

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4455

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11504, 11505, 11506, 11507, 11507a, and 11508  
(MCL 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a, and  
324.11508), section 11504 as amended by 2020 PA 85, section 11505  
as amended by 2018 PA 640, section 11506 as amended by 2018 PA 615,  
and section 11507a as amended by 2004 PA 39.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 11504. (1) ~~"Health officer" means a full-time~~  
2 ~~administrative officer of a certified health department.~~ **"Hauler"**  
3 **means a person who owns or operates a managed materials**  
4 **transporting unit.**

5           (2) **"Host community approval" means an agreement, resolution,**

1 letter, or other document indicating that the governing body of the  
2 municipality where the materials management facility is proposed to  
3 be located has reviewed and approved the development of that  
4 specific facility.

5 (3) "Household waste" means solid waste that is generated from  
6 single-family dwellings. Household waste does not include  
7 commercial waste, industrial waste, hazardous waste, or  
8 construction and demolition waste.

9 (4) "Hydrogenation" means the chemical reaction between  
10 molecular hydrogen and an element or compound, ordinarily in the  
11 presence of a catalyst.

12 (5) ~~(2)~~—"Industrial waste" means solid waste that is generated  
13 by manufacturing or industrial processes **at an industrial site** and  
14 that is not a hazardous waste regulated under part 111.

15 (6) ~~(3)~~—"Industrial waste landfill" means a landfill that is  
16 used for the disposal of any of the following, as applicable:

17 (a) Industrial waste that has been characterized for hazard  
18 and that has been determined to be nonhazardous under part 111.

19 (b) If the landfill is an existing disposal area, nonhazardous  
20 solid waste that originates from an industrial site.

21 (7) ~~(4)~~—"Inert material" means any of the following:

22 (a) Rock.

23 (b) Trees, stumps, and other similar land-clearing debris, if  
24 all of the following conditions are met:

25 (i) The debris is buried on the site of origin or another site,  
26 with the approval of the owner of the site.

27 (ii) The debris is not buried in a wetland or floodplain.

28 (iii) The debris is placed at least 3 feet above the groundwater  
29 table as observed at the time of placement.

1 (iv) The placement of the debris does not violate federal,  
2 state, or local law or create a nuisance.

3 (c) Uncontaminated excavated soil or dredged sediment.

4 Excavated soil or dredged sediment is considered uncontaminated if  
5 it does not contain more than de minimis amounts of solid waste and  
6 ~~1~~~~any~~ of the following ~~applies~~~~apply~~:

7 (i) The soil or sediment is not contaminated by a hazardous  
8 substance as a result of human activity. Soil or sediment that  
9 naturally contains elevated levels of hazardous substances above  
10 unrestricted residential or any other part 201 generic soil cleanup  
11 criteria is not considered contaminated for purposes of this  
12 subdivision. A soil or sediment analysis is not required under this  
13 subparagraph if, based on past land use, there is no reason to  
14 believe that the soil or sediment is contaminated.

15 (ii) For any hazardous substance that could reasonably be  
16 expected to be present as a result of past land use and human  
17 activity, the soil or sediment does not exceed the background  
18 concentration, as that term is defined in ~~part 201~~**section 20101**.

19 (iii) For any hazardous substance that could reasonably be  
20 expected to be present as a result of past land use and human  
21 activity, the soil or sediment falls below part 201 generic  
22 residential soil direct contact cleanup criteria and hazardous  
23 substances in leachate from the soil or sediment, using, at the  
24 option of the generator, EPA method 1311, "**Toxicity Characteristic**  
25 **Leaching Procedure**", EPA method 1312, "**Synthetic Precipitation**  
26 **Leaching Procedure**", or any other leaching protocol approved by the  
27 department, fall below part 201 generic residential health based  
28 groundwater drinking water values or criteria, and the soil or  
29 sediment would not cause a violation of any surface water quality

1 standard established under part 31 at the area of placement,  
2 disposal, or use.

3 (d) Excavated soil from a site of environmental contamination,  
4 corrective action, or response activity if the soil is not a listed  
5 hazardous waste under part 111 and if hazardous substances in the  
6 soil do not exceed generic soil cleanup criteria for unrestricted  
7 residential use as defined in ~~part 201~~ **section 20101** or background  
8 concentration as defined in ~~part 201~~, **section 20101**, as applicable.

9 (e) Construction brick, masonry, pavement, or broken concrete  
10 that is reused for fill, rip rap, slope stabilization, or other  
11 construction, if all of the following conditions are met:

12 (i) The use of the material does not violate section 3108, part  
13 301, or part 303.

14 (ii) The material is not materially contaminated. Typical  
15 surface oil staining on pavement ~~and-or~~ concrete from driveways,  
16 roadways, ~~and-or~~ parking lots is not material contamination.  
17 Material covered in whole or in part with ~~lead-based~~ paint **that**  
18 **contains more than 0.5% lead** is materially contaminated.

19 (iii) The material does not include exposed reinforcing bars.

20 (f) Portland cement clinker produced by a cement kiln using  
21 wood, fossil fuels, or solid waste as a fuel or feedstock, but not  
22 including cement kiln dust generated in the process.

23 (g) Asphalt pavement or concrete pavement that meets all of  
24 the following requirements:

25 (i) Has been removed from a public right-of-way.

26 (ii) Has been stockpiled or crushed for reuse as aggregate  
27 material.

28 (iii) Does not include exposed reinforcement bars.

29 (h) Cuttings, drilling materials, and fluids used to drill or

1 complete a well installed pursuant to part 127 of the public health  
2 code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of  
3 the well is not a facility under part 201.

4 (i) Any material determined by the department under section  
5 11553(5) or (6) to be an inert material, either for general use or  
6 for a particular use.

7 **(8) "Innovative technology facility" means a materials**  
8 **management facility that converts solid waste into energy or a**  
9 **usable product and that is not a materials recovery facility, a**  
10 **composting facility, or an anaerobic digester.**

11 **(9) ~~(5)~~**"Insurance" means insurance that conforms to the  
12 requirements of 40 CFR 258.74(d) **and is** provided by an insurer ~~who~~  
13 **that** has a certificate of authority from the director of insurance  
14 and financial services to sell this line of coverage. An applicant  
15 for an operating license **or general permit** shall submit evidence of  
16 the required coverage by submitting both of the following to the  
17 department:

18 (a) A certificate of insurance that uses wording approved by  
19 the department.

20 (b) A certified true and complete copy of the insurance  
21 policy.

22 **(10) ~~(6)~~**"Landfill" means a ~~disposal area that is a sanitary~~  
23 ~~landfill.~~**type II landfill or type III landfill.**

24 **(11) "Landfill care fund" means a landfill care fund required**  
25 **by section 11525d(2).**

26 **(12) "Landfill care fund bond" means a surety bond, an**  
27 **irrevocable letter of credit, or a combination of these instruments**  
28 **in favor of the department used to establish a landfill care fund.**

29 **(13) "Large", in reference to a composting facility, means a**

1 **composting facility to which both of the following apply:**

2 (a) **The site at any time contains more than 500 cubic yards of**  
3 **compostable material.**

4 (b) **The site does not qualify as a small or medium composting**  
5 **facility.**

6 (14) ~~(7)~~—"Lateral expansion" means a horizontal expansion of  
7 the solid waste boundary of any of the following:

8 (a) A landfill, other than a coal ash landfill, if the  
9 expansion is beyond the limit established in a construction permit  
10 or engineering plans approved by the ~~solid waste control agency~~  
11 **department or a certified health department** before January 11,  
12 1979.

13 (b) A coal ash landfill, if either of the following applies:

14 (i) The expansion is beyond the limit established in a  
15 construction permit issued after December 28, 2018.

16 (ii) The expansion is made after October 19, 2015, and is a  
17 horizontal expansion of the outermost boundary, as defined by a  
18 construction certification or operating license, of an existing  
19 coal ash landfill.

20 (c) A coal ash impoundment, if the expansion is beyond the  
21 limit established in a construction permit or the horizontal limits  
22 of coal ash in place on or before October 14, 2015.

23 (15) ~~(8)~~—"Letter of credit" means an irrevocable letter of  
24 credit that complies with 40 CFR 258.74(c).

25 (16) **"License" means an operating license.**

26 (17) ~~(9)~~—"Lime kiln dust" means particulate matter collected  
27 in air emission control devices serving lime kilns.

28 (18) **"Local health officer" means a local health officer as**  
29 **defined in section 1105 of the public health code, 1978 PA 368, MCL**

1 333.1105, to which the department delegates certain duties under  
2 part 115.

3 (19) ~~(10)~~ "Low-hazard industrial waste" means industrial  
4 material that has a low potential for groundwater contamination  
5 when managed in ~~accordance~~ **compliance** with ~~this part 115. The~~ **All**  
6 **of the** following materials are low-hazard industrial wastes:

- 7 (a) Coal ash and wood ash.  
8 (b) Cement kiln dust.  
9 (c) Pulp and paper mill material.  
10 (d) Scrap wood.  
11 (e) Sludge from the treatment and conditioning of water for  
12 domestic use.  
13 (f) Residue from the thermal treatment of petroleum  
14 contaminated soil, media, or debris.  
15 (g) Sludge from the treatment and conditioning of water from a  
16 community water supply.  
17 (h) Foundry sand.  
18 (i) Mixed wood ash, scrap wood ash, and pulp and paper mill  
19 ash.  
20 (j) Street cleanings.  
21 (k) Asphalt shingles.  
22 (l) New construction or production scrap drywall.  
23 (m) Chipped or shredded tires.  
24 (n) Copper slag.  
25 (o) Copper stamp sands.  
26 (p) Dredge material from nonremedial activities.  
27 (q) Flue gas desulfurization material.  
28 (r) Dewatered grinding slurry generated from public  
29 transportation agency road projects.

1 (s) Any material determined by the department under section  
2 11553(7) to be a low-hazard industrial waste.

3 (20) ~~(11)~~—"Low-hazard-potential coal ash impoundment" means a  
4 coal ash impoundment that is a diked surface impoundment, the  
5 failure or ~~misooperation~~ **mis-operation** of which is expected to  
6 result in no loss of human life and low economic or environmental  
7 losses principally limited to the impoundment owner's property.

8 (21) "MAC" means the Michigan Administrative Code.

9 (22) "Managed material" means solid waste, diverted waste, or  
10 recyclable material. Managed material does not include a material  
11 or product that contains iron, steel, or nonferrous metals and that  
12 is directed to or received by a scrap processor as defined in  
13 section 3 of the scrap metal regulatory act, 2008 PA 429, MCL  
14 445.423, or by a reuser of these metals.

15 (23) "Managed materials transporting unit" means a container,  
16 which may be an integral part of a truck or other piece of  
17 equipment, used for the transportation of managed materials.

18 (24) "Materials management facility" or, unless the context  
19 implies a different meaning, "facility" means any of the following,  
20 subject to subsection (25):

21 (a) A disposal area.

22 (b) A materials utilization facility.

23 (c) A waste diversion center.

24 (25) Materials management facility or facility does not  
25 include a person, utilizing machinery and equipment and operating  
26 from a fixed location, whose principal business is the processing  
27 and manufacturing of iron, steel, or nonferrous metals into  
28 prepared grades of products suitable for consumption, reuse, or  
29 additional processing.



1 (26) "Materials management goals" means goals identified in  
2 the MMP pursuant to section 11578(1) (a).

3 (27) "Materials management plan" or "MMP" means a plan  
4 required under section 11571.

5 (28) "Materials recovery facility", subject to subsection  
6 (29), means a facility that meets both of the following  
7 requirements:

8 (a) Receives primarily source separated material and sorts,  
9 bales, or processes the source separated material for reuse,  
10 recycling, or utilization as a raw material or new product.

11 (b) On an annual basis, does not receive an amount of solid  
12 waste equal to or more than 15% of the total weight of material  
13 received by the facility unless the materials recovery facility is  
14 making reasonable effort and has an education program to reduce the  
15 amount of solid waste. Material disposed of as a result of  
16 recycling market fluctuations is not included in the 15%  
17 calculation.

18 (29) Materials recovery facility does not include any of the  
19 following:

20 (a) A retail, commercial, or industrial establishment that  
21 bales for off-site shipment managed material that it generates.

22 (b) A retail establishment that collects returnable beverage  
23 containers under 1976 IL 1, MCL 445.571 to 445.576.

24 (c) A beverage distributor, or its agent, that manages  
25 returnable beverage containers under 1976 IL 1, MCL 445.571 to  
26 445.576.

27 (d) A facility or area used for reuse, recycling, or storage  
28 of recyclable materials solely generated by an industrial facility.

29 (e) A facility that is an end user or secondary processor and

1 that uses as fuel or otherwise, processes, or stores material  
2 generated by industrial facilities.

3 (f) A facility that primarily manages material that was  
4 previously sorted or processed.

5 (g) An anaerobic digester.

6 (30) "Materials utilization" means recycling, composting, or  
7 converting material into energy rather than disposing of the  
8 material.

9 (31) "Materials utilization facility" means a facility that is  
10 any of the following:

11 (a) A materials recovery facility.

12 (b) A composting facility.

13 (c) An anaerobic digester, except at a manufacturing facility  
14 that generates its own feedstock.

15 (d) An innovative technology facility.

16 (32) ~~(12)~~—"Medical waste" means that term as it is defined in  
17 section 13805 of the public health code, 1978 PA 368, MCL  
18 333.13805.

19 (33) "Medium", in reference to a composting facility, means a  
20 composting facility to which all of the following apply:

21 (a) The site at any time contains more than 500 cubic yards of  
22 compostable material.

23 (b) The site does not qualify as a small composting facility.

24 (c) The site does not at any time contain more than 10,000  
25 cubic yards of compostable material.

26 (d) The site does not at any time contain more than 10% by  
27 volume of class 1 compostable material other than yard waste.

28 (e) Unless approved by the department, the site does not at  
29 any time on any acre contain more than 5,000 cubic yards of

1 **compostable material, finished product, compost additives, or**  
2 **screening rejects.**

3 (34) ~~(13)~~—"Mixed wood ash" means the material recovered from  
4 air pollution control systems for, or the noncombusted residue  
5 remaining after, the combustion of any combination of wood, scrap  
6 wood, railroad ties, or tires, if railroad ties composed less than  
7 35% by weight of the total combusted material and tires composed  
8 less than 10% by weight of the total combusted material.

9 (35) **"Municipal solid waste" means household waste, commercial**  
10 **waste, waste generated by other nonindustrial locations, waste that**  
11 **has characteristics similar to that generated at a household or**  
12 **commercial business, or any combination thereof. Municipal solid**  
13 **waste does not include municipal wastewater treatment sludges,**  
14 **industrial process wastes, automobile bodies, combustion ash, or**  
15 **construction and demolition debris.**

16 (36) ~~(14)~~—"Municipal solid waste incinerator" means an  
17 incinerator that is owned or operated by any person, and **that** meets  
18 all of the following requirements:

19 (a) The incinerator receives solid waste from off site and  
20 burns only ~~household~~ waste from ~~single~~ **single-family** and ~~multiple~~  
21 **multifamily** dwellings, hotels, motels, and other residential  
22 sources, or such ~~household~~ waste together with solid waste from  
23 commercial, institutional, municipal, county, or industrial sources  
24 that, if disposed of, would not be required to be placed in a  
25 disposal facility licensed under part 111.

26 (b) The incinerator has established contractual requirements  
27 or other notification or inspection procedures sufficient to ensure  
28 that the incinerator receives and burns only waste referred to in  
29 subdivision (a).

1 (c) The incinerator meets the requirements of ~~this part and~~  
2 ~~the rules promulgated under this part~~ **115**.

3 (d) The incinerator is not an industrial furnace as defined in  
4 40 CFR 260.10.

5 (e) The incinerator is not an incinerator that receives and  
6 burns only medical waste or only waste produced at 1 or more  
7 hospitals.

8 **(37)** ~~(15)~~—"Municipal solid waste incinerator ash" means the  
9 substances remaining after combustion in a municipal solid waste  
10 incinerator.

11 **(38)** **"Municipal solid waste recycling rate" means the amount**  
12 **of municipal solid waste recycled or composted, divided by the**  
13 **amount of municipal solid waste recycled, composted, landfilled, or**  
14 **incinerated.**

15 **(39)** ~~(16)~~—"New coal ash impoundment" means a coal ash  
16 impoundment that first receives coal ash after ~~the effective date~~  
17 ~~of the amendatory act that added this subsection.~~ **December 28, 2018.**

18 **(40)** ~~(17)~~—"New disposal area" means a disposal area that  
19 requires a construction permit under this part and includes all of  
20 the following:

21 (a) A disposal area, other than an existing disposal area,  
22 that is proposed for construction.

23 (b) For a landfill, a lateral expansion, vertical expansion,  
24 or other expansion that results in an increase in the landfill's  
25 design capacity.

26 (c) A new coal ash impoundment, or a lateral expansion of a  
27 coal ash impoundment beyond the placement of waste as of October  
28 14, 2015.

29 (d) For a disposal area other than ~~landfills~~ **a landfill** or

1 coal ash ~~impoundments,~~ **impoundment**, an enlargement in capacity  
 2 beyond that indicated in the construction permit or in engineering  
 3 plans approved before January 11, 1979.

4 (e) For any existing disposal area, an alteration of the  
 5 disposal area to a different disposal area type than ~~had been~~ **was**  
 6 specified in the previous construction permit application or in  
 7 engineering plans that were approved by the director or his or her  
 8 designee before January 11, 1979.

9 **(41)** ~~(18)~~ "Nonresidential property" means property not used or  
 10 intended to be used for any of the following:

11 (a) A child day care center.

12 (b) An elementary school.

13 (c) An elder care and assisted living center.

14 (d) A nursing home.

15 (e) A single-family or multifamily dwelling unless the  
 16 dwelling is part of a mixed use development and all dwelling units  
 17 and associated outdoor residential use areas are located above the  
 18 ground floor.

19 ~~(19) "Part 115 rules" means R 299.4101 to R 299.4922 of the~~  
 20 ~~Michigan Administrative Code including any amendments to or~~  
 21 ~~replacements of those rules.~~

22 **(42) "Operate" includes, but is not limited to, conducting,**  
 23 **managing, and maintaining.**

24 **(43) "Part 115" means this part and rules promulgated under**  
 25 **this part.**

26 **(44)** ~~(20)~~ "Perpetual care fund" means a trust ~~or~~ **fund**, escrow  
 27 account, or perpetual care fund bond ~~provided for in section~~  
 28 ~~11525.~~ **required by section 11525(2).**

29 **(45)** ~~(21)~~ "Perpetual care fund bond" means a surety bond, an

1 irrevocable letter of credit, or a combination of these instruments  
2 in favor of ~~and on a form approved by the department by which used~~  
3 **to establish** a perpetual care fund. ~~is established.~~

4 (46) "Planning area" means the geographic area to which a  
5 materials management plan applies.

6 (47) "Planning committee" means a committee appointed under  
7 section 11572.

8 (48) "Post-use polymer" means a plastic to which all of the  
9 following apply:

10 (a) It has been source separated.

11 (b) It has been sorted from solid waste and other regulated  
12 waste but may contain residual amounts of solid waste.

13 (c) It is not mixed with solid waste or hazardous waste on-  
14 site or during conversion at a chemical recycling facility.

15 (d) It is converted at a chemical recycling facility or,  
16 subject to applicable speculative accumulation time frames, stored  
17 at a chemical recycling facility before conversion.

18 (49) "Preexisting unit" means a landfill unit that is or was  
19 licensed under part 115 but has not received waste after October 9,  
20 1993.

21 (50) ~~(22)~~ "Pulp and paper mill ash" means the material  
22 recovered from air pollution control systems for, or the  
23 noncombusted residue remaining after, the combustion of any  
24 combination of coal, wood, pulp and paper mill material, wood or  
25 biomass fuel pellets, scrap wood, railroad ties, or tires, ~~from in~~  
26 a boiler, power plant, or furnace at a pulp and paper mill, if  
27 railroad ties composed less than 35% by weight of the total  
28 combusted material and tires composed less than 10% by weight of  
29 the total combusted material.

1           **(51)** ~~(23)~~—"Pulp and paper mill material" means all of the  
 2 following materials if generated at a facility that produces pulp  
 3 or paper:

4           (a) Wastewater treatment sludge, including wood fibers,  
 5 minerals, and microbial biomass.

6           (b) Rejects from screens, cleaners, and mills.

7           (c) Bark, wood fiber, and chips.

8           (d) Scrap paper.

9           (e) Causticizing residues, including lime mud and grit and  
 10 green liquor dregs.

11           (f) Any material that the department determines has  
 12 characteristics that are similar to any of the materials listed in  
 13 subdivisions (a) to (e).

14           **(52) "Pyrolysis" means a manufacturing process in which post-**  
 15 **use polymers are heated in the absence of oxygen until melted and**  
 16 **thermally decomposed, and then are cooled, condensed, and converted**  
 17 **into valuable raw materials and intermediate and final products,**  
 18 **including, but not limited to, plastic monomers, chemicals, waxes,**  
 19 **lubricants, and plastic and chemical feedstocks that have economic**  
 20 **utility as raw materials and products.**

21           Sec. 11505. **(1) "RDDP" means a research, development, and**  
 22 **demonstration project for a new or existing type II landfill unit**  
 23 **or for a lateral expansion of a type II landfill unit.**

24           **(2)** ~~(1)~~—"Recyclable materials" means ~~source-separated~~  
 25 ~~materials, site-separated materials, high grade paper, glass,~~  
 26 ~~metal, plastic, aluminum, newspaper, corrugated~~ **plastics**, paper  
 27 **products, wood, rubber, textiles, food waste**, yard clippings, and  
 28 other materials that may be recycled or composted.

29           **(3) "Recycling" means any process applied to materials that**

1 are no longer being used and that would have otherwise been  
 2 disposed as waste, for the purpose of converting the materials into  
 3 raw materials or intermediate or new products.

4 (4) ~~(2)~~—"Regional solid waste management planning agency"  
 5 means the regional solid waste planning agency designated by the  
 6 governor pursuant to **section 4006 of subtitle D of the solid waste**  
 7 **disposal act**, 42 USC 6946.

8 (5) ~~(3)~~—"Resource recovery facility" means machinery,  
 9 equipment, structures, or any parts or accessories of machinery,  
 10 equipment, or structures, installed or acquired for the primary  
 11 purpose of recovering materials or energy from the waste stream.

12 (6) ~~(4)~~—"Response activity" means an activity that is  
 13 necessary to protect the **environment, natural resources, or the**  
 14 **public health, safety, or welfare, ~~or the environment,~~** and  
 15 includes, but is not limited to, evaluation, cleanup, removal,  
 16 containment, isolation, treatment, monitoring, maintenance,  
 17 replacement of water supplies, and temporary relocation of people.

18 (7) "Restricted use compost" means compost that is produced  
 19 from class 2 compostable material, including any combination of  
 20 class 1 compostable material and class 2 compostable material, that  
 21 is not approved as inert under section 11553(5).

22 (8) "Reuse" means to remanufacture, use again, use in a  
 23 different manner, or use after reclamation.

24 (9) ~~(5)~~—"Rubbish" means nonputrescible solid waste, excluding  
 25 ashes, consisting of both combustible and noncombustible waste,  
 26 including paper, cardboard, metal containers, yard ~~clippings,~~  
 27 **waste**, wood, glass, bedding, crockery, demolished building  
 28 materials, or litter of any kind that may be a detriment to the  
 29 **environment, natural resources, or the public health, and safety,**



1 or welfare.

2 (10) ~~(6)~~ "Salvaging" means the lawful and controlled removal  
3 of reusable materials from solid waste.

4 ~~(7) "Sanitary landfill" means a type of disposal area~~  
5 ~~consisting of 1 or more landfill units and the active work areas~~  
6 ~~associated with those units. Sanitary landfills are classified as 1~~  
7 ~~of the following types of landfills:~~

8 ~~(a) A type II landfill, which is a municipal solid waste~~  
9 ~~landfill and includes a municipal solid waste incinerator ash~~  
10 ~~landfill.~~

11 ~~(b) A type III landfill, which is any landfill that is not a~~  
12 ~~municipal solid waste landfill or hazardous waste landfill and~~  
13 ~~includes all of the following:~~

14 ~~(i) A construction and demolition waste landfill.~~

15 ~~(ii) An industrial waste landfill.~~

16 ~~(iii) A landfill that accepts waste other than household waste,~~  
17 ~~municipal solid waste incinerator ash, or hazardous waste from~~  
18 ~~conditionally exempt small quantity generators.~~

19 ~~(iv) A coal ash landfill.~~

20 ~~(v) An existing coal ash impoundment that is closed or is~~  
21 ~~actively being closed as a landfill pursuant to R 299.4309 of the~~  
22 ~~part 115 rules.~~

23 (11) ~~(8)~~ "Scrap wood" means wood or wood product that is 1 or  
24 more of the following:

25 (a) Plywood, particle board, pressed board, oriented strand  
26 board, fiberboard, resonated wood, or any other wood or wood  
27 product mixed with glue, resins, or filler.

28 (b) Wood or wood product treated with creosote or  
29 pentachlorophenol.

1 (c) Any wood or wood product designated as scrap wood in rules  
2 promulgated by the department.

3 (12) ~~(9)~~ "Sharps" means that term as defined in section 13807  
4 of the public health code, 1978 PA 368, MCL 333.13807.

5 ~~(10) "Site separated material" means glass, metal, wood, paper~~  
6 ~~products, plastics, rubber, textiles, garbage, or any other~~  
7 ~~material approved by the department that is separated from solid~~  
8 ~~waste for the purpose of recycling or conversion into raw materials~~  
9 ~~or new products.~~

10 (13) ~~(11)~~ "Slag" means the nonmetallic product resulting from  
11 melting or smelting operations for iron or steel.

12 (14) "Small", in reference to a composting facility, means a  
13 composting facility to which both of the following apply:

14 (a) The site at any time contains more than 500 cubic yards of  
15 compostable material but does not at any time contain 1,000 or more  
16 cubic yards of compostable material.

17 (b) The site does not at any time contain 5% or more by volume  
18 of class 1 compostable material other than yard waste.

19 Sec. 11506. (1) "Solid waste" means ~~garbage,~~ **food waste,**  
20 rubbish, ashes, incinerator ash, incinerator residue, street  
21 cleanings, municipal and industrial sludges, solid commercial  
22 waste, solid industrial waste, and animal waste. However, solid  
23 waste does not include **any of** the following:

24 (a) Human body waste.

25 (b) Medical waste.

26 (c) ~~Organic waste~~ **Manure or animal bedding** generated in the  
27 production of livestock and poultry, **if managed in compliance with**  
28 **the appropriate GAAMPS.**

29 (d) Liquid waste.

1           (e) ~~Ferrous or nonferrous scrap~~ **Scrap metal, as defined in**  
 2 **section 3 of the scrap metal regulatory act, 2008 PA 429, MCL**  
 3 **445.423,** directed to a scrap metal processor **as defined in that**  
 4 **section** or to a reuser of ferrous or nonferrous products. **scrap**  
 5 **metal.**

6           (f) Slag or slag products directed to a slag processor or to a  
 7 reuser of slag or slag products.

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

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

15           (i) Food processing residuals and ~~garbage~~. **food waste.**

16           (ii) Precipitated calcium carbonate from sugar beet processing.

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

19           (iv) Lime from kraft pulping processes generated ~~prior to~~  
 20 **before** bleaching.

21           (v) Aquatic plants.

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

24           (j) Source separated materials.

25           ~~(k) Site separated material.~~

26           **(k)** ~~(l)~~ Coal ash, when used under any of the following  
 27 circumstances:

28           (i) As a component of concrete, grout, mortar, or casting  
 29 molds, if the coal ash does not have more than 6% unburned carbon.

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

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

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

14           (l) ~~(m)~~—Inert material.

15           (m) ~~(n)~~—Soil that is washed or otherwise removed from sugar  
16 beets, has not more than 55% moisture content, and is registered as  
17 a soil conditioner under part 85. Any testing required to become  
18 registered under part 85 is the responsibility of the generator.

19           (n) ~~(o)~~—Soil that is relocated under section 20120c.

20           (o) ~~(p)~~—Diverted waste that is managed through a waste  
21 diversion center.

22           (p) ~~(q)~~—Beneficial use by-products.

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

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

27           (i) A public road agency.

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

1           **(s)** ~~(t)~~ Any material that is reclaimed or reused in the  
2 process that generated it.

3           **(t)** ~~(u)~~ Any secondary material that, as specified in or  
4 determined pursuant to 40 CFR part 241, is not a solid waste when  
5 combusted.

6           **(u) Post-use polymers.**

7           (v) Other wastes regulated by statute.

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

10           **(2) "Solid waste management fund" means the solid waste**  
11 **management fund created in section 11550.**

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

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

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

1 ~~of generation or the site of disposal of the solid waste, and is not~~  
2 **located at the site of generation or the site of disposal of the**  
3 **solid waste.**

4 (4) "Solvolysis" means a manufacturing process in which post-  
5 use polymers are purified with the aid of solvents, while heated at  
6 low temperatures or pressurized, or both, to make useful products  
7 while allowing additives and contaminants to be removed. The  
8 products of solvolysis include, but are not limited to, monomers,  
9 intermediates, and valuable chemicals and raw materials. Solvolysis  
10 includes, but is not limited to, the following:

11 (a) Hydrolysis.

12 (b) Aminolysis.

13 (c) Ammonolysis.

14 (d) Methanolysis.

15 (e) Glycolysis.

16 (5) "Source reduction" means any practice that reduces or  
17 eliminates the generation of waste at the source.

18 (6) "Source separated material" means any of the following  
19 materials if separated at the source of generation **or at a**  
20 **materials management facility that complies with part 115** and if  
21 not speculatively accumulated:

22 (a) Glass, metal, wood, paper products, plastics, rubber,  
23 textiles, ~~garbage,~~ **food waste, electronics, latex paint, yard**  
24 **waste**, or any other material approved by the department that is  
25 used for conversion into raw materials or **intermediate or** new  
26 products. For the purposes of this subdivision, raw materials or  
27 **intermediate or** new products include, but are not limited to,  
28 compost, biogas from anaerobic digestion, synthesis gas from  
29 gasification or pyrolysis, or other fuel. This subdivision does not

1 prohibit material from being classified as a renewable energy  
 2 resource as defined in section 11 of the clean and renewable energy  
 3 and energy waste reduction act, 2008 PA 295, MCL 460.1011.

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

8 (c) Chipped or whole tires used to fuel an industrial boiler,  
 9 kiln, power plant, or furnace, subject to part 55, or for other  
 10 uses approved by the department. This subdivision does not prohibit  
 11 material from being classified as a renewable energy resource as  
 12 defined in section 11 of the clean and renewable energy and energy  
 13 waste reduction act, 2008 PA 295, MCL 460.1011.

14 (d) Recovered paint solids if used to fuel an industrial  
 15 boiler, kiln, power plant, **gasification plant**, or furnace, subject  
 16 to part 55; ~~—if bonded with cement or asphalt~~; or if used for  
 17 other uses approved by the department.

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

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

23 (g) Asphalt shingles that ~~do~~ **meet both of the following**  
 24 **requirements:**

25 (i) **Do** not contain asbestos, rolled roofing, **wood, nails**, or  
 26 tar paper.

27 (ii) **Are** used as **described in any of the following:**

28 (A) **As** a component in **hot mix asphalt, warm mix** asphalt, or  
 29 ~~used to cold patch asphalt.~~

1           **(B) To** fuel an industrial boiler, kiln, power plant, or  
2 furnace, subject to part 55. ~~or for other~~

3           **(C) Mixed with recycled asphalt pavement at a maximum of 1 to**  
4 **1 ratio by volume to produce a base that is covered by concrete or**  
5 **asphalt paving.**

6           **(D) Other** uses approved by the department.

7           (h) Municipal solid waste incinerator ash that meets criteria  
8 specified by the department and that is used as daily cover at a  
9 disposal facility licensed pursuant to ~~this~~ part **115**.

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

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

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

16          **(l) Leaves that are ground or mixed with ground wood and sold**  
17 **as mulch for landscaping purposes if the volumes so managed are**  
18 **reported to the department in the manner provided in section 11560.**

19          **(m) ~~(l)~~**Any material determined by the department in writing  
20 before September 16, 2014 to be a source separated material.

21          **(n) Yard waste that is land applied on a farm in a manner**  
22 **consistent with GAAMPS.**

23          **(o) Yard waste, class 1 compostable material, and class 2**  
24 **compostable material that are delivered to an anaerobic digester**  
25 **authorized by the department under part 115 to receive the**  
26 **material.**

27          **(p) Recyclable materials.**

28          (7) "Stamp sands" means finely grained crushed rock resulting  
29 from mining, milling, or smelting of copper ore and includes native



1 substances contained within the crushed rock and any ancillary  
2 material associated with the crushed rock.

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

5 (a) Chromated copper arsenate (CCA).

6 (b) Ammoniacal copper quat (ACQ).

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

8 (d) Any other chemical designated in rules promulgated by the  
9 department.

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

13 (10) "Type I public water supply", "type IIa public water  
14 supply", "type IIb public water supply", and "type III public water  
15 supply" mean those terms, respectively, as described in R 325.10502  
16 of the ~~Michigan Administrative Code~~.**MAC**.

17 (11) **"Type II landfill" means a landfill that receives**  
18 **household waste or municipal solid waste incinerator ash, or both,**  
19 **and that may also receive other types of solid waste, such as any**  
20 **of the following:**

21 (a) **Construction and demolition waste.**

22 (b) **Sewage sludge.**

23 (c) **Commercial waste.**

24 (d) **Nonhazardous sludge.**

25 (e) **Hazardous waste from conditionally exempt small quantity**  
26 **generators.**

27 (f) **Industrial waste.**

28 (12) **"Type III landfill" means a landfill that is not a type**  
29 **II landfill or hazardous waste landfill. Type III landfill includes**

1 all of the following:

2 (a) A construction and demolition waste landfill.

3 (b) An industrial waste landfill.

4 (c) A low hazard industrial waste landfill.

5 (d) A surface impoundment authorized as an industrial waste  
6 landfill.

7 (e) A landfill that accepts only waste other than household  
8 waste, municipal solid waste incinerator ash, or hazardous waste  
9 from conditionally exempt small quantity generators.

10 (f) A coal ash landfill.

11 (g) Any coal ash impoundment, including, but not limited to,  
12 the following:

13 (i) An existing coal ash impoundment that is closed as a  
14 landfill pursuant to R 299.4309 of the MAC.

15 (ii) An existing coal ash impoundment where coal ash will  
16 remain after closure and that will be closed as a landfill pursuant  
17 to R 299.4309 of the MAC.

18 (13) "Vermiculture" means the controlled and managed process  
19 by which live worms degrade organic materials into worm castings or  
20 worm humus.

21 (14) ~~(11)~~"Waste diversion center" means property or a  
22 building, or a portion of property or a building, designated for  
23 the purpose of receiving or collecting diverted wastes and not used  
24 for residential purposes.

25 (15) ~~(12)~~"Wood" means trees, branches and associated leaves,  
26 bark, lumber, pallets, wood chips, sawdust, or other wood or wood  
27 product but does not include scrap wood, treated wood, painted wood  
28 or painted wood product, or any wood or wood product that has been  
29 contaminated during manufacture or use.

1           (16) ~~(13)~~ "Wood ash" means any type of ash or slag resulting  
2 from the burning of wood.

3           (17) ~~(14)~~ "Yard ~~clippings~~ **waste**" means leaves, grass  
4 clippings, vegetable or other garden debris, shrubbery, or brush or  
5 tree trimmings, less than 4 feet in length and 2 inches in  
6 diameter, that can be converted to compost. ~~Yard clippings do waste~~  
7 **does** not include stumps, agricultural wastes, animal waste, roots,  
8 sewage sludge, ~~or garbage~~. **Christmas trees or wreaths, food waste,**  
9 **or screened finished compost made from yard waste.**

10           Sec. 11507. (1) **Optimizing recycling opportunities, including**  
11 **electronics recycling opportunities, and the reuse of materials are**  
12 **a principal objective of this state's solid waste management plan.**  
13 **Recycling and reuse of materials, including the reuse of materials**  
14 **from electronic devices, are in the best interest of the**  
15 **environment, natural resources, and the public health, safety, and**  
16 **welfare. This state should develop policies, practices, and goals**  
17 **that promote recycling and reuse of materials, waste reduction, and**  
18 **pollution prevention and that, to the extent practical, minimize**  
19 **the use of landfilling and municipal solid waste incineration as**  
20 **methods for disposal of waste. Policies and practices that promote**  
21 **recycling and reuse of materials, including materials from**  
22 **electronic devices, result in conservation of raw materials and**  
23 **landfill space and avoid the contamination of soil and groundwater**  
24 **from heavy metals and other pollutants.**

25           (2) **It is the goal of this state to achieve through the**  
26 **benchmark recycling standards a 45% municipal solid waste recycling**  
27 **rate and, as an interim step, by 2029, a 30% municipal solid waste**  
28 **recycling rate.**

29           (3) ~~(1)~~ The department and a **local** health officer shall assist

1 in developing and encouraging methods for the disposal of solid  
2 waste that are environmentally sound, that maximize the utilization  
3 of valuable resources, and that encourage resource conservation  
4 including source reduction and source separation.

5 **(4)** ~~(2) This part~~ **Part 115** shall be construed and administered  
6 to encourage and facilitate ~~the effort of~~ all persons to engage in  
7 source separation ~~and site separation~~ of material from solid waste,  
8 and other environmentally sound measures to prevent materials from  
9 entering the waste stream or ~~which encourage the removal of~~ **to**  
10 **remove** materials from the waste stream.

11 **(5) A person shall not dispose, store, or transport solid**  
12 **waste in this state unless the person complies with part 115.**

13 **(6)** ~~(3) The department may exempt from regulation under this~~  
14 ~~part solid waste that is determined by the department to be inert~~  
15 ~~material for uses and in a manner approved by the department.~~ **Part**  
16 **115 is intended to encourage the continuation of the private sector**  
17 **in materials management, disposal, and transportation in compliance**  
18 **with part 115. Part 115 is not intended to prohibit salvaging.**

19 Sec. 11507a. ~~(1) The owner or operator of a landfill shall~~  
20 ~~annually submit a report to the state and the county and~~  
21 ~~municipality in which the landfill is located that contains~~  
22 ~~information on the amount of solid waste received by the landfill~~  
23 ~~during the year itemized, to the extent possible, by county, state,~~  
24 ~~or country of origin and the amount of remaining disposal capacity~~  
25 ~~at the landfill. Remaining disposal capacity shall be calculated as~~  
26 ~~the permitted capacity less waste in place for any area that has~~  
27 ~~been constructed and is not yet closed plus the permitted capacity~~  
28 ~~for each area that has a permit for construction under this part~~  
29 ~~but has not yet been constructed. The report shall be submitted on~~

1 ~~a form provided by the department within 45 days following the end~~  
2 ~~of each state fiscal year.~~

3 ~~(2) By January 31 of each year, the department shall submit to~~  
4 ~~the legislature a report summarizing the information obtained under~~  
5 ~~subsection (1).~~ **Under rules promulgated by the department, the**  
6 **department may certify a city, county, or district health**  
7 **department to perform a solid waste management program or**  
8 **designated activities as prescribed in part 115. The department may**  
9 **rescind certification under either of the following circumstances:**

10 (a) **Upon request of the certified health department.**

11 (b) **After reasonable notice and an opportunity for a hearing**  
12 **if the department finds that the certified health department is not**  
13 **performing the program or designated activities as required.**

14 ~~Sec. 11508. (1) A city, county, or district health department~~  
15 ~~may be certified by the department to perform a solid waste~~  
16 ~~management program. Certification procedures shall be established~~  
17 ~~by the department by rule. The department may rescind certification~~  
18 ~~upon request of the certified health department or after reasonable~~  
19 ~~notice and hearing if the department finds that a certified health~~  
20 ~~department is not performing the program as required.~~ **A person shall**  
21 **not operate a materials management facility unless all of the**  
22 **following requirements are met:**

23 (a) **The owner or operator has complied with any applicable**  
24 **requirement of part 115 to notify the department, register with the**  
25 **department, obtain an approval from the department under a general**  
26 **permit, or obtain a construction permit and operating license from**  
27 **the department.**

28 (b) **The operation is in compliance with the terms of any**  
29 **registration, general permit, construction permit, or operating**

1 license issued for the materials management facility under part  
2 115.

3 (c) Subject to subsection (2)(a) to (c), the facility is  
4 consistent with the MMP. This subdivision does not apply to a  
5 disposal area described in section 11509(1)(b) or 11513(1).

6 (2) The department shall deny an application for a  
7 registration, for approval under a general permit, or for a  
8 construction permit or operating license for a materials management  
9 facility unless the department has, under section 11575(9),  
10 approved an MMP for the planning area where the facility is located  
11 or proposed to be located and the facility is consistent with the  
12 MMP, as determined under section 11585. However, all of the  
13 following apply:

14 (a) Before an MMP is initially approved by the department  
15 under section 11575(9), the department may issue a construction  
16 permit for a solid waste processing and transfer facility or an  
17 approval under a general permit or a registration for a materials  
18 utilization facility if the county approval agency and the  
19 legislative body of the municipality in which the facility is or is  
20 proposed to be located have each notified the department in writing  
21 that they approve the issuance.

22 (b) Proposed landfill expansions shall follow the siting  
23 process of the existing solid waste management plan until an MMP  
24 for the planning area is approved by the department.

25 (c) Before an MMP for the planning area has been approved by  
26 the department, materials utilization facilities that are required  
27 to provide a notification or registration to the department under  
28 part 115 may be sited under local zoning ordinances.

29 (3) A notification or application under part 115 for a

1 construction permit, operating license, approval under a general  
2 permit, or registration required to operate a materials management  
3 facility; a notice of intent to prepare a materials management  
4 plan; a bond; a risk pooling financial mechanism; evidence of  
5 financial assurance; a request for the reduction of the amount of a  
6 financial assurance mechanism; an agreement governing the operation  
7 of a perpetual care fund trust fund or escrow account; an  
8 application for a grant or loan; or a report or other information  
9 required to be submitted to the department under part 115 shall  
10 meet all of the following requirements:

11 (a) Be on a form and in a medium provided or approved by the  
12 department.

13 (b) Contain relevant information required by the department.

14 (c) If an application, be accompanied by any applicable  
15 application fee provided for by this part.

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

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

21 (a) House Bill No. 4454.

22 (b) House Bill No. 4456.

23 (c) House Bill No. 4457.

24 (d) House Bill No. 4458.

25 (e) House Bill No. 4459.

26 (f) House Bill No. 4460.

27 (g) House Bill No. 4461.