

HOUSE BILL NO. 5789

June 06, 2024, Introduced by Reps. Filler, Fox, Lightner, Farhat, Neyer and Byrnes and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502 and 11503 (MCL 324.11502 and 324.11503), as amended by 2022 PA 243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11502. (1) "Agreement" means a written contract.
- 2 (2) "Agronomic rate" means a rate that meets both of the
- 3 following requirements:
- 4 (a) Is generally recognized by the agricultural community or
- 5 is calculated for a particular area of land to improve the physical

1 nature of soil, such as structure, tilth, water retention, pH, or
2 porosity, or to provide macronutrients or micronutrients in an
3 amount not materially in excess of that needed by the crop, forest,
4 or vegetation grown on the land.

5 (b) Takes into account and minimizes runoff of beneficial use
6 by-products to surface water or neighboring properties, the
7 percolation of excess nutrients beyond the root zone, and the
8 liberation of metals from the soil into groundwater.

9 (3) "Anaerobic digester" means a facility ~~that uses~~
10 ~~microorganisms to break down biodegradable material in the absence~~
11 ~~of oxygen, producing methane and an organic product.~~ **used for**
12 **anaerobic digestion.**

13 (4) "Anaerobic digester digestate" or "digestate" means the
14 product, other than biogas, remaining after the anaerobic digestion
15 is complete, whether or not any liquid portion and any solid
16 portion have been separated.

17 (5) "Anaerobic digestion" means the use of microorganisms in a
18 controlled environment to break down biodegradable material in the
19 absence of oxygen, producing biogas and another product.

20 (6) ~~(4)~~—"Animal bedding" means a mixture of manure and wood
21 chips, sawdust, shredded paper or cardboard, hay, straw, or other
22 similar fibrous materials normally used for bedding animals.

23 (7) ~~(5)~~—"Ashes" means the residue from the burning of wood,
24 scrap wood, tires, biomass, wastewater sludge, fossil fuels
25 including coal or coke, or other combustible materials.

26 (8) ~~(6)~~—"Benchmark recycling standards" means all of the
27 following requirements:

28 (a) By January 1, 2026, at least 90% of single-family
29 dwellings in urban areas as identified by the most recent federal

1 decennial census and, by January 1, 2028, at least 90% of single-
 2 family dwellings in municipalities with more than 5,000 residents
 3 have access to curbside recycling that meets all of the following
 4 criteria:

5 (i) One or more recyclable materials, as determined by the
 6 county's material management plan, that are typically collected
 7 through curbside recycling programs, are collected at least twice
 8 per month.

9 (ii) If recyclable materials are not collected separately, the
 10 mixed load is delivered to a solid waste processing and transfer
 11 facility and the recyclable materials are separated from material
 12 to be sent to a solid waste disposal area.

13 (iii) Recyclable materials collected are delivered to a
 14 materials recovery facility that complies with part 115 or are
 15 managed appropriately at an out-of-state recycling facility.

16 (iv) The curbside recycling is provided by the municipality or
 17 the resident has access to curbside recycling by the resident's
 18 chosen hauler.

19 (b) By January 1, 2032, the following additional criteria:

20 (i) In counties with a population of less than 100,000, there
 21 is at least 1 drop-off location for each 10,000 residents without
 22 access to curbside recycling at their dwelling, and the drop-off
 23 location is available at least 24 hours per month.

24 (ii) In counties with a population of 100,000 or more, there is
 25 at least 1 drop-off location for each 50,000 residents without
 26 access to curbside recycling at their dwelling, and the drop-off
 27 location is available at least 24 hours per month.

28 (9) ~~(7)~~—"Beneficial use 1" means use as aggregate, road
 29 material, or building material that in ultimate use is or will be

1 bonded or encapsulated by cement, limes, or asphalt.

2 (10) ~~(8)~~—"Beneficial use 2" means use as any of the following:

3 (a) Construction fill at nonresidential property that meets
4 all of the following requirements:

5 (i) Is placed at least 4 feet above the seasonal groundwater
6 table.

7 (ii) Does not come into contact with a surface water body.

8 (iii) Is covered by concrete, asphalt pavement, or other
9 material approved by the department.

10 (iv) Does not exceed 4 feet in thickness, except for areas
11 where exceedances are incidental to variations in the existing
12 topography. This subparagraph does not apply to construction fill
13 placed underneath a building or other structure.

14 (b) Road base or soil stabilizer that does not exceed 4 feet
15 in thickness except for areas where exceedances are incidental to
16 variations in existing topography, is placed at least 4 feet above
17 the seasonal groundwater table, does not come into contact with a
18 surface water body, and is covered by concrete, asphalt pavement,
19 or other material approved by the department.

20 (c) Road shoulder material that does not exceed 4 feet in
21 thickness except for areas where exceedances are incidental to
22 variations in existing topography, is placed at least 4 feet above
23 the seasonal groundwater table, does not come into contact with a
24 surface water body, is sloped, and is covered by asphalt pavement,
25 concrete, 6 inches of gravel, or other material approved by the
26 department.

27 (11) ~~(9)~~—"Beneficial use 3" means applied to land as a
28 fertilizer or soil conditioner under part 85 or a liming material
29 under 1955 PA 162, MCL 290.531 to 290.538, if all of the following

1 requirements are met:

2 (a) The material is applied at an agronomic rate consistent
3 with GAAMPS.

4 (b) The use, placement, or storage at the location of use does
5 not do any of the following:

6 (i) Violate part 55 or create a nuisance.

7 (ii) Cause groundwater to no longer be fit for 1 or more
8 protected uses as defined in R 323.2202 of the MAC.

9 (iii) Cause a violation of a part 31 surface water quality
10 standard.

11 **(12)** ~~(10)~~—"Beneficial use 4" means any of the following uses:

12 (a) To stabilize, neutralize, solidify, or otherwise treat
13 waste for ultimate disposal at a facility licensed under this part
14 or part 111.

15 (b) To treat wastewater, wastewater treatment sludge, or
16 wastewater sludge in compliance with part 31 or the federal water
17 pollution control act, 33 USC 1251 to 1388, at a private or
18 publicly owned wastewater treatment plant.

19 (c) To stabilize, neutralize, solidify, cap, or otherwise
20 remediate hazardous substances or contaminants as part of a
21 response activity in compliance with part 201, part 213, or the
22 comprehensive environmental response, compensation and liability
23 act of 1980, 42 USC 9601 to 9657, or a corrective action in
24 compliance with part 111 or the solid waste disposal act, 42 USC
25 6901 to 6992k.

26 (d) As construction material at a landfill licensed under this
27 part.

28 (e) As alternate daily cover at a licensed landfill in
29 compliance with an operational plan approved pursuant to R 299.4429

1 of the MAC.

2 **(13)** ~~(11)~~—"Beneficial use 5" means blended with inert
3 materials or with compost and used to manufacture soil.

4 **(14)** ~~(12)~~—"Beneficial use by-product" means the following
5 materials if the materials are stored for beneficial use or are
6 used beneficially as specified and the requirements of section
7 11551(1) are met:

8 (a) Coal bottom ash or wood ash used for beneficial use 3 or
9 wood ash or coal ash, except for segregated flue gas
10 desulfurization material, used for beneficial use 1, 2, or 4.

11 (b) Pulp and paper mill ash used for beneficial use 1, 2, 3,
12 or 4.

13 (c) Mixed wood ash used for beneficial use 1, 2, 3, or 4.

14 (d) Cement kiln dust used as a flue gas scrubbing reagent or
15 for beneficial use 1, 2, 3, or 4.

16 (e) Lime kiln dust used as a flue gas scrubbing reagent or for
17 beneficial use 1, 2, 3, or 4.

18 (f) Stamp sands used for beneficial use 1 or 2.

19 (g) Foundry sand from ferrous or aluminum foundries used for
20 beneficial use 1, 2, 3, 4, or 5.

21 (h) Pulp and paper mill material, other than the following,
22 used for beneficial use 3:

23 (i) Rejects, from screens, cleaners, and mills dispersion
24 equipment, containing more than de minimis amounts of plastic.

25 (ii) Scrap paper.

26 (i) Spent media from sandblasting, with uncontaminated sand,
27 newly manufactured, unpainted steel used for beneficial use 1 or 2.

28 (j) Dewatered concrete grinding slurry from public
29 transportation agency road projects used for beneficial use 1, 2,

1 3, or 4.

2 (k) Lime softening residuals from the treatment and
3 conditioning of water for domestic use or from a community water
4 supply used for beneficial use 3 or 4.

5 (l) Soil washed or otherwise removed from sugar beets that is
6 used for beneficial use 3.

7 (m) Segregated flue gas desulfurization material used for
8 beneficial use 1 or 3.

9 (n) Materials and uses approved by the department under
10 section 11553(3) or (4). Approval of materials and uses by the
11 department under section 11553(3) or (4) does not require the use
12 of those materials by any governmental entity or any other person.

13 **(15)** ~~(13)~~—"Beverage container" means an airtight metal, glass,
14 paper, or plastic container, or a container composed of a
15 combination of these materials, which, at the time of sale,
16 contains 1 gallon or less of any of the following:

17 (a) A soft drink, soda water, carbonated natural or mineral
18 water, or other nonalcoholic carbonated drink.

19 (b) A beer, ale, or other malt drink of whatever alcoholic
20 content.

21 (c) A mixed wine drink or a mixed spirit drink.

22 **(16)** ~~(14)~~—"Biosolids" means a solid, semisolid, or liquid that
23 has been treated to meet the requirements of R 323.2414 of the MAC.
24 Biosolids include, but are not limited to, scum or solids removed
25 in a primary, secondary, or advanced wastewater treatment process
26 and a derivative of the removed scum or solids.

27 **(17)** ~~(15)~~—"Bond" means a financial instrument guaranteeing
28 performance, including a surety bond from a surety company
29 authorized to transact business in this state, a certificate of

1 deposit, a cash bond, an irrevocable letter of credit, an insurance
 2 policy, a trust fund, an escrow account, or a combination of any of
 3 these instruments in favor of the department.

4 **(18)** ~~(16)~~—"Captive facility" means a landfill or coal ash
 5 impoundment that accepts for disposal, and accepted for disposal
 6 during the previous calendar year, only nonhazardous industrial
 7 waste generated only by the owner of the landfill or coal ash
 8 impoundment.

9 **(19)** ~~(17)~~—"Captive type III landfill" means a type III
 10 landfill that meets either of the following requirements:

11 (a) Accepts for disposal only nonhazardous industrial waste
 12 generated only by the owner of the landfill.

13 (b) Is a nonhazardous industrial waste landfill described in
 14 section 11525(4) (a), (b), or (c).

15 **(20)** ~~(18)~~—"Cement kiln dust" means particulate matter
 16 collected in air emission control devices serving Portland cement
 17 kilns.

18 **(21)** ~~(19)~~—"Certificate of deposit" means a certificate of
 19 deposit that meets all of the following requirements:

20 (a) Is negotiable.

21 (b) Is held by a bank or other financial institution regulated
 22 and examined by a state or federal agency.

23 (c) Is fully insured by an agency of the United States
 24 government.

25 (d) Is in the sole name of the department.

26 (e) Has a maturity date of not less than 1 year.

27 (f) Is renewed not later than 60 days before the maturity
 28 date.

29 **(22)** ~~(20)~~—"Certified health department" means a city, county,

1 or district department of health certified under section 11507a.

2 **(23)** ~~(21)~~—"Chemical recycling" means a manufacturing process
3 for the conversion of source separated post-use polymers into basic
4 raw materials, feedstocks, chemicals, and other products through
5 processes that include pyrolysis (catalytic and noncatalytic),
6 gasification, depolymerization, hydrogenation, solvolysis, and
7 other similar chemical technologies. The recycled products produced
8 include, but are not limited to, monomers, oligomers, plastics,
9 plastic and chemical feedstocks, basic and unfinished chemicals,
10 waxes, lubricants, coatings, and adhesives. For the purposes of
11 part 115, chemical recycling does not include incineration of
12 plastics, waste-to-energy processes, or activities performed at a
13 facility excluded from the definition of materials management
14 facility by section 11504(25). Products sold as fuel are not
15 recycled products. For purposes of part 115, chemical recycling is
16 not solid waste management, solid waste processing, waste
17 diversion, resource recovery, municipal solid waste incineration or
18 combustion, the conversion of waste to energy, or identification,
19 separation, or sorting of recyclable materials through mechanical
20 processes.

21 **(24)** ~~(22)~~—"Chemical recycling facility" means a manufacturing
22 facility that receives, stores, and, using chemical recycling,
23 converts post-use polymers. A chemical recycling facility is a
24 manufacturing facility subject to applicable requirements of this
25 act and rules promulgated under this act concerning air, water,
26 waste, and land use or any other applicable regulation. A chemical
27 recycling facility is not a solid waste processing plant, solid
28 waste transfer facility, waste diversion center, resource recovery
29 facility, or municipal solid waste incinerator.

1 **(25)** ~~(23)~~—"Class 1 compostable material" means any of the
2 following:

3 (a) Yard waste.

4 (b) Wood.

5 (c) Food waste.

6 (d) Paper products.

7 (e) Manure or animal bedding.

8 (f) Anaerobic digester digestate that does not contain free
9 liquids.

10 (g) Compostable products.

11 (h) Dead animals unless infectious or managed under 1982 PA
12 239, MCL 287.651 to 287.683.

13 (i) Spent grain from breweries.

14 (j) Paunch.

15 (k) Food processing residuals.

16 (l) Aquatic plants.

17 (m) Any other material, including, but not limited to, fat,
18 oil, or grease, that the department classifies as class 1
19 compostable material under section 11562 or that is approved as
20 part of a large composting facility operations plan.

21 (n) A mixture of any of these materials.

22 **(26)** ~~(24)~~—"Class 1 composting facility" means a composting
23 facility where only class 1 compostable material is composted.

24 **(27)** ~~(25)~~—"Class 2 compostable material" means mixed municipal
25 solid waste, biosolids, state or federal controlled substances, and
26 all other compostable material that is not listed or approved as a
27 class 1 compostable material.

28 **(28)** ~~(26)~~—"Class 2 composting facility" means a composting
29 facility where class 2 compostable material or a combination of

1 class 2 compostable material and class 1 compostable material is
2 composted.

3 **(29)** ~~(27)~~ "Coal ash", subject to subsection ~~(28)~~, **(30)**, means
4 any of the following:

5 (a) Material recovered from systems for the control of air
6 pollution from, or the noncombusted residue remaining after, the
7 combustion of coal or coal coke, including, but not limited to,
8 coal bottom ash, fly ash, boiler slag, flue gas desulfurization
9 materials, or fluidized-bed combustion ash.

10 (b) Residuals removed from coal ash impoundments.

11 **(30)** ~~(28)~~ For beneficial use 2, coal ash does not include coal
12 fly ash except for the following if used at nonresidential
13 property:

14 (a) Class C fly ash under ASTM C618-12A, "Standard
15 Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan
16 for Use in Concrete", by ASTM International.

17 (b) Class F fly ash under ASTM C618-12A, if that fly ash forms
18 a pozzolanic-stabilized mixture by being blended with lime,
19 Portland cement, or cement kiln dust.

20 (c) A combination of class C fly ash and class F fly ash under
21 ASTM C618-12A if that combination forms a pozzolanic-stabilized
22 mixture by being blended with lime, Portland cement, or cement kiln
23 dust and is used as a road base, soil stabilizer, or road shoulder
24 material under beneficial use 2.

25 **(31)** ~~(29)~~ "Coal ash impoundment" means a natural topographic
26 depression, man-made excavation, or diked area that is designed to
27 hold and, after October 14, 2015, accepted an accumulation of coal
28 ash and liquids or other materials approved by the department for
29 treatment, storage, or disposal and did not receive department

1 approval of its closure. A coal ash impoundment in existence before
 2 October 14, 2015 that receives waste after December 28, 2018, and
 3 that does not have a permit pursuant to part 31, is considered an
 4 open dump beginning December 28, 2020 unless the owner or operator
 5 has completed closure of the coal ash impoundment under section
 6 11519b or obtained an operating license for the coal ash
 7 impoundment. Coal ash impoundment includes an existing coal ash
 8 impoundment.

9 **(32)** ~~(30)~~ "Coal ash landfill" means a landfill that is used
 10 for the disposal of coal ash and may also be used for the disposal
 11 of inert materials and construction material used for purposes of
 12 meeting the definition of beneficial use 4, or other materials
 13 approved by the department.

14 **(33)** ~~(31)~~ "Coal bottom ash" means ash particles from the
 15 combustion of coal that are too large to be carried in flue gases
 16 and that collect on furnace walls or at the bottom of the furnace.

17 **(34)** ~~(32)~~ "Collection center" means a tract of land, building,
 18 unit, or appurtenance or combination thereof that is used to
 19 collect junk motor vehicles and farm implements under section
 20 11530.

21 **(35)** ~~(33)~~ "Commercial waste", subject to subsection ~~(34)~~,
 22 **(36)**, means solid waste generated by nonmanufacturing activities,
 23 including, but not limited to, solid waste from any of the
 24 following:

- 25 (a) Stores.
- 26 (b) Offices.
- 27 (c) Restaurants.
- 28 (d) Warehouses.
- 29 (e) Multifamily dwellings.

1 (f) Hotels and motels.

2 (g) Bunkhouses.

3 (h) Ranger stations.

4 (i) Crew quarters.

5 (j) Campgrounds.

6 (k) Picnic grounds.

7 (l) Day use recreation areas.

8 (m) Hospitals.

9 (n) Schools.

10 **(36)** ~~(34)~~—Commercial waste does not include household waste,
11 hazardous waste, or industrial waste.

12 **(37)** ~~(35)~~—"Compost additive" means any of the following
13 materials if added to finished compost to improve the quality of
14 the finished compost:

15 (a) Products designed to enhance finished compost.

16 (b) Sugar beet limes.

17 (c) Wood ash.

18 (d) Drywall.

19 (e) Synthetic gypsum.

20 (f) Other materials approved by the department.

21 **(38)** ~~(36)~~—"Compostable material" means organic material that
22 can be converted to finished compost. Compostable material
23 comprises class 1 compostable material and class 2 compostable
24 material.

25 **(39)** ~~(37)~~—"Compostable products" means utensils, food service
26 containers, and other packaging and products that are certified by
27 the Biodegradable Products Institute or an equivalent, recognized,
28 third-party, independent verification body, as meeting either of
29 the following requirements:

1 (a) ASTM D6400, "Standard Specification for Labeling of
2 Plastics Designed to Be Aerobically Composted in Municipal or
3 Industrial Facilities", by ASTM International.

4 (b) ASTM D6868, "Standard Specification for Labeling of End
5 Items that Incorporate Plastics and Polymers as Coatings or
6 Additives with Paper and Other Substrates Designed to Be
7 Aerobically Composted in Municipal or Industrial Facilities", by
8 ASTM International.

9 **(40)** ~~(38)~~ "Composting" means a process of biological
10 decomposition of class 1 compostable material or class 2
11 compostable material that meets the following requirements:

12 (a) Is carried out as provided in either of the following:

13 (i) In a system using vermiculture.

14 (ii) Under controlled aerobic conditions using mechanical
15 handling techniques such as physical turning, windrowing, or
16 aeration or using other management techniques approved by the
17 department. For the purposes of this subparagraph, aerobic
18 conditions may include the presence of insignificant anaerobic
19 zones within the composting material.

20 (b) Stabilizes the organic fraction into a material that can
21 be stored, handled, and used easily, safely, and in an
22 environmentally acceptable manner.

23 **(41)** ~~(39)~~ "Composting facility" means a facility where
24 composting occurs. However, composting facility does not include a
25 site where only composting described in section 11555(1)(a), (b),
26 or (e) occurs.

27 **(42)** ~~(40)~~ "Consistency review" means evaluation of the
28 administrative and technical components of an application for a
29 permit or license or evaluation of operating conditions in the

1 course of inspection, for the purpose of determining consistency
 2 with the requirements of part 115 and approved plans and
 3 specifications.

4 **(43)** ~~(41)~~—"Corrective action" means the investigation,
 5 assessment, cleanup, removal, containment, isolation, treatment, or
 6 monitoring of constituents, as defined in a materials management
 7 facility's approved hydrogeological monitoring plan, released into
 8 the environment from a materials management facility, or the taking
 9 of other actions related to the release as may be necessary to
 10 prevent, minimize, or mitigate injury to the public health, safety,
 11 or welfare, the environment, or natural resources that is
 12 consistent with subtitle D of the solid waste disposal act, 42 USC
 13 6941 to 6949a, and regulations promulgated thereunder.

14 **(44)** ~~(42)~~—"County approval agency" or "CAA" means the county
 15 board of commissioners, the municipalities in the county, or the
 16 regional planning agency, whichever submits a notice of intent to
 17 prepare a materials management plan under section 11571.

18 **(45)** ~~(43)~~—"County board of commissioners" means the county
 19 board of commissioners or the elected county executive, as
 20 appropriate.

21 **(46)** ~~(44)~~—"Custodial care" includes all of the following:

22 (a) Preventing deep-rooted vegetation from establishing on the
 23 final cover.

24 (b) Repairing erosion damage on the final cover.

25 (c) Maintaining stormwater controls.

26 (d) Maintaining limited access to the site.

27 Sec. 11503. (1) "De minimis" refers to a small amount of
 28 material or number of items, as applicable, incidentally commingled
 29 with inert material for beneficial use by-products or with source

1 separated material or incidentally disposed of with other solid
2 waste.

3 (2) "Department", subject to section 11554, means the
4 department of environment, Great Lakes, and energy.

5 (3) "Depolymerization" means a manufacturing process in which
6 post-use polymers are broken into smaller molecules such as
7 monomers and oligomers or raw, intermediate, or final products,
8 plastic and chemical feedstocks, basic and unfinished chemicals,
9 waxes, lubricants, or coatings.

10 (4) "Designated planning agency" or "DPA" means the planning
11 agency designated under section 11571(10). Designated planning
12 agency does not mean a regional planning agency unless the county
13 approval agency identifies the regional planning agency as the DPA.

14 (5) "Director" means the director of the department.

15 (6) "Discharge" includes, but is not limited to, spilling,
16 leaking, pumping, pouring, emitting, emptying, discharging,
17 injecting, escaping, leaching, dumping, or disposing of a substance
18 into the environment that is or may become injurious to the
19 environment, natural resources, or the public health, safety, or
20 welfare.

21 (7) "Disposal area", subject to ~~section~~**sections** 11555(6) **and**
22 **11568(8)**, means 1 or more of the following that accepts solid waste
23 at a location as defined by the boundary identified in its
24 construction permit, in engineering plans approved by the
25 department, or in a notification or registration:

26 (a) A solid waste processing and transfer facility.

27 (b) A municipal solid waste incinerator.

28 (c) A landfill.

29 (d) A coal ash impoundment.

1 (e) Any other solid waste handling or disposal facility
2 utilized in the disposal of solid waste, as determined by the
3 department.

4 (8) "Diverted waste" means waste that meets all of the
5 following requirements:

6 (a) Is generated by households, businesses, or governmental
7 entities.

8 (b) Can lawfully be disposed of at a licensed landfill or
9 municipal solid waste incinerator.

10 (c) Is separated from other waste.

11 (d) Is 1 or more of the following:

12 (i) Hazardous material.

13 (ii) Liquid waste.

14 (iii) Pharmaceuticals.

15 (iv) Electronics.

16 (v) Batteries.

17 (vi) Light bulbs.

18 (vii) Pesticides.

19 (viii) Thermostats, switches, thermometers, or other devices
20 that contain elemental mercury.

21 (ix) Sharps.

22 (x) Other waste approved by the department that can be readily
23 separated from solid waste for diversion to preferred methods of
24 management and disposal.

25 (9) "Enforceable mechanism" means a legal method that
26 authorizes this state, a county, a municipality, or another person
27 to take action to guarantee compliance with a materials management
28 plan. Enforceable mechanisms include agreements, laws, ordinances,
29 rules, and regulations.

1 (10) "EPA" means the United States Environmental Protection
2 Agency.

3 (11) "Escrow account" means an account that is managed by a
4 bank or other financial institution whose account operations are
5 regulated and examined by a federal or state agency and that
6 complies with section 11523b.

7 (12) "Existing coal ash impoundment" means a coal ash
8 impoundment that received coal ash before December 28, 2018, and
9 that, as of that date, had not initiated elements of closure that
10 include dewatering, stabilizing residuals, or placement of an
11 engineered cover or otherwise closed pursuant to its part 31 permit
12 or pursuant to R 299.4309 of the MAC and, therefore, is capable of
13 receiving coal ash in the future. A coal ash impoundment that has
14 initiated closure is considered an open dump unless the owner or
15 operator has completed closure of the coal ash impoundment under
16 section 11519b or obtained an operating license for the coal ash
17 impoundment by December 28, 2020.

18 (13) "Existing coal ash landfill" means a coal ash landfill to
19 which either of the following applies:

20 (a) The landfill received coal ash both before and after
21 October 19, 2015.

22 (b) Construction of the landfill commenced before October 19,
23 2015, and the landfill received coal ash on or after October 19,
24 2015. For the purposes of this subdivision, construction of a
25 landfill commenced before October 19, 2015 if both of the following
26 requirements were met before that date:

27 (i) The owner or operator obtained the federal, state, and
28 local approvals or permits necessary to begin physical
29 construction.

1 (ii) A continuous, on-site physical construction program began.

2 (14) "Existing disposal area" means any of the following:

3 (a) A disposal area that has in effect a construction permit
4 under this part.

5 (b) A disposal area that had engineering plans approved by the
6 director before January 11, 1979.

7 (c) An industrial waste landfill that was authorized to
8 operate by the director or by court order before October 9, 1993.

9 (d) An industrial waste pile that was located at the site of
10 generation on October 9, 1993.

11 (e) An existing coal ash impoundment.

12 (15) "Existing landfill unit" or "existing unit" means any
13 landfill unit that received solid waste on or before October 9,
14 1993.

15 (16) "Farm" means that term as defined in section 2 of the
16 Michigan right to farm act, 1981 PA 93, MCL 286.472.

17 (17) "Farm operation" means that term as defined in section 2
18 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

19 (18) "Fats, oils, or greases" means organic polar compounds
20 that meet all of the following requirements:

21 (a) Contain multiple carbon chain triglyceride molecules.

22 (b) Are derived from animal or plant sources.

23 (c) Are generated at food manufacturing and food service
24 establishments.

25 (d) Are generated by-products from food preparation
26 activities.

27 (19) "Financial assurance" means the mechanisms used to
28 demonstrate that the funds necessary to meet the cost of closure,
29 postclosure maintenance and monitoring, and corrective action will

1 be available to the department whenever they are needed for those
2 purposes.

3 (20) "Financial test" means a corporate or local government
4 financial test or guarantee approved under subtitle D of the solid
5 waste disposal act, 42 USC 6941 to 6949a and regulations
6 promulgated thereunder. An owner or operator may use a single
7 financial test for more than 1 facility. Information submitted to
8 the department to document compliance with the financial test shall
9 include a list showing the name and address of each facility and
10 the amount of funds assured by the financial test for each
11 facility. For purposes of the financial test, the owner or operator
12 shall aggregate the sum of the closure, postclosure, and corrective
13 action costs it seeks to assure with any other environmental
14 obligations assured by a financial test under state or federal law.

15 (21) "Finished compost" means organic matter that meets all of
16 the following requirements:

17 (a) Has undergone biological decomposition and has been
18 stabilized to a degree that is beneficial to plant growth without
19 creating a nuisance.

20 (b) Is used or sold for use as a soil amendment, fertilizer,
21 topsoil blend, growing medium amendment, or other similar use.

22 (c) With any compost additives, does not contain more than 1%,
23 by weight, of foreign matter that will remain on a 4-millimeter
24 screen or more than a de minimis amount of viable weed seeds.

25 (22) "Flue gas desulfurization material" means the material
26 recovered from air pollution control systems that capture sulfur
27 dioxide from the combustion of wood, coal, or fossil fuels, or
28 other combustible materials, if the other combustible materials
29 constitute less than 50% by weight of the total material combusted

1 and the department determines in writing that the other combustible
2 materials do not materially affect the character of the residue.
3 Flue gas desulfurization material includes synthetic gypsum.

4 (23) "Food processing residuals" means any of the following:

5 (a) Residuals of fruits, vegetables, aquatic plants, or field
6 crops, including such residuals generated by a brewery or
7 distillery.

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

10 (c) Otherwise unusable food products that do not meet size,
11 quality, or other product specifications and that were intended for
12 human or animal consumption.

13 (24) "Food waste" means an accumulation of animal or vegetable
14 matter that was used or intended for human or animal food or that
15 results from the preparation, use, cooking, dealing in, or storing
16 of animal or vegetable matter for human or animal food if the
17 accumulation is or is intended to be discarded. Food waste does not
18 include fats, oils, or greases.

19 (25) "Foreign matter" means organic and inorganic
20 constituents, other than sticks and stones, that will not readily
21 decompose during composting and do not aid in producing compost,
22 including glass, textiles, rubber, metal, ceramics, noncompostable
23 plastic, and painted, laminated, or treated wood.

24 (26) "Foundry sand" means silica sand used in the metal
25 casting process, including binding material or carbonaceous
26 additives, from ferrous or nonferrous foundries.

27 (27) "Functional stability" means the stage at which a
28 landfill does not pose a significant risk to the environment,
29 natural resources, or the public health, safety, or welfare at a

1 point of exposure, in the absence of active control systems.

2 (28) "GAAMPS" means generally accepted agricultural and
3 management practices under the Michigan right to farm act, 1981 PA
4 93, MCL 286.471 to 286.474.

5 (29) "Gasification" means a manufacturing process in which
6 post-use polymers are heated in an oxygen-controlled atmosphere and
7 converted to syngas (carbon monoxide (CO) and hydrogen (H₂)) and
8 the syngas is converted into valuable raw materials or intermediate
9 or final products, including, but not limited to, plastic monomers,
10 chemicals, waxes, lubricants, coatings, and plastic and chemical
11 feedstocks.

12 (30) "General permit" means a permit that does both of the
13 following:

14 (a) Covers a category of activities that the department
15 determines will not negatively impact public health, safety, or
16 welfare and will not have more than minimal short-term adverse
17 impacts on the environment or natural resources.

18 (b) Includes requirements for a site plan, an operations plan,
19 a facility final closure plan, and financial assurance.

20 (31) "General use compost" means finished compost that is
21 produced from 1 of the following:

22 (a) Class 1 compostable material.

23 (b) Class 2 compostable material, including any combination of
24 class 1 compostable material and class 2 compostable material, that
25 meets the requirements listed in section 11553(5).

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. _____ or House Bill No. 5790 (request no.
28 05434'24) of the 102nd Legislature is enacted into law.