

HOUSE BILL NO. 4460

March 09, 2021, Introduced by Reps. VanSingel, Howell, Rabhi, Borton, Kuppa, Martin, O'Malley, Manoogian, Tate, Cambensy, Pohutsky, Anthony, Brixie, Sowerby, Liberati, Hood, Markkanen, Breen, Cavanagh, Aiyash, Puri, Brabec, Brenda Carter and Hammoud and referred to the Committee on Natural Resources and Outdoor Recreation.

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.**

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

3 (c) Composted at a class 1 composting facility where the
4 quantity of compostable material does not at any time exceed 500
5 cubic yards and does not create a nuisance.

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

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

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

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

14 (i) A large composting facility.

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

20 (iii) A class 2 composting facility.

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

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

26 (i) The landfill reports annually the number of cubic yards of
27 compost managed.

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

29 (A) Take place on property described in the landfill

1 construction permit.

2 (B) Are described in and consistent with the landfill
3 operations plans.

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

5 (iii) Yard waste or unfinished compost is not used as daily
6 cover.

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

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

11 (A) Diseased or infested.

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

15 (C) A state or federal controlled substance.

16 (D) Contaminated, with hazardous material as determined by the
17 department.

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

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

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

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

29 (b) The yard waste is not mixed with other compostable

1 material.

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

4 (d) Yard waste placed on-site on or after April 1 but before
5 December 1 is moved to another location and managed as provided in
6 subsection (1) within 30 days after being placed on-site. The
7 department may approve a longer time period based on a
8 demonstration that additional time is necessary.

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

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

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

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

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

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

24 (c) Any of the following apply:

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

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

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

2 (A) The farm operation accepts class 1 compostable material
3 only to assist in management of waste material generated by the
4 farm operation or to supply the nutrient needs of the farm as
5 determined by a certified crop advisor, Michigan agriculture
6 environmental assurance program technician, comprehensive nutrient
7 management plan writer, licensed professional engineer, or staff of
8 the department of agriculture and rural development who administer
9 the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

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

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

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

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

23 (i) Does not result in an accumulation of compostable material
24 for a period of over 3 state fiscal years unless the site has the
25 capacity to compost the compostable material and the owner or
26 operator of the site can demonstrate, beginning with the third full
27 state fiscal year after commencement of operation and each state
28 fiscal year thereafter, unless a longer time is approved by the
29 department, that the amount of compostable material and compost

1 that is transferred off-site in a state fiscal year is not less
2 than 75% by weight or volume, accounting for natural volume
3 reduction, of the amount of compostable material and compost that
4 was on-site at the beginning of the state fiscal year.

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

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

12 (iv) Prevents the pooling of water by maintaining proper slopes
13 and grades.

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

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

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

18 (i) Records identifying the volume of compostable material
19 accepted by the facility each month, the volume of compostable
20 material and of compost transferred off-site each month, and the
21 volume of compostable material on-site on October 1 each year.

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

29 (c) If the site is a small composting facility, the site is

1 operated in compliance with the following location conditions:

2 (i) If the site was in operation on December 1, 2007, the
3 management or storage of compost, compostable material, and
4 residuals does not expand from its location on that date to an area
5 that is within the following distance from any of the following
6 features:

7 (A) 50 feet from a property line.

8 (B) 200 feet from a residence.

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

11 (ii) If the site begins operation after December 1, 2007, the
12 management and storage of compost, compostable material, and
13 residuals occur at least the following distance from each of the
14 following features:

15 (A) 50 feet from a property line.

16 (B) 200 feet from a residence.

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

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

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

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

24 (G) 4 feet above groundwater.

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

1 established.

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

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

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

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

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

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

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

29 (3) Composting of class 2 compostable material shall be done

1 at a class 2 composting facility. Class 2 compostable material is
2 considered to be source separated for conversion into compost if
3 the class 2 compostable material is composted at a class 2
4 composting facility.

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

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

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

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

15 Sec. 11557. (1) The location at a medium or large composting
16 facility, or a class 1 or class 2 composting facility, where class
17 1 and class 2 compostable material, finished compost, and residuals
18 were managed and stored on the effective date of the amendatory act
19 that added this section shall not be expanded to an area that is
20 within the following distance from any of the following features:

21 (a) 100 feet from a property line.

22 (b) 300 feet from a residence.

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

25 (2) If a medium or large composting facility or a class 1 or 2
26 composting facility begins operation after the effective date of
27 the amendatory act that added this section, the management and
28 storage of class 1 and class 2 compostable material, compost, and
29 residuals shall not occur in a wetland or floodplain, or in an area

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

3 (a) 100 feet from a property line.

4 (b) 300 feet from a residence.

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

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

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

9 (f) 4 feet above groundwater.

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

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

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

26 (a) A site map.

27 (b) An operations plan.

28 (c) An odor management plan.

29 (d) A training plan.

1 (e) A fire prevention plan.

2 (f) A facility closure plan.

3 (2) The owner or operator of a large class 1 composting
4 facility shall ensure that all of the following requirements are
5 met:

6 (a) Finished compost is tested in compliance with section
7 11564.

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

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

14 (d) Unless approved by the department, the composting
15 operations do not result in more than the following volume on any
16 acre:

17 (i) 5,000 cubic yards of compostable material, finished
18 compost, compost additives, or screening rejects or any combination
19 thereof.

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

22 (e) The composting facility complies with wellhead protection
23 programs.

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

27 Sec. 11560. The owner or operator of a composting facility
28 that is required to notify or register under part 115 or that is
29 approved under a general permit shall, within 45 days after the end

1 of each state fiscal year, report to the department all of the
2 following information for that fiscal year:

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

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

6 (c) The amount of unfinished compostable material removed from
7 the site.

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

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

11 Sec. 11561. (1) A person shall not use compost produced from
12 class 2 compostable material unless the department approves the
13 class 2 compostable material as appropriate for the use under part
14 115.

15 (2) A person shall not compost solid waste unless the person
16 has filed a petition under R 299.4118a of the MAC and obtained
17 approval from the department. To characterize the finished compost,
18 the petitioner shall include all of the following information in
19 the petition, in addition to the information required in R
20 299.4118a of the MAC:

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

23 (b) The time required for compost to reach maturity, as
24 determined by a reduction of organic matter content during
25 composting. Organic matter content shall be determined by measuring
26 the volatile residues content using a method that is approved by
27 the department or EPA method 160.4, contained in "Methods for
28 Chemical Analysis of Water and Waste", EPA-600, Revision 8, July
29 2014, Update V.

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

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

5 (ii) The foreign matter remaining on the screen is separated
6 and weighed.

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

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

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

11 (3) The department shall approve a material for use as
12 compostable material if the person who proposes the use
13 demonstrates all of the following:

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

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

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

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

22 (a) Classify a solid waste, a class 2 compostable material, or
23 a combination of class 1 compostable material and class 2
24 compostable material, as a class 1 compostable material.

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

28 (2) A petition under subsection (1) shall meet the
29 requirements of R 299.4118a of the MAC. If authorized by the

1 department in writing, a person may conduct a pilot composting
2 project to support a petition under subsection (1).

3 (3) In granting a petition under subsection (1), the
4 department shall specify which parameters listed in section 11565
5 shall be tested under subsection (4). The department's decision
6 shall be based on both of the following:

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

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

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

15 (a) There is a significant change in the process that
16 generated the compost.

17 (b) The change has the potential to alter the classification
18 of the finished compost as general use compost under section
19 11553(5).

20 (5) If any finished compost produced from class 2 compostable
21 material that has been classified as a general use compost fails to
22 meet the requirements for a general use compost under section
23 11553(5), both of the following apply:

24 (a) The finished compost is reclassified as a restricted use
25 compost.

26 (b) The owner or operator of the composting facility shall
27 notify the department within 10 business days after receipt of
28 information that the finished compost no longer meets the
29 requirements to be classified as general use compost, and shall do

1 1 of the following with the finished compost:

2 (i) Dispose of the remaining finished compost at a properly
3 licensed landfill.

4 (ii) Stockpile the finished compost on-site until the generator
5 re-petitions the department and the department reclassifies the
6 compost as provided in this section.

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

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

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

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

24 (i) Dispose of the finished compost at a properly licensed
25 landfill.

26 (ii) Stockpile the finished compost on-site until the generator
27 re-petitions the department and the department reclassifies the
28 compost under this section.

29 (iii) Use the finished compost for a use specified by the

1 department under section 11553(3).

2 Sec. 11563. (1) General use compost offered for sale shall be
3 accompanied by a label, in the case of bagged compost, or an
4 information sheet in the case of bulk sales. The label or
5 information sheet shall contain all of the following information:

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

7 (b) The feedstock and bulking agents used to produce the
8 compost.

9 (c) Use instructions, including application rates and any
10 restrictions on use.

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

15 (e) If the compost is marketed as a liming material, the label
16 shall list the applicable parameters under section 11565 and shall
17 include a statement indicating that the generator of the compost is
18 in compliance with the applicable requirements of 1955 PA 162, MCL
19 290.531 to 290.538. The label shall specify the generator's the
20 liming license number.

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

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

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

27 (b) Stockpiled on-site until the generator petitions the
28 department under section 11562 and the department reclassifies the
29 compost as provided in that section.

1 (c) Used for a use specified by the department under section
2 11553(3).

3 (d) If offered for sale, accompanied by a label, in the case
4 of bagged compost, or an information sheet in the case of bulk
5 sales. The label or information sheet shall contain both of the
6 following:

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

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

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

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

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

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

26 (2) All sites not listed in subsection (1) shall test at least
27 1 sample of finished compost per 4,000 cubic yards or 2,000 tons
28 per year for the parameters listed in section 11565, unless the
29 department has approved an alternate procedure.

1 Sec. 11565. All of the following are general use parameters
2 for compost:

- 3 (a) pH.
- 4 (b) Carbon-to-nitrogen ratio.
- 5 (c) Soluble salts.
- 6 (d) Total available nitrogen.
- 7 (e) Phosphorus reported as P2O5.
- 8 (f) Potassium reported as K2O.
- 9 (g) Calcium.
- 10 (h) Magnesium.
- 11 (i) Chloride.
- 12 (j) Sulfate.
- 13 (k) Arsenic.
- 14 (l) Cadmium.
- 15 (m) Copper.
- 16 (n) Lead.
- 17 (o) Mercury.
- 18 (p) Molybdenum.
- 19 (q) Nickel.
- 20 (r) Selenium.
- 21 (s) Zinc.
- 22 (t) Pathogens.
- 23 (u) Fecal coliforms.
- 24 (v) Salmonella.
- 25 (w) Percent organic matter.
- 26 (x) Percent foreign matter.

27 Sec. 11567. (1) A person may blend low-hazard industrial waste
28 or compost additives with general use compost or compost produced
29 from yard waste to create a soil-like product if all of the

1 following conditions are met, as applicable:

2 (a) The blending occurs at a class 1 or class 2 composting
3 facility.

4 (b) The mixture meets the requirements of section 11553(5) or
5 other requirements approved by the department.

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

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

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

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

19 (b) The operator shall comply with this act, including parts
20 31 and 55, and not create a facility as defined in section 20101.

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

28 (d) On an annual basis, the weight of solid waste residuals
29 shall be less than 15% of the total weight of material received

1 unless the requirements of subdivision (b) of the definition of
2 materials recovery facility in section 11504 are met.

3 (e) The facility shall be operated by personnel who are
4 knowledgeable about the safe management of the types of material
5 that are accepted and utilized.

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

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

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

15 (i) The material shall be protected, as appropriate for the
16 type of material, from weather, fire, physical damage, and
17 vandalism.

18 (j) Operations shall not attract or harbor rodents or other
19 vectors.

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

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

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

2 (2) The operator of a materials recovery facility, including
3 an electronic waste processor not required to report under part
4 173, shall comply with both of the following:

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

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

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

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

29 (b) Beginning 1 year after the effective date of the

1 amendatory act that added this section, a person shall not operate
2 a medium class 1 composting facility unless the owner or operator
3 has registered with the department. The application for
4 registration shall be accompanied by a fee of \$750.00. The term of
5 the registration is 5 years.

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

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

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

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

1 \$750.00. The term of 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 an anaerobic digester that manages only source separated material,
5 manures, bedding, or crop residuals that are generated off-site
6 unless approved by the department under a general permit, subject
7 to subsections (6) to (9).

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

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

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

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

18 (iv) Covered storage, as approved by the department, on-site
19 for not less than 180 days followed by land application under R
20 299.4111 of the MAC.

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

25 (6) If the owner or operator of a materials utilization
26 facility in operation on the effective date of the amendatory act
27 that added this section is required to obtain approval under a
28 general permit and submits a complete application for approval by
29 the deadline for obtaining approval, the owner or operator is

1 considered to be in compliance with the approval requirement
2 pending the department's approval or denial of the application.

3 (7) An application for approval under a general permit under
4 this section shall be accompanied by a fee of \$1,000.00. The
5 department shall approve or deny the application within 90 days
6 after receiving a complete application. If the application is
7 denied, within 6 months after the denial, the applicant may
8 resubmit the application together with additional information or
9 corrections necessary to address the reason for denial, without
10 paying an additional application fee.

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

14 (9) An approval under a general permit under this section may
15 be renewed upon the submittal of a timely and sufficient
16 application. To be considered timely and sufficient for purposes of
17 section 91 of the administrative procedures act of 1969, 1969 PA
18 306, MCL 24.291, an application for renewal of a general permit
19 approval shall meet both of the following requirements:

20 (a) Contain the information as required by the applicable
21 general permit application.

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

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

26 Sec. 11569. (1) With a registration or an application for
27 approval under a general permit required under section 11568, the
28 owner or operator of a materials utilization facility shall submit
29 a site map and operations plan for the materials utilization

1 facility. With an application for approval under a general permit,
2 the owner or operator shall submit a final closure plan. Pending
3 registration or authorization under a general permit of a materials
4 utilization facility in operation on the effective date of the
5 amendatory act that added this section, the department shall review
6 the operating requirements for the facility. If the department
7 determines upon review that the operating requirements do not
8 comply with part 115, the department shall issue a schedule of
9 remedial measures that will lead to compliance within a reasonable
10 period of time not to exceed 1 year from the determination of
11 noncompliance.

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

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

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

24 (a) Senate Bill No. ____ or House Bill No. 4454 (request no.
25 01463'21).

26 (b) Senate Bill No. ____ or House Bill No. 4456 (request no.
27 01464'21).

28 (c) Senate Bill No. ____ or House Bill No. 4457 (request no.
29 01465'21).

1 (d) Senate Bill No. _____ or House Bill No. 4458 (request no.
2 01466'21).

3 (e) Senate Bill No. _____ or House Bill No. 4461 (request no.
4 01468'21).