

**SUBSTITUTE FOR
HOUSE BILL NO. 4460**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding subpart 10 to part 115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SUBPART 10 MATERIALS UTILIZATION FACILITIES

2 Sec. 11555. (1) Compostable material shall be managed by 1 of
3 the following means:

4 (a) Composted on the property where the compostable material
5 is generated.

6 (b) If yard waste, temporarily accumulated subject to
7 subsection (2).

8 (c) Composted at a class 1 composting facility where the
9 quantity of compostable material does not at any time exceed 500

1 cubic yards and does not create a nuisance.

2 (d) Composted at a small composting facility for which
3 notification has been given under section 11568(3), if applicable.

4 (e) Composted on a farm as described by subsection (3).

5 (f) Composted at a medium composting facility registered under
6 section 11568(3), if applicable.

7 (g) Composted at any of the following that has received
8 approval under a general permit under section 11568(3), if
9 applicable:

10 (i) A large composting facility.

11 (ii) A small or medium class 1 composting facility that meets
12 the requirements of subsection (4) and where the total volume of
13 class 1 compostable material other than yard waste exceeds 10% of
14 the total volume of compostable material on-site, unless otherwise
15 approved by the department.

16 (iii) A class 2 composting facility.

17 (h) Decomposed in a controlled manner using a closed container
18 to create and maintain anaerobic conditions if in compliance with
19 part 55 and otherwise approved by the department under part 115.

20 (i) Composted by a type II landfill if the following
21 requirements are met:

22 (i) The landfill reports annually the number of cubic yards of
23 compost managed.

24 (ii) The composting and use meet the following requirements:

25 (A) Take place on property described in the landfill
26 construction permit.

27 (B) Are described in and consistent with the landfill
28 operations plans.

29 (C) Are otherwise in compliance with this act.

1 (iii) Yard waste or unfinished compost is not used as daily
2 cover.

3 (j) Disposed of in a landfill or an incinerator. This
4 subdivision applies to yard waste only if all of the following
5 requirements, as applicable, are met:

6 (i) The yard waste is any of the following:

7 (A) Diseased or infested.

8 (B) Plants that are prohibited species or restricted species,
9 as defined in part 413, and that were collected through an
10 eradication or control program.

11 (C) A state or federal controlled substance.

12 (D) Contaminated, with hazardous material as determined by the
13 department.

14 (ii) The yard waste includes no more than a de minimis amount
15 of yard waste other than that described in subparagraph (i).

16 (iii) For yard waste described in subparagraph (i) (A), (B), or
17 (C), if the yard waste is composted, use of the compost may
18 contribute to the spread of the disease or infestation or of viable
19 invasive plant or controlled substance seeds or other propagules.

20 (2) A person may temporarily accumulate yard waste under
21 subsection (1) (b) at a site not designed for composting if all of
22 the following requirements are met:

23 (a) The accumulation does not create a nuisance or result in a
24 violation of this act.

25 (b) The yard waste is not mixed with other compostable
26 material.

27 (c) No more than 1,000 cubic yards are placed on-site unless a
28 greater volume is approved by the department.

29 (d) Yard waste placed on-site on or after April 1 but before

1 December 1 is moved to another location and managed as provided in
2 subsection (1) within 30 days after being placed on-site. The
3 department may approve a longer time period based on a
4 demonstration that additional time is necessary.

5 (e) Yard waste placed on-site on or after December 1 but
6 before the next April 1 is moved to another location and managed as
7 provided in subsection (1) by the next April 1 after the yard waste
8 is placed on-site.

9 (f) The owner or operator of the site maintains and makes
10 available to the department records necessary to demonstrate that
11 the requirements of this subsection are met.

12 (g) The owner or operator of the site annually notifies the
13 department that it is a temporary yard waste accumulation site.

14 (3) A person may compost class 1 compostable material on a
15 farm under subsection (1)(e) if all of the following requirements
16 are met:

17 (a) All the compost is used on the farm.

18 (b) The composting does not result in a violation of this act
19 and is done in compliance with GAAMPS.

20 (c) Any of the following apply:

21 (i) Only class 1 compostable material that is generated on the
22 farm and does not contain paper products, dead animals, or
23 compostable products is composted.

24 (ii) There is not more than 5,000 cubic yards of class 1
25 compostable material on the farm at any time.

26 (iii) All of the following requirements are met:

27 (A) The farm operation accepts class 1 compostable material
28 only to assist in management of waste material generated by the
29 farm operation or to supply the nutrient needs of the farm as

1 determined by a certified crop advisor, Michigan agriculture
2 environmental assurance program technician, comprehensive nutrient
3 management plan writer, licensed professional engineer, or staff of
4 the department of agriculture and rural development who administer
5 the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

6 (B) The farm operation does not accept compostable material
7 generated at a location other than the farm for monetary or other
8 valuable consideration.

9 (C) The owner or operator of the farm registers with the
10 department of agriculture and rural development and certifies that
11 the farm operation meets and will continue to meet the requirements
12 of sub-subparagraphs (A) and (B).

13 (4) The owner or operator of a composting facility that is
14 subject to a requirement for notification, registration, or
15 approval under a general permit under section 11568(3) shall meet
16 the following requirements, as applicable:

17 (a) Composting and management of the site occurs in a manner
18 that meets all of the following requirements:

19 (i) Does not result in an accumulation of compostable material
20 for a period of over 3 state fiscal years unless the site has the
21 capacity to compost the compostable material and the owner or
22 operator of the site can demonstrate, beginning with the third full
23 state fiscal year after commencement of operation and each state
24 fiscal year thereafter, unless a longer time is approved by the
25 department, that the amount of compostable material and compost
26 that is transferred off-site in a state fiscal year is not less
27 than 75% by weight or volume, accounting for natural volume
28 reduction, of the amount of compostable material and compost that
29 was on-site at the beginning of the state fiscal year.

1 (ii) Results in finished compost with not more than 1%, by
2 weight, of foreign matter that will remain on a 4-millimeter
3 screen.

4 (iii) If yard waste is collected in bags other than paper bags
5 or compostable bags meeting ASTM D6400 "Standard Specification for
6 Compostable Plastics", by ASTM International, debags the yard waste
7 by the end of each business day.

8 (iv) Prevents the pooling of water by maintaining proper slopes
9 and grades.

10 (v) Operates in compliance with parts 31 and 55.

11 (vi) Does not attract or harbor rodents or other vectors.

12 (b) The owner or operator maintains, and makes available to
13 the department, all of the following records:

14 (i) Records identifying the volume of compostable material
15 accepted by the facility each month, the volume of compostable
16 material and of compost transferred off-site each month, and the
17 volume of compostable material on-site on October 1 each year.

18 (ii) Records demonstrating that the composting is performed in
19 a manner that prevents nuisances and minimizes anaerobic
20 conditions. Unless otherwise provided by the department, these
21 records shall include carbon-to-nitrogen ratios, the amount of
22 leaves and the amount of grass in tons or cubic yards, temperature
23 readings, moisture content readings, and lab analysis of finished
24 compost products.

25 (c) If the site is a small composting facility, the site is
26 operated in compliance with the following location conditions:

27 (i) If the site was in operation on December 1, 2007, the
28 management or storage of compost, compostable material, and
29 residuals does not expand from its location on that date to an area

1 that is within the following distance from any of the following
2 features:

3 (A) 50 feet from a property line.

4 (B) 200 feet from a residence.

5 (C) 100 feet from a body of surface water, including a lake,
6 stream, or wetland.

7 (ii) If the site begins operation after December 1, 2007, the
8 management and storage of compost, compostable material, and
9 residuals occur at least the following distance from each of the
10 following features:

11 (A) 50 feet from a property line.

12 (B) 200 feet from a residence.

13 (C) 100 feet from a body of surface water, including a lake,
14 stream, or wetland.

15 (D) 2,000 feet from a type I or type IIa water supply well.

16 (E) 800 feet from a type IIb or type III water supply well.

17 (F) 500 feet from a church or other house of worship,
18 hospital, nursing home, licensed day care center, or school, other
19 than a home school.

20 (G) 4 feet above groundwater.

21 (5) A local unit of government may impose location
22 requirements that are more restrictive than those in subsection
23 (4) (c) (i) and (ii). However, the local requirements shall not be so
24 restrictive that a facility that meets the requirements of the
25 siting process in the materials management plan cannot be
26 established.

27 (6) A site at which compostable material is managed in
28 compliance with this section, other than a site described in
29 subsection (1) (i) or (j), is not a disposal area.

1 (7) The department shall maintain and post on its website a
2 list of composting facilities for which notification has been
3 given, which are registered, or which are approved under a general
4 permit under section 11568(3). Except as provided in section 11514,
5 a hauler shall not deliver yard waste to a site that is not on the
6 list. A contract between a local unit of government and a hauler
7 for curbside pick-up of yard waste or collection of yard waste from
8 a drop-off location shall require the delivery of the yard waste to
9 a site on the list.

10 Sec. 11556. (1) A person who composts class 1 compostable
11 material shall do so at 1 of the following:

12 (a) A composting facility as described in section 11555(1)(c).

13 (b) A small or medium class 1 composting facility that meets
14 the requirements of section 11555(4) and where the total volume of
15 class 1 compostable material other than yard waste is equally
16 distributed and does not exceed 5% for a small composting facility,
17 or 10% for a medium composting facility, of the total volume of
18 compostable material on-site or a greater percentage if approved by
19 the department.

20 (c) A composting facility described in section 11555(1)(g).

21 (2) Class 1 compostable material is considered to be source
22 separated for conversion into compost if the class 1 compostable
23 material is composted at a site that is described in and meets the
24 requirements of section 11555(4) or section 11557(2).

25 (3) Composting of class 2 compostable material shall be done
26 at a class 2 composting facility. Class 2 compostable material is
27 considered to be source separated for conversion into compost if
28 the class 2 compostable material is composted at a class 2
29 composting facility.

1 (4) Composting of dead animals using bulking agents as defined
2 in section 3 of 1982 PA 239, MCL 287.653, is subject to part 115 if
3 the composting occurs at any of the following:

4 (a) A farm that maintains more than 5,000 cubic yards of
5 bulking agents from a source other than the farm.

6 (b) A slaughtering facility that, for composting purposes,
7 maintains on-site more than 5,000 cubic yards of bulking agents as
8 defined in section 3 of 1982 PA 239, MCL 287.653.

9 (c) A facility that manages dead animals from more than 1 farm
10 or slaughtering facility.

11 Sec. 11557. (1) The location at a medium or large composting
12 facility, or a class 1 or class 2 composting facility, where class
13 1 and class 2 compostable material, finished compost, and residuals
14 were managed and stored on the effective date of the amendatory act
15 that added this section shall not be expanded to an area that is
16 within the following distance from any of the following features:

17 (a) 100 feet from a property line.

18 (b) 300 feet from a residence.

19 (c) 200 feet from a body of surface water, including a lake,
20 stream, or wetland.

21 (2) If a medium or large composting facility or a class 1 or 2
22 composting facility begins operation after the effective date of
23 the amendatory act that added this section, the management and
24 storage of class 1 and class 2 compostable material, compost, and
25 residuals shall not occur in a wetland or floodplain, or in an area
26 that is within the following distance from any of the following
27 features:

28 (a) 100 feet from a property line.

29 (b) 300 feet from a residence.

1 (c) 200 feet from a body of surface water, including a lake,
2 stream, or wetland.

3 (d) 2,000 feet from a type I or type IIa water supply well.

4 (e) 800 feet from a type IIb or type III water supply well.

5 (f) 4 feet above groundwater.

6 (g) 500 feet from a church or other house of worship, a
7 hospital, a nursing home, a licensed day care center, or a school,
8 other than a home school.

9 (3) Not later than 90 days after the establishment of a new
10 class 1 or class 2 composting facility or the expansion of the
11 location at a class 1 or class 2 composting facility where
12 compostable material, finished compost, and residuals were managed
13 and stored on the effective date of the amendatory act that added
14 this section, the owner or operator of the composting facility
15 shall, if the composting facility is located within 5 miles of the
16 end of an airport runway that is used by turbojet or piston type
17 aircraft, notify in writing the affected airport and the Federal
18 Aviation Administration.

19 Sec. 11558. (1) The owner or operator of a large class 1
20 composting facility shall submit to the department the following
21 items:

22 (a) A site map.

23 (b) An operations plan.

24 (c) An odor management plan.

25 (d) A training plan.

26 (e) A fire prevention plan.

27 (f) A facility closure plan.

28 (2) The owner or operator of a large class 1 composting
29 facility shall ensure that all of the following requirements are

1 met:

2 (a) Finished compost is tested in compliance with section
3 11564.

4 (b) The compostable material is not stored in a manner
5 constituting speculative accumulation. The owner or operator of the
6 large composting facility shall maintain and make available to the
7 department records to demonstrate compliance with this requirement.

8 (c) Composting does not result in standing water or attract or
9 harbor rodents or other vectors.

10 (d) Unless approved by the department, the composting
11 operations do not result in more than the following volume on any
12 acre:

13 (i) 5,000 cubic yards of compostable material, finished
14 compost, compost additives, or screening rejects or any combination
15 thereof.

16 (ii) 10,000 cubic yards of compostable material if the site is
17 using forced air static pile composting.

18 (e) The composting facility complies with wellhead protection
19 programs.

20 (3) Class 2 compostable material shall be separated out from
21 other solid waste and maintained separately until used to produce
22 compost, unless otherwise authorized by the department.

23 Sec. 11560. The owner or operator of a composting facility
24 that is required to notify or register under part 115 or that is
25 approved under a general permit shall, within 45 days after the end
26 of each state fiscal year, report to the department all of the
27 following information for that fiscal year:

28 (a) The amount of compostable material brought to the site, by
29 county of origin.

1 (b) The amount of finished compost removed from the site.

2 (c) The amount of unfinished compostable material removed from
3 the site.

4 (d) The volume of residuals removed from the site.

5 (e) The total amount of compostable material, compost, and
6 residuals on-site at the end of the fiscal year.

7 Sec. 11561. (1) A person shall not use compost produced from
8 class 2 compostable material unless the department approves the
9 class 2 compostable material as appropriate for the use under part
10 115.

11 (2) A person shall not compost solid waste unless the person
12 has filed a petition under R 299.4118a of the MAC and obtained
13 approval from the department. To characterize the finished compost,
14 the petitioner shall include all of the following information in
15 the petition, in addition to the information required in R
16 299.4118a of the MAC:

17 (a) The type of waste and its potential for creating a
18 nuisance or environmental contamination.

19 (b) The time required for compost to reach maturity, as
20 determined by a reduction of organic matter content during
21 composting. Organic matter content shall be determined by measuring
22 the volatile residues content using a method that is approved by
23 the department or EPA method 160.4, contained in "Methods for
24 Chemical Analysis of Water and Waste", EPA-600, Revision 8, July
25 2014, Update V.

26 (c) The foreign matter content of finished compost. The
27 foreign matter content shall be determined as follows:

28 (i) A weighed sample of the finished compost is sifted through
29 a 4.0-millimeter screen.

1 (ii) The foreign matter remaining on the screen is separated
2 and weighed.

3 (iii) The weight of the separated foreign matter is divided by
4 the weight of the finished compost.

5 (iv) The quotient under subparagraph (iii) is multiplied by 100.

6 (d) Particle size, as determined by sieve analysis.

7 (3) The department shall approve a material for use as
8 compostable material if the person who proposes the use
9 demonstrates all of the following:

10 (a) The material has or will be converted to compost under
11 controlled conditions at a class 2 composting facility.

12 (b) The material will not be a source of environmental
13 contamination or cause a nuisance.

14 (c) The end user will be given written instructions on the
15 proper use of the finished compost.

16 Sec. 11562. (1) A person may petition the department to do any
17 of the following:

18 (a) Classify a solid waste, a class 2 compostable material, or
19 a combination of class 1 compostable material and class 2
20 compostable material, as a class 1 compostable material.

21 (b) Classify compost produced from solid waste, class 2
22 compostable material, or a combination of class 1 compostable
23 material and class 2 compostable material, as general use compost.

24 (2) A petition under subsection (1) shall meet the
25 requirements of R 299.4118a of the MAC. If authorized by the
26 department in writing, a person may conduct a pilot composting
27 project to support a petition under subsection (1).

28 (3) In granting a petition under subsection (1), the
29 department shall specify which parameters listed in section 11565

1 shall be tested under subsection (4). The department's decision
2 shall be based on both of the following:

3 (a) The difference between the concentration of a given
4 parameter in the compost and the criteria for that parameter
5 described in section 11553(5) (c) (i) .

6 (b) The variability of the results among the samples.

7 (4) If a material is classified as a class 1 compostable
8 material by the department based on the petition under subsection
9 (1), the operator shall test compost produced from the class 1
10 compostable material when both of the following apply:

11 (a) There is a significant change in the process that
12 generated the compost.

13 (b) The change has the potential to alter the classification
14 of the finished compost as general use compost under section
15 11553(5) .

16 (5) If any finished compost produced from class 2 compostable
17 material that has been classified as a general use compost fails to
18 meet the requirements for a general use compost under section
19 11553(5) , both of the following apply:

20 (a) The finished compost is reclassified as a restricted use
21 compost.

22 (b) The owner or operator of the composting facility shall
23 notify the department within 10 business days after receipt of
24 information that the finished compost no longer meets the
25 requirements to be classified as general use compost, and shall do
26 1 of the following with the finished compost:

27 (i) Dispose of the remaining finished compost at a properly
28 licensed landfill.

29 (ii) Stockpile the finished compost on-site until the generator

1 re-petitions the department and the department reclassifies the
2 compost as provided in this section.

3 (iii) Use the finished compost for a specified use if approved
4 for that specified use under section 11553(4).

5 (6) If finished compost produced by a composting facility is
6 restricted use compost, the owner or operator of the composting
7 facility shall do the following, as applicable:

8 (a) Retest the finished compost annually, or biennially if the
9 department has determined that the test results demonstrate
10 insignificant variability over a 2-year period, using the
11 procedures specified in R 299.4118a of the MAC. The owner or
12 operator shall submit the test results to the department. The
13 department shall specify a more frequent schedule for testing if
14 the characteristics of the material vary significantly.

15 (b) If the owner or operator of the composting facility
16 receives information that test results show a significant increase
17 in any parameter or a significant decrease in pH from previous test
18 results, notify the department within 10 business days and do any
19 of the following with the finished compost:

20 (i) Dispose of the finished compost at a properly licensed
21 landfill.

22 (ii) Stockpile the finished compost on-site until the generator
23 re-petitions the department and the department reclassifies the
24 compost under this section.

25 (iii) Use the finished compost for a use specified by the
26 department under section 11553(3).

27 Sec. 11563. (1) General use compost offered for sale shall be
28 accompanied by a label, in the case of bagged compost, or an
29 information sheet in the case of bulk sales. The label or

1 information sheet shall contain all of the following information:

2 (a) The name and generator of the compost.

3 (b) The feedstock and bulking agents used to produce the
4 compost.

5 (c) Use instructions, including application rates and any
6 restrictions on use.

7 (d) If the compost is marketed as a fertilizer, micronutrient,
8 or soil conditioner, the label shall list the applicable parameters
9 under section 11565 and comply with the requirements of part 85, if
10 applicable.

11 (e) If the compost is marketed as a liming material, the label
12 shall list the applicable parameters under section 11565 and shall
13 include a statement indicating that the generator of the compost is
14 in compliance with the applicable requirements of 1955 PA 162, MCL
15 290.531 to 290.538. The label shall specify the generator's the
16 liming license number.

17 (f) A statement indicating how the user of the compost can
18 obtain the results of all testing, including test parameters and
19 concentration levels.

20 (2) Restricted use compost shall be managed as provided in any
21 of the following:

22 (a) Disposed of at a properly licensed landfill.

23 (b) Stockpiled on-site until the generator petitions the
24 department under section 11562 and the department reclassifies the
25 compost as provided in that section.

26 (c) Used for a use specified by the department under section
27 11553(3).

28 (d) If offered for sale, accompanied by a label, in the case
29 of bagged compost, or an information sheet in the case of bulk

1 sales. The label or information sheet shall contain both of the
2 following:

3 (i) The information required by subsection (1).

4 (ii) A statement that the compost has been approved for use by
5 this state and further indicating how the user of the compost may
6 obtain the results of all testing including test parameters,
7 concentration levels, and the applicable standards.

8 (3) The department may impose conditions for use of restricted
9 use compost to ensure the protection of the environment, natural
10 resources, or the public health, safety, or welfare.

11 Sec. 11564. (1) The following sites shall test their finished
12 compost in compliance with the US Composting Council's Seal of
13 Testing Assurance, unless the department has approved an alternate
14 procedure:

15 (a) Class 1 composting facilities that produce over 2,000
16 cubic yards of finished compost per year. The finished compost
17 shall be analyzed for the parameters listed in section 11565.

18 (b) Class 2 composting facilities. The finished compost shall
19 be analyzed for the parameters listed in section 11565 and, if the
20 compost is produced from class 2 compostable material, other
21 parameters identified in the facility's general permit.

22 (2) All sites not listed in subsection (1) shall test at least
23 1 sample of finished compost per 4,000 cubic yards or 2,000 tons
24 per year for the parameters listed in section 11565, unless the
25 department has approved an alternate procedure.

26 Sec. 11565. All of the following are general use parameters
27 for compost:

28 (a) pH.

29 (b) Carbon-to-nitrogen ratio.

- 1 (c) Soluble salts.
 - 2 (d) Total available nitrogen.
 - 3 (e) Phosphorus reported as P2O5.
 - 4 (f) Potassium reported as K2O.
 - 5 (g) Calcium.
 - 6 (h) Magnesium.
 - 7 (i) Chloride.
 - 8 (j) Sulfate.
 - 9 (k) Arsenic.
 - 10 (l) Cadmium.
 - 11 (m) Copper.
 - 12 (n) Lead.
 - 13 (o) Mercury.
 - 14 (p) Molybdenum.
 - 15 (q) Nickel.
 - 16 (r) Selenium.
 - 17 (s) Zinc.
 - 18 (t) Pathogens.
 - 19 (u) Fecal coliforms.
 - 20 (v) Salmonella.
 - 21 (w) Percent organic matter.
 - 22 (x) Percent foreign matter.
- 23 Sec. 11567. (1) A person may blend low-hazard industrial waste
24 or compost additives with general use compost or compost produced
25 from yard waste to create a soil-like product if all of the
26 following conditions are met, as applicable:
- 27 (a) The blending occurs at a class 1 or class 2 composting
28 facility.
 - 29 (b) The mixture meets the requirements of section 11553(5) or

1 other requirements approved by the department.

2 (c) If the blending is with general use compost, the blending
3 occurs within 30 days after the low-hazard industrial waste or
4 compost additives are collected at the class 1 or class 2
5 composting facility.

6 (2) Gypsum drywall may be added to finished compost if the
7 gypsum drywall constitutes less than 50% of the compost by weight
8 and is less than 1/4 inch in diameter.

9 Sec. 11568. (1) The operator of a materials utilization
10 facility shall comply with all of the following:

11 (a) The operator shall operate the facility in a manner that
12 does not create a nuisance or a hazard to the environment, natural
13 resources, or the public health, safety, or welfare and shall keep
14 the facility clean and free of litter.

15 (b) The operator shall comply with this act, including parts
16 31 and 55, and not create a facility as defined in section 20101.

17 (c) Unless exempted, the operator shall record the types and
18 quantities in tons, or cubic yards for composting facilities, of
19 material collected, the period of storage, the planning area of
20 origin of the material, and where the material is transferred,
21 processed, recycled, or disposed. The operator shall report to the
22 department this information for each state fiscal year within 45
23 days after the end of the state fiscal year.

24 (d) On an annual basis, the weight of solid waste residuals
25 shall be less than 15% of the total weight of material received
26 unless the requirements of subdivision (b) of the definition of
27 materials recovery facility in section 11504 are met.

28 (e) The facility shall be operated by personnel who are
29 knowledgeable about the safe management of the types of material

1 that are accepted and utilized.

2 (f) The operator shall limit access to the facility to a time
3 when a responsible individual is on duty.

4 (g) The operator shall not store material overnight at the
5 facility except in a secure location and with adequate containment
6 to prevent any release of material.

7 (h) Within 1 year after material is collected by the facility,
8 the material shall be transported from the facility for use in
9 production of ultimate end use products or disposal. This
10 subdivision does not apply to a composting facility.

11 (i) The material shall be protected, as appropriate for the
12 type of material, from weather, fire, physical damage, and
13 vandalism.

14 (j) Operations shall not attract or harbor rodents or other
15 vectors.

16 (k) If salvaging is permitted, salvaged material shall be
17 removed from the site at the end of each business day or salvaging
18 shall be confined to a storage area that is approved by the
19 department.

20 (l) Handling and processing equipment that is of adequate size,
21 quantity, and operating condition shall be available as needed to
22 ensure proper management of the facility. If the handling or
23 processing equipment is inoperable for more than 72 hours, an
24 alternative method that is approved by the department shall be used
25 to manage the material.

26 (m) Solid waste shall not be burned at the facility.

27 (2) The operator of a materials recovery facility, including
28 an electronic waste processor not required to report under part
29 173, shall comply with both of the following:

1 (a) Beginning 1 year after the effective date of the
2 amendatory act that added this section, a person shall not operate
3 a materials recovery facility that sorts, bales, or processes more
4 than 100 tons of material per year and does not have more than 100
5 tons of managed material on-site at any time unless the owner or
6 operator has registered the materials recovery facility with the
7 department. The application for registration shall be accompanied
8 by a fee of \$750.00. The term of the registration is 5 years.

9 (b) Beginning 2 years after the effective date of the
10 amendatory act that added this section, a person shall not operate
11 a materials recovery facility that has more than 100 tons of
12 managed material on-site at any time unless the owner or operator
13 has obtained approval of the materials recovery facility under a
14 general permit, subject to subsections (6) to (9).

15 (3) The operator of a composting facility shall comply with
16 all of the following:

17 (a) Beginning 1 year after the effective date of the
18 amendatory act that added this section, a person shall not operate
19 a small class 1 composting facility unless the owner or operator
20 has notified the department. Notification shall be given upon
21 initial operation and, subsequently, within 45 days after the end
22 of each state fiscal year. The subsequent notices shall report the
23 amount of compostable material managed at the facility during the
24 state fiscal year.

25 (b) Beginning 1 year after the effective date of the
26 amendatory act that added this section, a person shall not operate
27 a medium class 1 composting facility unless the owner or operator
28 has registered with the department. The application for
29 registration shall be accompanied by a fee of \$750.00. The term of

1 the registration is 5 years.

2 (c) Beginning 2 years after the effective date of the
3 amendatory act that added this section, a person shall not operate
4 a class 2 composting facility or a large class 1 composting
5 facility unless approved by the department under a general permit,
6 subject to subsections (6) to (9).

7 (4) The operator of an anaerobic digester shall comply with
8 all of the following:

9 (a) Beginning 1 year after the effective date of the
10 amendatory act that added this section, a person shall not operate
11 an anaerobic digester if the anaerobic digester manages source
12 separated material generated on-site and if not more than 20% of
13 the material managed is generated off-site unless the owner or
14 operator has notified the department. Notification shall be given
15 upon initial operation and, subsequently, within 45 days after the
16 end of each state fiscal year. The subsequent notices shall report
17 the amount of material managed at the anaerobic digester during the
18 state fiscal year.

19 (b) Beginning 1 year after the effective date of the
20 amendatory act that added this section, a person shall not operate
21 an anaerobic digester if the anaerobic digester manages source
22 separated material generated on-site and if more than 20% of the
23 material managed is generated off-site unless the owner or operator
24 has registered the anaerobic digester with the department. The
25 application for registration shall be accompanied by a fee of
26 \$750.00. The term of the registration is 5 years.

27 (c) Beginning 2 years after the effective date of the
28 amendatory act that added this section, a person shall not operate
29 an anaerobic digester that manages only source separated material,

1 manures, bedding, or crop residuals that are generated off-site
2 unless approved by the department under a general permit, subject
3 to subsections (6) to (9).

4 (d) Liquid digestate that is generated by the anaerobic
5 digester shall be managed by 1 or more of the following:

6 (i) On-site treatment and discharge by a facility that is
7 permitted under part 31 or is otherwise approved by the department.

8 (ii) Discharge, by sewer or pipeline, to an off-site publicly
9 owned treatment works or other facility that is permitted under
10 part 31 or is otherwise approved by the department.

11 (iii) Discharge, by pumping and hauling, to an off-site publicly
12 owned treatment works or other facility that is permitted under
13 part 31 or is otherwise approved by the department.

14 (iv) Covered storage, as approved by the department, on-site
15 for not less than 180 days followed by land application under R
16 299.4111 of the MAC.

17 (5) Beginning 2 years after the effective date of the
18 amendatory act that added this section, a person shall not operate
19 an innovative technology facility unless approved by the department
20 under a general permit, subject to subsections (6) to (9).

21 (6) If the owner or operator of a materials utilization
22 facility in operation on the effective date of the amendatory act
23 that added this section is required to obtain approval under a
24 general permit and submits a complete application for approval by
25 the deadline for obtaining approval, the owner or operator is
26 considered to be in compliance with the approval requirement
27 pending the department's approval or denial of the application.

28 (7) An application for approval under a general permit under
29 this section shall be accompanied by a fee of \$1,000.00. The

1 department shall approve or deny the application within 90 days
2 after receiving a complete application. If the application is
3 denied, within 6 months after the denial, the applicant may
4 resubmit the application together with additional information or
5 corrections necessary to address the reason for denial, without
6 paying an additional application fee.

7 (8) The term of approval under a general permit under this
8 section is 5 years, except that the term of approval under an
9 innovative technology general permit is 2 years.

10 (9) An approval under a general permit under this section may
11 be renewed upon the submittal of a timely and sufficient
12 application. To be considered timely and sufficient for purposes of
13 section 91 of the administrative procedures act of 1969, 1969 PA
14 306, MCL 24.291, an application for renewal of a general permit
15 approval shall meet both of the following requirements:

16 (a) Contain the information as required by the applicable
17 general permit application.

18 (b) Be received by the department not later than 90 days
19 before the expiration of the preceding authorization.

20 (10) Fees collected under this subpart shall be deposited in
21 the perpetual care account established under section 11550.

22 Sec. 11569. (1) With a registration or an application for
23 approval under a general permit required under section 11568, the
24 owner or operator of a materials utilization facility shall submit
25 a site map and operations plan for the materials utilization
26 facility. With an application for approval under a general permit,
27 the owner or operator shall submit a final closure plan. Pending
28 registration or authorization under a general permit of a materials
29 utilization facility in operation on the effective date of the

1 amendatory act that added this section, the department shall review
2 the operating requirements for the facility. If the department
3 determines upon review that the operating requirements do not
4 comply with part 115, the department shall issue a schedule of
5 remedial measures that will lead to compliance within a reasonable
6 period of time not to exceed 1 year from the determination of
7 noncompliance.

8 (2) If an increase in the volume or change in the type of
9 material managed by a materials utilization facility triggers a
10 requirement for notification, registration, or approval under a
11 general permit, the owner or operator of the facility shall submit
12 the notification, complete application for registration, or
13 complete application for approval under a general permit within 90
14 days.

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

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

- 20 (a) House Bill No. 4454.
21 (b) House Bill No. 4455.
22 (c) House Bill No. 4456.
23 (d) House Bill No. 4457.
24 (e) House Bill No. 4458.
25 (f) House Bill No. 4459.
26 (g) House Bill No. 4461.