and any ancillary
27 material associated with the crushed rock.

1 (8) "Treated wood" means wood or wood product that has been
2 treated with 1 or more of the following:

3 (a) Chromated copper arsenate (CCA).

4 (b) Ammoniacal copper quat (ACQ).

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

6 (d) Any other chemical designated in rules promulgated by the
7 department.

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

11 (10) "Type I public water supply", "type IIa public water
12 supply", "type IIb public water supply", and "type III public water
13 supply" mean those terms, respectively, as described in R 325.10502
14 of the Michigan ~~administrative code~~. **ADMINISTRATIVE CODE.**

15 (11) "Waste diversion center" means property or a building, or
16 a portion of property or a building, designated for the purpose of
17 receiving or collecting diverted wastes and not used for
18 residential purposes.

19 (12) "Wood" means trees, branches and associated leaves, bark,
20 lumber, pallets, wood chips, sawdust, or other wood or wood product
21 but does not include scrap wood, treated wood, painted wood or
22 painted wood product, or any wood or wood product that has been
23 contaminated during manufacture or use.

24 (13) "Wood ash" means any type of ash or slag resulting from
25 the burning of wood.

26 (14) "Yard clippings" means leaves, grass clippings, vegetable
27 or other garden debris, shrubbery, or brush or tree trimmings, less

1 than 4 feet in length and 2 inches in diameter, that can be
2 converted to compost. ~~humus.~~—Yard clippings do not include stumps,
3 agricultural wastes, animal waste, roots, sewage sludge, or
4 garbage.

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