

DRAFT 3

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11502, 11503, 11504, 11505, 11506, 11507,  
11507a, 11509, 11510, 11511, 11511b, 11512, 11513, 11514, 11515,  
11516, 11517, 11518, 11519, 11521b, 11522, 11523, 11523a, 11523b,  
11525, 11525a, 11525b, 11526, 11526a, 11527, 11528, 11529, 11531,  
11532, 11533, 11534, 11535, 11536, 11537, 11537a, 11538, 11539,  
11540, 11541, 11546, 11547, 11548, 11549, 11550, and 11553 (MCL  
324.11502, 324.11503, 324.11504, 324.11505, 324.11506, 324.11507,  
324.11507a, 324.11509, 324.11510, 324.11511, 324.11511b, 324.11512,  
324.11513, 324.11514, 324.11515, 324.11516, 324.11517, 324.11518,  
324.11519, 324.11521b, 324.11522, 324.11523, 324.11523a,  
324.11523b, 324.11525, 324.11525a, 324.11525b, 324.11526,  
324.11526a, 324.11527, 324.11528, 324.11529, 324.11531, 324.11532,



324.11533, 324.11534, 324.11535, 324.11536, 324.11537, 324.11537a, 324.11538, 324.11539, 324.11540, 324.11541, 324.11546, 324.11547, 324.11548, 324.11549, 324.11550, and 324.11553), sections 11502, 11503, 11504, 11505, and 11506 as amended and section 11553 as added by 2014 PA 178, section 11507a as amended by 2004 PA 39, sections 11509, 11512, and 11516 as amended by 2004 PA 325, section 11510 as amended by 1998 PA 397, section 11511 as amended by 2011 PA 215, section 11511b as amended by 2016 PA 437, section 11514 as amended by 2008 PA 394, sections 11517, 11519, 11529, and 11541 as amended by 1996 PA 358, section 11521b as added by 2014 PA 24, section 11522 as amended by 2012 PA 102, sections 11523, 11523a, 11525, and 11525b as amended by 2013 PA 250, section 11523b as added by 1996 PA 359, section 11525a as amended by 2015 PA 82, section 11526 as amended by 2004 PA 43, section 11526a as added by 2004 PA 40, sections 11533 and 11538 as amended by 2004 PA 44, section 11546 as amended by 2006 PA 56, section 11547 as amended by 1998 PA 466, section 11549 as amended by 2006 PA 58, and section 11550 as amended by 2003 PA 153, and by adding sections 11512a, 11513a, 11513b, 11515a, 11516a, 11534b, 11538b, 11538d, 11538f, 11538h, 11538j, 11538l, 11538n, 11538p, 11555, 11556, 11557, 11558, 11559, 11560, 11561, 11562, 11563, 11564, 11565, 11566, 11567, 11568, and 11569; and to repeal acts and parts of acts.

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

1           Sec. 11502. **(1) "ACT 239" MEANS THE BODIES OF DEAD ANIMALS**  
 2 **ACT, 1982 PA 239, MCL 287.651 TO 287.683.**

3           **(2) "AGREEMENT" MEANS A DULY EXECUTED CONTRACT.**

4           **(3) ~~(1)~~"Agronomic rate" means a rate that meets both of the**



1 following requirements:

2 (a) Is generally recognized by the agricultural community or  
3 is calculated for a particular area of land to improve the physical  
4 nature of soil, such as structure, tilth, water retention, pH, or  
5 porosity, or to provide macronutrients or micronutrients in an  
6 amount not materially in excess of that needed by the crop, forest,  
7 or vegetation grown on the land.

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

12 **(4) "ANAEROBIC DIGESTER" MEANS A FACILITY THAT USES**  
13 **MICROORGANISMS TO BREAK DOWN BIODEGRADABLE MATERIAL IN THE ABSENCE**  
14 **OF OXYGEN, PRODUCING METHANE AND A STABLE ORGANIC PRODUCT.**

15 **(5) "ANIMAL BEDDING" MEANS A MIXTURE OF MANURE AND WOOD CHIPS,**  
16 **SAWDUST, SHREDDED PAPER OR CARDBOARD, HAY, STRAW, OR OTHER SIMILAR**  
17 **FIBROUS MATERIALS NORMALLY USED FOR BEDDING ANIMALS.**

18 **(6) ~~(2)~~"Ashes"** means the residue from the burning of wood,  
19 scrap wood, tires, biomass, wastewater sludge, fossil fuels  
20 including coal or coke, or other combustible materials.

21 **(7) "BENCHMARK RECYCLING STANDARDS" MEANS THE STANDARDS SET**  
22 **FORTH IN SECTION 11538B(1) .**

23 **(8) ~~(3)~~"Beneficial use 1"** means use as aggregate, road  
24 material, or building material that in ultimate use is or will be  
25 bonded or encapsulated by cement, limes, or asphalt.

26 **(9) ~~(4)~~"Beneficial use 2"** means use as any of the following:

27 (a) Construction fill at nonresidential property that meets



1 all of the following requirements:

2 (i) Is placed at least 4 feet above the seasonal groundwater  
3 table.

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

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

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

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

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

24 **(10)** ~~(5)~~—"Beneficial use 3" means applied to land as a  
25 fertilizer or soil conditioner under part 85 or a liming material  
26 under 1955 PA 162, MCL 290.531 to 290.538, if all of the following  
27 requirements are met:



1 (a) The material is applied at an agronomic rate consistent  
2 with generally accepted agricultural and management practices.

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

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

6 (ii) Cause groundwater to no longer be fit for 1 or more  
7 protected uses as defined in R 323.2202 of the Michigan  
8 ~~administrative code.~~ **ADMINISTRATIVE CODE.**

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

11 **(11)** ~~(6)~~—"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 1387 at a private or publicly  
18 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,~~ **9675**, 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.



1           **(12)** ~~(7)~~—"Beneficial use 5" means blended with inert materials  
2 or with compost and used to manufacture soil.

3           **(13)** ~~(8)~~—"Beneficial use by-product" means the following  
4 materials if the materials are stored for beneficial use or are  
5 used beneficially as specified and the requirements of section  
6 11551(1) are met:

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

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

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

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

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

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

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

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

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

24           (ii) Scrap paper.

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

27          (j) Dewatered concrete grinding slurry from public



1 transportation agency road projects used for beneficial use 1, 2,  
2 3, or 4.

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

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

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

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

14 **(14)** ~~(9)~~—"Beverage container" means an airtight metal, glass,  
15 paper, or plastic container, or a container composed of a  
16 combination of these materials, which, at the time of sale,  
17 contains 1 gallon or less of any of the following:

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

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

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

23 **(15)** ~~(10)~~—"Bond" means a financial instrument executed on a  
24 form approved by the department, including a surety bond from a  
25 surety company authorized to transact business in this state, a  
26 certificate of deposit, a cash bond, an irrevocable letter of  
27 credit, insurance, a trust fund, an escrow account, or a



1 combination of any of these instruments in favor of the department.  
2 The owner or operator of a ~~disposal area~~ **MATERIALS MANAGEMENT**  
3 **FACILITY** who is required to establish a bond under another state  
4 statute or a federal statute may petition the department to allow  
5 such a bond to meet the requirements of this part. The department  
6 shall approve a bond established under another state statute or a  
7 federal statute if the bond provides equivalent funds and access by  
8 the department as other financial instruments allowed by this  
9 subsection.

10 (16) "CAPTIVE FACILITY" MEANS A SANITARY LANDFILL THAT ACCEPTS  
11 FOR DISPOSAL ONLY NONHAZARDOUS INDUSTRIAL WASTE GENERATED ONLY BY  
12 THE OWNER OF THE LANDFILL OR A NONHAZARDOUS INDUSTRIAL WASTE  
13 LANDFILL THAT IS DESCRIBED IN SECTION 11525(3) .

14 (17) ~~(11)~~ "Cement kiln dust" means particulate matter  
15 collected in air emission control devices serving Portland cement  
16 kilns.

17 (18) ~~(12)~~ "Certificate of deposit" means a negotiable  
18 certificate of deposit held by a bank or other financial  
19 institution regulated and examined by a state or federal agency,  
20 the value of which is fully insured by an agency of the United  
21 States government. A certificate of deposit used to fulfill the  
22 requirements of this part shall be in the sole name of the  
23 department with a maturity date of not less than 1 year and shall  
24 be renewed not less than 60 days before the maturity date. An  
25 applicant who uses a certificate of deposit as a bond shall receive  
26 any accrued interest on that certificate of deposit upon release of  
27 the bond by the department.





1           (19) ~~(13)~~—"Certified health department" means a city, county,  
2 or district department of health that is specifically delegated  
3 authority by the department to perform designated activities as  
4 prescribed by this part.

5           (20) "CLASS 1 COMPOSTABLE MATERIAL" MEANS ALL OF THE  
6 FOLLOWING:

7           (A) WOOD.

8           (B) FOOD WASTE.

9           (C) PAPER PRODUCTS.

10           (D) MANURE OR ANIMAL BEDDING, UNLESS GENERATED IN THE  
11 PRODUCTION OF LIVESTOCK OR POULTRY.

12           (E) COMPOSTABLE PRODUCTS.

13           (F) DEAD ANIMALS NOT MANAGED UNDER ACT 239.

14           (G) SPENT GRAIN FROM BREWERIES.

15           (H) SUGAR BEET LIMES.

16           (I) OTHER MATERIALS APPROVED BY THE DEPARTMENT UNDER SECTION  
17 11563. [CHECK CITE.]

18           (21) CLASS 1 COMPOSTABLE MATERIALS INCLUDE:

19           (A) FOOD PROCESSING RESIDUALS.

20           (B) AQUATIC PLANTS.

21           (C) WOOD ASH AND LIME FROM A KRAFT PAPER PROCESS PRIOR TO  
22 BLEACHING THAT ARE MANAGED IN A MANNER OTHER THAN THAT DESCRIBED IN  
23 SECTION 11506(2) (H) .

24           (D) A MIXTURE OF ANY OF THESE MATERIALS [NO MIXTURES OF  
25 MATERIALS LISTED UNDER SUBSECTION (20)?] OR A MIXTURE OF THESE  
26 MATERIALS AND MANURE OR ANIMAL BEDDING GENERATED IN THE PRODUCTION  
27 OF LIVESTOCK AND POULTRY, UNLESS THE MIXTURE IS MANAGED ACCORDING



1 TO R 299.4121(A)(5). [CHECK CITE.]

2 (22) "CLASS 1 COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY  
3 THAT MEETS THE REQUIREMENTS OF SECTIONS 11556(A)(1), (3), AND (5),  
4 11558, AND 11560 [CITES???] WHERE CLASS 1 COMPOSTABLE MATERIAL OR A  
5 COMBINATION OF CLASS 1 COMPOSTABLE MATERIAL AND YARD WASTE IS  
6 COMPOSTED.

7 (23) "CLASS 2 COMPOSTABLE MATERIAL" MEANS ANY COMPOSTABLE  
8 MATERIAL, EXCEPT YARD WASTE, MANURE, OR ANIMAL BEDDING GENERATED IN  
9 THE PRODUCTION OF LIVESTOCK AND POULTRY, DEAD ANIMALS MANAGED UNDER  
10 ACT 239, AND MATERIAL THAT IS NOT LISTED OR APPROVED AS A CLASS 1  
11 COMPOSTABLE MATERIAL. CLASS 2 COMPOSTABLE MATERIALS INCLUDE, BUT  
12 ARE NOT LIMITED TO, MIXED MUNICIPAL SOLID WASTE AND BIOSOLIDS.

13 (24) "CLASS 2 COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY  
14 THAT MEETS THE REQUIREMENTS OF SECTIONS 11556, 11557, 11558, AND  
15 11568 [CITES???] WHERE CLASS 2 COMPOSTABLE MATERIAL OR A  
16 COMBINATION OF CLASS 2 COMPOSTABLE MATERIAL AND CLASS 1 COMPOSTABLE  
17 MATERIAL OR YARD WASTE, OR BOTH, ARE COMPOSTED.

18 (25) ~~(14)~~—"Coal ash" means the material recovered from systems  
19 for the control of air pollution from, or the noncombusted residue  
20 remaining after, the combustion of coal, including, but not limited  
21 to, bottom ash, fly ash, boiler slag, or fluidized-bed combustion  
22 ash. For beneficial use 2, coal ash does not include coal fly ash  
23 except for the following if used at nonresidential property:

24 (a) Class C fly ash under ASTM standard ~~E618-12A~~ **C618**.

25 (b) Class F fly ash under ASTM standard ~~E618-12A~~ **C618** if that  
26 fly ash forms a pozzolanic-stabilized mixture by being blended with  
27 lime, Portland cement, or cement kiln dust.



1 (c) A combination of class C fly ash and class F fly ash under  
 2 ASTM standard C618-12A if that combination forms a pozzolanic-  
 3 stabilized mixture by being blended with lime, Portland cement, or  
 4 cement kiln dust and is used as a road base, soil stabilizer, or  
 5 road shoulder material under ~~subsection (4)(b) or (c)~~. **BENEFICIAL**  
 6 **USE 2.**

7 (26) ~~(15)~~—"Coal bottom ash" means ash particles from the  
 8 combustion of coal that are too large to be carried in flue gases  
 9 and that collect on furnace walls or at the bottom of the furnace.

10 (27) ~~(16)~~—"Collection center" means a tract of land, building,  
 11 unit, or appurtenance or combination thereof that is used to  
 12 collect junk motor vehicles and farm implements under section  
 13 11530.

14 (28) "COMMERCIAL WASTE", SUBJECT TO SUBSECTION (29), MEANS  
 15 SOLID WASTE GENERATED BY STORES, OFFICES, RESTAURANTS, WAREHOUSES,  
 16 AND OTHER NONMANUFACTURING ACTIVITIES. COMMERCIAL WASTE INCLUDES  
 17 SOLID WASTE FROM ANY OF THE FOLLOWING:

18 (A) MULTIFAMILY DWELLINGS.

19 (B) HOTELS AND MOTELS.

20 (C) BUNKHOUSES.

21 (D) RANGER STATIONS.

22 (E) CREW QUARTERS.

23 (F) CAMPGROUNDS.

24 (G) PICNIC GROUNDS.

25 (H) DAY USE RECREATION AREAS.

26 (29) COMMERCIAL WASTE DOES NOT INCLUDE HOUSEHOLD WASTE FROM  
 27 SINGLE-FAMILY DWELLINGS, HAZARDOUS WASTE, AND INDUSTRIAL WASTE.



1 (30) "COMPOST WASTEWATER" MEANS LIQUIDS THAT HAVE BEEN IN  
2 CONTACT WITH COMPOST MATERIAL.

3 (31) "COMPOSTABLE MATERIAL" MEANS AN ORGANIC MATERIAL ABLE TO  
4 BE CONVERTED TO COMPOST.

5 (32) "COMPOSTABLE PRODUCTS" MEANS BIODEGRADABLE CONTAINERS,  
6 FABRIC, UTENSILS AND OTHER PRODUCTS THAT MEET THE ASTM D6400-04  
7 "STANDARD SPECIFICATION FOR COMPOSTABLE PLASTICS" OR ASTM D6868  
8 "STANDARD SPECIFICATION FOR BIODEGRADABLE PLASTICS USED AS COATINGS  
9 ON PAPER AND OTHER COMPOSTABLE SUBSTRATES" STANDARD.

10 (33) "COMPOSTING" MEANS THE PROCESS BY WHICH BIOLOGICAL  
11 DECOMPOSITION OF YARD WASTE, CLASS 1 COMPOSTABLE MATERIAL, OR CLASS  
12 2 COMPOSTABLE MATERIAL IS CARRIED OUT UNDER CONTROLLED AEROBIC  
13 CONDITIONS OR IN A SYSTEM USING VERMICULTURE AND WHICH STABILIZES  
14 THE ORGANIC FRACTION INTO A MATERIAL THAT CAN EASILY AND SAFELY BE  
15 STORED, HANDLED, AND USED IN AN ENVIRONMENTALLY ACCEPTABLE MANNER.  
16 THE PRESENCE OF INSIGNIFICANT ANAEROBIC ZONES WITHIN THE COMPOSTING  
17 MATERIAL DOES NOT CAUSE THE PROCESS TO BE CLASSIFIED AS OTHER THAN  
18 COMPOSTING.

19 (34) ~~(17)~~—"Composting facility" means a facility where  
20 ~~composting of yard clippings or other organic materials occurs~~  
21 using mechanical handling techniques such as physical turning,  
22 windrowing, or aeration or using other management techniques  
23 approved by the director. **[SUGGEST PUT ALL PROCESS DESCRIPTIONS IN**  
24 **DEFINITION OF COMPOSTING OR COMPOSTING FACILITY.]**

25 (35) ~~(18)~~—"Consistency review" means evaluation of the  
26 administrative and technical components of an application for a  
27 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 this part, rules promulgated under this  
 3 part, and approved plans and specifications.

4 (36) ~~(19)~~—"Corrective action" means the investigation,  
 5 assessment, cleanup, removal, containment, isolation, treatment, or  
 6 monitoring of constituents, as defined in a facility's approved  
 7 hydrogeological monitoring plan, released into the environment from  
 8 a ~~disposal area~~, **MATERIALS MANAGEMENT FACILITY**, or the taking of  
 9 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 42 USC 6941 to 6949a and regulations promulgated  
 13 thereunder.

14 (37) "CUSTODIAL CARE" INCLUDES:

15 (A) PREVENTING DEEP-ROOTED VEGETATION FROM ESTABLISHING ON THE  
 16 CAP.

17 (B) MAINTAINING STORM WATER CONTROLS.

18 (C) REPAIRING EROSION DAMAGE ON THE CAP.

19 (D) MAINTAINING LIMITED ACCESS TO THE SITE.

20 Sec. 11503. (1) "De minimis" refers to a small amount of  
 21 material or number of items, as applicable, incidentally commingled  
 22 with inert material for beneficial use by-products, **SOURCE**  
 23 **SEPARATED MATERIAL**, or incidentally disposed of with other solid  
 24 waste.

25 (2) "Department", subject to section 11554, means the  
 26 department of environmental quality.

27 (3) "Director" means the director of the department.



1 (4) "Discharge" includes, but is not limited to, any spilling,  
 2 leaking, pumping, pouring, emitting, emptying, discharging,  
 3 injecting, escaping, leaching, dumping, or disposing of a substance  
 4 into the environment that is or may become injurious to the public  
 5 health, safety, or welfare, or to the environment.

6 (5) "Disposal area" means 1 or more of the following, at a  
 7 location as defined by the boundary identified in its construction  
 8 permit or engineering plans approved by the department **OR IN AN**  
 9 **AUTHORIZATION PROVIDED THROUGH A NOTIFICATION, REGISTRATION, OR**  
 10 **GENERAL PERMIT, THAT ACCEPTS SOLID WASTE:**

11 (a) A solid waste **PROCESSING AND** transfer facility.

12 (b) An incinerator.

13 (c) A sanitary landfill.

14 (d) ~~A processing plant.~~ **ANY OTHER SOLID WASTE HANDLING OR**  
 15 **DISPOSAL FACILITY UTILIZED IN THE DISPOSAL OF SOLID WASTE.**

16 **[TIGHTEN.]**

17 ~~— (e) Any other solid waste handling or disposal facility~~  
 18 ~~utilized in the disposal of solid waste. However, a waste diversion~~  
 19 ~~center is not a disposal area.~~

20 (6) "Diverted waste" means waste that meets all of the  
 21 following requirements:

22 (a) Is generated by households, businesses, or governmental  
 23 entities.

24 (b) Can lawfully be disposed of at a licensed sanitary  
 25 landfill or municipal solid waste incinerator.

26 (c) Is separated from other waste.

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



1 (i) Hazardous material.  
2 (ii) Liquid waste.  
3 (iii) Pharmaceuticals.  
4 (iv) Electronics.  
5 (v) Batteries.  
6 (vi) Light bulbs.  
7 (vii) Pesticides.  
8 (viii) Thermostats, switches, thermometers, or other devices  
9 that contain elemental mercury.

10 (ix) Sharps.

11 (x) Other wastes approved by the department that can be  
12 readily separated from solid waste for diversion to preferred  
13 methods of management and disposal.

14 (7) "Enforceable mechanism" means a legal method whereby this  
15 state, a county, a municipality, or another person is authorized to  
16 take action to guarantee compliance with an approved ~~county solid~~  
17 ~~waste~~ **MATERIALS** management plan. Enforceable mechanisms include  
18 contracts, intergovernmental agreements, laws, ordinances, rules,  
19 and regulations.

20 (8) "Escrow account" means an account that is managed by a  
21 bank or other financial institution whose account operations are  
22 regulated and examined by a federal or state agency and that  
23 complies with section 11523b.

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

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



1 (11) "Financial assurance" means the mechanisms used to  
 2 demonstrate that the funds necessary to meet the cost of closure,  
 3 postclosure maintenance and monitoring, and corrective action will  
 4 be available **TO THE DEPARTMENT** whenever they are needed.

5 (12) "Financial test" means a corporate or local government  
 6 financial test or guarantee approved for type II landfills under 42  
 7 USC 6941 to 6949a **OR FOR TYPE III LANDFILLS OR OTHER MATERIALS**  
 8 **MANAGEMENT FACILITIES APPROVED UNDER THIS PART** and regulations  
 9 promulgated thereunder. An owner or operator may use a single  
 10 financial test for more than 1 facility. Information submitted to  
 11 the department to document compliance with the test shall include a  
 12 list showing the name and address of each facility and the amount  
 13 of funds assured by the test for each facility. For purposes of the  
 14 financial test, the owner or operator shall aggregate the sum of  
 15 the closure, postclosure, and corrective action costs it seeks to  
 16 assure with any other environmental obligations assured by a  
 17 financial test under state or federal law.

18 (13) **"FINISHED COMPOST" MEANS ORGANIC MATTER THAT HAS**  
 19 **UNDERGONE BIOLOGICAL DECOMPOSITION AND HAS BEEN STABILIZED TO A**  
 20 **DEGREE THAT IS BENEFICIAL TO PLANT GROWTH WITHOUT CREATING A**  
 21 **NUISANCE, AS DEFINED IN THE COMPOST FACILITY'S MARKETING PLAN, AND**  
 22 **IS USED OR SOLD FOR USE AS A SOIL AMENDMENT, FERTILIZER, TOPSOIL**  
 23 **BLEND, OR GROWING MEDIUM AMENDMENT OR FOR OTHER SIMILAR USES.**  
 24 **FINISHED COMPOST MAY CONTAIN MATERIAL OTHER THAN ORGANIC MATTER**  
 25 **THAT AIDS IN PRODUCING A QUALITY END PRODUCT FOR SUCH USES BUT DOES**  
 26 **NOT CONTAIN VISIBLE AMOUNTS OF SOLID WASTE.**

27 (14) ~~(13)~~—"Flue gas desulfurization material" means the





1 material recovered from air pollution control systems that capture  
2 sulfur dioxide from the combustion of wood, coal, or fossil fuels,  
3 or other combustible materials, if the other combustible materials  
4 constitute less than 50% by weight of the total material combusted  
5 and the department determines in writing that the other combustible  
6 materials do not materially affect the character of the residue.  
7 Flue gas desulfurization material includes synthetic gypsum.

8 (15) ~~(14)~~ "Food processing residuals" means any of the  
9 following:

10 (a) Residuals of fruits, vegetables, aquatic plants, or field  
11 crops.

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

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

17 (16) "FOOD WASTE" MEANS A WASTE ACCUMULATION OF ANIMAL, FRUIT,  
18 OR VEGETABLE MATTER USED OR INTENDED FOR [HUMAN?] FOOD OR THAT  
19 RESULTS FROM THE PREPARATION, USE, COOKING, DEALING IN, OR STORING  
20 OF MEAT, FISH, FOWL, FRUIT, OR VEGETABLE MATTER. FOOD WASTE DOES  
21 NOT INCLUDE VEGETABLE OR OTHER GARDEN DEBRIS, FATS, OILS, OR  
22 GREASE.

23 (17) "FOREIGN MATTER" MEANS ORGANIC AND INORGANIC  
24 CONSTITUENTS, OTHER THAN STICKS AND STONES, THAT WILL NOT READILY  
25 DECOMPOSE DURING COMPOSTING, AND DO NOT AID IN PRODUCING A QUALITY  
26 COMPOST, INCLUDING PLASTICS, GLASS, TEXTILES, RUBBER, METAL,  
27 CERAMICS, AND PAINTED, LAMINATED, OR TREATED WOOD.



1           (18) ~~(15)~~—"Foundry sand" means silica sand used in the metal  
2 casting process, including binding material or carbonaceous  
3 additives, from ferrous or nonferrous foundries.

4           (19) **"FUNCTIONAL STABILITY" MEANS THE POINT AT WHICH A**  
5 **LANDFILL DOES NOT POSE A THREAT TO HUMAN HEALTH AND THE ENVIRONMENT**  
6 **AT A POINT OF EXPOSURE, IN THE ABSENCE OF ACTIVE CONTROL SYSTEMS.**

7           (20) ~~(16)~~—"GAAMPS" means the generally accepted agricultural  
8 and management practices under the Michigan right to farm act, 1981  
9 PA 93, MCL 286.471 to 286.474.

10 ~~——(17) "Garbage" means rejected food wastes including waste~~  
11 ~~accumulation of animal, fruit, or vegetable matter used or intended~~  
12 ~~for food or that results from the preparation, use, cooking,~~  
13 ~~dealing in, or storing of meat, fish, fowl, fruit, or vegetable~~  
14 ~~matter.~~

15           (21) **"GASIFICATION" MEANS A PROCESS THROUGH WHICH MATERIALS**  
16 **ARE HEATED IN AN OXYGEN-DEFICIENT ATMOSPHERE AND CONVERTED TO**  
17 **SYNTHESIS GAS WHICH CAN BE CONVERTED INTO FUELS SUCH AS ETHANOL,**  
18 **CHEMICALS, OR CHEMICAL FEEDSTOCKS. THE PROCESS OCCURS WITHOUT**  
19 **COMBUSTION. [COMPARE MCL 460.1007(A).]**

20           (22) **"GENERAL PERMIT TIER 1" AND "GENERAL PERMIT TIER 2" MEAN**  
21 **A PERMIT FOR A CATEGORY OF ACTIVITIES THAT THE DEPARTMENT**  
22 **DETERMINES WILL NOT NEGATIVELY IMPACT HUMAN HEALTH AND WILL HAVE NO**  
23 **MORE THAN MINIMAL SHORT-TERM ADVERSE IMPACTS ON THE NATURAL**  
24 **RESOURCES AND ENVIRONMENT. APPLICATION FEES, A SITE PLAN, AN**  
25 **OPERATIONS PLAN, AND FINANCIAL ASSURANCE WILL BE REQUIRED UNDER THE**  
26 **GENERAL PERMIT CONDITIONS. [DISTINGUISH TIER 1 FROM TIER 2. MOVE**  
27 **SECOND SENTENCE TO SECTION 11558(2).]**



1           (23) "GENERAL USE COMPOST" MEANS COMPOST THAT IS PRODUCED FROM  
2 CLASS 1 COMPOSTABLE OR CLASS 2 COMPOSTABLE MATERIALS THAT MEET THE  
3 REQUIREMENTS OF SECTION 11553(5).

4           Sec. 11504. (1) "Health officer" means a full-time  
5 administrative officer of a certified health department.

6           (2) "HOST COMMUNITY APPROVAL" MEANS AN AGREEMENT, RESOLUTION,  
7 LETTER, OR OTHER DOCUMENT INDICATING THAT THE MUNICIPALITY WHERE  
8 THE MATERIALS MANAGEMENT FACILITY IS PROPOSED TO BE LOCATED HAS  
9 BEEN GIVEN THE OPPORTUNITY TO REVIEW AND HAS APPROVED THE  
10 DEVELOPMENT OF THAT SPECIFIC FACILITY.

11           (3) "HOUSEHOLD WASTE" MEANS ANY SOLID WASTE THAT IS DERIVED  
12 FROM SINGLE-FAMILY HOUSEHOLDS, AND DOES NOT INCLUDE COMMERCIAL  
13 WASTE, INDUSTRIAL WASTE, HAZARDOUS WASTE, AND CONSTRUCTION AND  
14 DEMOLITION WASTE.

15           (4) "INDUSTRIAL WASTE" MEANS SOLID WASTE WHICH IS GENERATED BY  
16 MANUFACTURING OR INDUSTRIAL PROCESSES OR ORIGINATES FROM AN  
17 INDUSTRIAL SITE AND WHICH IS NOT A HAZARDOUS WASTE REGULATED UNDER  
18 PART 111.

19           (5) ~~(2)~~"Inert material" means any of the following:

20           (a) Rock.

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

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

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

26           (iii) The debris is placed at least 3 feet above the  
27 groundwater 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 of the following applies:

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, 1312, or any other  
25 leaching protocol approved by the department, fall below part 201  
26 generic residential health based groundwater drinking water values  
27 or criteria, and the soil or sediment would not cause a violation



1 of any surface water quality standard established under part 31 at  
2 the area of placement, 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,  
13 part 301, or part 303.

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



1 (iii) Does not include exposed reinforcement bars.

2 (h) Cuttings, drilling materials, and fluids used to drill or  
3 complete a well installed pursuant to part 127 of the public health  
4 code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of  
5 the well is not a facility under part 201.

6 (i) Any material determined by the department under section  
7 11553(5) or (6) to be an inert material, either for general use or  
8 for a particular use.

9 **(6)** ~~(3)~~—"Insurance" means insurance that conforms to the  
10 requirements of 40 CFR 258.74(d) provided by an insurer who has a  
11 certificate of authority from the director of insurance and  
12 financial services to sell this line of coverage. An applicant for  
13 an operating license, **GENERAL PERMIT TIER 1, OR GENERAL PERMIT TIER**  
14 **2** shall submit evidence of the required coverage by submitting both  
15 of the following to the department:

16 (a) A certificate of insurance that uses wording approved by  
17 the department.

18 (b) A certified true and complete copy of the insurance  
19 policy.

20 **(7)** ~~(4)~~—"Landfill" means a disposal area that is a sanitary  
21 landfill.

22 **(8) "LARGE COMPOSTING FACILITY" MEANS A SITE THAT MEETS ALL OF**  
23 **THE FOLLOWING REQUIREMENTS:**

24 **(A) THE SITE AT ANY TIME CONTAINS MORE THAN 5,000 CUBIC YARDS**  
25 **OF COMPOSTABLE MATERIAL.**

26 **(B) THE SITE DOES NOT AT ANY TIME CONTAIN MORE THAN 50,000**  
27 **CUBIC YARDS OF COMPOSTABLE MATERIAL.**



1 (C) NOT MORE THAN 5% OF THE COMPOSTABLE MATERIAL ON THE SITE  
 2 AT ANY TIME IS FOOD WASTE. [DEFINITIONS OF MEDIUM AND SMALL  
 3 COMPOSTING FACILITIES REFER TO FOOD WASTE "OR OTHER SOURCE  
 4 SEPARATED MATERIAL."]  
 5 [DOES "AT ANY TIME" REFER TO A FUTURE LICENSING OR REGISTRATION  
 6 PERIOD, THE MOST RECENT PAST PERIOD, OR ANY PAST PERIOD? SAME ISSUE  
 7 ARISES WITH RESPECT TO THE OTHER COMPOSTING FACILITY DEFINITIONS  
 8 AND SECTIONS 11512A(2) AND (3), 11513A(2), AND 11513B.]

9 (9) ~~(5)~~—"Letter of credit" means an irrevocable letter of  
 10 credit that complies with 40 CFR 258.74(c).

11 (10) ~~(6)~~—"Lime kiln dust" means particulate matter collected  
 12 in air emission control devices serving lime kilns.

13 (11) ~~(7)~~—"Low-hazard industrial waste" means industrial  
 14 material that has a low potential for groundwater contamination  
 15 when managed in accordance with this part. The following materials  
 16 are low-hazard industrial wastes:

17 (a) Coal ash or wood ash.

18 (b) Cement kiln dust.

19 (c) Pulp and paper mill material.

20 (d) Scrap wood.

21 (e) Sludge from the treatment and conditioning of water for  
 22 domestic use.

23 (f) Residue from the thermal treatment of petroleum  
 24 contaminated soil, media, or debris.

25 (g) Sludge from the treatment and conditioning of water from a  
 26 community water supply.

27 (h) Foundry sand.



1 (i) Mixed wood ash, scrap wood ash, pulp and paper mill ash.

2 (j) Street cleanings.

3 (k) Asphalt shingles.

4 (l) New construction or production scrap drywall.

5 (m) Chipped or shredded tires.

6 (n) Copper slag.

7 (o) Copper stamp sands.

8 (p) Dredge material from nonremedial activities.

9 (q) Flue gas desulfurization material.

10 (r) Dewatered grinding slurry generated from public  
11 transportation agency road projects.

12 (s) Any material determined by the department under section  
13 11553(7) to be a low-hazard industrial waste.

14 (12) "MAEAP" MEANS THE MICHIGAN AGRICULTURE ENVIRONMENTAL  
15 ASSURANCE PROGRAM AS PROVIDED FOR IN SECTIONS 3109D AND 8701 TO  
16 8710. [WHY CITE TO SECTION 8807 AS IN DEQ DRAFT?]

17 (13) "MANAGED MATERIAL" MEANS A SOLID WASTE, DIVERTED WASTE OR  
18 RECYCLABLE MATERIAL, AND OTHER MATERIALS AS DETERMINED BY THE  
19 DEPARTMENT.

20 (14) "MATERIALS MANAGEMENT FACILITY" OR, UNLESS THE CONTEXT  
21 IMPLIES A DIFFERENT MEANING, "FACILITY" MEANS ANY OF THE FOLLOWING,  
22 SUBJECT TO SUBSECTION (15):

23 (A) A DISPOSAL AREA.

24 (B) A WASTE UTILIZATION FACILITY.

25 (C) A WASTE DIVERSION CENTER.

26 (15) "MATERIALS MANAGEMENT FACILITY" DOES NOT INCLUDE A  
27 FACILITY THAT MANAGES MATERIALS OR PRODUCTS THAT CONTAIN IRON,





1 STEEL, OR NONFERROUS METALS AND THAT ARE DIRECTED TO OR RECEIVED BY  
2 A PERSON SUBJECT TO THE SCRAP METAL REGULATORY ACT, 2008 PA 429,  
3 MCL 445.421 TO 445.443, OR BY A REUSER OF THESE METALS IS NOT A  
4 MATERIALS MANAGEMENT FACILITY.

5 (16) "MATERIALS MANAGEMENT FUND" MEANS THE MATERIALS  
6 MANAGEMENT FUND CREATED IN SECTION 11550.

7 (17) "MATERIALS MANAGEMENT PLAN" OR, UNLESS THE CONTEXT  
8 IMPLIES A DIFFERENT MEANING, "PLAN" MEANS A PLAN REQUIRED UNDER  
9 SECTION 11533.

10 (18) "MATERIALS MANAGEMENT PLAN MODIFICATION" MEANS A REVISION  
11 TO THE SUBMITTED MATERIALS MANAGEMENT PLAN REQUIRED BY THE  
12 DEPARTMENT TO BRING THE PLAN INTO COMPLIANCE WITH THIS PART AND THE  
13 RULES PROMULGATED FOR THIS PART, OR FOR CLARIFICATION PURPOSES.

14 (19) "MATERIALS RECOVERY FACILITY" MEANS A FACILITY THAT MEETS  
15 ALL OF THE FOLLOWING REQUIREMENTS:

16 (A) PRIMARILY RECEIVES SOURCE SEPARATED MATERIAL OR RECYCLABLE  
17 MATERIAL, OR BOTH.

18 (B) PREPARES THE MATERIAL FOR USE AS A RESOURCE, WHERE [????]  
19 THE RECYCLABLE MATERIAL HAS BEEN SEPARATED FROM THE SOLID WASTE.

20 (C) ON AN ANNUAL BASIS, DOES NOT RECEIVE A VOLUME OF SOLID  
21 WASTE RESIDUALS EQUAL TO OR GREATER THAN 15% OF THE TOTAL VOLUME OF  
22 MATERIAL RECEIVED BY THE FACILITY.

23 (20) "MEDIUM COMPOSTING FACILITY" MEANS A SITE THAT MEETS ALL  
24 OF THE FOLLOWING REQUIREMENTS:

25 (A) THE SITE AT ANY TIME CONTAINS 2,000 OR MORE CUBIC YARDS OF  
26 LEAVES OR 1,000 OR MORE CUBIC YARDS OF YARD WASTE ["OTHER THAN  
27 LEAVES"?], CLASS 1 COMPOSTABLE MATERIAL, OR CLASS 2 COMPOSTABLE



1 MATERIAL. [DO THE LAST 3 ITEMS COMPRISE ALL "COMPOSTABLE MATERIAL"  
2 AS DEFINED?]

3 (B) THE SITE DOES NOT AT ANY TIME CONTAIN GREATER THAN 5,000  
4 CUBIC YARDS OF COMPOSTABLE MATERIAL. [DEQ DRAFT SAID 50,000.]  
5 [ALTERNATIVE: "THE SITE IS NOT A LARGE COMPOSTING FACILITY."]

6 (C) NOT MORE THAN 5% OF THE COMPOSTABLE MATERIAL ON THE SITE  
7 AT ANY TIME IS FOOD WASTE OR OTHER SOURCE SEPARATED MATERIAL.

8 (21) ~~(8)~~—"Medical waste" means that term as it is defined in  
9 section 13805 of the public health code, 1978 PA 368, MCL  
10 333.13805.

11 (22) ~~(9)~~—"Mixed wood ash" means the material recovered from  
12 air pollution control systems for, or the noncombusted residue  
13 remaining after, the combustion of any combination of wood, scrap  
14 wood, railroad ties, or tires, if railroad ties composed less than  
15 35% by weight of the total combusted material and tires composed  
16 less than 10% by weight of the total combusted material.

17 (23) ~~(10)~~—"Municipal solid waste incinerator" means an  
18 incinerator that is owned or operated by any person, and meets all  
19 of the following requirements:

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

27 (b) The incinerator has established contractual requirements



1 or other notification or inspection procedures sufficient to ensure  
2 that the incinerator receives and burns only waste referred to in  
3 subdivision (a).

4 (c) The incinerator meets the requirements of this part and  
5 the rules promulgated under this part.

6 (d) The incinerator is not an industrial furnace as defined in  
7 40 CFR 260.10.

8 (e) The incinerator is not an incinerator that receives and  
9 burns only medical waste or only waste produced at 1 or more  
10 hospitals.

11 **(24)** ~~(11)~~—"Municipal solid waste incinerator ash" means the  
12 substances remaining after combustion in a municipal solid waste  
13 incinerator.

14 **(25) "NEW AND INNOVATIVE [????] TECHNOLOGIES OR PRACTICES"**  
15 **MEANS ANY OTHER WASTE UTILIZATION FACILITY THAT CONVERTS SOLID**  
16 **WASTE INTO ENERGY OR A USEABLE PRODUCT.**

17 **(26)** ~~(12)~~—"Nonresidential property" means property not used or  
18 intended to be used for any of the following:

19 (a) A child day care center.

20 (b) An elementary school.

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

22 (d) A nursing home.

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

27 **(27)** ~~(13)~~—"Perpetual care fund" means a trust or escrow



1 account or perpetual care fund bond provided for in section 11525.

2       **(28)** ~~(14)~~—"Perpetual care fund bond" means a surety bond, an  
3 irrevocable letter of credit, or a combination of these instruments  
4 in favor of and on a form approved by the department by which a  
5 perpetual care fund is established.

6       **(29)** "PLANNING AGENCY" MEANS THE PLANNING AGENCY APPOINTED BY  
7 THE PLANNING ENTITY UNDER SECTION 11533. PLANNING AGENCY DOES NOT  
8 MEAN A REGIONAL PLANNING AGENCY.

9       **(30)** "PLANNING AREA" IS THE GEOGRAPHIC AREA ADDRESSED BY A  
10 MATERIALS MANAGEMENT PLAN.

11       **(31)** "PLANNING COMMITTEE" MEANS A PLANNING COMMITTEE APPOINTED  
12 UNDER SECTION 11534.

13       **(32)** "PLANNING ENTITY" MEANS THE PLANNING ENTITY DESIGNATED BY  
14 THE COUNTY BOARD OF COMMISSIONERS UNDER SECTION 11533.

15       **(33)** ~~(15)~~—"Pulp and paper mill ash" means the material  
16 recovered from air pollution control systems for, or the  
17 noncombusted residue remaining after, the combustion of any  
18 combination of coal, wood, pulp and paper mill material, wood or  
19 biomass fuel pellets, scrap wood, railroad ties, or tires, from a  
20 boiler, power plant, or furnace at a pulp and paper mill, if  
21 railroad ties composed less than 35% by weight of the total  
22 combusted material and tires composed less than 10% by weight of  
23 the total combusted material.

24       **(34)** ~~(16)~~—"Pulp and paper mill material" means all of the  
25 following materials if generated at a facility that produces pulp  
26 or paper:

27       (a) Wastewater treatment sludge, including wood fibers,



1 minerals, and microbial biomass.

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

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

4 (d) Scrap paper.

5 (e) Causticizing residues, including lime mud and grit and  
6 green liquor dregs.

7 (f) Any material that the department determines has  
8 characteristics that are similar to any of the materials listed in  
9 subdivisions (a) to (e).

10 (35) "PYROLYSIS" MEANS A PROCESS THROUGH WHICH MATERIALS ARE  
11 HEATED IN THE ABSENCE OF OXYGEN UNTIL MELTED AND THERMALLY  
12 DECOMPOSED, AND ARE THEN COOLED, CONDENSED, AND CONVERTED INTO  
13 OTHER INTERMEDIATE OR FINAL PRODUCTS. THE PROCESS OCCURS WITHOUT  
14 COMBUSTION. [COMPARE MCL 460.1009(F) AND GASIFICATION DEFINITION.]

15 Sec. 11505. (1) "RDDP" MEANS A RESEARCH, DEVELOPMENT, AND  
16 DEMONSTRATION PROJECT FOR A NEW OR EXISTING TYPE II LANDFILL UNIT  
17 OR FOR A LATERAL EXPANSION OF A TYPE II LANDFILL UNIT.

18 (2) ~~(1)~~-"Recyclable materials" means source separated  
19 materials, ~~site separated materials,~~ high grade paper, glass,  
20 metal, plastic, aluminum, newspaper, corrugated paper, yard  
21 ~~clippings,~~ **WASTE**, and other materials that may be recycled. ~~or~~  
22 ~~composted.~~

23 (3) "RECYCLING" MEANS AN ACTION OR PROCESS, SUCH AS  
24 SEPARATION, SORTING, BALING, OR SHIPPING, APPLIED TO MATERIALS THAT  
25 ARE NO LONGER BEING USED AND THAT WOULD HAVE OTHERWISE BEEN  
26 DISPOSED AS WASTE, FOR THE PURPOSES OF REUSE OR CONVERSION INTO RAW  
27 MATERIALS OR NEW PRODUCTS.



1           (4) ~~(2)~~—"Regional ~~solid waste management~~ planning agency"  
 2 means the regional solid waste planning agency designated by the  
 3 governor pursuant to 42 USC 6946.

4           (5) ~~(3)~~—"Resource recovery facility" means machinery,  
 5 equipment, structures, or any parts or accessories of machinery,  
 6 equipment, or structures, installed or acquired for the primary  
 7 purpose of recovering materials or energy from the waste stream.

8           (6) ~~(4)~~—"Response activity" means an activity that is  
 9 necessary to protect the public health, safety, welfare, or the  
 10 environment, and includes, but is not limited to, evaluation,  
 11 cleanup, removal, containment, isolation, treatment, monitoring,  
 12 maintenance, replacement of water supplies, and temporary  
 13 relocation of people.

14           (7) **"RESTRICTED USE COMPOST" MEANS COMPOST THAT IS BOTH OF THE**  
 15 **FOLLOWING:**

16           **(A) PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL THAT DOES NOT**  
 17 **MEET THE REQUIREMENTS OF SECTION 11553(5).**

18           **(B) APPROVED BY THE DIRECTOR PURSUANT TO SECTION 11563.**

19           (8) **"REUSE" MEANS TO USE AGAIN, ESPECIALLY IN A DIFFERENT**  
 20 **MANNER OR AFTER RECLAMATION OR REPROCESSING.**

21           (9) ~~(5)~~—"Rubbish" means nonputrescible solid waste, excluding  
 22 ashes, consisting of both combustible and noncombustible waste,  
 23 including paper, cardboard, metal containers, yard ~~clippings,~~  
 24 **WASTE**, wood, glass, bedding, crockery, demolished building  
 25 materials, or litter of any kind that may be a detriment to the  
 26 public health and safety.

27           (10) ~~(6)~~—"Salvaging" means the lawful and controlled removal



1 of reusable materials from solid waste.

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

4 **(11)** ~~(8)~~ "Scrap wood" means wood or wood product that is 1 or  
 5 more of the following:

6 (a) Plywood, particle board, pressed board, oriented strand  
 7 board, fiberboard, resonated wood, or any other wood or wood  
 8 product mixed with glue, resins, or filler.

9 (b) Wood or wood product treated with creosote or  
 10 pentachlorophenol.

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

13 ~~—— (9) "Site separated material" means glass, metal, wood, paper~~  
 14 ~~products, plastics, rubber, textiles, garbage, or any other~~  
 15 ~~material approved by the department that is separated from solid~~  
 16 ~~waste for the purpose of recycling or conversion into raw materials~~  
 17 ~~or new products.~~

18 **(12) "SHARPS" MEANS THAT TERM AS DEFINED IN SECTION 13807 OF**  
 19 **THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.13807.**

20 **(13)** ~~(10)~~ "Slag" means the nonmetallic product resulting from  
 21 melting or smelting operations for iron or steel.

22 **Sec. 11506. (1) "SMALL COMPOST FACILITY" MEANS A SITE WHERE**  
 23 **NOT MORE THAN 5% OF THE COMPOSTABLE MATERIAL ON THE SITE AT ANY**  
 24 **TIME IS FOOD WASTE OR OTHER SOURCE SEPARATED MATERIAL AND THAT**  
 25 **MEETS ANY OF THE FOLLOWING REQUIREMENTS:**

26 **(A) THE SITE AT ANY TIME CONTAINS MORE THAN 500 CUBIC YARDS OF**  
 27 **LEAVES BUT DOES NOT AT ANY TIME CONTAIN MORE THAN 2,000 CUBIC YARDS**



1 OF LEAVES.

2 (B) THE SITE AT ANY TIME CONTAINS MORE THAN 500 CUBIC YARDS OF  
 3 YARD WASTE BUT DOES NOT AT ANY TIME CONTAIN MORE THAN 1,000 CUBIC  
 4 YARDS OF YARD WASTE ["OTHER THAN LEAVES"? SEE YARD WASTE  
 5 DEFINITION].

6 (2) ~~(1)~~—"Solid waste" means garbage, rubbish, ashes,  
 7 incinerator ash, incinerator residue, street cleanings, municipal  
 8 and industrial sludges, solid commercial waste, solid industrial  
 9 waste, and animal waste. However, solid waste does not include the  
 10 following:

11 (a) Human body waste.

12 (b) Medical waste.

13 (c) ~~Organic waste~~ **MANURE OR ANIMAL BEDDING** generated in the  
 14 production of livestock and poultry.

15 (d) Liquid waste.

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

18 (f) Slag or slag products directed to a slag processor or to a  
 19 reuser of slag or slag products.

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

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

27 (i) Food processing residuals and ~~garbage~~ **FOOD WASTE**.





1           (ii) Precipitated calcium carbonate from sugar beet  
2 processing.

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

5           (iv) Lime from kraft pulping processes generated prior to  
6 bleaching.

7           (v) Aquatic plants.

8           (i) Materials approved for emergency disposal by the  
9 department.

10          (j) Source separated materials.

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

12          **(K)** ~~(l)~~ Coal ash, when used under any of the following  
13 circumstances:

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

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

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

26           (iv) As a road base or construction fill that is placed at  
27 least 4 feet above the seasonal groundwater table and covered with



1 asphalt, concrete, or other material approved by the department.

2 (I) ~~(m)~~—Inert material.

3 (M) ~~(n)~~—Soil that is washed or otherwise removed from sugar  
4 beets, has not more than 35% moisture content, and is registered as  
5 a soil conditioner under part 85. Any testing required to become  
6 registered under part 85 is the responsibility of the generator.

7 (N) ~~(o)~~—Soil that is relocated under section 20120c.

8 (O) ~~(p)~~—Diverted waste that is managed through a waste  
9 diversion center.

10 (P) ~~(q)~~—Beneficial use by-products.

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

13 (R) ~~(s)~~—Stamp sands when used as cold weather road abrasive in  
14 the Upper Peninsula by any of the following:

15 (i) A public road agency.

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

18 (S) ~~(t)~~—Any material that is reclaimed or reused in the  
19 process that generated it.

20 (T) ~~(u)~~—Any secondary material that, as specified in or  
21 determined pursuant to 40 CFR part 241, is not a solid waste when  
22 combusted.

23 (U) ~~(v)~~—Other wastes regulated by statute.

24 (3) ~~(2)~~—"Solid waste hauler" means a person who owns or  
25 operates a solid waste transporting unit.

26 (4) ~~(3)~~—"Solid waste processing ~~plant~~" **AND TRANSFER FACILITY"**  
27 means a tract of land, **A** building ~~, OR unit, or appurtenance~~ **AND**



1 **ANY APPURTENANCES** of a building or unit, **OR A CONTAINER** or a ~~ANY~~  
 2 combination of ~~land, buildings, and units~~ **THESE** that is used or  
 3 intended for use ~~for~~ **IN** the **HANDLING, STORAGE, TRANSFER, OR**  
 4 processing of solid waste, ~~or the separation of material for~~  
 5 ~~salvage or disposal, or both, but~~ **AND IS NOT LOCATED AT THE SITE OF**  
 6 **GENERATION OR THE SITE OF DISPOSAL OF THE SOLID WASTE. SOLID WASTE**  
 7 **PROCESSING AND TRANSFER FACILITY INCLUDES A PYROLYSIS FACILITY OR**  
 8 **GASIFICATION PLANT THAT USES SOLID WASTE AS A FEED STOCK. SOLID**  
 9 **WASTE PROCESSING AND TRANSFER FACILITY** does not include a plant  
 10 engaged primarily in the acquisition, processing, and shipment of  
 11 ferrous or nonferrous metal scrap, or a plant engaged primarily in  
 12 the acquisition, processing, and shipment of slag or slag products.

13 (5) ~~(4)~~ "Solid waste transporting unit" means a container,  
 14 which may be an integral part of a truck or other piece of  
 15 equipment, used for the transportation of solid waste.

16 ~~(5) "Solid waste transfer facility" means a tract of land, a~~  
 17 ~~building and any appurtenances, or a container, or any combination~~  
 18 ~~of land, buildings, or containers that is used or intended for use~~  
 19 ~~in the rehandling or storage of solid waste incidental to the~~  
 20 ~~transportation of the solid waste, but is not located at the site~~  
 21 ~~of generation or the site of disposal of the solid waste.~~

22 (6) "SOURCE REDUCTION" MEANS ANY PRACTICE THAT REDUCES OR  
 23 ELIMINATES THE GENERATION OF WASTE AT THE SOURCE.

24 (7) ~~(6)~~ "Source separated material" means any of the following  
 25 materials if separated at the source of generation **OR FROM ["AT"?**  
 26 **A MATERIALS MANAGEMENT FACILITY THAT COMPLIES WITH THIS PART AND**  
 27 **RULES PROMULGATED UNDER THIS PART** and **IF** not speculatively



1 accumulated:

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

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

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

24 (d) Recovered paint solids used to fuel an industrial boiler,  
25 kiln, power plant, or furnace, subject to part 55, or for other  
26 uses approved by the department.

27 (e) Gypsum drywall generated from the production of wallboard



1 used for stock returned to the production process or for other uses  
2 approved by the department.

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

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

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

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

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

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

18 **(l) LEAVES THAT ARE GROUND AND SOLD AS MULCH OR MIXED WITH**  
19 **GROUND WOOD AND SOLD AS MULCH IF THE VOLUMES SO MANAGED ARE**  
20 **REPORTED TO THE DEPARTMENT IN COMPLIANCE WITH SECTION**  
21 **11521(A)(2)(I). [CHECK CITE.]**

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

26 **(N) YARD WASTE THAT IS LAND APPLIED ON A FARM AT AGRONOMIC**  
27 **RATES CONSISTENT WITH GAAMPS.**



1 (O) YARD WASTE, CLASS 1 COMPOSTABLE MATERIAL, AND CLASS 2  
 2 COMPOSTABLE MATERIAL THAT ARE DELIVERED TO AN ANAEROBIC DIGESTER OR  
 3 GASIFICATION FACILITY PROVIDED THAT IS AUTHORIZED UNDER THIS PART  
 4 BY THE DEPARTMENT TO RECEIVE THE MATERIAL AND THAT REPORTS THE  
 5 VOLUMES ACCEPTED ON A YEARLY BASIS.

6 [SEPARATE THE REPORTING REQUIREMENT? COMPARE SUBSECTION (17) (G)  
 7 PHRASING?]

8 (8) ~~(7)~~—"Stamp sands" means finely grained crushed rock  
 9 resulting from mining, milling, or smelting of copper ore and  
 10 includes native substances contained within the crushed rock and  
 11 any ancillary material associated with the crushed rock.

12 (9) "STATE POLICY" MEANS THE GUIDANCE PROVIDED BY LEGISLATION,  
 13 THE SOLID WASTE POLICY [????], REPORTS, AND INITIATIVES SET FORTH  
 14 BY THE DEPARTMENT.

15 (10) ~~(8)~~—"Treated wood" means wood or wood product that has  
 16 been treated with 1 or more of the following:

17 (a) Chromated copper arsenate (CCA).

18 (b) Ammoniacal copper quat (ACQ).

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

20 (d) Any other chemical designated in rules promulgated by the  
 21 department.

22 (11) ~~(9)~~—"Trust fund" means a fund held by a trustee who has  
 23 the authority to act as a trustee and whose trust operations are  
 24 regulated and examined by a federal or state agency.

25 (12) ~~(10)~~—"Type I public water supply", "type IIa public water  
 26 supply", "type IIb public water supply", and "type III public water  
 27 supply" mean those terms, respectively, as described in R 325.10502



1 of the Michigan ~~administrative code.~~ **ADMINISTRATIVE CODE.**

2 (13) "VERMICULTURE" MEANS THE CONTROLLED AND MANAGED PROCESS  
3 BY WHICH LIVE WORMS DEGRADE ORGANIC MATERIALS INTO WORM CASTINGS OR  
4 WORM HUMUS.

5 (14) "VERY LARGE COMPOST FACILITY" MEANS A SITE THAT MEETS  
6 BOTH OF THE FOLLOWING REQUIREMENTS:

7 (A) THE SITE AT ANY TIME CONTAINS MORE THAN 50,000 CUBIC YARDS  
8 OF COMPOSTABLE MATERIAL.

9 (B) NOT MORE THAN 5% OF THE COMPOSTABLE MATERIAL ON THE SITE  
10 AT ANY TIME IS FOOD WASTE.

11 (15) ~~(11)~~—"Waste diversion center" means property or a  
12 building, or a portion of property or a building, designated for  
13 the purpose of receiving or collecting diverted wastes and not used  
14 for residential purposes.

15 (16) "WASTE UTILIZATION" MEANS RECYCLING, COMPOSTING, OR  
16 CONVERTING MATERIAL INTO ENERGY RATHER THAN DISPOSING THE MATERIAL.

17 (17) "WASTE UTILIZATION FACILITY" IS AN AUTHORIZED FACILITY  
18 THAT INCLUDES:

19 (A) A MATERIALS RECOVERY FACILITY.

20 (B) A COMPOST FACILITY.

21 (C) AN ANAEROBIC DIGESTER.

22 (D) A GASIFICATION PLANT.

23 (E) A PYROLYSIS FACILITY.

24 (F) A NEW AND INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY.

25 (G) ANY OTHER MATERIAL HANDLING OR CONVERSION FACILITY

26 AUTHORIZED BY THE DIRECTOR THAT IS UTILIZED IN THE CONVERSION OF

27 SOLID WASTE INTO ENERGY OR A USEABLE PRODUCT WHERE SOURCE SEPARATED



1 MATERIALS WILL BE MANAGED. [DOES SUBDIVISION (F) RENDER THIS  
 2 SUBDIVISION UNNECESSARY?] [TENSE. ORDER OF OPERATIONS - UTILIZATION  
 3 AND MANAGEMENT. USEABLE PRODUCT IS NOT INCLUDED IN THE DEFINITION  
 4 OF WASTE UTILIZATION.]

5 (18) "WASTE UTILIZATION [DIVERSION?] GOAL" IS A MEASURABLE,  
 6 OBJECTIVE, AND SPECIFIC GOAL FOR THE PLANNING AREA FOR SOLID WASTE  
 7 DIVERSION FROM DISPOSAL AREAS [OR "FOR WASTE UTILIZATION"?].

8 (19) ~~(12)~~—"Wood" means trees, branches and associated leaves,  
 9 bark, lumber, pallets, wood chips, sawdust, or other wood or wood  
 10 product but does not include scrap wood, treated wood, painted wood  
 11 or painted wood product, or any wood or wood product that has been  
 12 contaminated during manufacture or use.

13 (20) ~~(13)~~—"Wood ash" means any type of ash or slag resulting  
 14 from the burning of wood.

15 (21) ~~(14)~~—"Yard ~~clippings~~—WASTE" means leaves [STRIKE HERE  
 16 AND ADD TO LIST OF EXCLUDED ITEMS?], grass clippings, vegetable or  
 17 other garden debris, shrubbery, or brush or tree trimmings, less  
 18 than 4 feet in length and 2 inches in diameter, that can be  
 19 converted to compost humus. ~~Yard clippings do~~ WASTE DOES not  
 20 include stumps, agricultural wastes, animal waste, roots, sewage  
 21 sludge, ~~or garbage~~. CHRISTMAS TREES OR OTHER HOLIDAY DECORATIONS  
 22 MADE OF VEGETATION, FOOD WASTE, OR FINISHED COMPOST MADE FROM YARD  
 23 WASTE.

24 Sec. 11507. (1) [FROM DRAFT A, SECTION 11514(1)] OPTIMIZING  
 25 RECYCLING OPPORTUNITIES, INCLUDING ELECTRONICS RECYCLING  
 26 OPPORTUNITIES, AND THE REUSE OF MATERIALS ARE A PRINCIPAL OBJECTIVE  
 27 OF THE STATE'S SOLID WASTE MANAGEMENT PLAN. RECYCLING AND REUSE OF





1 MATERIALS, INCLUDING THE REUSE OF MATERIALS FROM ELECTRONIC  
2 DEVICES, ARE IN THE BEST INTEREST OF THE PUBLIC HEALTH AND WELFARE.  
3 THIS STATE SHALL DEVELOP POLICIES AND PRACTICES THAT PROMOTE  
4 RECYCLING AND REUSE OF MATERIALS AND, TO THE EXTENT PRACTICAL,  
5 MINIMIZE THE USE OF LANDFILLING AS A METHOD FOR DISPOSAL OF ITS  
6 WASTE. POLICIES AND PRACTICES THAT PROMOTE RECYCLING AND REUSE OF  
7 MATERIALS, INCLUDING MATERIALS FROM ELECTRONIC DEVICES, WILL  
8 CONSERVE RAW MATERIALS, CONSERVE LANDFILL SPACE, AND AVOID THE  
9 CONTAMINATION OF SOIL AND GROUNDWATER FROM HEAVY METALS AND OTHER  
10 POLLUTANTS.

11 (2) [FROM DRAFT A, SECTION 11514(1) (A)] IT IS THE GOAL OF THIS  
12 STATE TO ACHIEVE A 30% MUNICIPAL SOLID WASTE RECYCLING RATE BY 2025  
13 THROUGH THE BENCHMARK RECYCLING STANDARDS.

14 (3) ~~(1)~~—The department and a health officer shall assist in  
15 developing and encouraging methods for the disposal of solid waste  
16 that are environmentally sound, that maximize the utilization of  
17 valuable resources, and that encourage resource conservation  
18 including source reduction and source separation.

19 (4) ~~(2)~~—This part shall be construed and administered to  
20 encourage and facilitate the effort of all persons to engage in  
21 source separation and ~~site separation~~ of material from solid waste,  
22 and other environmentally sound measures to prevent materials from  
23 entering the waste stream or which encourage the removal of  
24 materials from the waste stream.

25 (5) A PERSON SHALL NOT DISPOSE, STORE, OR TRANSPORT SOLID  
26 WASTE IN THIS STATE UNLESS THE PERSON COMPLIES WITH THE  
27 REQUIREMENTS OF THIS PART.



1           (6) ~~(3)~~—The department may exempt from regulation under this  
2 part solid waste that is determined by the department to be inert  
3 material for uses and in a manner approved by the department.

4           Sec. 11507a. (1) The owner or operator of a landfill shall  
5 annually submit a report to the state and the county and  
6 municipality in which the landfill is located that ~~contains~~  
7 ~~information on the amount~~ **SPECIFIES THE TONNAGE AND TYPE** of solid  
8 waste received by the landfill during the year itemized, to the  
9 extent possible, by county, state, or country of origin and the  
10 amount of remaining disposal capacity at the landfill. Remaining  
11 disposal capacity shall be calculated as the permitted capacity  
12 less waste in place for any area that has been constructed and is  
13 not yet closed plus the permitted capacity for each area that has a  
14 permit for construction under this part but has not yet been  
15 constructed. The report shall be submitted on a form provided by  
16 the department within 45 days following the end of each state  
17 fiscal year.

18           (2) By January 31 of each year, the department shall submit to  
19 the legislature a report summarizing the information obtained under  
20 subsection (1).

21           Sec. 11509. (1) Except as otherwise provided in section 11529,  
22 a person shall not establish a disposal area except as authorized  
23 by a construction permit issued by the department pursuant to part  
24 13. In addition, a person shall not establish a disposal area  
25 contrary to an approved ~~solid waste~~ **MATERIALS** management plan, or  
26 contrary to a permit, license, or final order issued pursuant to  
27 this part. A person proposing the establishment of a disposal area



1 shall apply for a construction permit to the department through the  
 2 health officer. If the disposal area is located in a county or city  
 3 that does not have a certified health department, the application  
 4 shall be made directly to the department.

5 (2) The application for a construction permit shall contain  
 6 the name and residence of the applicant, the location of the  
 7 proposed disposal area, the design capacity of the disposal area,  
 8 and other information specified by rule. A person may apply to  
 9 construct more than 1 type of disposal area at the same facility  
 10 under a single permit. ~~The~~**AN** application shall be accompanied by  
 11 an engineering plan and a construction permit application fee. A  
 12 construction permit application for a landfill shall be accompanied  
 13 by a fee in an amount that is the sum of all of the following fees,  
 14 as applicable:

15 (a) For a new sanitary landfill, a fee equal to the following  
 16 amount:

17 (i) For a municipal solid waste landfill, ~~\$1,500.00.~~**\$\_\_\_\_\_.**

18 (ii) For an industrial waste landfill, ~~\$1,000.00.~~**\$\_\_\_\_\_.**

19 (iii) For a type III landfill limited to low hazard industrial  
 20 waste, ~~\$750.00.~~**\$\_\_\_\_\_.**

21 (b) For a lateral expansion of a sanitary landfill, a fee  
 22 equal to the following amount:

23 (i) For a municipal solid waste landfill, ~~\$1,000.00.~~**\$\_\_\_\_\_.**

24 (ii) For an industrial waste landfill, ~~\$750.00.~~**\$\_\_\_\_\_.**

25 (iii) For a type III landfill limited to low hazard industrial  
 26 waste, construction and demolition waste, or other nonindustrial  
 27 waste, ~~\$500.00.~~**\$\_\_\_\_\_.**



1 (c) For a vertical expansion of an existing sanitary landfill,  
2 a fee equal to the following amount:

3 (i) For a municipal solid waste landfill, ~~\$750.00.~~\$\_\_\_\_\_.

4 (ii) For an industrial waste landfill, ~~\$500.00.~~\$\_\_\_\_\_.

5 (iii) For an industrial waste landfill limited to low hazard  
6 industrial waste, construction and demolition waste, or other  
7 nonindustrial waste, ~~\$250.00.~~\$\_\_\_\_\_.

8 (3) The application for a construction permit for a solid  
9 waste **PROCESSING AND** transfer facility, ~~a solid waste processing~~  
10 ~~plant,~~ other disposal area, or a combination of these, shall be  
11 accompanied by a fee in the following amount:

12 (a) For a new **SOLID WASTE PROCESSING AND TRANSFER FACILITY**  
13 **MANAGING MORE THAN 200 CUBIC YARDS OF MATERIAL AT ANY TIME, OTHER**  
14 facility for municipal solid waste, or a combination of municipal  
15 solid waste and waste listed in subdivision (b), ~~\$1,000.00.~~\$\_\_\_\_\_.  
16 [DOES THE PROCESSING OR TRANSFER FACILITY ONLY HANDLE MUNICIPAL  
17 SOLID WASTE OR A COMBINATION OF MUNICIPAL SOLID WASTE AND WASTE  
18 LISTED UNDER SUBDIVISION (B)?]

19 (b) For a new facility for industrial waste, or construction  
20 and demolition waste, ~~\$500.00.~~\$\_\_\_\_\_.

21 (c) For the expansion of an existing facility for any type of  
22 waste, ~~\$250.00.~~\$\_\_\_\_\_.

23 (4) ~~If~~ **WITHIN 1 YEAR AFTER** an application is returned to the  
24 applicant as administratively incomplete, ~~the department shall~~  
25 ~~refund the entire fee.~~ **THE APPLICANT MAY RESUBMIT THE APPLICATION,**  
26 **TOGETHER WITH THE ADDITIONAL INFORMATION AS NEEDED TO ADDRESS THE**  
27 **REASONS FOR BEING INCOMPLETE, WITHOUT PAYING AN ADDITIONAL FEE.** If



1 a permit is denied or an application is withdrawn, ~~the department~~  
2 ~~shall refund 1/2 the amount specified in subsection (3) to the~~  
3 ~~applicant. An~~ **AN** applicant for a construction permit, within ~~12~~  
4 ~~months~~ **1 YEAR** after a permit denial or withdrawal, may resubmit the  
5 application, ~~and the refunded portion of the fee, together with the~~  
6 additional information as needed to address the reasons for denial,  
7 without ~~being required to pay~~ **PAYING** an additional application fee.

8 (5) An application for a modification to a construction permit  
9 or for renewal of a construction permit which has expired shall be  
10 accompanied by a fee of ~~\$250.00.~~ **\$\_\_\_\_\_**. Increases in final  
11 elevations that do not result in an increase in design capacity or  
12 a change in the solid waste boundary shall be considered a  
13 modification and not a vertical expansion.

14 (6) A person who applies to permit more than 1 type of  
15 disposal area at the same facility shall pay a fee equal to the sum  
16 of the applicable fees listed in this section.

17 (7) The department shall deposit permit application fees  
18 collected under this section in the ~~solid waste~~ staff account of  
19 the ~~solid waste~~ **MATERIALS** management fund. ~~established in section~~  
20 ~~11550.~~

21 Sec. 11510. (1) Before the submission of a construction permit  
22 application for a new disposal area, the applicant shall request a  
23 health officer or the department to provide an advisory analysis of  
24 the proposed disposal area. However, the applicant, not less than  
25 15 days after the request, and notwithstanding an analysis result,  
26 may file an application for a construction permit.

27 (2) Upon receipt of a construction permit application, the



1 department shall do all of the following:

2 (a) Immediately notify the clerk of the municipality in which  
3 the disposal area is located or proposed to be located, the local  
4 soil erosion and sedimentation control agency, each division within  
5 the department and the department of natural resources that has  
6 responsibilities in land, air, or water management, and the  
7 ~~designated regional solid waste management planning agency.~~

8 (b) Publish a notice in a newspaper **OR VIA ELECTRONIC MEDIA**  
9 having major circulation in the vicinity of the proposed disposal  
10 area. The ~~required published notice~~ shall contain a **ALL OF THE**  
11 **FOLLOWING:**

12 (i) **A** map indicating the location of the proposed disposal  
13 area. ~~and shall contain a~~

14 (ii) **A** description of the proposed disposal area. ~~and the~~

15 (iii) **THE** location where the complete application package may  
16 be reviewed and where copies may be obtained.

17 (c) Indicate in the ~~public, departmental, and municipality~~  
18 ~~notice~~ **NOTICES UNDER SUBDIVISIONS (A) AND (B)** that the department  
19 shall hold a public hearing in the area of the proposed disposal  
20 area if a written request is submitted by the applicant or a  
21 municipality within 30 days after the date of publication of the  
22 notice, or by a petition submitted to the department containing a  
23 number of signatures equal to not less than 10% of the number of  
24 registered voters of the municipality where the proposed disposal  
25 area is to be located who voted in the last gubernatorial election.  
26 The petition shall be validated by the clerk of the municipality.  
27 The public hearing shall be held after the department makes a



1 preliminary review of the application and all pertinent data and  
2 before a construction permit is issued or denied.

3 (d) Conduct a consistency review of the plans of the proposed  
4 disposal area to determine if it complies with this part and the  
5 rules promulgated under this part. The review shall be made by  
6 persons qualified in hydrogeology and sanitary landfill  
7 engineering. A written acknowledgment that the application package  
8 is in compliance with the requirements of this part and rules  
9 promulgated under this part by the persons qualified in  
10 hydrogeology and sanitary landfill engineering ~~shall~~**MUST** be  
11 received before a construction permit is issued. If the consistency  
12 review of the site and the plans and the application meet the  
13 requirements of this part and the rules promulgated under this  
14 part, the department shall issue a construction permit. ~~that~~**THE**  
15 **CONSTRUCTION PERMIT** may contain a stipulation specifically  
16 applicable to the site and operation. Except as otherwise provided  
17 in section 11542, an expansion of the area of a disposal area, an  
18 enlargement in capacity of a disposal area, or an alteration of a  
19 disposal area to a different type of disposal area than had been  
20 specified in the previous construction permit application  
21 constitutes a new proposal for which a new construction permit is  
22 required. The upgrading of a disposal area type required by the  
23 department to comply with this part or the rules promulgated under  
24 this part or to comply with a consent order does not require a new  
25 construction permit.

26 (e) Notify the Michigan aeronautics commission if the disposal  
27 area is a sanitary landfill that is a new site or a lateral



1 extension or vertical expansion of an existing unit proposed to be  
2 located within 5 miles of a runway or a proposed runway extension  
3 contained in a plan approved by the Michigan aeronautics commission  
4 of an airport licensed and regulated by the Michigan aeronautics  
5 commission. The department shall make a copy of the application  
6 available to the Michigan aeronautics commission. **[PROVIDE A COPY?]**  
7 If, after a period of time for review and comment not to exceed 60  
8 days **[COMMENCING WHEN?]**, the Michigan aeronautics commission  
9 informs the department that it finds that operation of the proposed  
10 disposal area would present a potential hazard to air navigation  
11 and presents the basis for its findings, the department may either  
12 recommend appropriate changes in the location, construction, or  
13 operation of the proposed disposal area or deny the application for  
14 a construction permit. The department shall give an applicant an  
15 opportunity to rebut a finding of the Michigan aeronautics  
16 commission that the operation of a proposed disposal area would  
17 present a potential hazard to air navigation. The Michigan  
18 aeronautics commission shall notify the department and the owner or  
19 operator of a landfill if the Michigan aeronautics commission is  
20 considering approving a plan that would provide for a runway or the  
21 extension of a runway within 5 miles of a ~~THE~~ landfill.

22       Sec. 11511. (1) The department shall notify the clerk of the  
23 municipality in which the disposal area is proposed to be located  
24 and the applicant of its approval or denial of an application for a  
25 construction permit within 10 days after the final decision is  
26 made.

27       (2) A construction permit ~~shall expire~~ **EXPIRES** 1 year after





1 the date of issuance, unless development under the construction  
 2 permit is initiated within that year. A construction permit that  
 3 has expired may be renewed upon payment of a permit renewal fee **OF**  
 4 **\$\_\_\_\_\_** and submission of any additional relevant information the  
 5 department may require.

6 (3) Except as otherwise provided in this subsection, the  
 7 department shall not issue a construction permit for a disposal  
 8 area within a planning area unless a ~~solid waste~~ **MATERIALS**  
 9 management plan for that planning area has been approved pursuant  
 10 to sections 11536 and 11537 and unless the disposal area ~~complies~~  
 11 ~~with and is~~ consistent with the approved ~~solid waste~~ **MATERIALS**  
 12 management plan. The department may issue a construction permit for  
 13 a disposal area designed to receive ashes produced in connection  
 14 with the combustion of fossil fuels for electrical power generation  
 15 in the absence of an approved county ~~solid waste~~ **MATERIALS**  
 16 management plan, upon receipt of a letter of approval from  
 17 ~~whichever county or counties, group of municipalities, or regional~~  
 18 **THE** planning agency ~~ENTITY THAT~~ has prepared or is preparing the  
 19 county ~~solid waste~~ **MATERIALS** management plan for that planning area  
 20 under section 11533 and from the municipality in which the disposal  
 21 area is to be located.

22 Sec. 11511b. (1) A person may submit to the department a  
 23 project abstract for an RDDP. If, based on the project abstract,  
 24 the director determines that the RDDP will provide beneficial data  
 25 on alternative landfill design, construction, or operating methods,  
 26 the person may apply for a construction permit under section 11509,  
 27 including the renewal or modification of a construction permit,



1 authorizing the person to establish the RDDP.

2 (2) An RDDP is subject to the same requirements, including,  
3 but not limited to, permitting, construction, licensing, operation,  
4 closure, postclosure, financial assurance, fees, and sanctions as  
5 apply to other type II landfills or landfill units under this part  
6 and the rules promulgated under this part, except as provided in  
7 this section.

8 (3) An extension of the processing period for an RDDP  
9 construction permit is not subject to the limitations under section  
10 1307.

11 (4) An application for an RDDP construction permit shall  
12 include, in addition to the applicable information required in  
13 other type II landfill construction permit applications, all of the  
14 following:

15 (a) A description of the RDDP goals.

16 (b) Details of the design, construction, and operation of the  
17 RDDP as necessary to ensure protection of human health and the  
18 environment. The design shall be at least as protective of human  
19 health and the environment as other designs that are required under  
20 this part and rules promulgated under this part.

21 (c) A list and discussion of the types of waste that will be  
22 disposed of, excluded, or added, including the types and amount of  
23 liquids that will be added under subsection (5) and how the  
24 addition will benefit the RDDP.

25 (d) A list and discussion of the types of compliance  
26 monitoring and operational monitoring that will be performed.

27 (e) Specific means to address potential nuisance conditions,



1 including, but not limited to, odors and health concerns as a  
2 result of human contact.

3 (5) The department may authorize the addition of liquids,  
4 including, but not limited to, septage waste or other liquid waste,  
5 to solid waste in an RDDP if the applicant has demonstrated that  
6 the addition is necessary to accelerate or enhance the  
7 biostabilization of the solid waste and is not merely a means of  
8 disposal of the liquid. ~~The department may require that the septage~~  
9 ~~waste, or any other liquid waste, added to an RDDP originate within~~  
10 ~~the county where the RDDP is located or any county contiguous to~~  
11 ~~the county where the RDDP is located.~~ If an RDDP is intended to  
12 accelerate or enhance biostabilization of solid waste, the  
13 construction permit application shall include, in addition to the  
14 ~~requirements~~ **INFORMATION REQUIRED UNDER** of subsection (4), all of  
15 the following:

16 (a) An evaluation of the potential for a decreased slope  
17 stability of the waste caused by any of the following:

- 18 (i) Increased presence of liquids.  
19 (ii) Accelerated degradation of the waste.  
20 (iii) Increased gas pressure buildup.  
21 (iv) Other relevant factors.

22 (b) An operations management plan that incorporates all of the  
23 following:

24 (i) A description of and the proportion and expected quantity  
25 of all components that are needed to accelerate or enhance  
26 biostabilization of the solid waste.

27 (ii) A description of any solid or liquid waste that may be



1 detrimental to the biostabilization of the solid waste intended to  
2 be disposed of or to the RDDP goals.

3 (iii) An explanation of how the detrimental waste described in  
4 subparagraph (ii) will be prevented from being disposed of in cells  
5 approved for the RDDP.

6 (c) Parameters, such as moisture content, stability, gas  
7 production, and settlement, that will be used by the department to  
8 determine the beginning of the postclosure period for the RDDP  
9 under subsection (10).

10 (d) Information to ensure that the requirements of subsection  
11 (6) will be met.

12 (6) An RDDP shall meet all of the following requirements:

13 (a) Ensure that added liquids are evenly distributed and that  
14 side slope breakout of liquids is prevented.

15 (b) Ensure that daily cover practices or disposal of low  
16 permeability solid wastes does not adversely affect the free  
17 movement of liquids and gases within the waste mass.

18 (c) Include all of the following:

19 (i) A means to monitor the moisture content and temperature of  
20 the waste.

21 (ii) A leachate collection system of adequate size for the  
22 anticipated increased liquid production rates. The design's factor  
23 of safety shall take into account the anticipated increased  
24 operational temperatures and other factors as appropriate.

25 (iii) A means to monitor the depth of leachate on the liner.

26 (iv) An integrated active gas collection system. The system  
27 shall be of adequate size for the anticipated methane production



1 rates and to control odors. The system ~~shall~~**MUST** be operational  
2 before the addition of any material to accelerate or enhance  
3 biostabilization of the solid waste.

4 (7) The owner or operator of an RDDP for which a construction  
5 permit has been issued shall submit a report to the director at  
6 least once every 12 months on the progress of the RDDP in achieving  
7 its goals. The report shall include a summary of all monitoring and  
8 testing results, as well as any other operating information  
9 specified by the director in the permit or in a subsequent permit  
10 modification or operating condition.

11 (8) A permit for an RDDP shall specify the term of the permit,  
12 which shall not exceed 3 years. However, the owner or operator of  
13 an RDDP may apply for and the department may grant an extension of  
14 the term of the permit, subject to all of the following  
15 requirements:

16 (a) The application to extend the term of the permit must be  
17 received by the department at least 90 days before the expiration  
18 of the permit.

19 (b) The application shall include a detailed assessment of the  
20 RDDP showing the progress of the RDDP in achieving its goals, a  
21 list of problems with the RDDP and progress toward resolving those  
22 problems, and other information that the director determines is  
23 necessary to accomplish the purposes of this part.

24 (c) If the department fails to make a final decision within 90  
25 days of receipt of an administratively complete application for an  
26 extension of the term of a permit, the term of the permit is  
27 extended for 3 years.



1 (d) An individual extension shall not exceed 3 years, and the  
2 total term of the permit with all extensions shall not exceed 21  
3 years.

4 (9) If the director determines that the overall goals of an  
5 RDDP, including, but not limited to, protection of human health or  
6 the environment, are not being achieved, the director may order  
7 immediate termination of all or part of the operations of the RDDP  
8 or may order other corrective measures.

9 (10) The postclosure period for a facility authorized as an  
10 RDDP begins when the department determines that the unit or portion  
11 of the unit where the RDDP was authorized has reached a condition  
12 similar to the condition that non-RDDP landfills would reach prior  
13 to postclosure. The parameters, such as moisture content,  
14 stability, gas production, and settlement, to attain this condition  
15 shall be specified in the permit. The perpetual care fund ~~required~~  
16 ~~under section 11525~~ shall be maintained for the period after final  
17 closure of the landfill as specified under section 11525.

18 (11) The director may authorize the conversion of an RDDP to a  
19 full-scale operation if the owner or operator of the RDDP  
20 demonstrates to the satisfaction of the director that the goals of  
21 the RDDP have been met and the authorization does not constitute a  
22 less stringent permitting requirement than is required under  
23 subtitle D of the solid waste disposal act, 42 USC 6941 to 6949a.

24 ~~—— (12) As used in this section, "RDDP" means a research,~~  
25 ~~development, and demonstration project for a new or existing type~~  
26 ~~II landfill unit or for a lateral expansion of a type II landfill~~  
27 ~~unit.~~



1           Sec. 11512. (1) A person shall dispose of solid waste at a  
2 disposal area licensed **OR AUTHORIZED** under this part unless a  
3 person is permitted by state law or rules promulgated by the  
4 department to dispose of the solid waste at the site of generation.

5           (2) Except as otherwise provided in this section or in section  
6 **11512A OR** 11529, a person shall not conduct, manage, maintain, or  
7 operate a disposal area within this state except as authorized ~~by~~  
8 ~~an operating license issued by~~ the department pursuant to part 13.

9 **[IS JUST "OPERATE" SUFFICIENT THROUGHOUT THE BILL? TMV, REVIEW**  
10 **11509(1), THIS SUBSECTION, 11512A(1), AND 11529. PROVIDE A ROADMAP**  
11 **HERE? APPARENT INCONSISTENCIES IN USE OF TERMS "LICENSED" AND**  
12 **"AUTHORIZED" IN SUBSECTIONS (1) AND (2). IS "AUTHORIZED" INTENDED**  
13 **TO EMBRACE LICENSING, REGISTRATION, AND NOTIFICATION?]** In addition,

14 a person shall not conduct, manage, maintain, or operate a disposal  
15 area ~~contrary to an approved solid waste management plan, or~~  
16 ~~contrary to a permit, license,~~ **AN AUTHORIZATION ISSUED BY THE**  
17 **DEPARTMENT**, or final order issued under this part. A person who  
18 intends to conduct, manage, maintain, or operate a disposal area  
19 shall submit a license application to the department through a  
20 certified health department. If the disposal area is located in a  
21 county or city that does not have a certified health department,  
22 the application shall be made directly to the department. A person  
23 authorized by this part to operate more than 1 type of disposal  
24 area at the same facility may apply for a single license.

25           (3) The application for a license shall contain the name and  
26 residence of the applicant, the location of the proposed or  
27 existing disposal area, the type or types of disposal area



1 proposed, evidence of bonding, and other information required by  
2 rule. In addition, an applicant for a type II landfill shall submit  
3 evidence of financial assurance ~~adequate to meet~~ **THAT MEETS** the  
4 requirements of section 11523a, the maximum waste slope in the  
5 active portion, an estimate of remaining permitted capacity, and  
6 documentation on the amount of waste received at the disposal area  
7 during the previous license period or expected to be received,  
8 whichever is greater. The application shall be accompanied by a fee  
9 as specified in subsections (7), (9), and (10).

10 (4) ~~At the time of~~ **AN** application for a license for a disposal  
11 area, the applicant shall ~~submit to a health officer or the~~  
12 ~~department~~ **INCLUDE** a certification under the seal of a licensed  
13 professional engineer verifying that the construction of the  
14 disposal area has proceeded according to the approved plans. If  
15 construction of the disposal area or a portion of the disposal area  
16 is not complete, the ~~department shall require~~ **OWNER OR OPERATOR**  
17 **SHALL SUBMIT** additional construction certification of that portion  
18 of the disposal area **UNDER SECTION 11516(4)**. ~~during intermediate~~  
19 ~~progression of the operation, as specified in section 11516(5).~~

20 (5) An applicant for an operating license, within 6 months  
21 after a license denial, may resubmit the application, together with  
22 additional information or corrections as are necessary to address  
23 the reason for denial, without being required to pay an additional  
24 application fee.

25 (6) In order to conduct tests and assess operational  
26 capabilities, the owner or operator of a municipal solid waste  
27 incinerator that is designed to burn at a temperature in excess of





1 2500 degrees Fahrenheit may operate the incinerator without an  
2 operating license, upon notice to the department, for a period not  
3 to exceed 60 days.

4 (7) The application for a type II landfill operating license  
5 shall be accompanied by the following fee for the 5-year term of  
6 the operating license, ~~calculated in accordance with~~ **SUBJECT TO**  
7 subsection (8):

8 (a) Landfills receiving less than 100 tons per day,  
9 ~~\$250.00.~~ \$\_\_\_\_\_.

10 (b) Landfills receiving 100 tons per day or more, but less  
11 than 250 tons per day, ~~\$1,000.00.~~ \$\_\_\_\_\_.

12 (c) Landfills receiving 250 tons per day or more, but less  
13 than 500 tons per day, ~~\$2,500.00.~~ \$\_\_\_\_\_.

14 (d) Landfills receiving 500 tons per day or more, but less  
15 than 1,000 tons per day, ~~\$5,000.00.~~ \$\_\_\_\_\_.

16 (e) Landfills receiving 1,000 tons per day or more, but less  
17 than 1,500 tons per day, ~~\$10,000.00.~~ \$\_\_\_\_\_.

18 (f) Landfills receiving 1,500 tons per day or more, but less  
19 than 3,000 tons per day, ~~\$20,000.00.~~ \$\_\_\_\_\_.

20 (g) Landfills receiving greater than 3,000 tons per day,  
21 ~~\$30,000.00.~~ \$\_\_\_\_\_.

22 (8) Type II landfill application fees shall be based on the  
23 average amount of waste **IN TONS** projected to be received daily  
24 during the license period. Application fees for license renewals  
25 shall be based on the average amount of waste received in the  
26 previous calendar year **BASED ON A 365-DAY CALENDAR YEAR.**  
27 Application fees shall be adjusted in the following circumstances:



1 (a) If a landfill accepts more waste than projected, a  
 2 supplemental fee equal to the difference shall be submitted with  
 3 the next license application.

4 (b) If a landfill accepts less waste than projected, the  
 5 department shall credit the applicant an amount equal to the  
 6 difference with the next license application.

7 ~~— (c) A type II landfill that measures waste by volume rather  
 8 than weight shall pay a fee based on 3 cubic yards per ton.~~

9 (C) ~~(d)~~ A landfill used exclusively for municipal solid waste  
 10 incinerator ash that measures waste by volume rather than weight  
 11 shall pay a fee based on 1 cubic yard per ton.

12 ~~— (e) If an application is submitted to renew a license more  
 13 than 1 year prior to license expiration, the department shall  
 14 credit the applicant an amount equal to 1/2 the application fee.~~

15 ~~— (f) If an application is submitted to renew a license more  
 16 than 6 months but less than 1 year prior to license expiration, the  
 17 department shall credit the applicant an amount equal to 1/4 the  
 18 application fee.~~

19 (9) The operating license application for a type III landfill  
 20 shall be accompanied by a fee equal to \$2,500.00-\$\_\_\_\_\_.

21 (10) The operating license application for a solid waste  
 22 processing plant, ~~solid waste~~ **AND** transfer facility **THAT MANAGES**  
 23 **GREATER THAN 200 CUBIC YARDS AT ANY TIME**, other disposal area, or  
 24 combination of these entities shall be accompanied by a fee equal  
 25 to \$500.00-\$\_\_\_\_\_.

26 (11) The department shall deposit operating license  
 27 application fees collected under this section in the perpetual care



1 account of the ~~solid waste~~ **MATERIALS** management fund. established  
2 ~~in section 11550.~~

3 (12) A person who applies for an operating license for more  
4 than 1 type of disposal area at the same facility shall pay a fee  
5 equal to the sum of the applicable application fees listed in this  
6 section.

7 (13) A TYPE II LANDFILL DOES NOT REQUIRE A SEPARATE PROCESSING  
8 AND TRANSFER FACILITY LICENSE IF THE TYPE II LANDFILL IS  
9 SOLIDIFYING INDUSTRIAL WASTE SLUDGES ONSITE IN CONTAINMENT AND THAT  
10 ACTIVITY IS APPROVED BY THE DEPARTMENT AS PART OF THE FACILITY'S  
11 OPERATIONS PLAN.

12 SEC. 11512A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION  
13 OR IN SECTION 11512 OR IN SECTION 11529, A PERSON SHALL NOT  
14 CONDUCT, MANAGE, MAINTAIN, OR OPERATE A DISPOSAL AREA WITHIN THIS  
15 STATE EXCEPT AS AUTHORIZED THROUGH A NOTIFICATION OR REGISTRATION  
16 SUBMITTED TO THE DEPARTMENT. IN ADDITION, A PERSON SHALL NOT  
17 CONDUCT, MANAGE, MAINTAIN, OR OPERATE A DISPOSAL AREA CONTRARY TO  
18 AN APPROVED MATERIALS MANAGEMENT PLAN, OR FINAL ORDER ISSUED UNDER  
19 THIS PART.

20 (2) SUBJECT TO SUBSECTION (4), A PERSON SHALL NOT CONDUCT,  
21 MANAGE, MAINTAIN, OR OPERATE A SOLID WASTE PROCESSING AND TRANSFER  
22 FACILITY THAT DOES NOT AT ANY TIME MANAGE 50 CUBIC YARDS OF SOLID  
23 WASTE AND IS NOT DESIGNED TO ACCEPT WASTE FROM VEHICLES WITH  
24 MECHANICAL COMPACTION DEVICES UNLESS THE PERSON HAS NOTIFIED THE  
25 DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT.  
26 NOTIFICATION SHALL BE GIVEN EACH YEAR WITHIN 30 DAYS AFTER THE END  
27 OF THE STATE FISCAL YEAR. [UNDER DEQ VERSION, WHEN DOES THE



1 CONDUCT, MANAGEMENT, MAINTENANCE, OR OPERATION OCCUR IN RELATION TO  
 2 THE GIVING OF THE NOTICE? IS THE NOTIFICATION GIVEN FOR THE  
 3 SUCCEEDING CALENDAR YEAR? WHAT ABOUT MIDYEAR STARTUPS? SAME ISSUE  
 4 IN SUBSECTION (3) AND SECTION 11521B(1)(K). DEFINE THESE TYPES OF  
 5 FACILITIES AS WITH COMPOST FACILITIES?]

6 (3) SUBJECT TO SUBSECTION (4), BEGINNING 1 YEAR AFTER THE  
 7 EFFECTIVE DATE OF THIS SECTION, A PERSON SHALL NOT CONDUCT, MANAGE,  
 8 MAINTAIN, OR OPERATE A SOLID WASTE PROCESSING AND TRANSFER FACILITY  
 9 THAT AT ANY TIME MANAGES MORE THAN 50 CUBIC YARDS AND DOES NOT AT  
 10 ANY TIME MANAGE MORE THAN 200 CUBIC YARDS OF SOLID WASTE AND THAT  
 11 IS NOT DESIGNED TO ACCEPT WASTE FROM VEHICLES WITH MECHANICAL  
 12 COMPACTION DEVICES UNLESS THE PERSON HAS REGISTERED THE FACILITY  
 13 WITH THE DEPARTMENT. THE PERSON SHALL REGISTER WITHIN 30 DAYS AFTER  
 14 THE END OF THE STATE FISCAL YEAR. THE TERM OF A REGISTRATION IS 3  
 15 YEARS. IN ADDITION, THE PERSON SHALL ANNUALLY REPORT TO THE  
 16 DEPARTMENT WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL YEAR  
 17 THE AMOUNT OF SOLID WASTE HANDLED AT THE FACILITY DURING THAT STATE  
 18 FISCAL YEAR. THE REGISTRATION AND REPORTING SHALL BE DONE ON FORMS  
 19 [AND IN A FORMAT?] PROVIDED BY THE DEPARTMENT. THE REGISTRATION  
 20 SHALL BE ACCOMPANIED BY A FEE OF \$150.00. THE DEPARTMENT SHALL  
 21 DEPOSIT REGISTRATION FEES COLLECTED UNDER THIS SECTION IN THE  
 22 PERPETUAL CARE ACCOUNT OF THE MATERIALS MANAGEMENT FUND.

23 (4) IF A SOLID WASTE DISPOSAL FACILITY WAS IN OPERATION BEFORE  
 24 THE EFFECTIVE DATE OF THIS SECTION, THE OPERATOR SHALL NOTIFY OR  
 25 REGISTER, WHICHEVER IS APPROPRIATE FOR THEIR OPERATION, WITHIN 1  
 26 YEAR OF THE EFFECTIVE DATE OF THIS SECTION IF THEIR AUTHORIZATION  
 27 TYPE [CLARIFY] HAS CHANGED. WHERE NO CHANGE IN AUTHORIZATION LEVEL



1 [CLARIFY] HAS OCCURRED, THE FACILITY MAY FOLLOW ITS NORMAL  
2 AUTHORIZATION RENEWAL SCHEDULE.

3 (5) A REGISTRATION SUBMITTED UNDER SUBSECTION (3) SHALL BE  
4 ACCOMPANIED BY AN OPERATION PLAN. THE SOLID WASTE CONTROL AGENCY  
5 [DEFINE? SEE ALSO SECTION 11568 (I) AND (M)] SHALL REVIEW OPERATING  
6 REQUIREMENTS FOR EXISTING SOLID WASTE DISPOSAL AREAS TO ENSURE  
7 COMPLIANCE. IF DETERMINED TO BE DEFICIENT, AN EXISTING SOLID WASTE  
8 DISPOSAL AREA MAY BE ISSUED A TIMETABLE OR SCHEDULE OF REMEDIAL  
9 MEASURES THAT WILL LEAD TO COMPLIANCE WITHIN A REASONABLE AMOUNT OF  
10 TIME AND NOT TO EXCEED 1 YEAR FROM THE DETERMINATION OF DEFICIENCY.  
11 [WHAT IS BEING REVIEWED? THE OPERATING PLAN, THE OPERATING  
12 REQUIREMENTS UNDER LAW, OR THE ACTUAL OPERATIONS?]

13 Sec. 11513. (1) ~~A person shall not accept for disposal solid~~  
14 ~~waste or municipal solid waste incinerator ash that is not~~  
15 ~~generated in the county in which the disposal area is located~~  
16 ~~unless the acceptance of solid waste or municipal solid waste~~  
17 ~~incinerator ash that is not generated in the county is explicitly~~  
18 ~~authorized in the approved county solid waste management plan. The~~  
19 ~~department shall take action to enforce this section within 30 days~~  
20 ~~of obtaining knowledge of a violation of this section.~~**EXCEPT AS**  
21 **OTHERWISE PROVIDED IN THIS PART, A PERSON SHALL NOT CONDUCT,**  
22 **MANAGE, MAINTAIN, OR OPERATE A WASTE UTILIZATION FACILITY WITHIN**  
23 **THIS STATE EXCEPT AS AUTHORIZED BY A GENERAL PERMIT ISSUED BY THE**  
24 **DEPARTMENT. [WHERE DOES THE PART PROVIDE CIRCUMSTANCES IN WHICH A**  
25 **GENERAL PERMIT IS NOT NEEDED BY A WASTE UTILIZATION FACILITY? SEE**  
26 **ALSO SECTIONS 11523(1)(C) AND 11568(C) (PERMIT OR REGISTRATION).]**  
27 **IN ADDITION, A PERSON SHALL NOT ESTABLISH A WASTE UTILIZATION**



1 FACILITY CONTRARY TO AN APPROVED MATERIALS MANAGEMENT PLAN, OR  
2 CONTRARY TO A GENERAL PERMIT OR FINAL ORDER ISSUED UNDER THIS PART.

3 (2) THE APPLICATION FOR AUTHORIZATION UNDER A GENERAL PERMIT  
4 SHALL CONTAIN THE NAME AND RESIDENCE OF THE APPLICANT, THE LOCATION  
5 OF THE PROPOSED OR EXISTING WASTE UTILIZATION FACILITY, THE TYPE OR  
6 TYPES OF WASTE UTILIZATION FACILITY PROPOSED, EVIDENCE OF BONDING,  
7 AND OTHER INFORMATION REQUIRED BY STATUTE [RULE?]. THE APPLICATION  
8 SHALL BE ACCOMPANIED BY THE FOLLOWING FEE, AS APPLICABLE:

9 (A) FOR A MATERIALS RECOVERY FACILITY THAT REQUIRES A GENERAL  
10 PERMIT TIER 1, \$600.00.

11 (B) FOR A COMPOST FACILITY THAT REQUIRES A GENERAL PERMIT TIER  
12 1, \$600.00.

13 (C) FOR A COMPOST FACILITY THAT REQUIRES A GENERAL PERMIT TIER  
14 2, \$400.00.

15 (D) FOR AN ANAEROBIC DIGESTER, PYROLYSIS FACILITY, OR  
16 GASIFICATION PLANT THAT REQUIRES A GENERAL PERMIT TIER 1, \$600.00.

17 (E) FOR A NEW AND INNOVATIVE TECHNOLOGY OR PRACTICE WASTE  
18 UTILIZATION FACILITY THAT REQUIRES A GENERAL PERMIT TIER 2,  
19 \$400.00.

20 (3) AN APPLICANT FOR A GENERAL PERMIT, WITHIN 6 MONTHS AFTER A  
21 GENERAL PERMIT DENIAL, MAY RESUBMIT THE APPLICATION TOGETHER WITH  
22 ADDITIONAL INFORMATION OR CORRECTIONS AS ARE NECESSARY TO ADDRESS  
23 THE REASON FOR DENIAL, WITHOUT BEING REQUIRED TO PAY AN ADDITIONAL  
24 APPLICATION FEE.

25 (4) THE DEPARTMENT SHALL DEPOSIT APPLICATION FEES COLLECTED  
26 UNDER THIS SECTION IN THE PERPETUAL CARE ACCOUNT OF THE MATERIALS



1 MANAGEMENT FUND.

2 SEC. 11513A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A  
 3 PERSON SHALL NOT CONDUCT, MANAGE, MAINTAIN, OR OPERATE A FACILITY  
 4 DESCRIBED IN SUBSECTION (2) EXCEPT AS AUTHORIZED THROUGH THE  
 5 REGISTRATION PROCESS WITH THE DEPARTMENT AND THE REGISTRATION  
 6 REQUIREMENTS [CLARIFY] OR A FINAL ORDER ISSUED UNDER THIS PART. IN  
 7 ADDITION, A PERSON SHALL NOT ESTABLISH 1 OF THE FACILITIES CONTRARY  
 8 TO AN APPROVED MATERIALS MANAGEMENT PLAN.

9 (2) A REGISTRATION REQUIRED UNDER SUBSECTION (1) SHALL CONTAIN  
 10 THE NAME AND RESIDENCE OF THE APPLICANT, THE LOCATION OF THE  
 11 PROPOSED OR EXISTING WASTE UTILIZATION FACILITY, THE TYPE OR TYPES  
 12 OF WASTE UTILIZATION FACILITY PROPOSED, AND OTHER INFORMATION  
 13 REQUIRED BY STATUTE [RULE?]. THE APPLICATION [DOES OPERATOR FILE A  
 14 REGISTRATION OR A REGISTRATION APPLICATION? "APPLICATION" IMPLIES  
 15 THE DEPARTMENT MUST APPROVE OR DENY. SEE ALSO SECTION 11515A(3).]  
 16 SHALL BE ACCOMPANIED BY THE FOLLOWING FEE, AS APPLICABLE:

17 (A) A SOLID WASTE PROCESSING AND TRANSFER FACILITY THAT AT ANY  
 18 TIMES MANAGES MORE THAN 50 CUBIC YARDS AND DOES NOT AT ANY TIME  
 19 MANAGE 200 OR MORE CUBIC YARDS OF WASTE AND IS NOT DESIGNED TO  
 20 ACCEPT WASTE FROM VEHICLES WITH MECHANICAL COMPACTION DEVICES,  
 21 \$150.00. [SECTION 11512A(3) PROVIDES A REGISTRATION PROCESS, BUT  
 22 ONLY FOR FACILITIES DESCRIBED IN SUBSECTION (2) (A) OF THIS SECTION.  
 23 SUBSECTIONS (2) (A) AND (3) OF THIS SECTION OVERLAP SECTION  
 24 11512A(3).]

25 (B) A MATERIALS RECOVERY FACILITY THAT SORTS, BALES, OR SHIPS  
 26 TO END-USE MARKETS LESS THAN 100 TONS OF MATERIAL PER YEAR,  
 27 \$150.00.



1 (C) A MEDIUM COMPOSTING FACILITY, \$150.00.

2 (3) THE TERM OF A REGISTRATION IS 3 YEARS.

3 (4) THE DEPARTMENT SHALL DEPOSIT REGISTRATION FEES COLLECTED  
4 UNDER THIS SECTION IN THE PERPETUAL CARE ACCOUNT OF THE MATERIALS  
5 MANAGEMENT FUND.

6 SEC. 11513B. FOR THE FOLLOWING FACILITIES, A PERSON SHALL NOT  
7 CONDUCT, MANAGE, MAINTAIN, OR OPERATE A FACILITY WITHIN THIS STATE  
8 EXCEPT AS AUTHORIZED THROUGH THE NOTIFICATION PROCESS [SECTION  
9 11512A(2) PROVIDES A NOTIFICATION PROCESS, BUT ONLY FOR FACILITIES  
10 DESCRIBED IN SUBDIVISION (B) OF THIS SECTION.]:

11 (A) WASTE DIVERSION CENTER.

12 (B) A SOLID WASTE PROCESSING AND TRANSFER FACILITY THAT DOES  
13 NOT AT ANY TIME MANAGE MORE THAN 50 CUBIC YARDS OF WASTE AND IS NOT  
14 DESIGNED TO ACCEPT WASTE FROM VEHICLES WITH MECHANICAL COMPACTION  
15 DEVICES.

16 (C) A YARD WASTE COMPOST SITE THAT DOES NOT AT ANY TIME MANAGE  
17 MORE THAN 1,000 CUBIC YARDS OF MATERIAL OR 2,000 CUBIC YARDS OF  
18 LEAVES ON SITE AT ANY TIME. [ALTERNATIVE: "A SMALL COMPOSTING  
19 FACILITY." "MANAGE" VERSUS "CONTAIN"?]

20 (D) A PYROLYSIS FACILITY THAT MANAGES SOURCE SEPARATED  
21 MATERIAL THAT IS GENERATED ON SITE.

22 (E) AN ANAEROBIC DIGESTER OR GASIFICATION PLANT THAT MANAGES  
23 ORGANIC WASTE FOR ON-FARM ENERGY PRODUCTION. [MUST THE WASTE BE  
24 PRODUCED ON THE FARM?]

25 Sec. 11514. ~~(1) Optimizing recycling opportunities, including~~  
26 ~~electronics recycling opportunities, and the reuse of materials~~  
27 ~~shall be a principal objective of the state's solid waste~~





1 ~~management plan. Recycling and reuse of materials, including the~~  
 2 ~~reuse of materials from electronic devices, are in the best~~  
 3 ~~interest of promoting the public health and welfare. The state~~  
 4 ~~shall develop policies and practices that promote recycling and~~  
 5 ~~reuse of materials and, to the extent practical, minimize the use~~  
 6 ~~of landfilling as a method for disposal of its waste. Policies and~~  
 7 ~~practices that promote recycling and reuse of materials, including~~  
 8 ~~materials from electronic devices, will conserve raw materials,~~  
 9 ~~conserve landfill space, and avoid the contamination of soil and~~  
 10 ~~groundwater from heavy metals and other pollutants.~~

11 (1) ~~(2)~~ A person shall not knowingly deliver to a landfill for  
 12 disposal, or, if the person is an owner or operator of a landfill,  
 13 knowingly permit disposal in the landfill of, any of the following:

14 (a) Medical waste, unless that medical waste has been  
 15 decontaminated or is not required to be decontaminated but is  
 16 packaged in the manner required under part 138 of the public health  
 17 code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~. **333.13832**.

18 (b) More than a de minimis amount of open, empty, or otherwise  
 19 used beverage containers.

20 (c) More than a de minimis number of whole motor vehicle  
 21 tires.

22 (d) More than a de minimis amount of yard clippings, **WASTE**,  
 23 unless they are diseased, infested, or composed of invasive species  
 24 as authorized by section 11521(1)(i). **IT MEETS THE REQUIREMENTS OF**  
 25 **SECTION 11555(1)(K)**.

26 (2) ~~(3)~~ A person shall not deliver to a landfill for disposal,  
 27 or, if the person is an owner or operator of a landfill, permit



1 disposal in the landfill of, any of the following:

2 (a) Used oil as defined in section 16701.

3 (b) A lead acid battery as defined in section 17101.

4 (c) Low-level radioactive waste as defined in section 2 of the  
5 low-level radioactive waste authority act, 1987 PA 204, MCL  
6 333.26202.

7 (d) Regulated hazardous waste as defined in R 299.4104 of the  
8 Michigan ~~administrative code~~. **ADMINISTRATIVE CODE.**

9 (e) Bulk or noncontainerized liquid waste or waste that  
10 contains free liquids, unless the waste is 1 of the following:

11 (i) Household waste other than septage waste.

12 (ii) Leachate or gas condensate that is approved for  
13 recirculation.

14 (iii) Septage waste or other liquids approved for beneficial  
15 addition under section 11511b.

16 (f) Sewage.

17 (g) PCBs as defined in 40 CFR 761.3.

18 (h) Asbestos waste, unless the landfill complies with 40 CFR  
19 61.154.

20 **(3)** ~~(4)~~ A person shall not knowingly deliver to a municipal  
21 solid waste incinerator for disposal, or, if the person is an owner  
22 or operator of a municipal solid waste incinerator, knowingly  
23 permit disposal in the incinerator of, more than a de minimis  
24 amount of yard clippings, ~~WASTE~~, unless they are diseased,  
25 infested, or composed of invasive species as authorized by section  
26 ~~11521(1)(i)~~. **IT MEETS THE REQUIREMENTS OF SECTION 11555(1)(K).**

27 **(4)** The department shall post, and a solid waste hauler that



1 disposes of solid waste in a municipal solid waste incinerator  
 2 shall provide its customers with, notice of the prohibitions of  
 3 ~~this~~ subsection **(3)** in the same manner as provided in section  
 4 11527a.

5 (5) If the department determines that a safe, sanitary, and  
 6 feasible alternative does not exist for the disposal in a landfill  
 7 or municipal solid waste incinerator of any items described in  
 8 subsection ~~(2)~~ **(1)** or ~~(4)~~, **(3)**, respectively, the department shall  
 9 submit a report setting forth that determination and the basis for  
 10 the determination to the standing committees of the senate and  
 11 house of representatives with primary responsibility for solid  
 12 waste issues.

13 Sec. 11515. ~~(1) Upon receipt of a license application, the~~  
 14 ~~department or a health officer or an authorized representative of a~~  
 15 ~~health officer shall inspect the site and determine if the proposed~~  
 16 ~~operation complies with this part and the rules promulgated under~~  
 17 ~~this part.~~

18 ~~—(2) The department shall not license a landfill facility~~  
 19 ~~operating without an approved hydrogeologic monitoring program~~  
 20 ~~until the department receives a hydrogeologic monitoring program~~  
 21 ~~and the results of the program. The department shall use this~~  
 22 ~~information in conjunction with other information required by this~~  
 23 ~~part or the rules promulgated under this part to determine a course~~  
 24 ~~of action regarding licensing of the facility consistent with~~  
 25 ~~section 4005 of subtitle D of the solid waste disposal act, title~~  
 26 ~~II of Public Law 89-272, 42 U.S.C. **42 USC** 6945, and with this part~~  
 27 ~~and the rules promulgated pursuant to this part. In deciding a~~



1 course of action, the department shall consider, at a minimum, the  
2 health hazards, environmental degradation, and other public or  
3 private alternatives. The department may revoke a license or issue  
4 a timetable or schedule to provide for compliance for the facility  
5 or operation, specifying a schedule of remedial measures, including  
6 a sequence of actions or operations, which leads to compliance with  
7 this part within a reasonable time period. ~~but not later than~~  
8 ~~December 2, 1987.~~

9           **SEC. 11515A. (1) THE DEPARTMENT OR AUTHORIZED REPRESENTATIVE**  
10 **OF THE DEPARTMENT, MAY, UPON THE PRESENTATION OF CREDENTIALS AND**  
11 **UPON STATING THE AUTHORITY AND PURPOSE OF THE INSPECTION OR**  
12 **INVESTIGATION, ENTER AT REASONABLE TIMES ANY PUBLIC OR PRIVATE**  
13 **PROPERTY, SITE, OR MATERIALS MANAGEMENT FACILITY FOR THE PURPOSE OF**  
14 **INSPECTING AND INVESTIGATING CONDITIONS RELATING TO THE GENERATION,**  
15 **STORAGE, PROCESSING, TRANSPORTATION, MANAGEMENT, OR DISPOSAL OF**  
16 **SOLID WASTE OR ANY MATERIAL REGULATED UNDER THIS PART OR RULES**  
17 **PROMULGATED UNDER THIS PART. IN IMPLEMENTING THIS SUBSECTION, THE**  
18 **DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE MAY DO ANY OF THE**  
19 **FOLLOWING:**

20           **(A) HAVE ACCESS TO AND COPY, AT REASONABLE TIMES, ANY**  
21 **INFORMATION OR RECORDS THAT ARE REQUIRED TO BE MAINTAINED PURSUANT**  
22 **TO PART 115.**

23           **(B) INSPECT, AT REASONABLE TIMES, ANY FACILITY, EQUIPMENT,**  
24 **INCLUDING MONITORING AND POLLUTION CONTROL EQUIPMENT, PRACTICES, OR**  
25 **OPERATIONS REGULATED OR REQUIRED UNDER PART 115.**

26           **(C) SAMPLE, TEST, OR MONITOR, AT REASONABLE TIMES, SUBSTANCES**  
27 **OR PARAMETERS FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH PART**



1 115.

2 (2) THE DEPARTMENT, OR AN AUTHORIZED REPRESENTATIVE OF THE  
3 DEPARTMENT, MAY RECEIVE AND INITIATE COMPLAINTS OF AN ALLEGED  
4 VIOLATION OF PART 115 AND TAKE ACTION AS THE DEPARTMENT CONSIDERS  
5 NECESSARY, PROPER, OR DESIRABLE WITH RESPECT TO THE COMPLAINT AS  
6 PROVIDED IN THIS PART.

7 (3) UPON RECEIPT OF AN APPLICATION FOR A PERMIT OR LICENSE, OR  
8 UPON RECEIPT OF A REGISTRATION UNDER THIS PART, THE DEPARTMENT OR  
9 AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT SHALL INSPECT THE  
10 MATERIALS MANAGEMENT FACILITY, PROPERTY, SITE, OR PROPOSED  
11 OPERATION TO DETERMINE ELIGIBILITY FOR THE PERMIT, LICENSE, OR  
12 REGISTRATION. AN INSPECTION REPORT SHALL BE FILED IN WRITING BY THE  
13 DEPARTMENT BEFORE ISSUING A PERMIT, LICENSE, OR REGISTRATION.

14 (4) THE ISSUANCE OF A PERMIT, LICENSE, REGISTRATION, OR ORDER  
15 UNDER THIS PART EMPOWERS THE DEPARTMENT, OR AN AUTHORIZED  
16 REPRESENTATIVE, TO ENTER AT ANY REASONABLE TIME, PURSUANT TO LAW,  
17 IN OR UPON PRIVATE OR PUBLIC PROPERTY PERMITTED, LICENSED, OR  
18 REGISTERED UNDER THIS PART FOR THE PURPOSE OF INSPECTING OR  
19 INVESTIGATING CONDITIONS RELATING TO THE STORAGE, PROCESSING,  
20 TRANSPORTATION, MANAGEMENT, OR DISPOSAL OF ANY MATERIAL.

21 (5) IF THE DEPARTMENT, OR AN AUTHORIZED REPRESENTATIVE OF THE  
22 DEPARTMENT, IS REFUSED ENTRY OR ACCESS UNDER SUBSECTIONS (1)  
23 THROUGH (4), THE ATTORNEY GENERAL, ON BEHALF OF THE STATE, MAY DO  
24 EITHER OF THE FOLLOWING:

25 (A) PETITION THE COURT OF APPROPRIATE JURISDICTION FOR A  
26 WARRANT AUTHORIZING ENTRY OR ACCESS TO PROPERTY, INFORMATION OR  
27 RECORDS, OR TO SAMPLE, TEST, OR MONITOR PURSUANT TO THIS SECTION.



1 (B) COMMENCE A CIVIL ACTION TO COMPEL COMPLIANCE WITH A  
 2 REQUEST FOR ENTRY OR INFORMATION PURSUANT TO THIS SECTION, TO  
 3 AUTHORIZE SAMPLING, TESTING, MONITORING, INFORMATION GATHERING, AND  
 4 ENTRY PROVIDED FOR IN THIS SECTION.

5 (6) AS USED IN THIS SECTION:

6 (A) "AUTHORIZED REPRESENTATIVE" MEANS ANY OF THE FOLLOWING:

7 (i) A FULL- OR PART-TIME EMPLOYEE OF ANOTHER STATE DEPARTMENT  
 8 OR AGENCY PURSUANT TO LAW OR TO WHICH THE DEPARTMENT DELEGATES  
 9 CERTAIN DUTIES UNDER THIS PART.

10 (ii) A LOCAL HEALTH OFFICER AS DEFINED IN SECTION 1105(3) OF  
 11 THE MICHIGAN PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO  
 12 333.25211, TO WHICH THE DEPARTMENT DELEGATES CERTAIN DUTIES UNDER  
 13 THIS PART.

14 (iii) FOR THE PURPOSE OF SAMPLING OR MONITORING UNDER  
 15 SUBSECTION (1) (C), A CONTRACTOR RETAINED BY THE STATE OR A LOCAL  
 16 HEALTH OFFICER.

17 (B) "PART 115" MEANS THIS PART, RULES PROMULGATED UNDER THIS  
 18 PART, OR ANY PERMIT, LICENSE, REGISTRATION, NOTIFICATION, OR ORDER  
 19 ISSUED OR MADE UNDER THIS PART.

20 Sec. 11516. (1) The department shall conduct a consistency  
 21 review before making a final decision on a license application. The  
 22 department shall notify the clerk of the municipality in which the  
 23 disposal area is located and the applicant of its approval or  
 24 denial of a license application within 10 days after the final  
 25 decision is made.

26 (2) An operating license ~~shall expire~~ **EXPIRES** 5 years after  
 27 the date of issuance. An operating license may be renewed before



1 expiration upon payment of a renewal application fee specified in  
 2 section ~~11512(8)~~ **11512** if the licensee is in compliance with this  
 3 part and the rules promulgated under this part.

4 ~~—— (3) The issuance of the operating license under this part~~  
 5 ~~empowers the department or a health officer or an authorized~~  
 6 ~~representative of a health officer to enter at any reasonable time,~~  
 7 ~~pursuant to law, in or upon private or public property licensed~~  
 8 ~~under this part for the purpose of inspecting or investigating~~  
 9 ~~conditions relating to the storage, processing, or disposal of any~~  
 10 ~~material.~~

11 (3) ~~(4)~~ Except as otherwise provided in this subsection, the  
 12 department shall not issue an operating license for a new disposal  
 13 area within a planning area unless a ~~solid waste~~ **MATERIALS**  
 14 management plan for that planning area has been approved pursuant  
 15 to sections 11536 and 11537 and unless the disposal area complies  
 16 with and is consistent with the approved ~~solid waste~~ **MATERIALS**  
 17 management plan. The department may issue an operating license for  
 18 a disposal area designed to receive ashes produced in connection  
 19 with the combustion of fossil fuels for electrical power generation  
 20 in the absence of an approved county ~~solid waste~~ **MATERIALS**  
 21 management plan, upon receipt of a letter of approval from  
 22 ~~whichever county or counties, group of municipalities, or regional~~  
 23 ~~planning agency has prepared or is preparing the county solid waste~~  
 24 ~~management plan~~ **THE PLANNING ENTITY** for that planning area under  
 25 ~~section 11533~~ and from the municipality in which the disposal area  
 26 is to be located. [PER DEQ: WE NEED LANGUAGE TO BRIDGE THE TIME  
 27 BETWEEN WHEN THE STATUTORY CHANGES OCCUR AND WHEN COUNTIES HAVE



1 THEIR NEW MATERIALS MANAGEMENT PLANS TO ALLOW SITING OF  
2 FACILITIES.]

3 (4) ~~(5)~~—Issuance of an operating license by the department  
4 authorizes the licensee to accept waste for disposal in certified  
5 portions of the disposal area for which a bond was established  
6 under section 11523 and, for type II landfills, for which financial  
7 assurance was demonstrated under section 11523a. If the  
8 construction of a portion of a landfill licensed under this section  
9 is not complete at the time of license application, the owner or  
10 operator of the landfill shall submit a certification under the  
11 seal of a licensed professional engineer verifying that the  
12 construction of that portion of the landfill has proceeded  
13 according to the approved plans at least 60 days ~~prior to~~ **BEFORE**  
14 the anticipated date of waste disposal in that portion of the  
15 landfill. If the department does not deny the certification within  
16 60 days of receipt, the owner or operator may accept waste for  
17 disposal in the certified portion. In the case of a denial, the  
18 department shall issue a written statement stating the reasons why  
19 the construction or certification is not consistent with this part  
20 or rules promulgated under this part or the approved plans.

21 **SEC. 11516A. (1) AFTER THE DEPARTMENT APPROVES THE CLOSURE**  
22 **CERTIFICATION FOR A LANDFILL UNIT UNDER SECTION 11523A, THE OWNER**  
23 **OR OPERATOR SHALL CONDUCT POSTCLOSURE CARE OF THAT UNIT IN**  
24 **COMPLIANCE WITH A POSTCLOSURE PLAN APPROVED BY THE DEPARTMENT AND**  
25 **SHALL MAINTAIN FINANCIAL ASSURANCE IN COMPLIANCE WITH THIS PART**  
26 **INCLUDING ANY ADDITIONAL FINANCIAL ASSURANCE REQUIRED BASED ON AN**  
27 **EXTENSION OF THE POSTCLOSURE CARE PERIOD UNDER SUBSECTION (4). THE**





1 POSTCLOSURE PLAN MAY INCLUDE A STRATEGY [????] FOR MODIFICATIONS TO  
2 THE MONITORING AND MAINTENANCE REQUIREMENTS TO ACHIEVE FUNCTIONAL  
3 STABILITY, IF APPROVED BY THE DEPARTMENT. POSTCLOSURE CARE SHALL BE  
4 CONDUCTED FOR A MINIMUM OF [????] 30 YEARS, EXCEPT AS PROVIDED  
5 UNDER SUBSECTION (2) OR (4) OF THIS SECTION, AND CONSIST OF AT  
6 LEAST THE FOLLOWING:

7 (A) MAINTAINING THE INTEGRITY AND EFFECTIVENESS OF ANY FINAL  
8 COVER, INCLUDING MAKING REPAIRS TO THE COVER AS NECESSARY TO  
9 CORRECT THE EFFECTS OF SETTLEMENT, SUBSIDENCE, EROSION, OR OTHER  
10 EVENTS, AND PREVENTING RUN-ON AND RUN-OFF FROM ERODING OR OTHERWISE  
11 DAMAGING THE FINAL COVER.

12 (B) MAINTAINING AND OPERATING THE LEACHATE COLLECTION SYSTEM,  
13 IF ANY, AS REQUIRED BY THIS PART AND ANY RULES PROMULGATED UNDER  
14 THIS PART. THE DEPARTMENT MAY ALLOW THE OWNER OR OPERATOR TO STOP  
15 MANAGING LEACHATE IF THE OWNER OR OPERATOR DEMONSTRATES THAT  
16 LEACHATE NO LONGER POSES A THREAT TO HUMAN HEALTH AND THE  
17 ENVIRONMENT.

18 (C) MONITORING THE GROUNDWATER AS REQUIRED BY THIS PART AND  
19 ANY RULES PROMULGATED UNDER THIS PART AND MAINTAINING THE  
20 GROUNDWATER MONITORING SYSTEM, IF ANY.

21 (D) MAINTAINING AND OPERATING THE GAS MONITORING AND  
22 COLLECTION SYSTEM, IF ANY, AS REQUIRED BY THIS PART AND ANY RULES  
23 PROMULGATED UNDER THIS PART.

24 (2) THE DEPARTMENT SHALL SHORTEN THE POSTCLOSURE CARE PERIOD  
25 SPECIFIED UNDER SUBSECTION (1) FOR A LANDFILL UNIT IF THE LANDFILL  
26 OWNER OR OPERATOR SUBMITS A PETITION TO THE DEPARTMENT THAT  
27 DEMONSTRATES ALL OF THE FOLLOWING:



1 (A) THE LANDFILL'S CLOSURE CERTIFICATION WAS APPROVED BY THE  
2 DEPARTMENT UNDER SECTION 11523A.

3 (B) THE OWNER OR OPERATOR HAS COMPLIED WITH POSTCLOSURE CARE  
4 MAINTENANCE AND MONITORING REQUIREMENTS FOR AT LEAST 15 YEARS.

5 (C) THE LANDFILL HAS ACHIEVED FUNCTIONAL STABILITY, INCLUDING,  
6 BUT NOT LIMITED TO, COMPLYING WITH ALL OF THE FOLLOWING:

7 (i) THERE HAS BEEN NO RELEASE FROM THE LANDFILL UNIT INTO  
8 GROUND WATER OR SURFACE WATER REQUIRING CORRECTIVE ACTION DURING  
9 THE POST-CLOSURE CARE PERIOD.

10 (ii) THERE IS EITHER NO EVIDENCE OF CONTINUED OR SIGNIFICANT  
11 SUBSIDENCE OF WASTE IN THE UNIT OR SUCH SUBSIDENCE HAS CEASED.

12 (iii) THERE IS NO SIGNIFICANT PRODUCTION OF COMBUSTIBLE GASES  
13 OR NUISANCE ODORS REQUIRING CONTROL AND GAS MONITORING AT THE  
14 LANDFILL BOUNDARY, AND NO COMBUSTIBLE GASES HAVE BEEN DETECTED  
15 ABOVE APPLICABLE CRITERIA IN STRUCTURES.

16 (iv) LEACHATE GENERATION HAS EITHER CEASED OR LEACHATE QUALITY  
17 MEETS CRITERIA FOR ACCEPTABLE SURFACE WATER OR GROUNDWATER  
18 DISCHARGE, OR DE MINIMIS VOLUMES OF LEACHATE OR CONDENSATE CAN BE  
19 DISCHARGED THROUGH EXISTING LEACHATE HANDLING FACILITIES, SUCH AS  
20 SEWERS CONNECTED TO A PUBLICLY OWNED TREATMENT WORKS.

21 (D) ANY OTHER CONDITIONS NECESSARY TO PROTECT HUMAN HEALTH OR  
22 THE ENVIRONMENT ARE MET.

23 (3) THE DEPARTMENT SHALL INCREASE THE POSTCLOSURE CARE PERIOD  
24 SPECIFIED IN SUBSECTION (1) FOR A LANDFILL UNIT IF ANY OF THE  
25 FOLLOWING APPLY:

26 (A) THE OWNER OR OPERATOR DID NOT CLOSE THE LANDFILL UNIT AS  
27 REQUIRED BY THIS PART AND RULES PROMULGATED UNDER THIS PART.



1 (B) THE FINAL COVER OF THE LANDFILL UNIT HAS NOT BEEN  
2 MAINTAINED, AND HAS SIGNIFICANT PONDING, EROSION, OR DETRIMENTAL  
3 VEGETATION PRESENT.

4 (C) GROUNDWATER MONITORING HAS NOT BEEN CONDUCTED IN  
5 ACCORDANCE WITH THE APPROVED MONITORING PLAN OR GROUNDWATER IN THE  
6 VICINITY OF THE LANDFILL UNIT HAS BEEN IMPACTED ABOVE [EXCEEDS?]  
7 CRITERIA ESTABLISHED UNDER PART 201 OF THIS ACT.

8 (D) THERE IS AN ONGOING SUBSIDENCE OF WASTE, AS EVIDENCED BY  
9 SIGNIFICANT PONDING OF WATER ON THE LANDFILL COVER.

10 (E) GAS MONITORING HAS DETECTED COMBUSTIBLE GASES AT THE  
11 LANDFILL BOUNDARY OR IN STRUCTURES ABOVE APPLICABLE CRITERIA OR GAS  
12 FROM THE UNIT CONTINUES TO BE GENERATED AT A RATE THAT PRODUCES  
13 NUISANCE ODORS.

14 (F) LEACHATE CONTINUES TO BE GENERATED BY THE LANDFILL UNIT IN  
15 QUANTITIES THAT MAY THREATEN GROUNDWATER OR SURFACE WATER.

16 (4) THE OWNER OR OPERATOR OF A LANDFILL UNIT WHO HAS BEEN  
17 RELEASED FROM POSTCLOSURE CARE OF THE UNIT SHALL DO ALL OF THE  
18 FOLLOWING WITH RESPECT TO THE LANDFILL UNIT:

19 (A) EXERCISE CUSTODIAL CARE BY UNDERTAKING ANY ACTIVITY  
20 NECESSARY TO MAINTAIN THE EFFECTIVENESS OF THE FINAL COVER, PREVENT  
21 THE DISCHARGE OF LEACHATE, PREVENT IMPACTS TO THE SURFACE OR  
22 GROUNDWATER, MITIGATE THE FIRE AND EXPLOSION HAZARDS DUE TO  
23 COMBUSTIBLE GASES, AND MANAGE THE LANDFILL UNIT IN A MANNER THAT  
24 PROTECTS THE PUBLIC HEALTH AND SAFETY.

25 (B) COMPLY WITH ANY LAND USE OR RESOURCE USE RESTRICTIONS  
26 ESTABLISHED FOR THE FACILITY.

27 Sec. 11517. (1) Within 9 months after the completion of



1 construction of a municipal solid waste incinerator, the owner or  
2 operator of a municipal solid waste incinerator shall submit a plan  
3 to the department for a program that, to the extent practicable,  
4 reduces the incineration of noncombustible materials and dangerous  
5 combustible materials and their hazardous by-products at the  
6 incinerator. The department shall approve or disapprove the plan  
7 submitted under this subsection within 30 days after receiving it.  
8 In reviewing the plan, the department shall consider the current  
9 county ~~solid waste~~ **MATERIALS** management plan, available markets for  
10 separated materials, disposal alternatives for the separated  
11 materials, and collection practices for handling such separated  
12 materials. If the department disapproves a plan, the department  
13 shall notify the owner or operator submitting the plan of this  
14 fact, and shall provide modifications that, if included, would  
15 result in the plan's approval. If the department disapproves a  
16 plan, the owner or operator of a municipal solid waste incinerator  
17 shall within 30 days after receipt of the department's disapproval  
18 submit a revised plan that addresses all of the modifications  
19 provided by the department. The department shall approve or  
20 disapprove the revised plan within 30 days after receiving it, and  
21 approval of the revised plan shall not be unreasonably withheld.

22 (2) Not later than 6 months after the approval of the plan by  
23 the department under subsection (1), the owner or operator shall  
24 implement the plan in accordance with the implementation schedule  
25 set forth in the plan. The operation of a municipal solid waste  
26 incinerator without an approved plan under this section shall  
27 subject the owner or operator, or both, to all of the sanctions



1 provided by this part.

2       Sec. 11518. (1) ~~At the time~~ **WHEN** a disposal area that is a  
3 sanitary landfill is licensed, an instrument that imposes a  
4 restrictive covenant upon the land involved shall be executed by  
5 all of the owners of the tract of land upon which the landfill is  
6 to be located and the department. If the land involved is state  
7 owned, the state administrative board shall execute the covenant on  
8 behalf of the state. The instrument imposing the restrictive  
9 covenant shall be filed for record by the department or a health  
10 officer in the office of the register of deeds of the county, or  
11 counties, in which the facility is located. The covenant shall  
12 state that the land described in the covenant has been or will be  
13 used as a landfill and that neither the property owners, their  
14 servants, agents, or employees, nor any of their heirs, successors,  
15 lessees, or assigns shall, **WITHOUT AUTHORIZATION FROM THE**  
16 **DEPARTMENT**, engage in filling, grading, excavating, drilling, or  
17 mining on the property during the first 50 years following  
18 ~~completion of the landfill without authorization of the department.~~  
19 **APPROVAL BY THE DEPARTMENT OF THE LANDFILL'S CLOSURE CERTIFICATION**  
20 **UNDER SECTION 11523A.** In giving authorization, the department shall  
21 consider the original design, type of operation, material  
22 deposited, and the stage of decomposition of the fill. Special  
23 exemption from this section may be granted by the department if the  
24 lands involved are federal lands or if contracts existing between  
25 the landowner and the licensee on January 11, 1979 are not  
26 renegotiable.

27       (2) This part does not prohibit the department from conveying,



1 leasing, or permitting the use of state land for a solid waste  
 2 disposal area or a resource recovery facility as provided by  
 3 applicable state law.

4 Sec. 11519. (1) The department shall specify, in writing, the  
 5 reasons for denial of a ~~construction permit, or an operating~~  
 6 license, **OR A REGISTRATION**, further specifying those particular  
 7 sections of this part or rules promulgated under this part that may  
 8 be violated by granting the application and the manner in which the  
 9 violation may occur.

10 (2) The health officer or department may issue a cease and  
 11 desist order specifying a schedule of closure or remedial action ~~in~~  
 12 ~~accordance with~~ **UNDER** this part and rules promulgated under this  
 13 part or may establish a consent agreement specifying a schedule of  
 14 closure or remedial action ~~in accordance with~~ **UNDER** this part and  
 15 rules promulgated under this part to a person who establishes,  
 16 constructs, conducts, manages, maintains, or operates a ~~disposal~~  
 17 ~~area~~ **MATERIALS MANAGEMENT FACILITY** without a permit, ~~or~~ license, or  
 18 **REGISTRATION** ~~to a person who holds a permit or license but~~  
 19 ~~establishes, constructs, conducts, manages, maintains, or operates~~  
 20 ~~a disposal area~~ **REQUIRED UNDER THIS PART OR** contrary to an approved  
 21 ~~solid waste~~ **MATERIALS** management plan or ~~contrary to the~~ **A** permit,  
 22 ~~or~~ license, **REGISTRATION, OR ORDER** issued under this part **OR TO A**  
 23 **PERSON WHO IS EXEMPT FROM THE REQUIREMENT TO OBTAIN A PERMIT,**  
 24 **LICENSE, OR REGISTRATION ISSUED UNDER THIS PART, BUT ESTABLISHES,**  
 25 **CONSTRUCTS, CONDUCTS, MANAGES, MAINTAINS, OR OPERATES A MATERIALS**  
 26 **MANAGEMENT FACILITY CONTRARY TO AN ORDER ISSUED UNDER THIS PART AND**  
 27 **RULES PROMULGATED UNDER THIS PART.**



1           (3) The department may issue a final order revoking,  
 2 suspending, or restricting a permit, ~~or~~ license, **REGISTRATION, OR**  
 3 **NOTIFICATION FOR A MATERIALS MANAGEMENT FACILITY UNDER THIS PART**  
 4 after a contested case hearing as provided in the administrative  
 5 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~  
 6 ~~being sections~~ **1969 PA 306, MCL 24.201 to 24.328, ~~of the Michigan~~  
 7 ~~Compiled Laws,~~ if the department finds that the ~~disposal area~~  
 8 **MATERIALS MANAGEMENT FACILITY** is not being constructed or operated  
 9 in accordance with the approved plans, the conditions of a permit,  
 10 ~~or~~ license, **OR REGISTRATION,** this part, or the rules promulgated  
 11 under this part. A final order issued pursuant to this section is  
 12 subject to judicial review as provided in **THE ADMINISTRATIVE**  
 13 **PROCEDURES ACT OF 1969,** ~~Act No. 306 of the Public Acts of 1969 PA~~  
 14 **306, MCL 24.201 TO 24.328.** The department or a health officer shall  
 15 inspect and file a written report not less than 4 times per year  
 16 for each licensed disposal area. The department or the health  
 17 officer shall provide the municipality in which the licensed  
 18 disposal area **OR MATERIALS MANAGEMENT FACILITY** is located with a  
 19 copy of each written inspection report if the municipality arranges  
 20 with the department or the health officer to bear the expense of  
 21 duplicating and mailing the reports.**

22           (4) The department may issue an order summarily suspending a  
 23 permit, ~~or~~ license, **REGISTRATION, OR NOTIFICATION,** if the  
 24 department determines that ~~a violation of~~ **THE OWNER OR OPERATOR OF**  
 25 **A MATERIALS MANAGEMENT FACILITY HAS VIOLATED** this part or rules  
 26 promulgated under this part ~~has occurred which,~~ **AND** in the  
 27 department's opinion, **THE VIOLATION** constitutes an emergency or



1 poses an imminent risk of injury to the public health or the  
2 environment. A determination that a violation poses an imminent  
3 risk of injury to the public health shall be made by the  
4 department. Summary suspension may be ordered effective on the date  
5 specified in the order or upon service of a certified copy of the  
6 order on the **PERMITTEE, licensee, REGISTRANT, OR NOTIFIER,**  
7 whichever is later, and shall remain effective during the  
8 proceedings. The proceedings shall be commenced within 7 days of  
9 the issuance of the order and shall be promptly determined.

10 Sec. 11521b. (1) The operator of a waste diversion center  
11 shall comply with all of the following requirements:

12 (a) At least ~~90%~~**85%**, by volume, of the material collected at  
13 the waste diversion center shall consist of diverted waste to be  
14 managed at the waste diversion center.

15 (b) The waste diversion center shall be operated by personnel  
16 who are knowledgeable about the safe management of the types of  
17 diverted waste that are accepted at the waste diversion center.

18 (c) The operator shall manage the diverted waste in a manner  
19 that prevents the release of any diverted waste or component of  
20 diverted waste to the environment.

21 (d) The operator shall not store diverted waste overnight at  
22 the waste diversion center except in a secure location and with  
23 adequate containment to prevent any release of diverted wastes.

24 (e) Within 1 year after diverted waste is collected by the  
25 waste diversion center, that diverted waste shall be transported  
26 from the waste diversion center to a waste diversion center,  
27 recycling facility, or disposal facility that is in compliance with





1 this act, for processing, recycling, or disposal.

2 (f) The operator shall not process diverted waste except to  
3 the extent necessary for the safe and efficient transportation of  
4 the diverted waste.

5 (g) The operator shall record the types and quantities of  
6 diverted wastes collected, the period of storage, and where the  
7 diverted wastes were transferred, processed, recycled, or disposed  
8 of. The operator shall maintain the records for at least 3 years  
9 and shall make the records available to the department upon  
10 request.

11 (h) Access to the waste diversion center shall be limited to a  
12 time when a responsible individual is on duty.

13 (i) The area where the diverted waste is accumulated shall be  
14 protected, as appropriate for the type of waste, from weather,  
15 fire, physical damage, and vandals.

16 (j) The waste diversion center shall be kept clean and free of  
17 litter **AND OPERATED IN A MANNER THAT DOES NOT CREATE A NUISANCE OR**  
18 **PUBLIC HEALTH OR ENVIRONMENTAL HAZARD.**

19 **(K) NOTIFY THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED**  
20 **BY THE DEPARTMENT. NOTIFICATION SHALL BE GIVEN EACH YEAR WITHIN 30**  
21 **DAYS AFTER THE END OF THE STATE FISCAL YEAR. THIS NOTIFICATION**  
22 **REQUIREMENT APPLIES ONLY TO THE FOLLOWING:**

23 **(i) THOSE ENTITIES WHOSE PRIMARY FUNCTION IS TO COLLECT**  
24 **DIVERTED OR RECYCLABLE MATERIALS.**

25 **(ii) COUNTY GOVERNMENTS OR OTHER ENTITIES THAT HOLD TARGETED**  
26 **COLLECTION OPPORTUNITIES [MEANING?] SUCH AS HOUSEHOLD HAZARDOUS**  
27 **WASTE DAYS. PUBLIC AND NONPUBLIC ENTITIES SUCH AS PHARMACIES,**



1 RETAIL ESTABLISHMENTS, AND OFFICES AS WELL AS POLICE STATIONS AND  
 2 SCHOOLS THE PRIMARY FUNCTION OF WHICH IS NOT TO COLLECT DIVERTED  
 3 MATERIALS ARE EXEMPT FROM THE NOTIFICATION REQUIREMENT. [CLARIFY  
 4 SUBPARAGRAPHS (i) AND (ii) AS NECESSARY SO THIS SENTENCE CAN BE  
 5 DELETED.]

6 (2) Management of diverted wastes as required by this section  
 7 is not considered disposal for the purposes of section 11538(6).

8 (3) The operator of a waste diversion center may reject any  
 9 diverted waste.

10 (4) A WASTE DIVERSION CENTER IS NOT SUBJECT TO THE PERMIT,  
 11 OPERATING LICENSE OR REGISTRATION REQUIREMENTS OF THIS PART.

12 Sec. 11522. (1) The open burning of ~~grass clippings~~ **YARD WASTE**  
 13 or leaves is prohibited in any municipality having a population of  
 14 7,500 or more, unless specifically authorized by local ordinance. ~~7~~  
 15 ~~which ordinance shall be reported to~~ **WITHIN 30 DAYS AFTER ADOPTION**  
 16 **OF THE ORDINANCE, THE CLERK OF THE MUNICIPALITY SHALL NOTIFY** the  
 17 department of natural resources **OF ITS ADOPTION.** ~~within 30 days of~~  
 18 ~~enactment.~~

19 (2) Subsection (1) does not permit a county or municipality to  
 20 authorize open burning of ~~grass clippings~~ **YARD WASTE** or leaves by  
 21 an ordinance that would otherwise be prohibited under part 55 or  
 22 rules promulgated under that part.

23 (3) ~~Beginning 180 days after the effective date of the~~  
 24 ~~amendatory act that added this subsection,~~ a **A** person shall not  
 25 conduct open burning of household waste that contains plastic,  
 26 rubber, foam, chemically treated wood, textiles, electronics,  
 27 chemicals, or hazardous materials.



1 (4) Sections 11546 and 11549 do not apply to an individual who  
2 violates subsection (3) by open burning of waste from that  
3 individual's household. ~~Such an~~**THE** individual is responsible for a  
4 state civil infraction and is subject to the following:

5 (a) For a first offense within a 3-year period, a warning by  
6 the judge or magistrate.

7 (b) For a second offense within a 3-year period, a civil fine  
8 of not more than \$75.00.

9 (c) For a third offense within a 3-year period, a civil fine  
10 of not more than \$150.00.

11 (d) For a fourth or subsequent offense within a 3-year period,  
12 a civil fine of not more than \$300.00.

13 (5) Notwithstanding section 5512, the department shall not  
14 promulgate or enforce a rule that extends the prohibition under  
15 subsection (3) to materials not listed in subsection (3).

16 (6) This part, part 55, or rules promulgated under this part  
17 or part 55 do not prohibit a person from conducting open burning of  
18 wooden fruit or vegetable storage bins constructed from untreated  
19 lumber if all of the following requirements are met:

20 (a) The burning is conducted for disease or pest control.

21 (b) The burning is not conducted at any of the following  
22 locations:

23 (i) Within a priority I area as listed in table 33 or a  
24 priority II area as listed in table 34 of R 336.1310 of the  
25 Michigan ~~administrative code~~**ADMINISTRATIVE CODE**.

26 (ii) In a city or village.

27 (iii) Within 1,400 feet outside the boundary of a city or



1 village.

2 (7) Subsections (5) and (6) do not authorize open burning that  
3 is prohibited by a local ordinance.

4 (8) A congressionally chartered patriotic organization that  
5 disposes of an unserviceable flag of the United States by burning  
6 that flag is not subject to regulation or penalty for violating a  
7 state law or local ordinance pertaining to open burning of  
8 materials or substances.

9 Sec. 11523. (1) The department shall not issue a license to  
10 operate a disposal area unless the applicant has filed, as a part  
11 of the application for a license, evidence of the following  
12 financial assurance:

13 (a) Financial assurance established for a type III landfill  
14 **CLOSED BEFORE \_\_\_\_\_ [PER DEQ: DATE IS TIED TO ENACTMENT OF**  
15 **THE CHANGES - RECOMMEND 2 YEARS BUT NOT MORE THAN 5 YEARS AFTER**  
16 **ENACTMENT]** or a preexisting unit at a type II landfill ~~and until~~ **OR**  
17 **A TYPE II LANDFILL CLOSED BEFORE** April 9, 1997, ~~existing and new~~  
18 ~~type II landfills~~ shall, **SUBJECT TO SECTION 11523B**, be in the form  
19 of a bond in an amount equal to \$20,000.00 per acre of licensed  
20 landfill within the solid waste boundary. However, the amount of  
21 the bond shall not be less than \$20,000.00 or more than  
22 \$1,000,000.00. Each bond shall provide assurance for the  
23 maintenance of the finished landfill site for a period of 30 years  
24 after the landfill or any approved portion is completed. In  
25 addition to this bond, a perpetual care fund shall be maintained  
26 under section 11525. **[IS PRECEDING SENTENCE ALSO NEEDED IN**  
27 **SUBDIVISION (B)?]**



1 (b) Financial assurance for a type II **OR TYPE III** landfill  
 2 that is an existing unit or a new unit shall be in an amount equal  
 3 to the cost, in current dollars, of hiring a third party, to  
 4 conduct closure, postclosure maintenance and monitoring, and if  
 5 necessary, corrective action. An application for a type II landfill  
 6 that is an existing unit or new unit shall demonstrate financial  
 7 assurance in ~~accordance~~ **COMPLIANCE** with section 11523a. **TYPE III**  
 8 **LANDFILLS SHALL PROVIDE FINANCIAL ASSURANCE IN COMPLIANCE WITH**  
 9 **SECTION 11523A AS PART OF THE APPLICATION FOR A LICENSE SUBMITTED**  
 10 **AFTER \_\_\_\_\_ [DATE], AND COMPLY WITH THE REQUIREMENTS OF**  
 11 **SECTION 11523A NO LATER THAN \_\_\_\_\_ [DATE]. [PER DEQ: WE WANT**  
 12 **TO PHASE IN THE FINANCIAL ASSURANCE INCREASES OVER TIME. THIS**  
 13 **LANGUAGE ATTEMPTS TO INDICATE THAT WHILE THEY NEED TO CONTINUE TO**  
 14 **APPLY FOR A LICENSE RENEWAL ON THEIR SAME SCHEDULE, THE UPDATED**  
 15 **FINANCIAL REQUIREMENT SHOULD BE IN PLACE NO SOONER THAN 2 YEARS**  
 16 **AFTER ENACTMENT AND NOT LATER THAN 5 YEARS.]**

17 (c) Financial assurance established for a **LICENSED** solid waste  
 18 **PROCESSING AND** transfer facility ~~, OR incinerator, processing~~  
 19 ~~plant, other solid waste handling or disposal facility, or a~~  
 20 ~~combination of these utilized in the disposal of solid waste~~ **OR FOR**  
 21 **A WASTE UTILIZATION FACILITY THAT REQUIRES A GENERAL PERMIT** shall  
 22 be in the form of a bond in an amount equal to ~~1/4 of 1% of the~~  
 23 ~~construction cost of the facility, but shall not be less than~~  
 24 ~~\$4,000.00, and~~ **THE AMOUNT OF \$20,000.00. SUBJECT TO SUBSECTION (4),**  
 25 **THE FINANCIAL ASSURANCE** shall be continued in effect for a period  
 26 of 2 years after the disposal area is closed.

27 **(2) THE DEPARTMENT SHALL NOT ISSUE A GENERAL PERMIT TIER 1 OR**



1 TIER 2 FOR A WASTE UTILIZATION FACILITY UNLESS THE APPLICANT HAS  
2 FILED, AS A PART OF THE APPLICATION FOR THE GENERAL PERMIT,  
3 EVIDENCE OF ADEQUATE FINANCIAL ASSURANCE, SUBJECT TO THE FOLLOWING:

4 (A) FINANCIAL ASSURANCE ESTABLISHED FOR A MATERIALS RECOVERY  
5 FACILITY, ANAEROBIC DIGESTER, OR GASIFICATION/PYROLYSIS FACILITY  
6 THAT REQUIRES A GENERAL PERMIT TIER 1 SHALL BE MAINTAINED IN EFFECT  
7 FOR 2 YEARS AFTER THE FACILITY HAS CEASED ACCEPTING MATERIAL,  
8 REMOVED ALL MANAGED MATERIAL FROM THE SITE, AND HAD CLOSURE  
9 CERTIFIED BY THE DEPARTMENT.

10 (B) FINANCIAL ASSURANCE ESTABLISHED FOR A COMPOST FACILITY  
11 THAT REQUIRES A GENERAL PERMIT TIER 1 SHALL BE MAINTAINED IN EFFECT  
12 FOR 2 YEARS AFTER THE FACILITY HAS CEASED ACCEPTING COMPOSTABLE  
13 MATERIALS, HAS REMOVED ANY FINISHED OR PARTIALLY FINISHED COMPOST  
14 FROM THE FACILITY, AND HAS HAD CLOSURE CERTIFIED BY THE DEPARTMENT.

15 (C) THE AMOUNT OF FINANCIAL ASSURANCE ESTABLISHED FOR A  
16 COMPOST FACILITY THAT REQUIRES A GENERAL PERMIT TIER 2 SHALL BE  
17 \$20,000.00 PLUS \$5.00 PER CUBIC YARD OF COMPOSTABLE MATERIAL THAT  
18 DOES NOT CONSTITUTE FINISHED COMPOST THAT REMAINS ON SITE AFTER  
19 SEPTEMBER 30 OF EACH YEAR. THE FINANCIAL ASSURANCE SHALL BE  
20 MAINTAINED IN EFFECT FOR 2 YEARS AFTER THE FACILITY HAS CEASED  
21 ACCEPTING COMPOSTABLE MATERIALS, HAS REMOVED ANY FINISHED OR  
22 PARTIALLY FINISHED COMPOST FROM THE FACILITY, AND HAS HAD CLOSURE  
23 CERTIFIED BY THE DEPARTMENT.

24 (D) THE OWNER OR OPERATOR OF A WASTE UTILIZATION FACILITY THAT  
25 REQUIRES A GENERAL PERMIT TIER 2 UTILIZING NEW AND INNOVATIVE  
26 TECHNOLOGIES OR PRACTICES FOR WASTE UTILIZATION SHALL SUBMIT TO THE  
27 DEPARTMENT A DETAILED WRITTEN ESTIMATE, IN CURRENT DOLLARS, OF THE



1 COST FOR THE OWNER OR OPERATOR TO HIRE A THIRD PARTY TO CLOSE THE  
 2 FACILITY, INCLUDING THE COST TO DISPOSE OF ANY REMAINING WASTE  
 3 MATERIAL, OR OTHERWISE CONTAIN AND CONTROL ANY REMAINING WASTE  
 4 RESIDUES. THE DIRECTOR SHALL APPROVE THE CLOSURE COST ESTIMATE.  
 5 [DISAPPROVE? DETERMINE THE AMOUNT OF FINANCIAL ASSURANCE REQUIRED  
 6 AFTER REVIEW OF THE CLOSURE COST ESTIMATE?] THE FINANCIAL ASSURANCE  
 7 SHALL BE CONTINUED IN EFFECT FOR 2 YEARS AFTER THE FACILITY HAS  
 8 CEASED ACCEPTING MATERIAL, REMOVED ALL MANAGED MATERIAL FROM THE  
 9 SITE, AND HAD CLOSURE CERTIFIED BY THE DEPARTMENT.

10 (3) ~~(2)~~—The owner or operator of a landfill may post a cash  
 11 bond with the department instead of other bonding mechanisms to  
 12 fulfill the remaining financial assurance requirements of this  
 13 section. An owner or operator of a disposal area who elects to post  
 14 cash as a bond shall accrue interest on that bond at the annual  
 15 rate of 6%, to be accrued quarterly, except that the interest rate  
 16 payable to an owner or operator shall not exceed the rate of  
 17 interest accrued on the state common cash fund for the quarter in  
 18 which an accrual is determined. Interest shall be paid to the owner  
 19 or operator upon release of the bond by the department. Any  
 20 interest greater than 6% shall be deposited in the state treasury  
 21 to the credit of the general fund and shall be appropriated to the  
 22 department ~~to be used by the department for~~ **THE** administration of  
 23 this part.

24 (4) ~~(3)~~—An owner or operator of a disposal area that is not a  
 25 landfill ~~who has accomplished closure in a manner approved by the~~  
 26 ~~department and in accordance with this part and the rules~~  
 27 ~~promulgated under this part, may request a 50% reduction in the~~



1 ~~bond during the 2 year period after closure. At the end of the 2-~~  
2 ~~year period, the owner or operator may, **NOT LESS THAN 2 YEARS AFTER**~~  
3 ~~**CLOSURE OF THE DISPOSAL AREA,** request that the department terminate~~  
4 the bond. The department shall approve termination of the bond  
5 within 60 days after the request is made if all waste and waste  
6 residues have been removed from the disposal area and closure ~~is~~  
7 **HAS BEEN certified BY A LICENSED PROFESSIONAL ENGINEER AND APPROVED**  
8 **BY THE DEPARTMENT.**

9       (5) ~~(4)~~—The department may utilize a bond required under this  
10 section for the closure and postclosure monitoring and maintenance  
11 of a disposal area if the owner or operator fails to comply with  
12 the closure and postclosure monitoring and maintenance requirements  
13 of this part and the rules promulgated under this part to the  
14 extent necessary to correct such violations. At least 7 days before  
15 utilizing the bond, the department shall issue a notice of  
16 violation or other order that alleges violation of this part or  
17 rules promulgated under this part and **SHALL** provide an opportunity  
18 for a hearing. This subsection does not apply to a perpetual care  
19 fund bond.

20       (6) ~~(5)~~—Under the terms of a surety bond, letter of credit,  
21 insurance policy, or perpetual care fund bond, the issuing  
22 institution shall notify both the department and the owner or  
23 operator at least 120 days before the expiration date or any  
24 cancellation of the bond. If the owner or operator does not extend  
25 the effective date of the bond, or establish alternate financial  
26 assurance within 90 days after receipt of an expiration or  
27 cancellation notice from the issuing institution, all of the





1 following apply:

2 (a) The department may draw on the bond.

3 (b) In the case of a perpetual care fund bond, the issuing  
4 institution shall deposit the proceeds into the standby trust or  
5 escrow account unless the department agrees to the expiration or  
6 cancellation of the perpetual care fund bond.

7 (7) ~~(6)~~The department shall not issue a construction permit  
8 or a new license to operate a disposal area to an applicant that is  
9 the subject of a bankruptcy action commenced under title 11 of the  
10 United States Code, 11 USC 101 to 1532, or any ~~other~~ predecessor or  
11 successor statute.

12 ~~—— (7) A person required under this section to provide financial~~  
13 ~~assurance in the form of a bond for a landfill may request a~~  
14 ~~reduction in the bond based upon the amount of the perpetual care~~  
15 ~~fund established under section 11525. A person requesting a bond~~  
16 ~~reduction shall do so on a form consistent with this part and~~  
17 ~~provided by the department. The department shall grant this request~~  
18 ~~unless there are sufficient grounds for denial and those reasons~~  
19 ~~are provided in writing. The department shall grant or deny a~~  
20 ~~request for a reduction of the bond within 60 days after the~~  
21 ~~request is made. If the department grants a request for a reduced~~  
22 ~~bond, the department shall require a bond in an amount such that~~  
23 ~~for type III landfills, and type II landfills that are preexisting~~  
24 ~~units, the amount of the perpetual care fund plus the amount of the~~  
25 ~~reduced bond equals the maximum amount required in a perpetual care~~  
26 ~~fund in section 11525(2).~~

27 ~~—— (8) The department shall release the bond required by this~~



1 ~~section if the amount of the perpetual care fund exceeds the amount~~  
 2 ~~of the financial assurance required under subsection (1).~~

3 (8) ~~(9) Prior to~~ **BEFORE** closure of a landfill, if money is  
 4 disbursed from the perpetual care fund, ~~then~~ the department may  
 5 require a corresponding increase in the amount of bonding ~~required~~  
 6 ~~to be~~ provided if necessary to meet the requirements of this  
 7 section.

8 (9) ~~(10)~~ If an owner or operator of a disposal area fulfills  
 9 the financial assurance requirements of this part by obtaining a  
 10 bond, including, but not limited to, a perpetual care fund bond,  
 11 and the surety company, insurer, trustee, bank, or financial or  
 12 other institution that issued or holds the bond becomes the subject  
 13 of a bankruptcy action or has its authority to issue or hold the  
 14 bond or to act as an escrow agent or trustee **[IS THE REFERENCE TO**  
 15 **ESCROW AGENT OR TRUSTEE MEANT TO SUBJECT TRUST FUNDS AND ESCROW**  
 16 **ACCOUNTS UNDER SECTION 11523B TO THIS SUBSECTION?]** suspended or  
 17 revoked, the owner or operator shall, within 60 days after  
 18 receiving notice of that event, establish alternate financial  
 19 assurance under this part.

20 Sec. 11523a. (1) Effective ~~April 9, 1997,~~ **AS OF THE DATE**  
 21 **SPECIFIED IN 11523(1)(B)**, the department shall not issue a license  
 22 to operate a type II **OR TYPE III** landfill unless the applicant  
 23 demonstrates that for any new unit or existing unit at the  
 24 facility, the combination of the perpetual care fund established  
 25 under section 11525, bonds, and the financial capability of the  
 26 applicant as evidenced by a financial test, provides financial  
 27 assurance in an amount not less than that required by this section.



1 An applicant may utilize a financial test for an amount up to, but  
 2 not exceeding 70% of the closure, postclosure, and corrective  
 3 action cost estimate. **FOR APPLICATIONS FOR A LICENSE TO OPERATE**  
 4 **SUBMITTED AFTER 2 YEARS AFTER THE EFFECTIVE DATE OF THE 2018 ACT**  
 5 **THAT AMENDED THIS SECTION, AN APPLICANT MAY UTILIZE A FINANCIAL**  
 6 **TEST FOR AN AMOUNT GREATER THAN 70% OF THE CLOSURE, POSTCLOSURE,**  
 7 **AND CORRECTIVE ACTION COST ESTIMATE IF THE OWNER OR OPERATOR**  
 8 **DEMONSTRATES THAT THE OWNER OR OPERATOR PASSES A FINANCIAL TEST AS**  
 9 **SPECIFIED IN R 299.9709 OF THE MICHIGAN ADMINISTRATIVE CODE. THE**  
 10 **OWNER OR OPERATOR MAY NOT USE A FINANCIAL TEST TO MEET THE**  
 11 **REQUIREMENTS FOR ESTABLISHING A PERPETUAL CARE FUND UNDER SECTION**  
 12 **11525.**

13 (2) An applicant may demonstrate compliance with this section  
 14 by submitting evidence, with a form consistent with this part and  
 15 provided by the department, that the applicant has financial  
 16 assurance for any existing unit or new unit in an amount equal to  
 17 or greater than the sum of the following standardized costs:

18 (a) A standard closure cost estimate. The standard closure  
 19 cost estimate shall be based upon the sum of the following costs in  
 20 ~~1996~~**2016** dollars, adjusted for inflation and partial closures, if  
 21 any, as specified in subsections (4) and (5):

22 (i) A base cost of ~~\$20,000.00~~**\$40,000.00** per acre to construct  
 23 a compacted soil final cover using on-site material.

24 (ii) A supplemental cost of ~~\$20,000.00~~**\$40,000.00** per acre, to  
 25 install a synthetic cover liner, if required by rules under this  
 26 part.

27 (iii) A supplemental cost of ~~\$5,000.00~~**\$10,000.00** per acre, if



1 low permeability soil must be transported from off-site to  
 2 construct the final cover or if a bentonite geocomposite liner is  
 3 used instead of low permeability soil in a composite cover.

4 (iv) A supplemental cost of ~~\$5,000.00~~ **\$9,000.00** per acre, to  
 5 construct a passive gas collection system in the final cover ~~7~~  
 6 ~~unless an active gas collection system has been installed at the~~  
 7 ~~facility.~~ **OR A SUPPLEMENTAL COST OF \$15,000.00 PER ACRE FOR AN**  
 8 **ACTIVE LANDFILL GAS COLLECTION SYSTEM, FOR THOSE AREAS WITHOUT A**  
 9 **GAS COLLECTION AND CONTROL SYSTEM ALREADY INSTALLED.**

10 (b) A standard postclosure cost estimate. The standard  
 11 postclosure cost estimate shall be based upon the sum of the  
 12 following costs ["IN CURRENT DOLLARS"? SEE SUBDIVISION (C). "IN  
 13 2016 DOLLARS"? SEE SUBDIVISION (A).], adjusted for inflation as  
 14 specified in section 11525(2):

15 (i) A final cover maintenance cost of ~~\$200.00~~ **\$400.00** per acre  
 16 per year.

17 ~~(ii) A leachate disposal cost of \$100.00 per acre per year.~~

18 ~~(iii) A leachate transportation cost of \$1,000.00 per acre per~~  
 19 ~~year, if leachate is required to be transported off-site for~~  
 20 ~~treatment.~~

21 (ii) **AN ACTIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF**  
 22 **\$900.00 PER ACRE PER YEAR FOR GAS COLLECTION SYSTEMS SUBJECT TO THE**  
 23 **REQUIREMENTS OF STANDARDS OF PERFORMANCE FOR NEW STATIONARY**  
 24 **SOURCES, 40 CFR PART 60.**

25 (iii) **A LEACHATE DISPOSAL AND TRANSPORTATION COST BASED ON-**  
 26 **SITE SPECIFIC COSTS. THE FACILITY SHALL UTILIZE THE MOST RECENT 5**  
 27 **YEARS OF DATA TO GENERATE A ROLLING AVERAGE OF LEACHATE GENERATION**



1 RATES AS A BASIS FOR DETERMINING THE PER ACRE COST. THE COST  
 2 ESTIMATE FOR TRANSPORTATION AND DISPOSAL SHALL BE BASED ON THE COST  
 3 ["IN CURRENT DOLLARS, PER ACRE PER YEAR,"?] FOR HIRING A THIRD  
 4 PARTY TO TRANSPORT AND DISPOSE OF LEACHATE GENERATED AT EACH SITE.

5 (iv) AN ACTIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF  
 6 \$500.00 PER ACRE PER YEAR FOR LANDFILLS NOT SUBJECT TO THE  
 7 REQUIREMENTS OF STANDARDS OF PERFORMANCE FOR NEW STATIONARY  
 8 SOURCES, 40 CFR PART 60.

9 (v) A PASSIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF \$35.00  
 10 PER ACRE PER YEAR.

11 (vi) ~~(iv)~~ A groundwater monitoring cost of ~~\$1,000.00~~ \$2,000.00  
 12 per monitoring well per year.

13 (vii) ~~(v)~~ A gas monitoring cost of ~~\$100.00~~ \$200.00 per  
 14 monitoring point per year, for monitoring points used to detect  
 15 landfill gas at or beyond the facility property boundary.

16 (c) ~~The~~ A corrective action cost estimate, if any. The  
 17 corrective action cost estimate shall be a detailed written  
 18 estimate, in current dollars, of the cost of hiring a third party  
 19 to perform corrective action in accordance with this part.

20 (3) Instead of using some or all of the standardized costs  
 21 specified in subsection (2), an applicant may estimate the site  
 22 specific costs of closure or postclosure maintenance and  
 23 monitoring. A site specific cost estimate shall be a written  
 24 estimate, in current dollars, of the cost of hiring a third party  
 25 to perform the activity. For the purposes of this subsection, a  
 26 parent corporation or a subsidiary of the owner or operator is not  
 27 a third party. Site specific cost estimates shall be based on the



1 following:

2 (a) For closure, the cost to close the largest area of the  
 3 landfill ever requiring a final cover at any time during the active  
 4 life, when the extent and manner of its operation would make  
 5 closure the most expensive, in accordance with the approved closure  
 6 plan. The closure cost estimate ~~may~~ **SHALL** not incorporate any  
 7 salvage value that may be realized by the sale of structures, land,  
 8 equipment, or other assets associated with the facility at the time  
 9 of final closure.

10 (b) For postclosure, the cost to conduct postclosure  
 11 maintenance and monitoring in accordance with the approved  
 12 postclosure plan for the entire postclosure period. **FINANCIAL**  
 13 **ASSURANCE SHALL BE PROVIDED IN AN AMOUNT SUFFICIENT FOR A PERIOD OF**  
 14 **30 YEARS AT ANY GIVEN TIME.**

15 (4) The owner or operator of a landfill subject to this  
 16 section shall, during the active life of the landfill and during  
 17 the postclosure care period, annually adjust the financial  
 18 assurance cost estimates and corresponding amount of financial  
 19 assurance for inflation. ~~Cost estimates~~ **THE STANDARD CLOSURE COST**  
 20 **ESTIMATE AND CORRECTIVE ACTION COST ESTIMATE** shall be adjusted for  
 21 inflation by multiplying the cost estimate by an inflation factor  
 22 derived from the most recent United States ~~department of the~~  
 23 ~~interior, bureau of reclamation composite index~~ **DEPARTMENT OF THE**  
 24 **INTERIOR, BUREAU OF RECLAMATION COMPOSITE INDEX** published by the  
 25 United States ~~department of commerce~~ **DEPARTMENT OF COMMERCE** or  
 26 another index that is more representative of the costs of closure  
 27 and postclosure monitoring and maintenance as determined



1 appropriate by the department. The owner or operator shall document  
 2 the adjustment on a form consistent with this part as prepared by  
 3 the department and shall place the documentation in the operating  
 4 record of the facility.

5 (5) The owner or operator of a landfill subject to this  
 6 section may request that the department authorize a reduction in  
 7 the approved cost estimates and corresponding financial assurance  
 8 for the landfill by submitting a form consistent with this part  
 9 ???? and provided by the department certifying completion of any  
 10 of the following activities **[ARE THERE 2 DOCUMENTS, THE OWNER'S**  
 11 **REQUEST AND THE ENGINEER'S STATEMENT? ARE BOTH CERTIFIED?]**:

12 (a) Partial closure of the landfill. The current closure cost  
 13 estimate for partially closed portions of a landfill unit may be  
 14 reduced by 80%, if the maximum waste slope on the unclosed portions  
 15 of the unit does not exceed 25%. The percentage of the cost  
 16 estimate reduction approved by the department for the partially  
 17 closed portion shall be reduced 1% for every 1% increase in the  
 18 slope of waste over 25% in the active portion. An owner or operator  
 19 requesting a reduction in financial assurance for partial closure  
 20 shall enclose with the request a certification under the seal of a  
 21 licensed professional engineer ~~that certifies~~ **OF** both of the  
 22 following:

23 (i) That a portion of the licensed landfill unit has reached  
 24 final grades and has had a final cover installed in compliance with  
 25 the approved closure plan and rules promulgated under this part.

26 (ii) The maximum slope of waste in the active portion of the  
 27 landfill unit at the time of partial closure.



1 (b) Final closure of the landfill. An owner or operator  
2 requesting a cost estimate reduction for final closure shall submit  
3 a certification under the seal of a licensed professional engineer  
4 that closure of that landfill unit has been fully completed in  
5 accordance with the approved closure plan for the landfill. Within  
6 60 days of receiving a certification under this subsection, the  
7 department shall perform a consistency review of the submitted  
8 certification and do 1 of the following:

9 (i) Approve the certification and notify the owner or operator  
10 that he or she may reduce the closure cost estimate to zero.

11 (ii) Disapprove the certification and provide the owner or  
12 operator with a detailed written statement of the reasons why the  
13 department has determined that closure certification has not been  
14 conducted in ~~accordance~~ **COMPLIANCE** with this part, the rules  
15 promulgated under this part, or an approved closure plan.

16 (c) Postclosure maintenance and monitoring. The owner or  
17 operator of a landfill unit who has completed final closure of the  
18 unit may request a reduction in the postclosure cost estimate and  
19 corresponding financial assurance for 1 year or more of postclosure  
20 maintenance and monitoring if the landfill has been monitored and  
21 maintained in accordance with the approved postclosure plan. The  
22 department shall, within 60 days of receiving a cost estimate  
23 reduction request grant written approval or issue a written denial  
24 stating the reason for denial. The department shall grant the  
25 request and the owner or operator may reduce the postclosure cost  
26 estimate to reflect the number of years remaining in the  
27 postclosure period unless the department denies the request and the





1 written denial states that the owner or operator has not performed  
 2 the specific tasks consistent with this part, rules promulgated  
 3 under this part, and an approved plan. **[SUBDIVISION (A) DOES NOT**  
 4 **PROVIDE FOR DEPARTMENT APPROVAL OR DENIAL OF THE REQUEST.**  
 5 **SUBDIVISIONS (B) AND (C) DO NOT USE CONSISTENT LANGUAGE WITH**  
 6 **RESPECT TO APPROVAL OR DENIAL. SUBSECTION (7) ALSO ADDRESSES THIS**  
 7 **ISSUE.]**

8 (6) The owner or operator of a landfill subject to this  
 9 section may request a reduction in the amount of one or more of the  
 10 financial assurance mechanisms in place, **NOT TO INCLUDE THE**  
 11 **PERPETUAL CARE FUND ESTABLISHED UNDER SECTION 11525.** If the  
 12 combined value of the remaining financial assurance mechanisms  
 13 equals the amount required under this section, the department shall  
 14 approve the request.

15 (7) An owner or operator requesting that the department  
 16 approve a financial assurance reduction under subsection (5) or (6)  
 17 shall do so on a form consistent with this part and provided by the  
 18 department. The department shall grant written approval or, within  
 19 60 days of receiving a financial assurance reduction request, issue  
 20 a written denial stating the reason for the denial.

21 Sec. 11523b. (1) The owner or operator of a landfill may  
 22 establish a trust fund or escrow account to fulfill the  
 23 requirements of sections 11523 and 11523a. The trust fund or escrow  
 24 account shall be executed on a form provided by the department.

25 ~~— (2) Payments into a trust fund or escrow account shall be made~~  
 26 ~~annually over the term of the first operating license issued after~~  
 27 ~~the effective date of this section. The first payment into a trust~~



1 ~~fund or escrow account shall be made prior to licensure and shall~~  
 2 ~~be at least equal to the portion of the financial assurance~~  
 3 ~~requirement to be covered by the trust fund or escrow account~~  
 4 ~~divided by the term of the operating license. Subsequent payments~~  
 5 ~~shall be equal to the remaining financial assurance requirement~~  
 6 ~~divided by the number of years remaining until the license expires.~~

7       (2) ~~(3)~~—If the owner or operator of a landfill establishes a  
 8 trust fund or escrow account after having used ~~one~~<sup>1</sup> or more  
 9 alternate forms of financial assurance, the initial payment into  
 10 the trust fund or escrow account shall be at least the amount the  
 11 fund would contain if the fund were established initially and  
 12 annual payments made ~~according to~~ **UNDER** subsection (2) **[????]**.

13       (3) ~~(4)~~—All earnings and interest from a trust fund or escrow  
 14 account shall be credited to the fund or account. However, the  
 15 custodian may be compensated for reasonable fees and costs for his  
 16 or her responsibilities as custodian. The custodian shall ensure  
 17 the filing of all required tax returns for which the trust fund or  
 18 escrow account is liable and shall disburse funds from earnings to  
 19 pay ~~lawfully due~~ taxes owed by the trust fund or escrow account,  
 20 without permission of the department.

21       (4) ~~(5)~~—The custodian shall annually, 30 days preceding the  
 22 anniversary date of establishment of the fund, furnish to the owner  
 23 or operator and to the department a statement confirming the value  
 24 of the fund or account as of the end of that month.

25       (5) ~~(6)~~—The owner or operator may request that the department  
 26 authorize the release of funds from a trust fund or escrow account.  
 27 The department shall grant the request if the owner or operator



1 demonstrates that the value of the fund or account exceeds the  
 2 owner's or operator's financial assurance obligation. A payment or  
 3 disbursement from the fund or account shall not be made without the  
 4 prior written approval of the department.

5 (6) ~~(7)~~—The owner or operator shall receive all interest or  
 6 earnings from a trust fund or escrow account upon its termination.

7 (7) ~~(8)~~—For purposes of this section, ~~the term~~ "custodian"  
 8 means the trustee of a trust fund or escrow agent of an escrow  
 9 account.

10 Sec. 11525. (1) The owner or operator of a landfill shall  
 11 establish and maintain a perpetual care fund for a ~~period~~ **MINIMUM**  
 12 of 30 years after final closure of the landfill as specified in  
 13 this section, **EXCEPT AS PROVIDED FOR IN SECTION 11516A(2)**. A  
 14 perpetual care fund may be established as a trust, an escrow  
 15 account, or a perpetual care fund bond and may be used to  
 16 demonstrate financial assurance for type II **AND TYPE III** landfills  
 17 under ~~section 11523 and~~ section 11523a.

18 (2) Except as otherwise provided in this section, the owner or  
 19 operator of a landfill shall increase the amount of ~~his or her~~ **THE**  
 20 perpetual care fund 75 cents for each ton or portion of a ton ~~or 25~~  
 21 ~~cents for each cubic yard or portion of a cubic yard of solid waste~~  
 22 that is disposed of in the landfill after June 17, 1990 until the  
 23 fund reaches the maximum required fund amount. As of July 1, ~~1996,~~  
 24 **2017**, the maximum required fund amount is ~~\$1,156,000.00.~~  
 25 **\$2,173,000.00**. This amount shall be annually adjusted for inflation  
 26 and rounded to the nearest thousand **DOLLARS**. The department shall  
 27 adjust the maximum required fund amount for inflation annually by



1 multiplying the amount by an inflation factor derived from the most  
 2 recent ~~bureau of reclamation composite index~~ **BUREAU OF RECLAMATION**  
 3 **COMPOSITE INDEX** published by the United States ~~department of~~  
 4 ~~commerce~~ **DEPARTMENT OF COMMERCE** or another index more  
 5 representative of the costs of closure and postclosure monitoring  
 6 and maintenance as determined appropriate by the department.

7 Increases to the amount of a perpetual care fund required under  
 8 this subsection shall be calculated based on solid waste disposed  
 9 of in the landfill as of the end of the state fiscal year and shall  
 10 be made within 30 days after the end of each state fiscal year.

11 (3) The owner or operator of a landfill that is used for the  
 12 disposal of the following materials shall increase the amount of  
 13 the perpetual care fund 7.5 cents for each ton ~~or cubic yard~~ or  
 14 portion of a ton ~~or cubic yard~~ of the following materials that are  
 15 disposed of in the landfill: ~~after June 17, 1990:~~

16 (a) Coal ash, wood ash, or cement kiln dust that is disposed  
 17 of in a landfill that is used only for the disposal of coal ash,  
 18 wood ash, or cement kiln dust, or a combination of these materials,  
 19 or that is permanently segregated in a landfill.

20 (b) Wastewater treatment sludge or sediments from wood pulp or  
 21 paper producing industries that is disposed of in a landfill that  
 22 is used only for the disposal of wastewater treatment sludge and  
 23 sediments from wood pulp or paper producing industries, or that is  
 24 permanently segregated in a landfill.

25 (c) Foundry sand or other material that is approved by the  
 26 department for use as daily cover at an operating landfill, **FOUNDRY**  
 27 **SAND** that is disposed of in a landfill that is used only for the



1 disposal of foundry sand, or **FOUNDRY SAND** that is permanently  
2 segregated in a landfill.

3 (4) The owner or operator of a landfill that is used only for  
4 the disposal of a mixture of 2 or more of the materials described  
5 in subsection (3) (a) to (c) or in which a mixture of 2 or more of  
6 these materials are permanently segregated shall increase the  
7 amount of the perpetual care fund 7.5 cents for each ton ~~or cubic~~  
8 ~~yard~~ or portion of a ton ~~or cubic yard~~ of these materials that are  
9 disposed of in the landfill. ~~after July 1, 1996.~~ **[COMBINE WITH**

10 **SUBSECTION (3)?]**

11 (5) The amount of a perpetual care fund is not required to be  
12 increased for materials that are regulated under part 631.

13 (6) The owner or operator of a landfill may increase the  
14 amount of the perpetual care fund above the amount otherwise  
15 required by this section at his or her discretion.

16 (7) The custodian of a perpetual care fund trust or escrow  
17 account shall be a bank or other financial institution that has the  
18 authority to act as a custodian and whose account operations are  
19 regulated and examined by a federal or state agency. Until the  
20 perpetual care fund trust or escrow account reaches the maximum  
21 required fund amount, the custodian of a perpetual care fund trust  
22 or escrow account shall credit any interest and earnings of the  
23 perpetual care fund trust or escrow account to the perpetual care  
24 fund trust or escrow account. After the perpetual care fund trust  
25 or escrow account reaches the maximum required fund amount, any  
26 interest and earnings shall be distributed as directed by the owner  
27 or operator. The agreement governing the operation of the perpetual



1 care fund trust or escrow account shall be executed on a form  
 2 consistent with this part and provided by the department. The  
 3 custodian may be compensated from the fund for reasonable fees and  
 4 costs incurred for his or her responsibilities as custodian. The  
 5 custodian of a perpetual care fund trust or escrow account shall  
 6 make an accounting to the department within 30 days following the  
 7 close of each state fiscal year.

8 (8) The custodian of a perpetual care fund shall not disburse  
 9 any funds to the owner or operator of a landfill for the purposes  
 10 of the perpetual care fund except upon the prior written approval  
 11 of the department. However, the custodian shall ensure the filing  
 12 of all required tax returns for which the perpetual care fund is  
 13 liable and shall disburse funds to pay ~~lawfully due~~ taxes owed by  
 14 the perpetual care fund without permission of the department. The  
 15 owner or operator of the landfill shall provide notice of requests  
 16 for disbursement and denials and approvals to the custodian of the  
 17 perpetual care fund. Requests for disbursement from a perpetual  
 18 care fund shall be submitted not more frequently than semiannually.  
 19 The owner or operator of a landfill may request disbursement of  
 20 funds from a perpetual care fund whenever **[SEMIANNUALLY?]** the  
 21 amount of money in the fund exceeds the maximum required fund  
 22 amount **SPECIFIED IN SUBSECTION (2)**. The department shall approve  
 23 the disbursement if the total amount of financial assurance  
 24 maintained meets the requirements of sections 11523 and 11523a. ~~As~~  
 25 ~~used in this subsection, "maximum required fund amount" means:~~  
 26 ~~—— (a) For those landfills containing only those materials~~  
 27 ~~specified in subsection (3), an amount equal to 1/2 of the maximum~~



1 ~~required fund amount specified in subsection (2).~~

2 ~~—— (b) For all other landfills, an amount equal to the maximum~~  
3 ~~required fund amount specified in subsection (2).~~

4 (9) If the owner or operator of a landfill refuses or fails to  
5 conduct closure, postclosure monitoring and maintenance, or  
6 corrective action as necessary to protect the public health,  
7 safety, or welfare, or the environment or fails to request the  
8 disbursement of money from a perpetual care fund when necessary to  
9 protect the public health, safety, or welfare, or the environment,  
10 or fails to pay the solid waste management program administration  
11 fee or the surcharge required under section 11525a, then the  
12 department may draw on the perpetual care fund and may expend the  
13 money for closure, postclosure monitoring and maintenance, and  
14 corrective action, as necessary. The department may draw on a  
15 perpetual care fund for administrative costs associated with  
16 actions taken under this subsection.

17 (10) Upon approval by the department of a request to terminate  
18 financial assurance for a landfill under section 11525b, any money  
19 in the perpetual care fund for that landfill shall be disbursed by  
20 the custodian to the owner of the landfill unless a contract  
21 between the owner and the operator of the landfill provides  
22 otherwise.

23 (11) The owner of a landfill shall provide notice to the  
24 custodian of the perpetual care fund for that landfill if there is  
25 a change of ownership of the landfill. The custodian shall maintain  
26 records of ownership of a landfill during the period of existence  
27 of the perpetual care fund.



1 (12) This section does not relieve an owner or operator of a  
2 landfill of any liability that he or she may have under this part  
3 or as otherwise provided by law.

4 (13) This section does not create a cause of action at law or  
5 in equity against a custodian of a perpetual care fund other than  
6 for errors or omissions related to investments, accountings,  
7 disbursements, filings of required tax returns, and maintenance of  
8 records required by this section or the applicable perpetual care  
9 fund.

10 (14) As used in this section, "custodian" means the trustee or  
11 escrow agent of any of the following:

12 (a) A perpetual care fund that is established as a trust or  
13 escrow account.

14 (b) A standby trust or escrow account for a perpetual care  
15 fund bond.

16 (15) A perpetual care fund that is established as a trust or  
17 escrow account may be replaced with a perpetual care fund that is  
18 established as a perpetual care fund bond that complies with this  
19 section. Upon such replacement, the director shall authorize the  
20 custodian of the trust or escrow account to disburse the money in  
21 the trust or escrow account to the owner of the landfill unless a  
22 contract between the owner and operator of the landfill specifies  
23 otherwise.

24 (16) An owner or operator of a landfill who uses a perpetual  
25 care fund bond to satisfy the requirements of this section shall  
26 also establish a standby trust or escrow account. All payments made  
27 under the terms of the perpetual care fund bond shall be deposited





1 by the custodian directly into the standby trust or escrow account  
 2 in accordance with instructions from the director. The standby  
 3 trust or escrow account must meet the requirements for a trust or  
 4 escrow account established as a perpetual care fund under  
 5 subsection (1), except that until the standby trust or escrow  
 6 account is funded pursuant to the requirements of this subsection,  
 7 the following are not required:

8 (a) Payments into the standby trust or escrow account as  
 9 specified in subsection (2).

10 (b) Annual ~~accounting valuations~~ **ACCOUNTINGS** as required in  
 11 subsection (7).

12 Sec. 11525a. (1) The owner or operator of a **TYPE II AND/OR**  
 13 **[????] TYPE III** landfill shall pay a surcharge ~~as follows:~~

14 ~~—— (a) Except as provided in subdivision (b), 12 OF \_\_\_\_ cents~~  
 15 ~~for each cubic yard-TON or portion of a cubic yard-TON of solid~~  
 16 ~~waste or municipal solid waste incinerator ash that is disposed of~~  
 17 ~~in the landfill before October 1, 2019. \_\_\_\_\_. **[PER DEQ: NEED TO**~~

18 **COORDINATE THIS DATE WITH THE FEE CHANGE LEGISLATION IF A SUNSET IS**  
 19 **INCLUDED.**]

20 ~~—— (b) For type III landfills that are captive facilities, the~~  
 21 ~~following annual amounts:~~

22 ~~—— (i) For a captive facility that receives 100,000 or more cubic~~  
 23 ~~yards of waste, \$3,000.00.~~

24 ~~—— (ii) For a captive facility that receives 75,000 or more but~~  
 25 ~~less than 100,000 cubic yards of waste, \$2,500.00.~~

26 ~~—— (iii) For a captive facility that receives 50,000 or more but~~  
 27 ~~less than 75,000 cubic yards of waste, \$2,000.00.~~



1 ~~—— (iv) For a captive facility that receives 25,000 or more but~~  
 2 ~~less than 50,000 cubic yards of waste, \$1,000.00.~~

3 ~~—— (v) For a captive facility that receives less than 25,000~~  
 4 ~~cubic yards of waste, \$500.00.~~

5 (2) The owner or operator of a landfill shall pay the  
 6 surcharge under subsection ~~(1)(a)~~ **(1)** within 30 days after the end  
 7 of each quarter of the state fiscal year. ~~The owner or operator of~~  
 8 ~~a type III landfill that is a captive facility shall pay the~~  
 9 ~~surcharge under subsection (1)(b) by January 31 of each year.~~

10 (3) The owner or operator of a landfill who is required to pay  
 11 the surcharge under subsection (1) shall pass through and collect  
 12 the surcharge from any person who generated the solid waste or who  
 13 arranged for its delivery to the solid waste hauler or **SOLID WASTE**  
 14 **PROCESSING AND** transfer facility notwithstanding the provisions of  
 15 any contract or agreement to the contrary or the absence of any  
 16 contract or agreement.

17 (4) Surcharges collected under this section shall be forwarded  
 18 to the state treasurer for deposit in the ~~solid waste~~ staff account  
 19 of the ~~solid waste~~ **MATERIALS** management fund. ~~established in~~  
 20 ~~section 11550.~~

21 ~~—— (5) As used in this section, "captive facility" means a~~  
 22 ~~landfill that accepts for disposal only nonhazardous industrial~~  
 23 ~~waste generated only by the owner of the landfill or a nonhazardous~~  
 24 ~~industrial waste landfill that is described in section 11525(3).~~

25 Sec. 11525b. (1) The owner or operator of **A WASTE UTILIZATION**  
 26 **FACILITY FOR WHICH FINANCIAL ASSURANCE IS REQUIRED UNDER SECTION**  
 27            **OR OF** a disposal area shall provide continuous financial



1 assurance coverage until released from these requirements by the  
2 department under the provisions of this part.

3           **(2) UPON TRANSFER OF A WASTE UTILIZATION FACILITY FOR WHICH**  
4 **FINANCIAL ASSURANCE IS REQUIRED UNDER SECTION \_\_\_\_\_ OR OF A**  
5 **DISPOSAL AREA OR WASTE UTILIZATION FACILITY THAT REQUIRES FINANCIAL**  
6 **ASSURANCE, THE FORMER OWNER OR OPERATOR SHALL CONTINUE TO MAINTAIN**  
7 **FINANCIAL ASSURANCE UNTIL THE FINANCIAL ASSURANCE IS REPLACED BY**  
8 **THE NEW OWNER OR OPERATOR OR UNTIL THE FACILITY IS RELEASED FROM**  
9 **THE FINANCIAL ASSURANCE OBLIGATION AT THE END OF THE POSTCLOSURE**  
10 **PERIOD.**

11           **(3) ~~(2)~~—**The owner or operator of a landfill who has completed  
12 postclosure maintenance and monitoring of the landfill in  
13 accordance with this part, rules promulgated under this part, and  
14 approved postclosure plan may request that financial assurance  
15 required by sections 11523 and 11523a be terminated. A person  
16 requesting termination of ~~bonding and~~ financial assurance **FOR A**  
17 **LANDFILL** shall submit to the department a statement that the  
18 landfill has been monitored and maintained in accordance with this  
19 part, rules promulgated under this part, and the approved  
20 postclosure plan for the postclosure period specified in section  
21 11523 and shall certify that the landfill is not subject to  
22 corrective action under section 11515. **FOR OTHER FACILITY TYPES**  
23 **WITH FINANCIAL ASSURANCE, THE OWNER OR OPERATOR OF THE FACILITY**  
24 **SHALL SUBMIT TO THE DEPARTMENT A STATEMENT THAT THE FACILITY HAS**  
25 **BEEN MAINTAINED IN ACCORDANCE WITH THIS PART, ANY RULES PROMULGATED**  
26 **UNDER THIS PART AND HAS REMOVED ALL WASTE AND MANAGED MATERIALS**  
27 **FROM THE FACILITY.** Within 60 days of receiving a statement under



1 this subsection, the department shall perform a consistency review  
2 of the submitted statement and do 1 of the following:

3 (a) Approve the statement, notify the owner or operator that  
4 he or she is no longer required to maintain financial assurance,  
5 return or release all financial assurance mechanisms, and, if the  
6 perpetual care fund is established as a trust or escrow account,  
7 notify the custodian of the perpetual care fund that money from the  
8 fund shall be disbursed as provided in section 11525(10).

9 (b) Disapprove the statement and provide the owner or operator  
10 with a detailed written statement of the reasons why the department  
11 has determined that postclosure maintenance and monitoring and  
12 corrective action, if any, have not been conducted in accordance  
13 with this part, the rules promulgated under this part, or an  
14 approved postclosure plan.

15 Sec. 11526. (1) The department, a health officer, or a law  
16 enforcement officer of competent jurisdiction may inspect a solid  
17 waste transporting unit that is being used to transport solid waste  
18 along a public road to determine if the solid waste transporting  
19 unit is designed, maintained, and operated in a manner to prevent  
20 littering or to determine if the owner or operator of the solid  
21 waste transporting unit is performing in compliance with this part  
22 and the rules promulgated under this part.

23 (2) ~~In order to~~ **TO** protect the public health, safety, and  
24 welfare and the environment of this state from items and substances  
25 being illegally disposed of in landfills in this state, the  
26 department, in conjunction with the department of state police,  
27 shall ~~administer this part so as to~~ do all of the following:



1 (a) Ensure that all ~~disposal areas~~ **MATERIALS MANAGEMENT**  
 2 **FACILITIES** are in full compliance with this part and the rules  
 3 promulgated under this part.

4 (b) Provide for the inspection of each **LICENSED** solid waste  
 5 disposal area for compliance with this part and the rules  
 6 promulgated under this part at least 4 times per year.

7 **(C) PROVIDE FOR THE INSPECTION OF MATERIALS MANAGEMENT**  
 8 **FACILITIES THAT ARE NOT SOLID WASTE DISPOSAL AREAS FOR COMPLIANCE**  
 9 **WITH THIS PART AND THE RULES PROMULGATED UNDER THIS PART UPON**  
 10 **RECEIPT OF A COMPLAINT OR AS THE DEPARTMENT DETERMINES TO BE**  
 11 **NECESSARY.**

12 **(D)** ~~(e)~~ Ensure that all persons disposing of solid waste are  
 13 doing so in compliance with this part and the rules promulgated  
 14 under this part.

15 (3) The department and the department of state police may  
 16 conduct regular, random inspections of waste being transported ~~for~~  
 17 ~~disposal at disposal areas~~ **TO MATERIALS MANAGEMENT FACILITIES** in  
 18 this state. Inspections under this subsection may be conducted  
 19 **DURING TRANSPORTATION OR** ~~at disposal areas at the end original~~  
 20 ~~destination.~~ **THE MATERIALS MANAGEMENT FACILITY.**

21 Sec. 11526a. (1) ~~Beginning October 1, 2004, in order to~~  
 22 ~~protect the public health, safety, and welfare and the environment~~  
 23 ~~of this state from the improper disposal of waste that is~~  
 24 ~~prohibited from disposal in a landfill, and in recognition that the~~  
 25 ~~nature of solid waste collection and transport limits the ability~~  
 26 ~~of the state to conduct cost effective inspections to ensure~~  
 27 ~~compliance with state law, the~~ **THE** owner or operator of a landfill



1 shall not accept for disposal in this state solid waste, including,  
2 but not limited to, municipal solid waste incinerator ash, that was  
3 generated outside of this state unless 1 or more of the following  
4 are met:

5 (a) The solid waste is composed of a uniform type of item,  
6 material, or substance, other than municipal solid waste  
7 incinerator ash, that meets the requirements for disposal in a  
8 landfill under this part and the rules promulgated under this part.

9 (b) The solid waste was received through a ~~material~~**MATERIALS**  
10 recovery facility, a transfer station, or other facility that has  
11 documented that it has removed from the solid waste being delivered  
12 to the landfill those items that are prohibited from disposal in a  
13 landfill.

14 (c) The country, state, province, or local jurisdiction in  
15 which the solid waste was generated is approved by the department  
16 for inclusion on the list compiled by the department under section  
17 11526b.

18 (2) Notwithstanding section 11538 or any other provision of  
19 this part, if there is sufficient disposal capacity for a county's  
20 disposal needs in or within 150 miles of the county, all of the  
21 following apply:

22 (a) The county is not required to identify a site for a new  
23 landfill in its ~~solid waste~~**MATERIALS** management plan.

24 (b) An ~~interim~~**A** siting ~~mechanism~~**AND DEVELOPMENT PROCESS**  
25 shall not become operative in the county unless the county board of  
26 commissioners determines otherwise.

27 (c) The department is not required to issue a construction



1 permit for a new landfill in the county.

2       Sec. 11527. (1) A solid waste hauler transporting solid waste  
3 over a public road in this state shall deliver all waste to a  
4 disposal area or solid waste **PROCESSING AND** transfer facility  
5 licensed under this part and shall use only a vehicle or container  
6 that does not contribute to littering and that conforms to the  
7 rules promulgated by the department.

8       (2) A solid waste hauler ~~who violates this part or a rule~~  
9 ~~promulgated under this part, or who~~ **THAT** is responsible for a  
10 vehicle that has in part contributed to a violation of this part or  
11 a rule promulgated under this part, is ~~subject to a penalty as~~  
12 ~~provided in section 11549.~~ **CONSIDERED TO HAVE COMMITTED THE**  
13 **VIOLATION.**

14       Sec. 11528. (1) A solid waste transporting unit used for  
15 garbage, **FOOD WASTE**, industrial or domestic sludges, or other  
16 moisture laden materials not specifically covered by part 121 shall  
17 be watertight and constructed, maintained, and operated to prevent  
18 littering. Solid waste transporting units used for hauling other  
19 solid waste shall be designed and operated to prevent littering or  
20 any other nuisance.

21 ~~— (2) A solid waste hauler who violates this part or the rules~~  
22 ~~promulgated under this part is subject to the penalties provided in~~  
23 ~~this part.~~

24       **(2)** ~~(3)~~—The department, a health officer, or a law enforcement  
25 officer may order a solid waste transporting unit out of service if  
26 the unit does not satisfy the requirements of this part or the  
27 rules promulgated under this part. Continued use of a solid waste



1 transporting unit ordered out of service is a violation of this  
2 part.

3 Sec. 11529. (1) A disposal area that is a solid waste  
4 **PROCESSING AND** transfer facility is not subject to the construction  
5 permit and operating license requirements of this part if ~~either~~  
6 **BOTH** of the following ~~circumstances exists~~:**APPLY:**

7 (a) The solid waste **PROCESSING AND** transfer facility is not  
8 designed to accept wastes from vehicles with mechanical compaction  
9 devices.

10 (b) The solid waste **PROCESSING AND** transfer facility accepts  
11 **[HAS ON SITE?]** ~~less than 200 uncompacted cubic yards per day~~.**NOT**  
12 **MORE THAN 200 CUBIC YARDS OF SOLID WASTE AT ANY TIME.**

13 (2) A solid waste **PROCESSING AND** transfer facility that is  
14 exempt from the construction permit and operating license  
15 requirements of this part under subsection (1) shall comply with  
16 the operating requirements of this part and the rules promulgated  
17 under this part.

18 (3) Except as provided in subsection (5), a disposal area that  
19 is an incinerator may, but is not required to, comply with the  
20 construction permit and operating license requirements of this part  
21 if both of the following conditions are met:

22 (a) The operation of the incinerator does not result in the  
23 exposure of any solid waste to the atmosphere and the elements.

24 (b) The incinerator has a permit issued under part 55.

25 (4) A disposal area that is an incinerator that does not  
26 comply with the construction permit and operating license  
27 requirements of this part as permitted in subsection (3) is subject





1 to the planning provisions of this part and must be included in the  
 2 county ~~solid waste~~ **MATERIALS** management plan for the county in  
 3 which the incinerator is located.

4 (5) A disposal area that is a municipal solid waste  
 5 incinerator that is designed to burn at a temperature in excess of  
 6 2500 degrees Fahrenheit is not subject to the construction permit  
 7 requirements of this part.

8 Sec. 11531. (1) A municipality or county shall ~~assure~~ **ENSURE**  
 9 that all ~~solid waste is~~ **MANAGED MATERIALS ARE** removed from the site  
 10 of generation frequently enough to protect the public health, and  
 11 ~~is~~ **ARE** delivered to ~~licensed disposal areas,~~ **MATERIALS MANAGEMENT**  
 12 **FACILITIES THAT ARE IN COMPLIANCE WITH THIS PART AND THE RULES**  
 13 **PROMULGATED UNDER THIS PART**, except waste that is permitted by  
 14 state law or rules promulgated by the department to be disposed of  
 15 at the site of generation.

16 (2) An ordinance ~~enacted~~ **ADOPTED** before February 8, 1988 by a  
 17 county or municipality incidental to the financing of a publicly  
 18 owned disposal area or areas under construction that directs that  
 19 all or part of the solid waste generated in that county or  
 20 municipality be directed to the disposal area or areas is an  
 21 acceptable means of compliance with subsection (1), notwithstanding  
 22 that the ordinance, in the case of a county, has not been approved  
 23 by the governor. This subsection ~~applies only to ordinances adopted~~  
 24 ~~by the governing body of a county or municipality before February~~  
 25 ~~8, 1988, and does not validate or invalidate an ordinance adopted~~  
 26 **ON OR** after February 8, 1988 as an acceptable means of compliance  
 27 with subsection (1).



1           Sec. 11532. (1) Except as provided in subsection (3), a  
2 municipality may impose an impact fee of not more than ~~10~~**30** cents  
3 per ~~cubic yard~~**TON** on solid waste that is disposed of in a landfill  
4 located within the municipality that is utilized by the public and  
5 utilized to dispose of solid waste collected from 2 or more  
6 persons. However, if the landfill is located within a village, the  
7 impact fee provided for in this subsection shall be imposed by the  
8 township **ONLY** in agreement with the village. The impact fee shall  
9 be assessed uniformly on all wastes accepted for disposal.

10           (2) Except as provided in subsection (3), a municipality may  
11 impose an impact fee of not more than ~~10~~**30** cents per ~~cubic yard~~  
12 **TON** on municipal solid waste incinerator ash that is disposed of in  
13 a landfill located within the municipality. ~~that is utilized to~~  
14 ~~dispose of municipal solid waste incinerator ash.~~ However, if the  
15 landfill is located within a village, the impact fee provided for  
16 in this subsection shall be imposed by the township **ONLY** in  
17 agreement with the village.

18           (3) A municipality may enter into an agreement with the owner  
19 or operator of a landfill to establish a higher impact fee than  
20 those provided for in subsections (1) and (2).

21           (4) The impact fees imposed under this section shall be  
22 collected by the owner or operator of a landfill and shall be paid  
23 to the municipality quarterly by the thirtieth day after the end of  
24 each calendar quarter. However, the impact fees allowed to be  
25 assessed to each landfill under this section shall be reduced by  
26 any amount of revenue paid to or available to the municipality from  
27 the landfill under the terms of any preexisting agreements,



1 including, but not limited to, contracts, special use permit  
2 conditions, court settlement agreement conditions, and trusts.

3 (5) Unless a trust fund is established by a municipality  
4 pursuant to subsection (6), the revenue collected by a municipality  
5 under subsections (1) and (2) shall be deposited in its general  
6 fund ~~to be~~ **AND, SUBJECT TO SUBSECTION (9)**, used for any purpose  
7 that promotes the public health, safety, or welfare of the citizens  
8 of the municipality. ~~However, revenue collected pursuant to this~~  
9 ~~section shall not be used to bring or support a lawsuit or other~~  
10 ~~legal action against an owner or operator of a landfill who is~~  
11 ~~collecting an impact fee pursuant to subsection (4) unless the~~  
12 ~~owner or operator of the landfill has instituted a lawsuit or other~~  
13 ~~legal action against the municipality.~~

14 (6) The municipality may establish a trust fund to receive  
15 revenue collected pursuant to this section. The trust fund shall be  
16 administered by a board of trustees. The board of trustees shall  
17 consist of the following members:

18 (a) The chief elected official of the municipality. ~~creating~~  
19 ~~the trust fund.~~

20 (b) An individual from the municipality appointed by the  
21 governing board of the municipality.

22 (c) An individual approved by the owners or operators of the  
23 landfills within the municipality and appointed by the governing  
24 board of the municipality.

25 (7) Individuals appointed to serve on the board of trustees  
26 under subsection (6)(b) and (c) shall serve for terms of 2 years.

27 (8) Money in the trust fund may be expended, pursuant to a



1 majority vote of the board of trustees, for any purpose that  
 2 promotes the public health, safety, or welfare of the citizens of  
 3 the municipality. ~~However, revenue~~

4 **(9) REVENUE** collected pursuant to this section shall not be  
 5 used to bring or support a lawsuit or other legal action against an  
 6 owner or operator of a landfill who is collecting an impact fee  
 7 pursuant to subsection (4) unless the owner or operator of the  
 8 landfill has instituted a lawsuit or other legal action against the  
 9 municipality.

10 Sec. 11533. (1) ~~Each solid waste management plan shall include~~  
 11 ~~an enforceable program and process to assure that the nonhazardous~~  
 12 ~~solid waste generated or to be generated in the planning area for a~~  
 13 ~~period of 10 years or more is collected and recovered, processed,~~  
 14 ~~or disposed of at disposal areas that comply with state law and~~  
 15 ~~rules promulgated by the department governing location, design, and~~  
 16 ~~operation of the disposal areas. Each solid waste management plan~~  
 17 ~~may include an enforceable program and process to assure that only~~  
 18 ~~items authorized for disposal in a disposal area under this part~~  
 19 ~~and the rules promulgated under this part are disposed of in the~~  
 20 ~~disposal area.~~ **EACH COUNTY IN THIS STATE SHALL HAVE A MATERIALS**  
 21 **MANAGEMENT PLAN.**

22 (2) ~~An~~ **UPON NOTIFICATION BY THE DIRECTOR UNDER SUBSECTION (5),**  
 23 **AN** initial ~~solid waste~~ **MATERIALS** management plan shall be prepared  
 24 and approved under this section **AND SECTIONS 11534 TO 11536 AND**  
 25 **RULES PROMULGATED THEREUNDER** and shall be submitted to the director  
 26 not later than ~~January 5, 1984.~~ ~~Following submittal of the initial~~  
 27 ~~plan, the solid waste management plan shall be reviewed and updated~~



~~1 every 5 years. An updated solid waste management plan and an  
 2 amendment to a solid waste management plan shall be prepared and  
 3 approved as provided in this section and sections 11534, 11535,  
 4 11536, 11537, and 11537a. The solid waste management plan shall  
 5 encompass all municipalities within the county. The solid waste  
 6 management plan shall at a minimum comply with the requirements of  
 7 sections 11537a and 11538. The solid waste management plan shall  
 8 take into consideration solid waste management plans in contiguous  
 9 counties and existing local approved solid waste management plans  
 10 as they relate to the county's needs. At a minimum, a county  
 11 preparing a solid waste management plan shall consult with the  
 12 regional planning agency from the beginning to the completion of  
 13 the plan. \_\_\_\_\_.~~

**14 PROMULGATED THEREUNDER REGULATE THE CONTENT OF THE PLAN.**

~~15 (3) Not later than July 1, 1981, each county shall file with  
 16 the department and with each municipality within the county on a  
 17 form provided by the department, a notice of intent, indicating the  
 18 county's intent to prepare a solid waste management plan or to  
 19 upgrade an existing solid waste management plan. The notice shall  
 20 identify the designated agency which shall be responsible for  
 21 preparing the solid waste management plan.~~

~~22 (4) If the county fails to file a notice of intent with the  
 23 department within the prescribed time, the department immediately  
 24 shall notify each municipality within the county and shall request  
 25 those municipalities to prepare a solid waste management plan for  
 26 the county and shall convene a meeting to discuss the plan  
 27 preparation. Within 4 months following notification by the~~



1 ~~department, the municipalities shall decide by a majority vote of~~  
 2 ~~the municipalities in the county whether or not to file a notice of~~  
 3 ~~intent to prepare the solid waste management plan. Each~~  
 4 ~~municipality in the county shall have 1 vote. If a majority does~~  
 5 ~~not agree, then a notice of intent shall not be filed. The notice~~  
 6 ~~shall identify the designated agency which is responsible for~~  
 7 ~~preparing the solid waste management plan.~~

8 ~~—— (5) If the municipalities fail to file a notice of intent to~~  
 9 ~~prepare a solid waste management plan with the department within~~  
 10 ~~the prescribed time, the department shall request the appropriate~~  
 11 ~~regional solid waste management planning agency to prepare the~~  
 12 ~~solid waste management plan. The regional solid waste management~~  
 13 ~~planning agency shall respond within 90 days after the date of the~~  
 14 ~~request.~~

15 ~~—— (6) If the regional solid waste management planning agency~~  
 16 ~~declines to prepare a solid waste management plan, the department~~  
 17 ~~shall prepare a solid waste management plan for the county and that~~  
 18 ~~plan shall be final.~~

19 ~~—— (7) A solid waste management planning agency, upon request of~~  
 20 ~~the department, shall submit a progress report in preparing its~~  
 21 ~~solid waste management plan.~~

22 **(3) SUBJECT TO SUBSECTION (4), ALL OF THE TERRITORY OF A**  
 23 **COUNTY SHALL BE INCLUDED IN THE PLANNING AREA OF A SINGLE MATERIALS**  
 24 **MANAGEMENT PLAN. THE PLANNING AREA OF A SINGLE MATERIALS MANAGEMENT**  
 25 **PLAN MAY INCLUDE 2 OR MORE COUNTIES IF THE PLANNING ENTITIES FOR**  
 26 **THOSE COUNTIES AGREE TO THE JOINT EXERCISE OF THEIR POWERS AND**  
 27 **PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION AND SECTIONS 11534**



1 TO 11539. IF A REGIONAL PLANNING AGENCY OR THE DEPARTMENT IS  
2 RESPONSIBLE FOR PREPARING THE MATERIALS MANAGEMENT PLAN FOR 2 OR  
3 MORE COUNTIES UNDER SUBSECTION (5) OR (7), THE REGIONAL PLANNING  
4 AGENCY OR DEPARTMENT MAY DETERMINE THAT THOSE COUNTIES SHALL BE  
5 INCLUDED IN THE PLANNING AREA OF A SINGLE MATERIALS MANAGEMENT PLAN  
6 AND MAY EXERCISE ITS POWERS AND PERFORM ITS DUTIES FOR THOSE  
7 COUNTIES JOINTLY.

8 (4) A MUNICIPALITY LOCATED IN 2 COUNTIES THAT ARE NOT IN THE  
9 SAME PLANNING AREA MAY REQUEST THAT THE ENTIRE MUNICIPALITY BE  
10 INCLUDED IN THE PLANNING AREA OF THE MATERIALS MANAGEMENT PLAN FOR  
11 1 OF THOSE COUNTIES AND THAT THE MUNICIPALITY BE EXCLUDED FROM THE  
12 PLANNING AREA FOR THE MATERIALS MANAGEMENT PLAN OF THE OTHER  
13 COUNTY. IF A MUNICIPALITY IN 1 COUNTY IS CONTIGUOUS WITH A  
14 MUNICIPALITY IN ANOTHER COUNTY, EITHER OF THE MUNICIPALITIES MAY  
15 REQUEST THAT IT BE INCLUDED IN THE PLANNING AREA OF THE MATERIALS  
16 MANAGEMENT PLAN FOR THE COUNTY IN WHICH THE OTHER MUNICIPALITY IS  
17 LOCATED. A REQUEST UNDER THIS SUBSECTION SHALL BE SUBMITTED TO AND  
18 IS SUBJECT TO THE APPROVAL OF THE COUNTY BOARD OF COMMISSIONERS OF  
19 EACH OF THE AFFECTED COUNTIES. IF A COUNTY BOARD OF COMMISSIONERS  
20 FAILS TO APPROVE A REQUEST UNDER THIS SUBSECTION WITHIN 90 DAYS  
21 AFTER THE REQUEST IS SUBMITTED TO THE COUNTY BOARD, THE  
22 MUNICIPALITY MAKING THE REQUEST MAY APPEAL TO THE DEPARTMENT. THE  
23 DEPARTMENT SHALL ISSUE A DECISION OF THE APPEAL WITHIN 45 DAYS  
24 AFTER THE APPEAL IS FILED WITH THE DEPARTMENT. THE DECISION OF THE  
25 DEPARTMENT IS FINAL.

26 (5) BY \_\_\_\_\_, THE DIRECTOR SHALL NOTIFY THE COUNTY  
27 BOARD OF COMMISSIONERS OF EACH COUNTY IN WRITING THAT UNLESS THE



1 COUNTY BOARD OF COMMISSIONERS, WITHIN 180 DAYS, SUBMITS TO THE  
2 DEPARTMENT A NOTICE OF INTENT TO PREPARE A MATERIALS MANAGEMENT  
3 PLAN, THE DEPARTMENT WILL PREPARE A MATERIALS MANAGEMENT PLAN FOR  
4 THE COUNTY UNDER SECTION 11536(8).

5 (6) THE NOTICE OF INTENT SHALL MEET ALL OF THE FOLLOWING  
6 REQUIREMENTS:

7 (A) BE ON A FORM PROVIDED BY THE DEPARTMENT.

8 (B) STATE THAT THE COUNTY WILL PREPARE A MATERIALS MANAGEMENT  
9 PLAN.

10 (C) DESIGNATE 1 OF THE FOLLOWING AS A PLANNING ENTITY:

11 (i) THE COUNTY BOARD OF COMMISSIONERS.

12 (ii) A MUNICIPALITY WITHIN THE PLANNING AREA OR 2 OR MORE SUCH  
13 MUNICIPALITIES ACTING JOINTLY.

14 (iii) THE REGIONAL PLANNING AGENCY WHOSE TERRITORY INCLUDES  
15 THE COUNTY.

16 (D) IF THE PLANNING ENTITY IS DESIGNATED UNDER SUBDIVISION  
17 (C) (ii) OR (iii), BE ACCOMPANIED BY A WRITTEN STATEMENT FROM THE  
18 PLANNING ENTITY ACCEPTING THE RESPONSIBILITIES OF A PLANNING ENTITY  
19 UNDER THIS PART.

20 (E) BE ACCOMPANIED BY DOCUMENTATION EVIDENCING THAT THE COUNTY  
21 CONSULTED WITH CONTIGUOUS COUNTIES REGARDING THE FEASIBILITY OF  
22 PREPARING A MULTICOUNTY MATERIALS MANAGEMENT PLAN PURSUANT TO THE  
23 URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 125.501 TO  
24 126.512, AND DOCUMENTATION OF THE OUTCOME OF THE CONSULTATIONS,  
25 INCLUDING A COPY OF ANY INTERLOCAL AGREEMENT. [THIS ELABORATES ON  
26 LANGUAGE IN SECTION 11533(3) OF THE DEQ DRAFT.]

27 (7) NOT MORE THAN \_\_\_\_ DAYS AFTER SUBMITTING A NOTICE OF INTENT





1 TO THE DEPARTMENT, A PLANNING ENTITY SHALL DO BOTH OF THE  
2 FOLLOWING:

3 (A) SUBMIT A COPY OF THE NOTICE OF INTENT TO THE LEGISLATIVE  
4 BODY OF EACH MUNICIPALITY LOCATED WITHIN THE COUNTY.

5 (B) PUBLISH THE NOTICE OF INTENT IN A NEWSPAPER OF GENERAL  
6 CIRCULATION IN THE COUNTY.

7 (8) IF THE COUNTY BOARD OF COMMISSIONERS DOES NOT TIMELY  
8 SUBMIT A NOTICE OF INTENT UNDER SUBSECTION (5), SECTION 11536(8)  
9 APPLIES.

10 (9) AFTER SUBMITTING A NOTICE OF INTENT TO THE DEPARTMENT  
11 UNDER SUBSECTION (5), THE PLANNING ENTITY SHALL DO ALL OF THE  
12 FOLLOWING:

13 (A) IDENTIFY THE PLANNING AGENCY.

14 (B) APPOINT A PLANNING COMMITTEE AS PROVIDED IN SECTION 11534.

15 (C) CREATE AND IMPLEMENT AN APPROVED WORK PROGRAM AS  
16 IDENTIFIED IN THE MATERIALS MANAGEMENT PLANNING GRANT UNDER SECTION  
17 11547.

18 (D) UPON REQUEST OF THE DEPARTMENT, SUBMIT A REPORT ON  
19 PROGRESS IN THE PREPARATION OF THE MATERIALS MANAGEMENT PLAN.

20 (10) ALL SUBMITTALS AND NOTICES UNDER THIS SECTION AND  
21 SECTIONS 11533 TO 11537 SHALL BE IN WRITING. A WRITTEN NOTICE MAY  
22 BE GIVEN BY ELECTRONIC MAIL IF THE RECIPIENT HAS INDICATED BY  
23 ELECTRONIC MAIL THAT THE RECIPIENT WILL RECEIVE NOTICE BY  
24 ELECTRONIC MAIL AT THE ELECTRONIC MAIL ADDRESS TO WHICH THE NOTICE  
25 IS SENT.

26 Sec. 11534. ~~(1) The county executive of a charter county that~~  
27 ~~elects a county executive and that chooses to prepare a solid waste~~



1 ~~management plan under section 11533 or the county board of~~  
2 ~~commissioners in all other counties choosing to prepare an initial~~  
3 ~~solid waste management plan under section 11533, or the~~  
4 ~~municipalities preparing an initial solid waste management plan~~  
5 ~~under section 11533(4), shall appoint a planning committee to~~  
6 ~~assist the agency designated to prepare the plan under section~~  
7 ~~11533. If the county charter provides procedures for approval by~~  
8 ~~the county board of commissioners of appointments by the county~~  
9 ~~executive, an appointment under this subsection shall be subject to~~  
10 ~~that approval. A planning committee appointed pursuant to this~~  
11 ~~subsection shall be appointed for terms of 2 years. A planning~~  
12 ~~committee appointed pursuant to this subsection may be reappointed~~  
13 ~~for the purpose of completing the preparation of the initial solid~~  
14 ~~waste management plan or overseeing the implementation of the~~  
15 ~~initial plan. Reappointed members of a planning committee shall~~  
16 ~~serve for terms not to exceed 2 years as determined by the~~  
17 ~~appointing authority. An initial solid waste management plan shall~~  
18 ~~only be approved by a majority of the members appointed and~~  
19 ~~serving.~~

20 ~~—— (2) A planning committee appointed pursuant to this section~~  
21 ~~shall consist of 14 members. Of the members appointed, 4 shall~~  
22 ~~represent the solid waste management industry, 2 shall represent~~  
23 ~~environmental interest groups, 1 shall represent county government,~~  
24 ~~1 shall represent city government, 1 shall represent township~~  
25 ~~government, 1 shall represent the regional solid waste planning~~  
26 ~~agency, 1 shall represent industrial waste generators, and 3 shall~~  
27 ~~represent the general public. A member appointed to represent a~~



1 ~~county, city, or township government shall be an elected official~~  
 2 ~~of that government or the designee of that elected official.~~  
 3 ~~Vacancies shall be filled in the same manner as the original~~  
 4 ~~appointments. A member may be removed for nonperformance of duty.~~  
 5 ~~—— (3) A planning committee appointed pursuant to this section~~  
 6 ~~shall annually elect a chairperson and shall establish procedures~~  
 7 ~~for conducting the committee's activities and for reviewing the~~  
 8 ~~matters to be considered by the committee.~~

9           **(1) THE PLANNING ENTITY SHALL APPOINT A PLANNING COMMITTEE.**  
 10 **INITIAL PLANNING COMMITTEE MEMBERS SHALL BE APPOINTED FOR 5-YEAR**  
 11 **TERMS. THEIR IMMEDIATE SUCCESSORS SHALL BE APPOINTED FOR 2-, 3-, 4-**  
 12 **, OR 5-YEAR TERMS SUCH THAT, AS NEARLY AS POSSIBLE, THE SAME NUMBER**  
 13 **ARE APPOINTED FOR EACH TERM LENGTH. SUBSEQUENTLY, MEMBERS SHALL BE**  
 14 **APPOINTED FOR TERMS OF 5 YEARS. AFTER THE MATERIALS MANAGEMENT PLAN**  
 15 **IS APPROVED, THE PLANNING ENTITY SHALL APPOINT MEMBERS OF THE**  
 16 **PLANNING COMMITTEE ON THE SAME SCHEDULE AS THE INITIAL COMMITTEE**  
 17 **APPOINTMENTS. [FROM 11534(14) OF DEQ DRAFT. CLARIFY.] A MEMBER MAY**  
 18 **BE REAPPOINTED.**

19           **(2) IF A VACANCY OCCURS ON THE PLANNING COMMITTEE, THE**  
 20 **PLANNING ENTITY SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN**  
 21 **THE SAME MANNER AS THE ORIGINAL APPOINTMENT. THE PLANNING ENTITY**  
 22 **MAY REMOVE A MEMBER OF THE PLANNING COMMITTEE FOR INCOMPETENCE,**  
 23 **DERELICTION OF DUTY, OR MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN**  
 24 **OFFICE.**

25           **(3) THE FIRST MEETING OF THE PLANNING COMMITTEE SHALL BE**  
 26 **CALLED BY THE PLANNING ENTITY. AT THE FIRST MEETING, THE PLANNING**  
 27 **COMMITTEE SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND**



1 OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. A MAJORITY  
2 OF THE MEMBERS OF THE PLANNING COMMITTEE CONSTITUTE A QUORUM FOR  
3 THE TRANSACTION OF BUSINESS AT A MEETING OF THE PLANNING COMMITTEE.  
4 THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS IS REQUIRED FOR  
5 OFFICIAL ACTION OF THE PLANNING COMMITTEE. HOWEVER, THE AFFIRMATIVE  
6 VOTE OF A MAJORITY OF THE MEMBERS SERVING ARE REQUIRED TO APPROVE A  
7 MATERIALS MANAGEMENT PLAN, EXCEPT AS PROVIDED IN SECTION 11536  
8 [CITE?]. A PLANNING COMMITTEE SHALL ADOPT PROCEDURES FOR THE  
9 CONDUCT OF ITS BUSINESS.

10 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PLANNING  
11 COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS REPRESENTATIVE OF  
12 THE FOLLOWING INTERESTS WITHIN THE PLANNING AREA:

- 13 (A) A SOLID WASTE DISPOSAL FACILITY OPERATOR.  
14 (B) A REPRESENTATIVE OF A HAULER OF MANAGED MATERIALS.  
15 (C) A MATERIALS RECOVERY FACILITY OPERATOR.  
16 (D) A COMPOST OR OTHER ORGANICS FACILITY OPERATOR.  
17 (E) A WASTE DIVERSION, REUSE, OR REDUCTION FACILITY OPERATOR.  
18 (F) AN ENVIRONMENTAL INTEREST GROUP REPRESENTATIVE.  
19 (G) AN ELECTED COUNTY-LEVEL GOVERNMENT OFFICIAL.  
20 (H) AN ELECTED TOWNSHIP-LEVEL GOVERNMENT OFFICIAL.  
21 (I) AN ELECTED CITY- OR VILLAGE-LEVEL GOVERNMENT OFFICIAL.  
22 (J) AN INDIVIDUAL WHO GENERATES A MANAGED MATERIAL.  
23 (K) A REGIONAL PLANNING AGENCY REPRESENTATIVE.

24 (5) A PLANNING ENTITY MAY APPOINT TO THE PLANNING COMMITTEE AN  
25 ADDITIONAL REPRESENTATIVE THAT DOES BUSINESS IN OR RESIDES IN AN  
26 AFFECTED COMMUNITY OUTSIDE THE PLANNING AREA.

27 (6) COUNTIES PREPARING A MULTICOUNTY MATERIALS MANAGEMENT PLAN



1 UNDER SECTION 11533(3) SHALL APPOINT A SINGLE PLANNING COMMITTEE.  
2 FOR EACH SUCH COUNTY, THE FOLLOWING ADDITIONAL MEMBERS  
3 REPRESENTATIVE OF THE FOLLOWING INTERESTS WITHIN THE COUNTY MAY BE  
4 APPOINTED:

5 (A) AN ELECTED COUNTY OR MUNICIPAL GOVERNMENT OFFICIAL.

6 (B) A REPRESENTATIVE FROM A BUSINESS THAT GENERATES SOLID  
7 WASTE.

8 (7) IF A PROPOSED OR EXISTING MATERIALS MANAGEMENT FACILITY IN  
9 THE PLANNING AREA IS LOCATED CLOSER THAN 2 MILES FROM A  
10 MUNICIPALITY ADJACENT TO THE PLANNING AREA, THE PLANNING ENTITY  
11 SHALL APPOINT TO THE PLANNING COMMITTEE AN ADDITIONAL MEMBER  
12 REPRESENTATIVE OF THE ADJACENT MUNICIPALITY TO SERVE AS A REGULAR  
13 PLANNING COMMITTEE MEMBER OR AS AN ADVISORY MEMBER WITHOUT VOTING  
14 RIGHTS, AS INDICATED IN WRITING BY THE PLANNING ENTITY AT THE TIME  
15 OF APPOINTMENT.

16 (8) IF A PLANNING ENTITY HAS DIFFICULTY FINDING QUALIFIED  
17 INDIVIDUALS TO SERVE ON THE PLANNING COMMITTEE, THE DIRECTOR MAY  
18 APPROVE A REDUCTION IN THE NUMBER OF MEMBERS OF THE PLANNING  
19 COMMITTEE. HOWEVER, AT A MINIMUM, THE PLANNING COMMITTEE SHALL  
20 INCLUDE THE FOLLOWING MEMBERS REPRESENTATIVE OF THE FOLLOWING  
21 INTERESTS WITHIN THE PLANNING AREA:

22 (A) TWO REPRESENTATIVES OF THE MATERIALS MANAGEMENT INDUSTRY.

23 (B) TWO REPRESENTATIVES OF ENVIRONMENTAL GROUPS OR THE  
24 REGIONAL PLANNING AGENCY.

25 (C) AN ELECTED COUNTY OFFICIAL.

26 (D) AN ELECTED TOWNSHIP OFFICIAL.

27 (E) AN ELECTED CITY OR VILLAGE OFFICIAL.



1 SEC. 11534B. IN ADDITION TO ITS OTHER RESPONSIBILITIES UNDER  
2 THIS PART, THE PLANNING COMMITTEE SHALL DO ALL OF THE FOLLOWING:

3 (A) DIRECT THE PLANNING AGENCY IN THE PREPARATION OF THE  
4 MATERIALS MANAGEMENT PLAN.

5 (B) REVIEW THE DESIGNATED PLANNING AGENCY'S PROJECT PLAN.  
6 ["WORK PROGRAM"? SEE 11533(8). "WORK ELEMENTS"? SEE SUBDIVISION  
7 (F) .]

8 (C) IDENTIFY RELEVANT LOCAL MATERIALS MANAGEMENT POLICIES AND  
9 PRIORITIES.

10 (D) ENSURE COORDINATION IN THE PREPARATION OF THE MATERIALS  
11 MANAGEMENT PLAN.

12 (E) ADVISE COUNTIES AND MUNICIPALITIES WITH RESPECT TO THE  
13 PLAN.

14 (F) REVIEW WORK ELEMENTS FOR PREPARATION OF THE PLAN.

15 (G) ENSURE THAT THE PLANNING AGENCY IS FULFILLING ALL OF THE  
16 REQUIREMENTS OF THIS PART AND RULES PROMULGATED UNDER THIS PART AS  
17 TO BOTH THE CONTENT OF THE PLAN AND THE PUBLIC PARTICIPATION  
18 REQUIREMENT. THE PLANNING COMMITTEE SHALL NOTIFY THE PLANNING  
19 AGENCY OF ANY DEFICIENCIES. IF THE DEFICIENCIES ARE NOT ADDRESSED  
20 BY THE PLANNING AGENCY TO THE PLANNING COMMITTEE'S SATISFACTION,  
21 THE PLANNING COMMITTEE SHALL NOTIFY THE PLANNING ENTITY. IF THE  
22 DEFICIENCIES ARE NOT ADDRESSED BY THE PLANNING ENTITY TO THE  
23 PLANNING COMMITTEE'S SATISFACTION, THE PLANNING COMMITTEE SHALL  
24 NOTIFY THE COUNTY. IF THE DEFICIENCIES ARE NOT ADDRESSED BY THE  
25 COUNTY TO THE PLANNING COMMITTEE'S SATISFACTION, THE PLANNING  
26 COMMITTEE SHALL NOTIFY THE DIRECTOR. THE DIRECTOR OR THE PLANNING  
27 ENTITY [????] SHALL RESOLVE ANY DEFICIENCIES.



1           Sec. 11535. ~~(1) A county or regional solid waste management~~  
 2 ~~planning agency preparing a solid waste management plan~~ **IN ADDITION**  
 3 **TO ITS OTHER RESPONSIBILITIES UNDER THIS PART, A PLANNING AGENCY**  
 4 shall do all of the following:

5           ~~(a) Solicit~~ **DURING THE PREPARATION OF A MATERIALS MANAGEMENT**  
 6 **PLAN, SOLICIT** the advice of and consult ~~periodically during the~~  
 7 ~~preparation of the plan with~~ **THE FOLLOWING:**

8           **(i) PERIODICALLY, ALL OF** the municipalities, appropriate  
 9 organizations, and the private sector in the county. ~~under section~~  
 10 ~~11538(1) and solicit the advice of and consult with the~~

11           **(ii) THE** appropriate county or regional ~~solid waste management~~  
 12 ~~planning agency and adjacent counties and municipalities in~~  
 13 ~~adjacent counties which~~ **THAT** may be significantly affected by the  
 14 ~~solid waste~~ **MATERIALS** management plan. ~~for a county.~~

15           ~~(b) If a planning committee has been appointed under section~~  
 16 ~~11534, prepare the plan with the advice, consultation, and~~  
 17 ~~assistance of the planning committee.~~

18           **(B)** ~~(c)~~ Notify by letter the chief elected official of each  
 19 municipality within the county and any other person within the  
 20 county so requesting, not less than 10 days before each public  
 21 meeting ~~of the planning agency designated by the county, if that~~ **AT**  
 22 **WHICH THE** planning agency plans to discuss the county **WILL DISCUSS**  
 23 **THE** plan. The letter shall indicate as precisely as possible the  
 24 subject matter being discussed.

25           ~~(d) Submit for review a copy of the proposed county or~~  
 26 ~~regional solid waste management plan to the department, to each~~  
 27 ~~municipality within the affected county, and to adjacent counties~~



1 ~~and municipalities that may be affected by the plan or that have~~  
 2 ~~requested the opportunity to review the plan. The county plan shall~~  
 3 ~~be submitted for review to the designated regional solid waste~~  
 4 ~~management planning agency for that county. Reviewing agencies~~  
 5 ~~shall be allowed an opportunity of not less than 3 months to review~~  
 6 ~~and comment on the plan before adoption of the plan by the county~~  
 7 ~~or a designated regional solid waste management planning agency.~~  
 8 ~~The comments of a reviewing agency shall be submitted with the plan~~  
 9 ~~to the county board of commissioners or to the regional solid waste~~  
 10 ~~management planning agency.~~

11 ~~—— (c) Publish a notice, at the time the plan is submitted for~~  
 12 ~~review under subdivision (d), of the availability of the plan for~~  
 13 ~~inspection or copying, at cost, by an interested person.~~

14 ~~(C) (f) Conduct~~ **SERVE AS THE PRIMARY GOVERNMENT RESOURCE IN**  
 15 **THE PLANNING AREA FOR INFORMATION ABOUT THE PLAN AND THE PLAN**  
 16 **DEVELOPMENT PROCESS.**

17 **(2) NOT MORE THAN 120 DAYS AFTER THE COUNTY BOARD OF**  
 18 **COMMISSIONERS SUBMITS A NOTICE OF INTENT TO THE DEPARTMENT UNDER**  
 19 **SECTION 11533, THE PLANNING AGENCY SHALL DO ALL OF THE FOLLOWING:**

20 **(A) UNDER THE DIRECTION OF THE PLANNING COMMITTEE, PREPARE A**  
 21 **PROPOSED MATERIALS MANAGEMENT PLAN.**

22 **(B) OBTAIN WRITTEN APPROVAL OF THE PROPOSED PLAN FROM THE**  
 23 **PLANNING COMMITTEE.**

24 **(C) SUBMIT A COPY OF THE APPROVED PROPOSED PLAN TO ALL OF THE**  
 25 **FOLLOWING WITH A NOTICE SPECIFYING THE END OF THE PUBLIC COMMENT**  
 26 **PERIOD UNDER SUBSECTION (5):**

27 **(i) THE DEPARTMENT.**





1           (ii) EACH MUNICIPALITY WITHIN THE PLANNING AREA.

2           (iii) COUNTIES AND MUNICIPALITIES ADJACENT TO THE PLANNING  
3 AREA THAT MAY BE AFFECTED BY THE PLAN OR THAT HAVE REQUESTED THE  
4 OPPORTUNITY TO REVIEW THE PLAN.

5           (iv) THE REGIONAL PLANNING AGENCY FOR EACH COUNTY INCLUDED IN  
6 THE PLANNING AREA.

7           (D) PUBLISH A NOTICE OF THE PROPOSED PLAN IN A NEWSPAPER OF  
8 GENERAL CIRCULATION IN THE PLANNING AREA. THE NOTICE SHALL INDICATE  
9 A LOCATION WHERE COPIES OF THE PROPOSED PLAN ARE AVAILABLE FOR  
10 PUBLIC INSPECTION OR COPYING AT COST, SPECIFY THE END OF THE PUBLIC  
11 COMMENT PERIOD UNDER SUBSECTION (5), AND SOLICIT PUBLIC COMMENT.

12           (3) DURING THE PUBLIC COMMENT PERIOD UNDER SUBSECTION (5), THE  
13 PLANNING AGENCY SHALL CONDUCT a public hearing on the proposed  
14 ~~county solid waste~~ **MATERIALS** management plan. ~~before formal~~  
15 ~~adoption. A notice shall be published~~ **THE PLANNING COMMITTEE SHALL**  
16 **PUBLISH A NOTICE FOR** not less than 30 days before a ~~THE~~ hearing in  
17 a newspaper ~~having a major~~ **OF GENERAL** circulation within the  
18 county. The notice shall indicate a location where copies of the  
19 **MATERIALS MANAGEMENT** plan are available for public inspection **OR**  
20 **COPYING AT COST** and shall indicate the time and place of the public  
21 hearing.

22           (4) THE SAME NOTICE MAY BE USED TO SATISFY THE REQUIREMENTS OF  
23 SUBSECTIONS (2) (D) AND (3). THE PLANNING COMMITTEE SHALL SUBMIT TO  
24 THE DEPARTMENT PROOF OF NOTICE PUBLICATION UNDER SUBSECTIONS (2) (D)  
25 AND (3).

26           (5) THE PLANNING AGENCY SHALL RECEIVE PUBLIC COMMENTS ON THE  
27 PROPOSED MATERIALS MANAGEMENT PLAN FOR 60 DAYS AFTER MEETING THE



1 REQUIREMENTS OF SUBSECTION (2) (C) AND (D). THE PLANNING AGENCY  
2 SHALL CONSIDER COMMENTS RECEIVED AND MAY REVISE THE PROPOSED PLAN.  
3 NOT MORE THAN 30 DAYS AFTER THE END OF THE PUBLIC COMMENT PERIOD,  
4 THE PLANNING AGENCY SHALL SUBMIT THE PROPOSED PLAN, AS REVISED, IF  
5 APPLICABLE, ALONG WITH A SUMMARY OF PUBLIC COMMENTS RECEIVED TO THE  
6 FOLLOWING:

7 (A) THE PLANNING COMMITTEE.

8 (B) IF THE PLANNING ENTITY IS A MUNICIPALITY OR MUNICIPALITIES  
9 ACTING JOINTLY OR A REGIONAL PLANNING AGENCY, TO THE PLANNING  
10 ENTITY.

11 (6) NOT MORE THAN 30 DAYS AFTER THE PLAN IS SUBMITTED TO THE  
12 PLANNING COMMITTEE AND, IF APPLICABLE, THE PLANNING ENTITY UNDER  
13 SUBSECTION (5), THE PLANNING COMMITTEE AND, IF APPLICABLE, THE  
14 PLANNING ENTITY SHALL APPROVE THE PLAN AND THE PLANNING AGENCY  
15 SHALL SUBMIT THE APPROVED PLAN TO THE COUNTY BOARD OF  
16 COMMISSIONERS.

17 (7) IF THE REQUIREMENTS OF SUBSECTIONS (2) TO (6) ARE NOT  
18 TIMELY MET, SECTION 11536(8) APPLIES.

19 ~~Sec. 11536. (1) A municipality located in 2 counties or~~  
20 ~~adjacent to a municipality located in another county may request to~~  
21 ~~be included in the adjacent county's plan. Before the municipality~~  
22 ~~may be included, the request shall be approved by a resolution of~~  
23 ~~the county boards of commissioners of the counties involved. A~~  
24 ~~municipality may appeal to the department a decision to exclude it~~  
25 ~~from an adjacent county's plan. If there is an appeal, the~~  
26 ~~department shall issue a decision within 45 days. The decision of~~  
27 ~~the department is final.~~



1 ~~—— (2) Except as provided in subsection (3), the county board of~~  
2 ~~commissioners shall formally act on the plan following the public~~  
3 ~~hearing required by section 11535(f).~~

4 ~~—— (3) If a planning committee has been appointed by the county~~  
5 ~~board of commissioners under section 11534(1), the county board of~~  
6 ~~commissioners, or if a plan is prepared under section 11533(4), the~~  
7 ~~municipalities in the county who voted in favor of filing a notice~~  
8 ~~of intent to prepare a county solid waste management plan, shall~~  
9 ~~take formal action on the plan after the completion of public~~  
10 ~~hearings and only after the plan has been approved by a majority of~~  
11 ~~the planning committee as provided in section 11534(1). If the~~  
12 ~~county board of commissioners, or, if a plan is prepared under~~  
13 ~~section 11533(4), a majority of the municipalities in the county~~  
14 ~~who voted in favor of filing a notice of intent to prepare a county~~  
15 ~~solid waste management plan, does or do not approve the plan as~~  
16 ~~submitted, the plan shall be returned to the planning committee~~  
17 ~~along with a statement of objections to the plan. Within 30 days~~  
18 ~~after receipt, the planning committee shall review the objections~~  
19 ~~and shall return the plan with its recommendations.~~

20 ~~—— (4) Following approval the county plan shall be approved by~~  
21 ~~the governing bodies of not less than 67% of the municipalities~~  
22 ~~within each respective county before the plan may take effect.~~

23 ~~—— (5) A county plan prepared by a regional solid waste~~  
24 ~~management planning agency shall be approved by the governing~~  
25 ~~bodies of not less than 67% of the municipalities within each~~  
26 ~~respective county before the plan may take effect.~~

27 ~~—— (6) If, after the plan has been adopted, the governing bodies~~



1 ~~of not less than 67% of the municipalities have not approved the~~  
2 ~~plan, the department shall prepare a plan for the county, including~~  
3 ~~those municipalities that did not approve the county plan. A plan~~  
4 ~~prepared by the department shall be final.~~

5           (1) NOT MORE THAN 60 DAYS AFTER THE PROPOSED MATERIALS  
6 MANAGEMENT PLAN IS SUBMITTED TO THE COUNTY BOARD OF COMMISSIONERS  
7 UNDER SECTION 11535(6), THE COUNTY BOARD OF COMMISSIONERS SHALL  
8 APPROVE OR REJECT THE PLAN AND NOTIFY THE PLANNING COMMITTEE. A  
9 NOTICE THAT THE COUNTY BOARD OF COMMISSIONERS REJECTS THE PLAN  
10 SHALL INCLUDE THE SPECIFIC REASONS FOR THE REJECTION.

11           (2) NOT MORE THAN 30 DAYS AFTER NOTICE OF THE REJECTION OF THE  
12 PROPOSED PLAN IS SENT UNDER SUBSECTION (1), THE PLANNING COMMITTEE  
13 SHALL REVISE THE PROPOSED PLAN AND SUBMIT THE REVISED PROPOSED PLAN  
14 TO THE COUNTY BOARD OF COMMISSIONERS. NOT MORE THAN \_\_\_\_ DAYS AFTER  
15 THE REVISED PROPOSED MATERIALS MANAGEMENT PLAN IS SUBMITTED TO IT  
16 UNDER THIS SUBSECTION, THE COUNTY BOARD SHALL APPROVE OR REJECT THE  
17 PLAN AND NOTIFY THE PLANNING COMMITTEE. IF THE COUNTY BOARD REJECTS  
18 THE REVISED PLAN, THE COUNTY BOARD SHALL PREPARE AND APPROVE A PLAN  
19 WITHIN \_\_\_\_ DAYS.

20           (3) NOT MORE THAN 10 DAYS AFTER THE COUNTY BOARD OF  
21 COMMISSIONERS APPROVES A PLAN UNDER SUBSECTION (1) OR (2), THE  
22 PLANNING AGENCY SHALL SUBMIT A COPY OF THE APPROVED PLAN TO THE  
23 LEGISLATIVE BODY OF EACH MUNICIPALITY LOCATED WITHIN THE COUNTY.

24           (4) NOT MORE THAN 120 DAYS AFTER THE PLAN IS SUBMITTED TO THE  
25 LEGISLATIVE BODY OF A MUNICIPALITY, THE LEGISLATIVE BODY MAY  
26 APPROVE OR REJECT THE PLAN AND SHALL NOTIFY THE PLANNING AGENCY OF  
27 THE APPROVAL OR REJECTION. WITHIN \_\_\_\_ DAYS AFTER THE DEADLINE FOR



1 MUNICIPAL NOTIFICATION OF THE PLANNING AGENCY UNDER THIS  
2 SUBSECTION, THE PLANNING AGENCY SHALL NOTIFY THE DEPARTMENT WHICH  
3 MUNICIPALITIES TIMELY APPROVED THE PLAN, WHICH TIMELY REJECTED THE  
4 PLAN, AND WHICH DID NOT TIMELY NOTIFY THE PLANNING AGENCY OF  
5 APPROVAL OR REJECTION. THE NOTICE SHALL BE ACCOMPANIED BY A COPY OF  
6 THE PLAN.

7 (5) SECTION 11536(8) APPLIES UNDER ANY OF THE FOLLOWING  
8 CIRCUMSTANCES:

9 (A) IF THE REQUIREMENTS OF SUBSECTION (1), (2), (3), OR (4)  
10 ARE NOT TIMELY MET.

11 (B) IF THE PLAN IS NOT APPROVED BY AT LEAST 2/3 OF THE  
12 MUNICIPALITIES THAT TIMELY NOTIFY THE PLANNING AGENCY OF THEIR  
13 APPROVAL OR REJECTION UNDER SUBSECTION (4).

14 (C) IF THE PLAN IS NOT APPROVED AS DESCRIBED IN SUBDIVISION  
15 (B) WITHIN 3 YEARS AFTER THE COUNTY BOARD OF COMMISSIONERS FILES A  
16 NOTICE OF INTENT UNDER SECTION 11533(5). [IS THIS CONSISTENT WITH  
17 THE DEADLINES FOR THE INTERIM STEPS?]

18 (6) IF THE PLAN IS APPROVED BY AT LEAST 2/3 OF THE  
19 MUNICIPALITIES THAT TIMELY NOTIFY THE PLANNING AGENCY OF THEIR  
20 APPROVAL OR REJECTION UNDER SUBSECTION (4), NOT MORE THAN 180 DAYS  
21 AFTER THE PLAN IS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (4),  
22 THE DEPARTMENT SHALL, SUBJECT TO SUBSECTION (7), APPROVE OR REJECT  
23 THE PLAN. IF THE DEPARTMENT APPROVES THE PLAN, THE PLAN IS FINAL.  
24 IF THE DEPARTMENT REJECTS THE PLAN, THE DEPARTMENT SHALL PREPARE  
25 THE PLAN AND THAT PLAN IS FINAL.

26 (7) BEFORE APPROVING OR REJECTING THE MATERIALS MANAGEMENT  
27 PLAN UNDER SUBSECTION (6), THE DEPARTMENT MAY RETURN THE PLAN TO



1 THE PLANNING AGENCY WITH A WRITTEN REQUEST FOR MODIFICATIONS TO  
 2 BRING THE PLAN INTO COMPLIANCE WITH THIS PART AND THE RULES  
 3 PROMULGATED UNDER THIS PART OR TO CLARIFY THE PLAN. IF THE  
 4 DEPARTMENT RETURNS THE PLAN FOR MODIFICATIONS, THE 180-DAY DEADLINE  
 5 MAY BE EXTENDED FOR UP TO AN ADDITIONAL 3 MONTHS UPON REQUEST OF  
 6 THE DEPARTMENT OR THE PLANNING ENTITY. IF THE PLANNING ENTITY DOES  
 7 NOT APPROVE THE MODIFICATIONS REQUESTED BY THE DEPARTMENT, THE  
 8 DEPARTMENT SHALL PREPARE THE MATERIALS MANAGEMENT PLAN. THE PLAN  
 9 PREPARED BY THE DEPARTMENT IS FINAL.

10 (8) IF DURING THE PROCESS OF DEVELOPING A MATERIALS MANAGEMENT  
 11 PLAN, THE DEPARTMENT MUST TAKE OVER WRITING A MATERIALS MANAGEMENT  
 12 PLAN BECAUSE OF NONAPPROVAL, A REQUIRED MODIFICATION THAT IS NOT  
 13 APPROVED, OR INACTION OF THE PLANNING ENTITY, IT IS AT THE  
 14 DEPARTMENT'S DISCRETION WHETHER TO PREPARE ITS OWN MATERIALS  
 15 MANAGEMENT PLAN OR MODIFY A MATERIALS MANAGEMENT PLAN FOR THE  
 16 PLANNING ENTITY [WHY DIFFERENTIATE?] AND THAT MATERIALS MANAGEMENT  
 17 PLAN IS FINAL. [ALTERNATIVE: "WHEN, AS PROVIDED UNDER SECTIONS  
 18 11533 TO 11536, THIS SUBSECTION APPLIES, THE DEPARTMENT SHALL  
 19 PREPARE THE MATERIALS MANAGEMENT PLAN AND THAT PLAN IS FINAL."]

20 Sec. 11537. (1) ~~The department shall, within 6 months after a~~  
 21 ~~plan has been submitted for approval, approve or disapprove the~~  
 22 ~~plan. An approved plan shall at a minimum meet the requirements set~~  
 23 ~~forth in section 11538(1).~~ **AMENDMENTS TO A MATERIALS MANAGEMENT PLAN**  
 24 **SHALL BE MADE ONLY AS PROVIDED IN SUBSECTION (2) OR (3).**

25 (2) THE DIRECTOR SHALL INITIATE THE ADOPTION OF 1 OR MORE  
 26 AMENDMENTS TO A MATERIALS MANAGEMENT PLAN IF THE DIRECTOR  
 27 DETERMINES THAT LEGISLATION AMENDING THIS PART [OR AMENDMENTS TO



1 RULES PROMULGATED UNDER THIS PART?] HAS SIGNIFICANTLY CHANGED THE  
 2 REQUIRED CONTENTS OF A MATERIALS MANAGEMENT PLAN [OMIT THIS  
 3 PROVISION AND LEAVE IT UP TO ANY FUTURE LEGISLATION THAT CHANGES  
 4 THIS PART TO SPECIFY WHETHER THE CHANGES REQUIRE A PLAN UPDATE?] OR  
 5 IF AS A RESULT OF CHANGES IN CONDITIONS IN THE PLANNING AREA THE  
 6 PLAN NO LONGER COMPLIES WITH THE REQUIREMENTS OF THIS PART  
 7 [DRAFTER'S ATTEMPT TO ADDRESS SITUATIONS SUCH AS THE LENAWEЕ COUNTY  
 8 LACK OF CAPACITY]. THE PROCEDURE FOR ADOPTING AMENDMENTS TO THE  
 9 PLAN UNDER THIS SUBSECTION IS THE SAME AS THE PROCEDURE FOR  
 10 ADOPTION OF AN INITIAL MATERIALS MANAGEMENT PLAN UNDER SECTION  
 11 11533(5) TO 11536. HOWEVER, SECTIONS 11533(6)(C), (D), AND (E) AND  
 12 (9) AND 11534 DO NOT APPLY.

13 (3) THE PLANNING ENTITY MAY INITIATE AMENDMENTS BY FILING A  
 14 NOTICE OF INTENT WITH THE DEPARTMENT. THE PROCEDURE FOR ADOPTING  
 15 THE AMENDMENTS IS THE SAME AS THE PROCEDURE FOR ADOPTION OF AN  
 16 INITIAL MATERIALS MANAGEMENT PLAN UNDER SECTIONS 11533(7) TO  
 17 11536(6). HOWEVER, SECTIONS 11533(6)(C), (D), AND (E) AND (9) AND  
 18 11534 DO NOT APPLY. FURTHERMORE, IF ANY REQUIRED APPROVAL IS NOT  
 19 TIMELY GRANTED, THE AMENDMENT PROCESS TERMINATES AND THE AMENDMENTS  
 20 ARE NOT ADOPTED. [IT SEEMS UNNECESSARY AND POTENTIALLY CONFUSING TO  
 21 SPECIFY SELECTED SITUATIONS IN WHICH THEY MAY WANT TO AMEND THEIR  
 22 PLAN, E.G., TO ALLOW SITING OF A FACILITY OR TO INCLUDE AN  
 23 ORDINANCE OR PRACTICE OTHERWISE PREEMPTED UNDER SECTION 11538N.]

24 (4) EVERY 5 YEARS AFTER THE INITIAL MATERIALS MANAGEMENT PLAN  
 25 IS APPROVED, THE PLANNING ENTITY SHALL COMPLETE A MATERIALS  
 26 MANAGEMENT PLAN REVIEW. THE PURPOSE OF THE REVIEW IS TO ENSURE THAT  
 27 THE PLAN COMPLIES WITH THIS PART AND EVALUATE THE PROGRESS THAT HAS



1 BEEN MADE IN MEETING THE MATERIALS MANAGEMENT PLAN'S WASTE  
 2 UTILIZATION GOALS AND BENCHMARK RECYCLING STANDARD. ONCE THE REVIEW  
 3 IS COMPLETE, EACH PLANNING ENTITY SHALL SUBMIT TO THE DEPARTMENT 1  
 4 OF THE FOLLOWING, AS APPROPRIATE:

5 (A) A FULL MATERIALS MANAGEMENT PLAN UPDATE. [BUT SEE  
 6 SUBSECTION (1).]

7 (B) A MATERIALS MANAGEMENT PLAN AMENDMENT.

8 (C) A STATEMENT INDICATING THAT NO UPDATE OR AMENDMENT IS  
 9 NEEDED TO ADVANCE THE WASTE UTILIZATION GOALS IN THE PLAN.

10 (5) ~~(2)~~—The department shall review an approved **MATERIALS**  
 11 **MANAGEMENT** plan periodically and determine if revisions or  
 12 corrections [TERMINOLOGY] are necessary to bring the plan into  
 13 compliance with this part. The department, after notice and  
 14 opportunity for a public hearing held pursuant to the  
 15 administrative procedures act of 1969, Act No. ~~306~~ of the Public  
 16 Acts of 1969, being sections 24.201 to 24.328 of the Michigan  
 17 Compiled Laws, **1969 PA 306, MCL 24.201 TO 24.328**, may withdraw  
 18 approval of the plan. If the department withdraws approval of a  
 19 county **MATERIALS MANAGEMENT** plan, the department shall establish a  
 20 timetable or schedule for compliance with this part.

21 Sec. 11537a. ~~Beginning on June 9, 1994 a county that has a~~  
 22 ~~solid waste management plan that provides for siting of disposal~~  
 23 ~~areas to fulfill a 20-year capacity need through use of a siting~~  
 24 ~~mechanism, is only required to use its siting mechanisms to site~~  
 25 ~~capacity to meet a 10-year capacity need.—If any county is able to~~  
 26 ~~demonstrate to the department that it has at least 66 months of~~  
 27 ~~available **SOLID WASTE DISPOSAL** capacity, that county may refuse to~~





1 utilize its siting ~~mechanism~~ **AND DEVELOPMENT PROCESS** until the  
 2 county is no longer able to demonstrate 66 months of capacity. ~~or~~  
 3 ~~until the county amends its plan in accordance with this part to~~  
 4 ~~provide for the annual certification process described in section~~  
 5 ~~11538.~~

6 Sec. 11538. (1) ~~Not later than September 11, 1979, the~~  
 7 ~~director shall promulgate rules for the development, form, and~~  
 8 ~~submission of initial solid waste management plans. The rules shall~~  
 9 ~~require all of the following:~~ **THE GOAL OF A MATERIALS MANAGEMENT**  
 10 **PLAN IS TO PREVENT ADVERSE EFFECTS ON THE PUBLIC HEALTH AND ON THE**  
 11 **ENVIRONMENT RESULTING FROM IMPROPER MATERIALS MANAGEMENT**  
 12 **COLLECTION, PROCESSING, RECOVERY, OR DISPOSAL, INCLUDING PROTECTION**  
 13 **OF SURFACE WATER AND GROUNDWATER QUALITY, AIR QUALITY AND THE LAND,**  
 14 **AND TO SUSTAINABLY MANAGE MATERIALS IN A WAY THAT BENEFITS THE**  
 15 **ECONOMY, COMMUNITIES, AND THE ENVIRONMENT.**

16 (2) **A MATERIALS MANAGEMENT PLAN SHALL MEET ALL OF THE**  
 17 **FOLLOWING REQUIREMENTS:**

18 (A) **TAKE INTO CONSIDERATION THE MATERIALS MANAGEMENT PLANS OF**  
 19 **COUNTIES ADJACENT TO THE PLANNING AREA AND EXISTING LOCAL APPROVED**  
 20 **MATERIALS MANAGEMENT PLANS [????] AS THEY RELATE TO THE PLANNING**  
 21 **AREA'S NEEDS.**

22 (B) ~~(a) The establishment of goals and objectives for~~  
 23 ~~prevention of adverse effects on the public health and on the~~  
 24 ~~environment resulting from improper solid waste collection,~~  
 25 ~~processing, or disposal including protection of surface and~~  
 26 ~~groundwater quality, air quality, and the land.~~ **IDENTIFY ALL MANAGED**  
 27 **MATERIAL GENERATED IN THE PLANNING AREA AND PROVIDE CURRENT**



1 AVAILABLE MANAGEMENT OPTIONS, TO THE EXTENT PRACTICABLE, TO ENSURE  
 2 THAT ALL MANAGED MATERIALS GENERATED IN THE PLANNING AREA ARE  
 3 COLLECTED AND RECOVERED, PROCESSED, OR DISPOSED AT FACILITIES THAT  
 4 COMPLY WITH STATE STATUTES AND RULES. [OUT-OF-STATE FACILITIES?]

5 (C) ~~(b) An~~ **INCLUDE AN** evaluation of waste problems by type and  
 6 volume, including residential and commercial solid waste, hazardous  
 7 waste, industrial sludges, pretreatment residues, municipal sewage  
 8 sludge, air pollution control residue, and other wastes from  
 9 industrial or municipal sources.

10 (D) ~~(c) An evaluation and selection of technically and~~  
 11 ~~economically feasible solid waste management options, which may~~  
 12 ~~include sanitary landfill, resource recovery systems, resource~~  
 13 ~~conservation, or a combination of options.~~ **INCLUDE AN IMPLEMENTATION**  
 14 **STRATEGY TO IDENTIFY HOW THE COUNTY WILL MEET ITS WASTE UTILIZATION**  
 15 **GOALS AND BENCHMARK RECYCLING STANDARD BY THE TIME OF THE REQUIRED**  
 16 **5-YEAR MATERIALS MANAGEMENT PLAN UPDATE. THE IMPLEMENTATION**  
 17 **STRATEGY SHALL INCLUDE, BUT NOT BE LIMITED TO:**

18 (i) HOW PROGRESS WILL BE MADE TO REDUCE THE AMOUNT OF ORGANIC  
 19 MATERIAL BEING DISPOSED.

20 (ii) HOW PROGRESS WILL BE MADE TOWARD EXPANDING ACCESS TO  
 21 RECYCLING AT MULTIFAMILY DWELLINGS.

22 (E) ~~(d) An~~ **INCLUDE AN** inventory and description of all  
 23 ~~existing~~ **MATERIALS MANAGEMENT** facilities where ~~solid waste~~ **MATERIAL**  
 24 is being treated, processed, **RECOVERED**, or disposed, ~~of,~~ including  
 25 a summary of the deficiencies, if any, of the facilities in meeting  
 26 current ~~solid waste~~ **MATERIALS** management needs. **THE DESCRIPTION**  
 27 **SHALL AT A MINIMUM INCLUDE THE FOLLOWING INFORMATION:**



- 1 (i) FACILITY NAME.
- 2 (ii) FACILITY ADDRESS, INCLUDING LATITUDE AND LONGITUDE.
- 3 (iii) ESTIMATED FACILITY ACREAGE.
- 4 (iv) MATERIALS MANAGED.
- 5 (v) MATERIAL HANDLING PROCESSES AT THE FACILITY.
- 6 (vi) TOTAL AUTHORIZED CAPACITY.
- 7 (vii) WHETHER SETBACK DISTANCES FROM ADJACENT PROPERTIES HAVE  
8 BEEN MET.

9 (F) INCLUDE A STATEMENT THAT THE OWNER OR OPERATOR OF EACH  
10 FACILITY LISTED IN THE COUNTY'S MATERIALS MANAGEMENT PLAN HAS  
11 SUBMITTED TO THE COUNTY A WRITTEN ACKNOWLEDGMENT INDICATING THAT  
12 THE OWNER OR OPERATOR IS AWARE OF THE INCLUSION OF THE FACILITY IN  
13 THE MATERIALS MANAGEMENT PLAN AND THAT THE FACILITY HAS THE  
14 INDICATED CAPACITY TO MANAGE THE MATERIALS IDENTIFIED.

15 (G) ~~(e) The encouragement and documentation as part of the~~  
16 ~~solid waste management plan,~~ **INCLUDE DOCUMENTATION** of all  
17 opportunities for participation and involvement of the public, all  
18 affected agencies and parties, and the private sector.

19 (H) ~~(f) That the solid waste management plan contain~~ **CONTAIN**  
20 **AN** enforceable ~~mechanisms~~ **MECHANISM** for implementing the plan,  
21 ~~including identification of the municipalities within the county~~  
22 **AND THE PARTY** responsible ~~for the enforcement and~~ **TO ENSURE**  
23 **COMPLIANCE WITH THIS PART. THE PLAN** may contain a mechanism for the  
24 county and those municipalities **IN THE COUNTY** to assist the  
25 department and the state police in implementing and conducting the  
26 inspection program established in section 11526(2) and (3). This  
27 subdivision does not preclude the private sector's participation in



1 providing ~~solid waste~~ **MATERIALS** management services consistent with  
 2 the ~~solid waste~~ **MATERIALS** management plan for the ~~county~~ **PLANNING**  
 3 **AREA**.

4 (I) ~~(g) Current~~ **INCLUDE CURRENT** and projected population  
 5 densities ~~of each county~~ and identification of population centers  
 6 and centers of ~~solid waste~~ **MANAGED MATERIALS** generation, ~~including~~  
 7 ~~industrial wastes~~ **OF EACH PLANNING AREA USING A FORMULA PROVIDED BY**  
 8 **THE DEPARTMENT IN ORDER TO DEMONSTRATE THAT THE CAPACITY REQUIRED**  
 9 **FOR MANAGED MATERIAL IS MET.**

10 (J) ~~(h) That~~ **ENSURE THAT** the ~~solid waste~~ **MATERIALS** management  
 11 ~~plan~~ **PLANNING** area has, and will have during the ~~plan~~ **PLANNING**  
 12 period, access to a sufficient amount of available and suitable  
 13 land, accessible to transportation media, to accommodate the  
 14 development and operation of ~~solid waste disposal areas, or~~  
 15 ~~resource recovery~~ **MATERIALS MANAGEMENT** facilities provided for in  
 16 the plan.

17 (K) ~~(i) That the solid waste disposal areas or resource~~  
 18 ~~recovery~~ **ENSURE THAT THE MATERIALS MANAGEMENT** facilities provided  
 19 for in the ~~solid waste~~ **MATERIALS** management plan are capable of  
 20 being developed and operated in compliance with state law and rules  
 21 of the department pertaining to protection of the public health and  
 22 the environment, considering the available land in the ~~plan~~  
 23 **PLANNING** area, and the technical feasibility of, and economic costs  
 24 associated with, the facilities.

25 (L) ~~(j) A~~ **INCLUDE A** timetable or schedule for implementing the  
 26 ~~solid waste~~ **MATERIALS** management plan.

27 (M) **INCLUDE A SITING PROCESS UNDER SECTION 11539.**



1 ~~—— (2) Each solid waste management plan shall identify specific~~  
2 ~~sites for solid waste disposal areas for a 5-year period after~~  
3 ~~approval of a plan or plan update. In calculating disposal need~~  
4 ~~requirements to measure compliance with this section, only those~~  
5 ~~existing waste stream volume reduction levels achieved through~~  
6 ~~source reduction, reuse, composting, recycling, or incineration, or~~  
7 ~~any combination of these reduction devices, that can currently be~~  
8 ~~demonstrated or that can be reasonably expected to be achieved~~  
9 ~~through currently active implementation efforts for proposed volume~~  
10 ~~reduction projects, may be assumed by the planning entity. In~~  
11 ~~addition, if the solid waste management plan does not also identify~~  
12 ~~specific sites for solid waste disposal areas for the remaining~~  
13 ~~portion of the entire planning period required by this part after~~  
14 ~~approval of a plan or plan update, the solid waste management plan~~  
15 ~~shall include an interim siting mechanism and an annual~~  
16 ~~certification process as described in subsections (3) and (4). In~~  
17 ~~calculating the capacity of identified disposal areas to determine~~  
18 ~~if disposal needs are met for the entire required planning period,~~  
19 ~~full achievement of the solid waste management plan's volume~~  
20 ~~reduction goals may be assumed by the planning entity if the plan~~  
21 ~~identifies a detailed programmatic approach to achieving these~~  
22 ~~goals. If a siting mechanism is not included, and disposal capacity~~  
23 ~~falls to less than 5 years of capacity, a county shall amend the~~  
24 ~~solid waste management plan for that county to resolve the~~  
25 ~~shortfall.~~

26 ~~—— (3) An interim siting mechanism shall include both a process~~  
27 ~~and a set of minimum siting criteria, both of which are not subject~~



~~1 to interpretation or discretionary acts by the planning entity, and  
2 which if met by an applicant submitting a disposal area proposal,  
3 will guarantee a finding of consistency with the plan. The interim  
4 siting mechanism shall be operative upon the call of the board of  
5 commissioners or shall automatically be operative whenever the  
6 annual certification process shows that available disposal capacity  
7 will provide for less than 66 months of disposal needs. In the  
8 latter event, applications for a finding of consistency from the  
9 proposers of disposal area capacity will be received by the  
10 planning agency commencing on January 1 following completion of the  
11 annual certification process. Once operative, an interim siting  
12 mechanism will remain operative for at least 90 days or until more  
13 than 66 months of disposal capacity is once again available, either  
14 by the approval of a request for consistency or by the adoption of  
15 a new annual certification process which concludes that more than  
16 66 months of disposal capacity is available.~~

~~17 — (4) An annual certification process shall be concluded by June  
18 30 of each year, commencing on the first June 30 which is more than  
19 12 months after the department's approval of the solid waste  
20 management plan or plan update. The certification process will  
21 examine the remaining disposal area capacity available for solid  
22 wastes generated within the planning area. In calculating disposal  
23 need requirements to measure compliance with this section, only  
24 those existing waste stream volume reduction levels achieved  
25 through source reduction, reuse, composting, recycling, or  
26 incineration, or any combination of these reduction devices, that  
27 can currently be demonstrated or that can be reasonably expected to~~



~~1 be achieved through currently active implementation efforts for  
2 proposed volume reduction projects, may be assumed. The annual  
3 certification of disposal capacity shall be approved by the board  
4 of commissioners. Failure to approve an annual certification by  
5 June 30 is equivalent to a finding that less than a sufficient  
6 amount of capacity is available and the interim siting mechanism  
7 will then be operative on the first day of the following January.  
8 As part of the department's responsibility to act on construction  
9 permit applications, the department has final decision authority to  
10 approve or disapprove capacity certifications and to determine  
11 consistency of a proposed disposal area with the solid waste  
12 management plan.~~

~~13 — (5) A board of commissioners may adopt a new certification of  
14 disposal capacity at any time. A new certification of disposal  
15 capacity shall supersede all previous certifications, and become  
16 effective 30 days after adoption by the board of commissioners and  
17 remain in effect until subsequent certifications are adopted.~~

~~18 — (6) In order for a disposal area to serve the disposal needs  
19 of another county, state, or country, the service, including the  
20 disposal of municipal solid waste incinerator ash, must be  
21 explicitly authorized in the approved solid waste management plan  
22 of the receiving county. With regard to intercounty service within  
23 Michigan, the service must also be explicitly authorized in the  
24 solid waste management plan of the exporting county.~~

~~25 — (7) A person shall not dispose of, store, or transport solid  
26 waste in this state unless the person complies with the  
27 requirements of this part.~~



~~1 (8) An ordinance, law, rule, regulation, policy, or practice  
 2 of a municipality, county, or governmental authority created by  
 3 statute, which prohibits or regulates the location or development  
 4 of a solid waste disposal area, and which is not part of or not  
 5 consistent with the approved solid waste management plan for the  
 6 county, shall be considered in conflict with this part and shall  
 7 not be enforceable.~~

8           **SEC. 11538B. (1) A MATERIALS MANAGEMENT PLAN SHALL IDENTIFY**  
 9 **THE PLANNING AGENCY AND THE PARTIES THAT HAVE ACCEPTED**  
 10 **RESPONSIBILITY FOR THE FOLLOWING AND INCLUDE DOCUMENTATION**  
 11 **SUPPORTING THEIR APPROPRIATENESS FOR THE ROLE:**

12           **(A) THE MUNICIPALITIES ["MUNICIPALITIES" VS "PARTY" IN**  
 13 **SUBSECTIONS (1) AND (2)] RESPONSIBLE FOR IMPLEMENTING THE BENCHMARK**  
 14 **RECYCLING STANDARDS ACCESS FUNCTIONS.**

15           **(B) THE PARTY RESPONSIBLE FOR IDENTIFYING THE WASTE**  
 16 **UTILIZATION FRAMEWORK AND THE ACHIEVEMENT OF THE WASTE UTILIZATION**  
 17 **GOALS IDENTIFIED IN THE PLAN. [THERE DOESN'T SEEM TO BE ANY EXPRESS**  
 18 **REQUIREMENT THAT THE PLAN INCLUDE WASTE UTILIZATION GOALS.]**

19           **(C) THE PARTY RESPONSIBLE FOR THE EDUCATION AND OUTREACH**  
 20 **EFFORTS FOR THE PLANNING AREA.**

21           **(D) THE PARTIES OTHERWISE RESPONSIBLE FOR MONITORING,**  
 22 **IMPLEMENTING, AND ENFORCING THE MATERIALS MANAGEMENT PLAN AND**  
 23 **PROVIDING ANY REQUIRED REPORTS TO THE DEPARTMENT.**

24           **(2) THIS STATE MAY SERVE AS A RESPONSIBLE PARTY UNDER**  
 25 **SUBSECTION (1) ON BEHALF OF A MUNICIPALITY IF THE MUNICIPALITY IS**  
 26 **UNDER A FINANCIAL CONSENT ORDER OR IN RECEIVERSHIP.**

27           **(3) EACH MATERIALS MANAGEMENT PLAN SHALL INCLUDE AN**





1 ENFORCEABLE PROGRAM AND PROCESS TO ENSURE THAT ALL MANAGED  
 2 MATERIALS GENERATED OR TO BE GENERATED IN THE PLANNING AREA ARE  
 3 COLLECTED AND RECOVERED, PROCESSED, OR DISPOSED AT MATERIALS  
 4 MANAGEMENT FACILITIES THAT COMPLY WITH STATE LAW AND RULES  
 5 PROMULGATED BY THE DEPARTMENT. [OUT-OF-STATE FACILITIES?]

6 (4) A MATERIALS MANAGEMENT PLAN SHALL CONTAIN A SITING PROCESS  
 7 WITH A MINIMUM [????] SET OF CRITERIA WHEREBY SOLID WASTE DISPOSAL  
 8 AND WASTE UTILIZATION FACILITIES CAN BE DEVELOPED ["ARE AUTHORIZED  
 9 TO BE DEVELOPED" OR "ARE AUTHORIZED AS AUTOMATICALLY CONSISTENT  
 10 WITH THE PLAN" (SEE SUBDIVISION (C))] IN THE PLANNING AREA. THE  
 11 SITING PROCESS SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

12 (A) IDENTIFY THE FACILITY TYPES THAT ARE AUTHORIZED TO BE  
 13 SITED OR DEVELOPED, OR BOTH, ["SITED" AND "DEVELOPED" NOT USED  
 14 CONSISTENTLY IN SUBSECTIONS (4) AND (5). SEE ALSO SECTION 11539]  
 15 FOR PROPER MANAGEMENT OF THE PLANNING AREA'S MATERIALS.

16 (B) AUTHORIZE A GREENFIELD [????] TYPE II LANDFILL OR A NEW  
 17 MUNICIPAL SOLID WASTE INCINERATOR FOR DEVELOPMENT ONLY IF THE  
 18 DIRECTOR DETERMINES THAT CAPACITY IS NEEDED FOR THE PLANNING AREA  
 19 AND WASTE UTILIZATION OPTIONS HAVE BEEN EXHAUSTED.

20 (C) AUTHORIZE CAPTIVE TYPE III LANDFILLS AS AUTOMATICALLY  
 21 BEING CONSISTENT WITH THE PLAN IF BOTH OF THE FOLLOWING APPLY:

22 (i) THE LANDFILL DOES NOT ACCEPT OFF-SITE WASTE.

23 (ii) THE FACILITY MET LOCAL LAND USE LAW REQUIREMENTS WHEN  
 24 INITIALLY SITED.

25 (D) NOT INCLUDE SITING CRITERIA MORE RESTRICTIVE THAN STATE  
 26 LAW IF A FACILITY COULD NOT BE DEVELOPED IN THE PLANNING AREA UNDER  
 27 THOSE CRITERIA.



1 (5) A MATERIALS MANAGEMENT PLAN SHALL MEET ALL OF THE  
2 FOLLOWING ADDITIONAL REQUIREMENTS:

3 (A) CONTAIN A SITING AND DEVELOPMENT PROCESS FOR ALL SOLID  
4 WASTE DISPOSAL AND WASTE UTILIZATION FACILITY TYPES THAT ARE  
5 AUTHORIZED TO FOLLOW THE SITING AND DEVELOPMENT PROCESS. [COMPARE  
6 (4)]

7 (B) PROMOTE THE DEVELOPMENT OF WASTE UTILIZATION FACILITIES  
8 AND ACTIVITIES.

9 (C) PROVIDE A PROCESS FOR ALL OF THE FOLLOWING IF ANY PART OF  
10 A MUNICIPALITY IS LOCATED WITHIN 2 MILES OF A PROPOSED SOLID WASTE  
11 LANDFILL DEVELOPMENT OR EXPANSION OR WITHIN 1 MILE OF A SOLID WASTE  
12 PROCESSING AND TRANSFER FACILITY OR WASTE UTILIZATION FACILITY  
13 [DOES THE PROCESS APPLY TO THE MUNICIPALITY WHERE THE FACILITY IS  
14 LOCATED?]:

15 (i) NOTIFICATION OF THE MUNICIPALITY.

16 (ii) AN OPPORTUNITY FOR THE MUNICIPALITY TO COMMENT ON THE  
17 DEVELOPMENT OR EXPANSION OF THE LANDFILL, PROCESSING AND TRANSFER  
18 FACILITY, OR WASTE UTILIZATION FACILITY.

19 (iii) THE FACILITY DEVELOPER TO ADDRESS, TO THE EXTENT  
20 PRACTICABLE, EACH CONCERN IDENTIFIED BY THE MUNICIPALITY.

21 THE SITING AND DEVELOPMENT RECORD FOR THE FACILITY [IS THIS A DEQ  
22 RECORD?] SHALL INCLUDE DOCUMENTATION OF COMPLIANCE WITH THE PROCESS  
23 REQUIRED UNDER THIS SUBDIVISION, IF APPLICABLE.

24 (D) PROVIDE DOCUMENTATION OF ALL OF THE OPPORTUNITIES PROVIDED  
25 FOR PARTICIPATION OF THE PUBLIC, AFFECTED AGENCIES AND PARTIES, AND  
26 THE PRIVATE SECTOR IN THE DEVELOPMENT OF THE PLAN.

27 (E) ALLOW THE COUNTY OR A MUNICIPALITY WITHIN THE PLANNING



1 AREA, AT ITS DISCRETION, TO REQUIRE HAULERS OPERATING IN ITS  
2 JURISDICTION TO PROVIDE A MINIMUM LEVEL OF RECYCLING SERVICE.

3 (F) REQUIRE THAT A PROPOSED FACILITY [VAGUE] MEET THE  
4 REQUIREMENTS IN THIS PART AND RULES PROMULGATED UNDER THIS PART AND  
5 BE CONSISTENT WITH THE PLANNING ENTITY'S WASTE UTILIZATION GOALS  
6 AND BENCHMARK RECYCLING STANDARDS ["PROGRAM"? THE STANDARDS ARE SET  
7 FORTH IN SECTION 11538B].

8 (6) IF SITING CRITERIA FOR A TYPE OF DISPOSAL AREA OR WASTE  
9 UTILIZATION FACILITY APPLY TO ALL TIERS OF THAT TYPE OF DISPOSAL  
10 AREA OR WASTE UTILIZATION FACILITY UNLESS OTHERWISE SPECIFIED IN  
11 THE PLAN.

12 SEC. 11538D. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS  
13 PART, A MATERIALS MANAGEMENT PLAN PREPARED BY THE DEPARTMENT SHALL  
14 COMPLY WITH ALL OF THE FOLLOWING:

15 (A) ALL EXISTING COMPLIANT WASTE UTILIZATION FACILITIES ARE  
16 AUTOMATICALLY FOUND TO BE CONSISTENT WITH THE MATERIALS MANAGEMENT  
17 PLAN'S SITING PROCESS.

18 (B) NO ADDITIONAL SOLID WASTE DISPOSAL CAPACITY WILL BE  
19 APPROVED.

20 (C) ALL HAULERS SERVING THE PLANNING AREA ARE REQUIRED TO  
21 PROVIDE RECYCLING ACCESS CONSISTENT WITH THE BENCHMARK RECYCLING  
22 STANDARDS.

23 (2) A MATERIALS MANAGEMENT PLAN PREPARED BY THE DEPARTMENT  
24 NEED NOT CONTAIN A REQUIREMENT TO MEET HEIGHTENED SITING CRITERIA  
25 OR OBTAIN HOST COMMUNITY APPROVAL UNDER SECTION 11539(4)(C) TO  
26 DEVELOP ANY MATERIALS MANAGEMENT FACILITY.

27 SEC. 11538F. THE DEPARTMENT AND A PLANNING AGENCY SHALL USE A



1 STANDARD FORMAT IN PREPARING THE MATERIALS MANAGEMENT PLAN. THE  
2 DEPARTMENT SHALL PREPARE THE STANDARD FORMAT AND PROVIDE A COPY OF  
3 THE STANDARD FORMAT TO EACH DESIGNATED PLANNING AGENCY THAT THE  
4 DEPARTMENT KNOWS WILL PREPARE A MATERIALS MANAGEMENT PLAN. THE  
5 DEPARTMENT SHALL PROVIDE THE STANDARD FORMAT TO ANY OTHER PERSON  
6 UPON REQUEST.

7 SEC. 11538H. (1) ALL OF THE FOLLOWING CONSTITUTE THE BENCHMARK  
8 RECYCLING STANDARDS:

9 (A) BY JANUARY 1, 2022, AT LEAST 90% OF SINGLE-FAMILY  
10 DWELLINGS IN URBANIZED AREAS AS IDENTIFIED BY THE MOST RECENT  
11 FEDERAL DECENNIAL CENSUS AND, BY JANUARY 1, 2025, AT LEAST 90% OF  
12 RESIDENTS IN A COUNTY OR PLANNING AREA LIVING IN SINGLE-FAMILY  
13 DWELLINGS IN COMMUNITIES WITH MORE THAN 5,000 RESIDENTS HAVE ACCESS  
14 TO CURBSIDE RECYCLING THAT MEETS THE FOLLOWING CRITERIA:

15 (i) CURBSIDE RECYCLING IS COLLECTED AT LEAST ONCE EVERY 14  
16 DAYS.

17 (ii) IF NOT COLLECTED SEPARATELY, RECYCLED MATERIALS ARE LATER  
18 SEPARATED FROM MATERIAL TO BE SENT TO A SOLID WASTE DISPOSAL AREA.

19 (iii) MATERIAL COLLECTED IS RECYCLED AND PROCESSED BY AN  
20 AUTHORIZED MATERIALS RECOVERY FACILITY OR MANAGED APPROPRIATELY AT  
21 AN OUT-OF-STATE RECYCLING FACILITY.

22 (B) BY JANUARY 1, 2028, THE FOLLOWING ADDITIONAL CRITERIA:

23 (i) IN COUNTIES WITH A POPULATION OF LESS THAN 100,000, THERE  
24 IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 10,000 RESIDENTS WITHOUT  
25 ACCESS TO CURBSIDE RECYCLING OPTIONS OR RECYCLING AT THEIR  
26 MULTIFAMILY DWELLING.

27 (ii) IN COUNTIES WITH A POPULATION GREATER THAN OR EQUAL TO



1 100,000, THERE IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 50,000  
 2 RESIDENTS WITHOUT ACCESS TO CURBSIDE RECYCLING OPTIONS OR RECYCLING  
 3 AT THEIR MULTIFAMILY DWELLING.

4 (iii) MUNICIPALITIES WITHIN THE PLANNING AREA RESPONSIBLE FOR  
 5 ENSURING ACCESS [AS PROVIDED FOR IN SUBPARAGRAPHS (i) AND (ii) ?  
 6 SUBDIVISION (A) ?] AND THE MECHANISMS TO ENSURE ACCESS, INCLUDING,  
 7 BUT NOT LIMITED TO, FRANCHISE OR CONTRACT AGREEMENTS, MUNICIPAL  
 8 SERVICES, HAULER LICENSING UNDER AN ORDINANCE, OR PUBLIC-PRIVATE  
 9 PARTNERSHIPS, ARE IDENTIFIED.

10 (C) FOR PURPOSES OF EDUCATION AND OUTREACH, ALL OF THE  
 11 FOLLOWING CRITERIA:

12 (i) IDENTIFY THE RESPONSIBLE PARTY FOR EDUCATING THE RESIDENTS  
 13 AND BUSINESSES IN THE PLANNING AREA.

14 (ii) IDENTIFY THE BUDGET AND MEANS OF FUNDING EDUCATION AND  
 15 OUTREACH EFFORTS.

16 (iii) IF THE RESPONSIBILITY FOR THIS SUBPART [????] IS  
 17 PRIMARILY PLACED ON THE PRIVATE SECTOR SERVICE PROVIDERS, AN  
 18 AGREEMENT WITH THE SERVICE PROVIDER OR AN ORDINANCE OR OTHER  
 19 ENFORCEABLE MECHANISM ENSURES COMPLIANCE WITH THIS PART.

20 (iv) DESCRIBE THE COUNTY OR REGIONAL ROLE IN PROVIDING  
 21 RECYCLING EDUCATION INCLUDING A WEBSITE, TELEPHONE NUMBER, AND  
 22 SAMPLE RECYCLING GUIDE THAT WILL BE PROVIDED TO RESIDENTS AND  
 23 BUSINESSES.

24 (2) A WASTE UTILIZATION GOALS FRAMEWORK ["GOALS FRAMEWORK" IS  
 25 NOT REQUIRED OR MENTIONED ELSEWHERE IN THE BILL] SHALL INCLUDE:

26 (A) A PROCESS WHEREBY EACH OF A PLANNING AREA'S WASTE  
 27 UTILIZATION FACILITIES IS EVALUATED BASED ON THE TYPE, ORIGIN, AND



1 QUANTITIES OF MANAGED MATERIAL IN TONS ON AN ANNUAL BASIS AS  
2 REPORTED TO THE DEPARTMENT.

3 (B) IDENTIFICATION OF THE RESOURCES NEEDED FOR IMPLEMENTING  
4 THE WASTE UTILIZATION GOALS FOR THE PLANNING AREA.

5 (C) A DESCRIPTION OF HOW THE PLANNING ENTITY WILL MEET THE  
6 BENCHMARK RECYCLING STANDARDS AS PART OF ITS WASTE UTILIZATION  
7 GOAL.

8 SEC. 11538J. (1) A MUNICIPALITY OR COUNTY MAY UTILIZE ANY OF  
9 THE FOLLOWING MECHANISMS, AS APPLICABLE, TO FUND IMPLEMENTATION OF  
10 A MATERIALS MANAGEMENT PLAN:

11 (A) A MILLAGE UNDER 1917 PA 298, MCL 123.261.

12 (B) A MUNICIPAL UTILITY SERVICE FEE.

13 (C) SPECIAL ASSESSMENTS UNDER 1957 PA 185, MCL 123.731 TO  
14 123.786, 1954 PA 188, MCL 41.721 TO 41.728, OR 1923 PA 116, MCL  
15 41.411 TO 41.419.

16 (D) A HAULER FRANCHISE AGREEMENT.

17 (E) HAULER LICENSING FEES.

18 (F) A VOTER-APPROVED MILLAGE.

19 (G) A GENERAL FUND APPROPRIATION.

20 (H) SUPPLEMENTAL FEES FOR SERVICE.

21 (I) A SURCHARGE UNDER SECTION 8A OF THE URBAN COOPERATION ACT,  
22 1967 (EX SESS) PA 7, MCL 124.508A.

23 (J) A LANDFILL SURCHARGE.

24 (K) ANY OTHER LAWFUL MECHANISM.

25 (2) APPROPRIATE USES FOR THIS FUNDING INCLUDE AND ARE NOT  
26 LIMITED TO [AMENDMENT BY REFERENCE?]:

27 (A) RECYCLING PROGRAMS.



1 (B) ORGANIC MATERIALS MANAGEMENT.

2 (C) EDUCATION AND OUTREACH REGARDING RECYCLING AND WASTE  
3 UTILIZATION.

4 (D) RELEVANT MARKET DEVELOPMENT.

5 (E) WASTE REDUCTION AND REUSE INITIATIVES.

6 [IS THIS SECTION JUST INFORMATIONAL? DELETE?]

7 SEC. 11538/. (1) THE COUNTY BOARD OF COMMISSIONERS SHALL  
8 CERTIFY TO THE DEPARTMENT THE PLANNING ENTITY'S PROGRESS TOWARDS  
9 MEETING ITS WASTE UTILIZATION GOALS AND BENCHMARK RECYCLING  
10 STANDARDS WITHIN THE PLANNING AREA. THE FIRST CERTIFICATION SHALL  
11 BE SUBMITTED BY THE FIRST JUNE 30 THAT IS MORE THAN 2 YEARS AFTER  
12 THE DEPARTMENT'S APPROVAL OF THE INITIAL MATERIALS MANAGEMENT PLAN  
13 OR PLAN UPDATE. [HOW DOES THE CERTIFICATION DIFFER FROM A REPORT?  
14 IS THE CERTIFICATION SUBMITTED TO DEQ?] SUBSEQUENT CERTIFICATIONS  
15 SHALL BE SUBMITTED BY JUNE 30 EVERY 2 YEARS AFTER THE FIRST  
16 CERTIFICATION.

17 (2) IF A COUNTY THAT DOES NOT COMPLY WITH SUBSECTION (1) OR  
18 DOES NOT CERTIFY PROGRESS [DOES ANY PROGRESS SUFFICE?] TOWARDS  
19 MEETING THE BENCHMARK RECYCLING STANDARDS, THE COUNTY IS INELIGIBLE  
20 FOR ASSISTANCE FROM THE GROWING RECYCLING ACCESS AND VOLUNTARY  
21 PARTICIPATION FUND UNTIL BOTH OF THE FOLLOWING REQUIREMENTS ARE  
22 MET:

23 (A) THE COUNTY ADOPTS AN ORDINANCE OR OTHER ENFORCEABLE  
24 MECHANISM TO ENSURE THAT ANY SOLID WASTE HAULER PROVIDING CURBSIDE  
25 SERVICE ALSO OFFERS CURBSIDE RECYCLING SERVICE TO SINGLE-FAMILY  
26 DWELLINGS IN THE PLANNING AREA.

27 (B) ANY REMAINING DEFICIENCIES ARE ADDRESSED. [UNCLEAR]



1           SEC. 11538N. (1) AN ORDINANCE, LAW, RULE, REGULATION, POLICY,  
 2 OR PRACTICE OF A MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY  
 3 CREATED BY STATUTE CONFLICTS WITH THIS PART AND IS NOT ENFORCEABLE  
 4 IF IT PROHIBITS OR REGULATES THE LOCATION OR DEVELOPMENT OF A  
 5 MATERIALS MANAGEMENT FACILITY AND IS NOT PART OF OR NOT CONSISTENT  
 6 WITH THE APPROVED MATERIALS MANAGEMENT PLAN FOR THE COUNTY UNLESS  
 7 THE PURPOSE OF THE MEASURE IS TO INCREASE THE RECOVERY OF MANAGED  
 8 MATERIAL AND WASTE UTILIZATION IN THE PLANNING AREA. [SUBJECTIVE  
 9 JUDGMENT?].

10           (2) AN ORDINANCE, LAW, RULE, REGULATION, POLICY, OR PRACTICE  
 11 OF A MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY THAT DOES NOT  
 12 CONFLICT WITH STATE LAW MAY BE IDENTIFIED IN THE MATERIALS  
 13 MANAGEMENT PLAN BY THE APPROPRIATE GOVERNMENTAL UNIT, WITHOUT  
 14 ADDITIONAL AUTHORIZATION FROM THE DEPARTMENT OR FORMAL AMENDMENT OF  
 15 THE MATERIALS MANAGEMENT PLAN. [????]

16           SEC. 11538P. (1) A PLANNING ENTITY, COUNTY, MUNICIPALITY,  
 17 AUTHORITY, OR REGIONAL PLANNING AGENCY [TMV, CHECK FOR CONSISTENCY  
 18 IN LISTS OF ENTITIES] MAY ADOPT REQUIREMENTS CONTROLLING THE FLOW  
 19 OF MATERIALS TO PUBLICLY OWNED MATERIALS MANAGEMENT FACILITIES.  
 20 FURTHER, A PLANNING ENTITY MAY PROTECT ITS MATERIALS MANAGEMENT  
 21 CAPACITY BY ADOPTING AN ORDINANCE THAT RESTRICTS OR LIMITS ITS  
 22 IMPORTS TO A PUBLICLY OWNED MATERIALS MANAGEMENT FACILITY THAT IS  
 23 MANAGED BY A PRIVATE ENTITY. [CLARIFY]

24           (2) A PLANNING ENTITY MAY ESTABLISH MATERIALS MANAGEMENT  
 25 AUTHORIZATIONS OR FEES OR ANY OTHER REGULATORY ORDINANCES,  
 26 AGREEMENTS, OR CONTRACTS NEEDED TO ENSURE THAT EACH COUNTY OR  
 27 PLANNING AREA HAS A SUFFICIENT MECHANISM TO REACH ITS ESTABLISHED





1 WASTE UTILIZATION GOALS. [TMV, CHECK FOR CONSISTENCY OF REFERENCES  
 2 TO COUNTY AND DEFINED TERM "PLANNING AREA."]

3 (3) THE DEPARTMENT SHALL PROVIDE THE NECESSARY INFORMATION AND  
 4 EACH COUNTY SHALL ATTAIN ACCESS TO THE DATABASE SYSTEM USED FOR  
 5 MATERIALS MANAGEMENT FACILITIES TO REPORT TO THE DEPARTMENT TO  
 6 ENSURE CONSISTENT DATA EVALUATIONS AT THE STATE AND LOCAL LEVEL.  
 7 COSTS ASSOCIATED WITH ATTAINING AND MAINTAINING ACCESS TO THE  
 8 DATABASE ARE ELIGIBLE FOR THE MATERIALS MANAGEMENT PLANNING GRANTS.  
 9 [CLARIFY]

10 (4) THE DIRECTOR MAY PROMULGATE RULES TO IMPLEMENT THIS  
 11 SECTION. ["THIS SECTION" HAS BEEN SPLIT INTO SECTIONS 11538,  
 12 11538I, 11538N, AND 11538P. FOR WHICH OF THESE IS RULE PROMULGATION  
 13 AUTHORITY DESIRED?]

14 Sec. 11539. ~~(1) The director shall not approve a plan update~~  
 15 ~~unless:~~

16 ~~—— (a) The plan contains an analysis or evaluation of the best~~  
 17 ~~available information applicable to the plan area in regard to~~  
 18 ~~recyclable materials and all of the following:~~

19 ~~—— (i) The kind and volume of material in the plan area's waste~~  
 20 ~~stream that may be recycled or composted.~~

21 ~~—— (ii) How various factors do or may affect a recycling and~~  
 22 ~~composting program in the plan area. Factors shall include an~~  
 23 ~~evaluation of the existing solid waste collection system; materials~~  
 24 ~~market; transportation networks; local composting and recycling~~  
 25 ~~support groups, or both; institutional arrangements; the population~~  
 26 ~~in the plan area; and other pertinent factors.~~

27 ~~—— (iii) An identification of impediments to implementing a~~



1 ~~recycling and composting program and recommended strategies for~~  
2 ~~removing or minimizing impediments.~~

3 ~~—— (iv) How recycling and composting and other processing or~~  
4 ~~disposal methods could complement each other and an examination of~~  
5 ~~the feasibility of excluding site separated material and source~~  
6 ~~separated material from other processing or disposal methods.~~

7 ~~—— (v) Identification and quantification of environmental,~~  
8 ~~economic, and other benefits that could result from the~~  
9 ~~implementation of a recycling and composting program.~~

10 ~~—— (vi) The feasibility of source separation of materials that~~  
11 ~~contain potentially hazardous components at disposal areas. This~~  
12 ~~subparagraph applies only to plan updates that are due after~~  
13 ~~January 31, 1989.~~

14 ~~—— (b) The plan either provides for recycling and composting~~  
15 ~~recyclable materials from the plan area's waste stream or~~  
16 ~~establishes that recycling and composting are not necessary or~~  
17 ~~feasible or is only necessary or feasible to a limited extent.~~

18 ~~—— (c) A plan that proposes a recycling or composting program, or~~  
19 ~~both, details the major features of that program, including all of~~  
20 ~~the following:~~

21 ~~—— (i) The kinds and volumes of recyclable materials that will be~~  
22 ~~recycled or composted.~~

23 ~~—— (ii) Collection methods.~~

24 ~~—— (iii) Measures that will ensure collection such as ordinances~~  
25 ~~or cooperative arrangements, or both.~~

26 ~~—— (iv) Ordinances or regulations affecting the program.~~

27 ~~—— (v) The role of counties and municipalities in implementing~~



1 the plan.

2 ~~—— (vi) The involvement of existing recycling interests, solid~~  
 3 ~~waste haulers, and the community.~~

4 ~~—— (vii) Anticipated costs.~~

5 ~~—— (viii) On-going program financing.~~

6 ~~—— (ix) Equipment selection.~~

7 ~~—— (x) Public and private sector involvement.~~

8 ~~—— (xi) Site availability and selection.~~

9 ~~—— (xii) Operating parameters such as pH and heat range.~~

10 ~~—— (d) The plan includes an evaluation of how the planning entity~~  
 11 ~~is meeting the state's waste reduction and recycling goals as~~  
 12 ~~established pursuant to section 11541(4).~~

13 (1) ~~(2) The director may promulgate rules as may be necessary~~  
 14 ~~to implement this section.~~**BEGINNING \_\_\_\_\_, THE**  
 15 **DEPARTMENT SHALL NOT ISSUE A CONSTRUCTION PERMIT OR NEW [????]**  
 16 **OPERATING LICENSE FOR A DISPOSAL AREA OR WASTE UTILIZATION FACILITY**  
 17 **AND A NEW DISPOSAL AREA OR WASTE UTILIZATION FACILITY THAT DOES NOT**  
 18 **REQUIRE A PERMIT OR OPERATING LICENSE SHALL NOT BEGIN TO OPERATE IN**  
 19 **A COUNTY UNLESS THE COUNTY HAS AN APPROVED MATERIALS MANAGEMENT**  
 20 **PLAN AND THE DISPOSAL AREA OR WASTE UTILIZATION FACILITY IS**  
 21 **CONSISTENT WITH THE PLAN AS DETERMINED UNDER SUBSECTION (2), (3),**  
 22 **OR (4).**

23 (2) **IF A DISPOSAL AREA THAT DOES NOT REQUIRE A LICENSE OR**  
 24 **PERMIT UNDER THIS PART OR A WASTE UTILIZATION FACILITY IS PROPOSED**  
 25 **TO BE LOCATED IN A LOCAL UNIT OF GOVERNMENT THAT HAS A ZONING**  
 26 **ORDINANCE, THE DISPOSAL AREA OR WASTE UTILIZATION FACILITY IS**  
 27 **CONSISTENT WITH THE MATERIALS MANAGEMENT PLAN IF IT COMPLIES WITH**



1 THE ZONING ORDINANCE AND THE OWNER OR OPERATOR OF THE PROPOSED  
 2 DISPOSAL AREA OR WASTE UTILIZATION FACILITY PRESENTS DOCUMENTATION  
 3 TO THE DEPARTMENT DEMONSTRATING SUCH COMPLIANCE.

4 (3) ANY DISPOSAL AREA OR WASTE UTILIZATION FACILITY IS  
 5 CONSISTENT WITH THE MATERIALS MANAGEMENT PLAN IF BOTH OF THE  
 6 FOLLOWING REQUIREMENTS, AS APPLICABLE, ARE MET:

7 (A) THE SPECIFIC FACILITY OR TYPE OF FACILITY IS IDENTIFIED IN  
 8 THE PLAN AS BEING CONSISTENT WITH THE PLAN WITHOUT FOLLOWING THE  
 9 SITING PROCEDURE.

10 (B) ANY ADDITIONAL SITING REQUIREMENTS FOR THE SPECIFIC  
 11 FACILITY OR TYPE OF FACILITY INCLUDED IN THE PLAN ARE MET. [PER  
 12 TMV: IS (B) COVERED BY (A)?

13 (4) ANY DISPOSAL AREA OR WASTE UTILIZATION FACILITY IS  
 14 CONSISTENT WITH THE MATERIALS MANAGEMENT PLAN IF ALL OF THE  
 15 FOLLOWING REQUIREMENTS, AS APPLICABLE, ARE MET:

16 (A) THE DISPOSAL AREA DOES NOT REQUIRE A LICENSE OR PERMIT  
 17 UNDER THIS PART [STRIKE THE PRECEDING? WILL THESE DISPOSAL AREAS,  
 18 IF NOT AUTHORIZED UNDER SUBSECTION (2) OR (3), STILL HAVE TO BE  
 19 EXPLICITLY AUTHORIZED BY THE PLAN TO FOLLOW THE SITING PROCEDURE IN  
 20 ORDER TO BE SITED?] OR THE PLAN AUTHORIZES THAT TYPE OF DISPOSAL  
 21 AREA OR WASTE UTILIZATION FACILITY TO BE SITED BY FOLLOWING THE  
 22 SITING PROCEDURE AND MEETING THE BASIC SITING CRITERIA IN THE PLAN.

23 (B) THE DISPOSAL AREA OR WASTE UTILIZATION FACILITY FOLLOWS  
 24 THE SITING PROCEDURE AND MEETS THE BASIC SITING CRITERIA IN THE  
 25 PLAN.

26 (C) THE DISPOSAL AREA OR WASTE UTILIZATION FACILITY MEETS  
 27 EITHER OF THE FOLLOWING REQUIREMENTS:



1 (i) HAS HOST COMMUNITY APPROVAL.

2 (ii) MEETS ANY HEIGHTENED SITING CRITERIA IN THE PLAN FOR  
3 DISPOSAL AREAS OR WASTE UTILIZATION FACILITIES THAT DO NOT HAVE  
4 HOST COMMUNITY APPROVAL.

5 (D) THE DISPOSAL AREA OR WASTE UTILIZATION FACILITY IS  
6 APPROVED BY THE COUNTY BOARD OF COMMISSIONERS OR OTHER COUNTY  
7 ENTITY AS REQUIRED BY THE PLAN. WITHIN \_\_\_\_ DAYS AFTER GRANTING  
8 APPROVAL, THE COUNTY ENTITY SHALL NOTIFY THE DEPARTMENT IN WRITING  
9 OF ITS APPROVAL.

10 (E) THE DEPARTMENT NOTIFIES THE OWNER OR OPERATOR OF THE  
11 DISPOSAL AREA OR WASTE UTILIZATION FACILITY IN WRITING THAT THE  
12 DEPARTMENT CONSIDERS THE DISPOSAL AREA OR WASTE UTILIZATION  
13 FACILITY TO HAVE MET THE REQUIREMENTS OF SUBDIVISIONS (A) TO (C),  
14 AS APPLICABLE. WITHIN \_\_\_\_ DAYS AFTER THE DEPARTMENT IS NOTIFIED BY  
15 THE COUNTY ENTITY UNDER SUBDIVISION (D), THE DEPARTMENT SHALL  
16 NOTIFY THE OWNER OR OPERATOR WHETHER THE DEPARTMENT CONSIDERS THE  
17 REQUIREMENTS OF SUBDIVISIONS (A) TO (C), AS APPLICABLE, TO HAVE  
18 BEEN MET.

19 Sec. 11540. ~~Not later than September 11, 1979, the department~~  
20 ~~shall submit to the legislature~~ **THE DEPARTMENT MAY PROMULGATE** rules  
21 that contain sanitary design and operational standards for solid  
22 waste transporting units and disposal areas and otherwise implement  
23 this part. The rules shall include standards for hydrogeologic  
24 investigations; monitoring; liner materials; leachate collection  
25 and treatment, if applicable; groundwater separation distances;  
26 environmental assessments; methane gas control; soil erosion;  
27 sedimentation control; groundwater and surface water quality; noise



1 and air pollution; and the use of floodplains and wetlands.

2 Sec. 11541. (1) The state solid waste management plan ~~shall~~  
 3 ~~consist~~**CONSISTS** of the state solid waste plan and all county  
 4 **MATERIALS MANAGEMENT** plans approved or prepared by the department.

5 (2) The department shall consult and assist in the preparation  
 6 and implementation of the county ~~solid waste~~**MATERIALS** management  
 7 plans.

8 (3) The department may undertake or contract for studies or  
 9 reports necessary or useful in the preparation of the state solid  
 10 waste management plan.

11 (4) The department shall promote policies that encourage  
 12 resource recovery and establishment of ~~waste-to-energy~~**WASTE**  
 13 **UTILIZATION** facilities.

14 Sec. 11546. (1) The department or a health officer may request  
 15 that the attorney general bring an action in the name of the people  
 16 of ~~the~~**THIS** state, or a municipality or county may bring an action  
 17 based on facts arising within its boundaries, for any appropriate  
 18 relief, including injunctive relief, for a violation of this part  
 19 or rules promulgated under this part.

20 (2) In addition to any other relief provided by this section,  
 21 the court may impose on any person who violates any provision of  
 22 this part or rules promulgated under this part or who fails to  
 23 comply with any permit, license, **REGISTRATION, NOTIFICATION,** or  
 24 final order issued pursuant to this part a civil fine as follows:

25 (a) Except as provided in subdivision (b), a civil fine of not  
 26 more than \$10,000.00 for each day of violation.

27 (b) For a second or subsequent violation, a civil fine of not



1 more than \$25,000.00 for each day of violation.

2 (3) In addition to any other relief provided by this section,  
3 the court may order a person who violates this part or the rules  
4 promulgated under this part to restore, or to pay to ~~the~~**THIS** state  
5 an amount equal to the cost of restoring, the natural resources of  
6 this state affected by the violation to their original condition  
7 before the violation, and to pay to ~~the~~**THIS** state the costs of  
8 surveillance and enforcement incurred by ~~the~~**THIS** state as a result  
9 of the violation.

10 (4) In addition to any other relief provided by this section,  
11 the court shall order a person who violates section 11526e to  
12 return, or to pay to ~~the~~**THIS** state an amount equal to the cost of  
13 returning, the solid waste that is the subject of the violation to  
14 the country in which that waste was generated.

15 (5) This part does not preclude any person from commencing a  
16 civil action based on facts that may also constitute a violation of  
17 this part or the rules promulgated under this part.

18 Sec. 11547. (1) ~~In order for a county to effectively implement~~  
19 ~~the planning responsibilities designated under this part,~~ **SUBJECT**  
20 **TO APPROPRIATIONS,** a grant program is established to provide  
21 financial assistance to county or regional ~~solid waste~~**MATERIALS**  
22 management planning agencies. ~~Municipalities joined together with~~  
23 ~~interlocal agreements relating to solid waste management plans,~~  
24 ~~within a county having a city of a population of more than 750,000,~~  
25 ~~are eligible for a separate planning grant in addition to those~~  
26 ~~granted to counties. This separate grant allocation provision does~~  
27 ~~not alter the planning and approval process requirements for county~~



1 ~~plans as specified in this part. Eighty percent of the money for~~  
 2 ~~the program not provided for by federal funds shall be appropriated~~  
 3 ~~annually by the legislature from the general fund of the state and~~  
 4 ~~20% shall be appropriated by the applicant. Grant funds~~  
 5 ~~appropriated for local planning may be used by the department if~~  
 6 ~~the department finds it necessary to invoke the department's~~  
 7 ~~authority to develop a local plan. under section 11533(6). The~~  
 8 ~~department shall~~ **MAY** ~~promulgate rules for the distribution of the~~  
 9 ~~appropriated funds.~~

10 (2) ~~In order for a certified health department to effectively~~  
 11 ~~implement the responsibilities designated under this part, an~~  
 12 ~~annual grant shall be appropriated by the legislature from the~~  
 13 ~~general fund of the state to provide financial assistance to a~~  
 14 ~~certified health department. A certified health department is~~  
 15 ~~eligible to receive 100% of reasonable personnel costs as~~  
 16 ~~determined by the department based on criteria established by rule.~~  
 17 ~~The department shall promulgate rules for the distribution of the~~  
 18 ~~appropriated funds.~~ **GRANTS SHALL BE USED FOR ADMINISTRATIVE COSTS**  
 19 **FOR PREPARING AND MAINTAINING A MATERIALS MANAGEMENT PLAN. COSTS**  
 20 **INCLUDE BUT ARE NOT LIMITED TO:**

21 (A) **DEVELOPMENT OF A WORK PROGRAM, INCLUDING A PRIOR WORK**  
 22 **PROGRAM.**

23 (B) **INITIAL PLAN DEVELOPMENT AND PLAN AMENDMENTS.**

24 (C) **ENSURING PUBLIC PARTICIPATION.**

25 (D) **CONSISTENCY DETERMINATIONS FOR SITING AND DEVELOPMENT OF**  
 26 **NEW FACILITIES.**

27 (E) **ACCESS TO THE DATABASE SYSTEM UTILIZED BY THE DEPARTMENT**





1 FOR MATERIALS MANAGEMENT FACILITY REPORTING PURPOSES AND EVALUATION  
2 OF DATA HOUSED IN THE DATABASE FOR THE PLANNING AREA.

3 (F) EDUCATION AND OUTREACH.

4 (G) RECYCLING AND WASTE UTILIZATION PROGRAMS.

5 (H) PREPARATION OF REQUIRED REPORTS TO THE DEPARTMENT.

6 [SHOULD DIFFERENT TYPES OF COSTS BE COVERED BY THE FIRST AND  
7 SUBSEQUENT ROUNDS OF GRANTS?]

8 (3) GRANTS UNDER THIS SECTION SHALL COVER NOT MORE THAN 80% OF  
9 THE COSTS FOR WHICH THE GRANTS ARE AWARDED.

10 (4) THE INITIAL ROUND OF GRANTS SHALL BE 1-TIME GRANTS FOR 3  
11 YEARS, PAID PROSPECTIVELY IN 3 EQUAL INSTALLMENTS. TO BE ELIGIBLE  
12 FOR A GRANT IN THE INITIAL ROUND, THE PLANNING ENTITY MUST FILE A  
13 NOTICE OF INTENT TO PREPARE ITS MATERIALS MANAGEMENT PLAN UNDER  
14 SECTION 11533 AND SUBMIT A WORK PROGRAM [PER DEQ: SEE R 299.9705  
15 (WRONG CITE?) ALSO, DEQ DOCUMENT "PARTIES ASSOCIATED WITH THE  
16 DEVELOPMENT AND IMPLEMENTATION OF A MATERIALS MANAGEMENT PLAN (MMP)  
17 AND THEIR ASSOCIATED DUTIES" INDICATES GRANTS FLOW THROUGH "THE  
18 COUNT(IES)." IS THE LANGUAGE IN SUBSECTIONS (1) AND (4) CONSISTENT  
19 WITH THIS GOAL?] FOR PREPARING THE PLAN TO THE DEPARTMENT FOR  
20 APPROVAL. THE WORK PLAN SHALL DESCRIBE THE ACTIVITIES FOR  
21 DEVELOPING AND IMPLEMENTING THE PLAN AND ASSOCIATED COSTS TO BE  
22 COVERED BY THE PLANNING ENTITY AND THE GRANT.

23 (5) THE AMOUNT OF A GRANT IN THE INITIAL ROUND SHALL EQUAL THE  
24 SUM OF THE FOLLOWING, AS APPLICABLE:

25 (A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA. [CONSIDER  
26 SECTION 11533(4) AS IT RELATES TO THIS SUBDIVISION, SUBDIVISION  
27 (C), AND SUBSECTION (7).]



1 (B) \$0.50 FOR EACH RESIDENT OF THE PLANNING AREA, UP TO  
2 600,000 RESIDENTS.

3 (C) \$10,000.00 FOR EACH COUNTY IN THE PLANNING AREA THAT  
4 INCLUDES MORE THAN 1 COUNTY.

5 (6) BEGINNING IN YEAR 2 [WHEN DOES YEAR 2 BEGIN? COULD INITIAL  
6 ROUND GRANTS STILL BE FIRST AWARDED TO LATECOMERS AFTER YEAR 1?]  
7 AND EACH YEAR THEREAFTER, ANNUAL GRANTS SHALL BE AWARDED AND PAID  
8 PROSPECTIVELY. TO BE ELIGIBLE FOR AN ANNUAL GRANT, THE PLANNING  
9 ENTITY MUST HAVE AN APPROVED WORK PROGRAM OR APPROVED MATERIALS  
10 MANAGEMENT PLAN.

11 (7) THE AMOUNT OF A GRANT BEGINNING IN YEAR 2 SHALL EQUAL THE  
12 SUM OF THE FOLLOWING, AS APPLICABLE:

13 (A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA.

14 (B) \$10,000.00 FOR EACH COUNTY IN THE PLANNING AREA THAT  
15 INCLUDES MORE THAN 1 COUNTY.

16 (8) A GRANTEE UNDER THIS SECTION SHALL KEEP RECORDS, SUBJECT  
17 TO AUDIT, DOCUMENTING USE OF THE GRANT FOR PLAN DEVELOPMENT AND  
18 IMPLEMENTATION.

19 ~~Sec. 11548. (1) This part is not intended to prohibit the~~  
20 ~~continuation of the private sector from doing business in solid~~  
21 ~~waste disposal and transportation. This part is intended to~~  
22 encourage the continuation of the private sector in the solid waste  
23 disposal, **MANAGED MATERIALS HANDLING**, and transportation business  
24 when in compliance with the minimum requirements of this part.

25 (2) This part is not intended to prohibit salvaging.

26 Sec. 11549. (1) A person who violates this part, a rule  
27 promulgated under this part, or a condition of a permit, license,



1 **REGISTRATION, NOTIFICATION**, or final order issued pursuant to this  
 2 part is guilty of a misdemeanor punishable by a fine of not more  
 3 than \$1,000.00 for each violation and costs of prosecution and, if  
 4 in default of payment of fine and costs, imprisonment for not more  
 5 than 6 months.

6 (2) A person who knowingly violates section 11526e is guilty  
 7 of a felony punishable by imprisonment for not more than 2 years or  
 8 a fine of not more than \$5,000.00, or both.

9 (3) Each day upon which a violation described in this section  
 10 occurs is a separate offense.

11 Sec. 11550. (1) The solid waste management fund ~~is~~ created  
 12 within the state treasury **IS RENAMED THE MATERIALS MANAGEMENT FUND**.  
 13 The state treasurer may receive money from any source for deposit  
 14 into the fund. The state treasurer shall direct the investment of  
 15 the fund. The state treasurer shall credit to the fund interest and  
 16 earnings from fund investments. **THE DEPARTMENT SHALL BE THE**  
 17 **ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.**

18 (2) Money in the ~~solid waste~~ **MATERIALS** management fund at the  
 19 close of the fiscal year shall remain in the fund and shall not  
 20 lapse to the general fund.

21 (3) The state treasurer shall establish, within the ~~solid~~  
 22 ~~waste~~ **MATERIALS** management fund, a ~~solid waste~~ staff account, and a  
 23 perpetual care account, **AND A GRANT ACCOUNT.**

24 (4) Money shall be expended from the ~~solid waste~~ staff  
 25 account, upon appropriation, ~~only for the following purposes:~~ **ONLY**  
 26 **FOR ADMINISTRATIVE COSTS TO THE DEPARTMENT ASSOCIATED WITH THIS**  
 27 **PART, INCLUDING, BUT NOT LIMITED TO:**



1 (a) Preparing generally applicable guidance regarding the  
2 ~~solid waste permit and license~~ **MATERIALS MANAGEMENT AUTHORIZATION**  
3 program or its implementation or enforcement.

4 (b) Reviewing and acting on any **REGISTRATION; NOTIFICATION;**  
5 **APPLICATION FOR AUTHORIZATION UNDER A GENERAL PERMIT**, application  
6 for a permit or license, permit or license revision, or permit or  
7 license renewal, including the cost of public notice and public  
8 hearings.

9 (c) ~~Performing~~ **PROVIDING** an advisory analysis under section  
10 11510(1).

11 (d) General administrative costs of running the permit and  
12 license, **REGISTRATION, AND NOTIFICATION** program, including permit  
13 and license, **REGISTRATION, AND NOTIFICATION** tracking and data  
14 entry.

15 (e) Inspection of ~~licensed disposal areas~~ **MATERIALS MANAGEMENT**  
16 **FACILITIES** and open dumps.

17 (f) Implementing and enforcing the conditions of any permit,  
18 ~~or~~ license, **REGISTRATION, OR NOTIFICATION**.

19 (g) Groundwater monitoring audits at disposal areas which are  
20 or have been licensed under this part **OR AT ANY OTHER MATERIALS**  
21 **MANAGEMENT FACILITY THAT REQUIRED GROUNDWATER MONITORING BECAUSE OF**  
22 **A RELEASE OR SUSPECTED RELEASE**.

23 (h) Reviewing and acting upon corrective action plans for  
24 ~~disposal areas which are or have been licensed~~ **MATERIALS MANAGEMENT**  
25 **FACILITIES** under this part.

26 (i) Review of certifications of closure.

27 (j) Postclosure maintenance and monitoring inspections and



1 review.

2 (k) Review of bonds and financial assurance documentation at  
 3 ~~disposal areas which are or have been licensed~~ **MATERIALS MANAGEMENT**  
 4 **FACILITIES, IF REQUIRED** under this part.

5 (l) **MATERIALS MANAGEMENT PLANNING.**

6 (m) **RECYCLING EDUCATION AND OUTREACH.**

7 (n) **RECYCLED MATERIALS MARKET DEVELOPMENT.**

8 (o) **ADMINISTRATION OF GRANTS AND LOANS UNDER THIS PART FOR**  
 9 **PLANNING, MARKET DEVELOPMENT AND RECYCLING INFRASTRUCTURE,**  
 10 **OUTREACH, AND EDUCATION.**

11 (p) **UP TO 1 FULL-TIME EQUIVALENT EMPLOYEE FOR THE MICHIGAN**  
 12 **ECONOMIC DEVELOPMENT CORPORATION TO ADDRESS RECYCLED MATERIALS**  
 13 **MARKET DEVELOPMENT.**

14 (5) Money shall be expended from the perpetual care account,  
 15 **UPON APPROPRIATION,** only for ~~the purpose of conducting the~~  
 16 following activities at ~~disposal areas which~~ **MATERIALS MANAGEMENT**  
 17 **FACILITIES THAT** are or have been ~~licensed~~ **AUTHORIZED** under this  
 18 part **AND FOR WHICH FEES HAVE BEEN COLLECTED AND DEPOSITED INTO THE**  
 19 **PERPETUAL CARE ACCOUNT:**

20 (a) ~~Postclosure~~ **TO CONDUCT POSTCLOSURE** maintenance and  
 21 monitoring at a ~~disposal area where~~ **MATERIALS MANAGEMENT FACILITY**  
 22 **IF** the owner or operator is no longer required to do so.

23 (b) To conduct closure, or postclosure maintenance and  
 24 monitoring and corrective action if necessary, at a ~~disposal area~~  
 25 ~~where~~ **MATERIALS MANAGEMENT FACILITY IF** the owner or operator has  
 26 failed to do so. Money shall be expended from the account only  
 27 after funds from any ~~perpetual care fund or other financial~~



1 assurance mechanisms held by the owner or operator have been  
2 expended and the department has used reasonable efforts to obtain  
3 funding from other sources.

4 (6) MONEY SHALL BE EXPENDED FROM THE GRANT ACCOUNT, UPON  
5 APPROPRIATION, ONLY FOR THE FOLLOWING:

6 (A) THE UNLOCKING MICHIGAN RECYCLING MARKETS PROGRAM. THE  
7 PROGRAM SHALL PROVIDE GRANTS OR LOANS FOR PURCHASING EQUIPMENT,  
8 RESEARCH AND DEVELOPMENT, OR ASSOCIATED ACTIVITIES TO PROVIDE FOR  
9 NEW OR INCREASED USE OF RECYCLED MATERIALS OR TO SUPPORT THE  
10 DEVELOPMENT OF RECYCLING MARKETS. LOCAL UNITS OF GOVERNMENT AND  
11 NONPROFIT AND FOR-PROFIT ENTITIES ARE ELIGIBLE FOR FUNDING UNDER  
12 THIS PROGRAM. THIS FUNDING IS NOT LIMITED TO ENTITIES IN COUNTIES  
13 WITH APPROVED MATERIALS MANAGEMENT PLANS.

14 (B) THE LOCAL RECYCLING INNOVATION PROGRAM. THE PROGRAM SHALL  
15 PROVIDE GRANTS OR LOANS FOR DEVELOPING LOCAL RECYCLING  
16 INFRASTRUCTURE, FOR RECYCLING EDUCATION CAMPAIGNS FOR RESIDENTS AND  
17 BUSINESSES, FOR OTHER ACTIVITIES THAT RESULT IN INCREASING  
18 RECYCLING ACCESS AND PARTICIPATION, FOR REDUCING WASTE, AND FOR  
19 SUSTAINABLE MATERIALS MANAGEMENT. [IN THE DEQ DRAFT, WERE WASTE  
20 REDUCTION AND SUSTAINABLE MATERIALS MANAGEMENT INTENDED TO BE  
21 SEPARATE CATEGORIES OF EXPENDITURE OR SUBJECTS OF EDUCATION  
22 CAMPAIGNS?] LOCAL UNITS OF GOVERNMENT AND NONPROFIT AND FOR-PROFIT  
23 ENTITIES ARE ELIGIBLE FOR FUNDING. THIS FUNDING IS NOT LIMITED TO  
24 ENTITIES IN COUNTIES WITH APPROVED MATERIALS MANAGEMENT PLANS.

25 (C) THE GROWING RECYCLING ACCESS AND VOLUNTARY PARTICIPATION  
26 PROGRAM. THE PROGRAM SHALL PROVIDE GRANTS TO ASSIST LOCAL  
27 GOVERNMENTS IN IMPLEMENTING BEST [WASTE UTILIZATION AND RECYCLING?]



1 PRACTICES AND IDENTIFYING WAYS TO INNOVATE AND TO COLLABORATE WITH  
 2 OTHER LOCAL UNITS AND THE PRIVATE SECTOR. TO BE ELIGIBLE FOR A  
 3 GRANT, A LOCAL UNIT OF GOVERNMENT MUST BE A COUNTY THAT MEETS, OR A  
 4 MUNICIPALITY LOCATED WITHIN A COUNTY THAT MEETS, BOTH OF THE  
 5 FOLLOWING REQUIREMENTS:

6 (i) HAS AN APPROVED MATERIALS MANAGEMENT PLAN.

7 (ii) IS MAKING PROGRESS TOWARDS MEETING [OR HAS MET?] ITS  
 8 WASTE UTILIZATION GOALS UNDER SECTION 11538B [SEE COMMENT IN  
 9 SECTION 11538D(1)(B)] AND BENCHMARK RECYCLING STANDARDS.

10 (D) COSTS INCURRED BY THE DEPARTMENT IN ADMINISTERING THE  
 11 PROGRAMS UNDER THIS SUBSECTION.

12 (7) APPLICATIONS FOR GRANTS OR LOANS UNDER SUBSECTION (6)  
 13 SHALL BE SUBMITTED TO THE DEPARTMENT ON A FORM PROVIDED BY THE  
 14 DEPARTMENT AND SHALL CONTAIN THE INFORMATION REQUIRED BY THE  
 15 DEPARTMENT. THE DEPARTMENT SHALL PUBLISH CRITERIA UPON WHICH THE  
 16 GRANTS AND LOANS WILL BE MADE AND SHALL MAKE THAT INFORMATION  
 17 AVAILABLE TO GRANT AND LOAN APPLICANTS.

18 (8) ~~(6)~~—By March 1 annually, the department shall prepare and  
 19 submit to the governor, the legislature, the chairs of the standing  
 20 committees of the senate and house of representatives with primary  
 21 responsibility for issues related to natural resources and the  
 22 environment, and the chairs of the subcommittees of the senate and  
 23 house appropriations committees with primary responsibility for  
 24 appropriations to the department a report that details the  
 25 activities of the previous fiscal year funded by the staff account  
 26 of the ~~solid waste~~ **MATERIALS** management fund. ~~established in this~~  
 27 ~~section.~~—This report shall include, at a minimum, all of the



1 following as it relates to the department:

2 (a) The number of full-time equated positions performing solid  
3 waste management ~~permitting,~~ **AUTHORIZATIONS**, compliance, and  
4 enforcement activities.

5 (b) All of the following information related to the  
6 construction permit applications received under section 11509:

7 (i) The number of applications received by the department,  
8 reported as the number of applications determined to be  
9 administratively incomplete and the number determined to be  
10 administratively complete.

11 (ii) The number of applications determined to be  
12 administratively complete for which a final action was taken by the  
13 department. The number of final actions shall be reported as the  
14 number of applications approved, the number of applications denied,  
15 and the number of applications withdrawn by the applicant.

16 (iii) The percentage and number of applications determined to  
17 be administratively complete for which a final decision was made  
18 within 120 days of receipt as required by section 11511. **[????]**

19 (c) All of the following information related to the operating  
20 license applications received under section 11512:

21 (i) The number of applications received by the department,  
22 reported as the number of applications determined to be  
23 administratively incomplete and the number determined to be  
24 administratively complete.

25 (ii) The number of applications determined to be  
26 administratively complete for which a final action was taken by the  
27 department. The number of final actions shall be reported as the





1 number of applications approved, the number of applications denied,  
2 and the number of applications withdrawn by the applicant.

3 (iii) The percentage and number of applications determined to  
4 be administratively complete for which a final decision was made  
5 within 90 days of receipt as required by section 11516. [????]

6 (d) The number of inspections conducted at licensed disposal  
7 areas as required by section 11519.

8 (e) The number of letters of warning sent to licensed disposal  
9 areas.

10 (f) The number of contested case hearings and civil actions  
11 initiated and completed, the number of voluntary consent orders and  
12 administrative orders entered or issued, and the amount of fines  
13 and penalties collected through such actions or orders.

14 (g) For each enforcement action that includes a penalty, a  
15 description of ~~what~~**THE** corrective actions **THAT** were required by  
16 the enforcement action.

17 (h) The number of solid waste complaints received,  
18 investigated, resolved, and not resolved by the department.

19 (i) The amount of revenue in the staff account of the ~~solid~~  
20 ~~waste~~**MATERIALS** management fund at the end of the fiscal year.

21 Sec. 11553. (1) Consistent with the requirements of this part,  
22 the department shall apply this section so as to promote and foster  
23 the use of wastes and by-products for recycling or beneficial  
24 purposes.

25 (2) Any person may request the department, consistent with the  
26 definitions and other terms of this part, to approve a material, a  
27 use, or a material and use as a source separated material; a



1 beneficial use by-product for beneficial use 1, 2, 4, or 5; an  
2 inert material; a low-hazard industrial waste; or another material,  
3 use, or material and use that can be approved under this part.  
4 Among other things, a person may request the department to approve  
5 a use that does not qualify as beneficial use 2 under section  
6 ~~11502(4)(a)~~**11502(9)(A)** because the property is not nonresidential  
7 property or under section ~~11502(4)(a)~~**11502(9)(A)**, (b), or (c)  
8 because the material exceeds 4 feet in thickness. A request under  
9 this subsection shall contain a description of the material  
10 including the process generating it; results of analyses of  
11 representative samples of the material for any hazardous substances  
12 that the person has knowledge or reason to believe could be present  
13 in the material, based on its source, its composition, or the  
14 process that generated it; and, if applicable, a description of the  
15 proposed use. **THE REQUEST SHALL BE ACCOMPANIED BY A FEE OF \$\_\_\_\_\_.**  
16 **FEES COLLECTED UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE**  
17 **STATE TREASURER FOR DEPOSIT IN THE STAFF ACCOUNT OF THE MATERIALS**  
18 **MANAGEMENT FUND.** The analysis and sampling of the material under  
19 this subsection shall be consistent with the methods contained in  
20 the EPA document entitled "~~test methods for the evaluation of solid~~  
21 ~~waste, physical/chemical methods,~~" **"TEST METHODS FOR THE EVALUATION**  
22 **OF SOLID WASTE, PHYSICAL/CHEMICAL METHODS,**" SW 846 3rd edition; 1  
23 or more peer-reviewed standards developed by a national or  
24 international organization, such as ASTM international; or 1 or  
25 more standards or methods approved by the department or the EPA.  
26 The department shall approve or deny the request within 150 days  
27 after the request is received, unless the parties agree to an



1 extension. If the department determines that the request does not  
2 include sufficient information, the department shall, not more than  
3 60 days after receipt of the request, notify the requester. The  
4 notice shall specify the additional information that is required.  
5 The 150-day period is tolled until the requestor submits the  
6 information specified in the notice. If the department approves a  
7 request under this subsection, the approval shall include the  
8 following statement: "This approval does not require any use of any  
9 beneficial use by-product by a governmental entity or any other  
10 person." The department may impose conditions and other  
11 requirements consistent with the purposes of this part on a  
12 material, a use, or a material and use approved under this section  
13 that are reasonably necessary for the use. If a request is approved  
14 with conditions or other requirements, the approval shall  
15 specifically state the conditions or other requirements. If the  
16 request is denied, the department's denial shall, to the extent  
17 practical, state with specificity all of the reasons for denial. If  
18 the department fails to approve or deny the request within the 150-  
19 day period, the request is considered approved. A person requesting  
20 approval under this subsection may seek review of any final  
21 department decision pursuant to section 631 of the revised  
22 judicature act of 1961, 1961 PA 236, MCL 600.631.

23 (3) The department shall approve a material for a specified  
24 use as a beneficial use by-product if all of the following  
25 requirements are met:

26 (a) The material is an industrial or commercial material that  
27 is or has the potential to be generated in high volumes.



1 (b) The proposed use serves a legitimate beneficial purpose  
2 other than providing a means to discard the material.

3 (c) A market exists for the material or there is a reasonable  
4 potential for the creation of a new market for the material if it  
5 is approved as a beneficial use by-product.

6 (d) The material and use meet all federal and state consumer  
7 protection and product safety laws and regulations.

8 (e) The material meets all of the following requirements:

9 (i) Hazardous substances in the material do not pose a direct  
10 contact health hazard to humans.

11 (ii) The material does not leach, decompose, or dissolve in a  
12 way that forms an unacceptably contaminated leachate. An  
13 unacceptably contaminated leachate is one that exceeds either part  
14 201 generic residential groundwater drinking water criteria or  
15 surface water quality standards established under part 31.

16 (iii) The material does not produce emissions that violate  
17 part 55 or that create a nuisance.

18 **THE REQUEST SHALL BE ACCOMPANIED BY A FEE OF \$\_\_\_\_\_ . FEES COLLECTED**  
19 **UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE STATE TREASURER FOR**  
20 **DEPOSIT IN THE STAFF ACCOUNT OF THE MATERIALS MANAGEMENT FUND .**

21 (4) The department may approve a material for a specified use  
22 as a beneficial use by-product if the material meets the  
23 requirements of subsection (3)(a), (b), (c), and (d) but fails to  
24 meet the requirements of subsection (3)(e) and if the department  
25 determines that the material and use are protective of the public  
26 health and environment. In making the determination, the department  
27 shall consider the potential for exposure and risk to human health



1 and the environment given the nature of the material, its proposed  
2 use, and the environmental fate and transport of any hazardous  
3 substances in the material in soil, groundwater, or other relevant  
4 media.

5 (5) The department shall approve a material as inert if all of  
6 the following requirements are met:

7 (a) The material is proposed to be used for a legitimate  
8 purpose other than a means to dispose of the material.

9 (b) Hazardous substances in the material do not pose a direct  
10 contact health hazard to humans.

11 (c) The material does not leach, decompose, or dissolve in a  
12 way that forms an unacceptably contaminated leachate upon contact  
13 with water or other liquids likely to be found at the area of  
14 placement, disposal, or use. An unacceptably contaminated leachate  
15 is leachate that exceeds part 201 generic residential groundwater  
16 drinking water criteria or surface water quality standards  
17 established under part 31.

18 (d) The material does not produce emissions that violate part  
19 55 or that create a nuisance.

20 **THE REQUEST SHALL BE ACCOMPANIED BY A FEE OF \$ \_\_\_\_\_. FEES COLLECTED**  
21 **UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE STATE TREASURER FOR**  
22 **DEPOSIT IN THE STAFF ACCOUNT OF THE MATERIALS MANAGEMENT FUND.**

23 (6) The department may approve a material as inert if the  
24 material meets the requirements of subsection (5)(a) but fails to  
25 meet the requirements of subsection (5)(b), (c), or (d) and if the  
26 department determines that the material is protective of the public  
27 health and environment. In making the determination, the department



1 shall consider the potential for exposure and risk to human health  
2 and the environment given the nature of the material, its proposed  
3 use, and the environmental fate and transport of any hazardous  
4 substances in the material in soil, groundwater, or other relevant  
5 media.

6 (7) The department shall approve a material as a low-hazard  
7 industrial waste if hazardous substances in representative samples  
8 of the material do not leach, using, at the option of the  
9 generator, EPA method 1311, 1312, or any other method approved by  
10 the department that more accurately simulates mobility, above the  
11 higher of the following:

12 (a) One-tenth the hazardous waste toxicity characteristic  
13 threshold as set forth in rules promulgated under part 111.

14 (b) Ten times the generic residential groundwater drinking  
15 water cleanup criteria as set forth in rules promulgated under part  
16 201.

17 **THE REQUEST SHALL BE ACCOMPANIED BY A FEE OF \$ \_\_\_\_\_. FEES COLLECTED**  
18 **UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE STATE TREASURER FOR**  
19 **DEPOSIT IN THE STAFF ACCOUNT OF THE MATERIALS MANAGEMENT FUND.**

20 (8) The department shall approve a material as a source  
21 separated material if the person who seeks the designation  
22 demonstrates that the material can be recycled or converted into  
23 raw materials or new products by being returned to the original  
24 process from which it was generated, by use or reuse as an  
25 ingredient in an industrial process to make a product, or by use or  
26 reuse as an effective substitute for a commercial product. To  
27 qualify as a source separated material, the material, product, or



1 reuse must meet all federal and state consumer protection and  
 2 product safety laws and regulations and must not create a nuisance.  
 3 If a material will be applied to or placed on the land, or will be  
 4 used to produce products that are applied to or placed on the land,  
 5 the material must qualify as an inert material or beneficial use  
 6 by-product.

7 (9) Any written determination by the department made ~~prior to~~  
 8 ~~the effective date of the amendatory act that added this section~~  
 9 **BEFORE SEPTEMBER 16, 2014** designating a material as an inert  
 10 material, an inert material appropriate for general reuse, an inert  
 11 material appropriate for reuse at a specific location, an inert  
 12 material appropriate for specific reuse instead of virgin material,  
 13 a source separated material, a site separated material, a low-  
 14 hazard industrial waste, or a non-solid-waste material remains in  
 15 effect according to its terms or until forfeited in writing by the  
 16 person who received the determination. Upon termination,  
 17 expiration, or forfeiture of the written determination, the current  
 18 requirements of this part control. The amendments made to this part  
 19 ~~by the amendatory act that added this section~~ **2014 PA 178** do not  
 20 rescind, invalidate, limit, or modify any such prior determination  
 21 in any way.

22 **SEC. 11555. (1) YARD WASTE SHALL BE MANAGED BY 1 OF THE**  
 23 **FOLLOWING MEANS:**

24 **(A) COMPOSTED ON THE PROPERTY WHERE THE YARD WASTE IS**  
 25 **GENERATED.**

26 **(B) TEMPORARILY ACCUMULATED UNDER SUBSECTION (2) .**

27 **(C) COMPOSTED AT AN EXEMPT COMPOSTING FACILITY CONTAINING NOT**



1 MORE THAN 500 CUBIC YARDS OF YARD WASTE AT ANY TIME IF  
2 DECOMPOSITION OCCURS WITHOUT CREATING A NUISANCE OR VIOLATING PART  
3 31.

4 (D) COMPOSTED AT A SMALL COMPOSTING FACILITY IF THE FOLLOWING  
5 REQUIREMENTS ARE MET:

6 (i) THE DECOMPOSITION OCCURS WITHOUT CREATING A NUISANCE OR  
7 VIOLATING PART 31.

8 (ii) THE OWNER OR OPERATOR OF THE SITE NOTIFIES AS A SMALL  
9 COMPOSTING FACILITY WITH THE DEPARTMENT ANNUALLY ON A FORM AND  
10 FORMAT PROVIDED BY THE DEPARTMENT. [AWKWARD]

11 (iii) THE OWNER OR OPERATOR OF A SITE REPORTS THE AMOUNT OF  
12 COMPOSTABLE MATERIAL ON SITE WITHIN 30 DAYS AFTER THE END OF THE  
13 STATE FISCAL YEAR AS PART OF THE NOTIFICATION UNDER SUBPARAGRAPH  
14 (ii) .

15 (E) COMPOSTED ON A FARM AS DESCRIBED BY SUBSECTION (3) .

16 (F) COMPOSTED AT A SITE THAT QUALIFIES AS A REGISTERED MEDIUM  
17 COMPOST FACILITY.

18 (G) COMPOSTED AT A LARGE COMPOST FACILITY OR CLASS 1 COMPOST  
19 FACILITY THAT HAS RECEIVED A GENERAL PERMIT TIER 1 OR A VERY LARGE  
20 COMPOST FACILITY OR CLASS 2 COMPOST FACILITY THAT HAS RECEIVED A  
21 GENERAL PERMIT TIER 2. ["IN PROCEDURES OR PROCEEDINGS FOR THE  
22 ADMINISTRATION AND ENFORCEMENT OF THIS PART,"?] THE OWNER OR  
23 OPERATOR OF ANY COMPOSTING FACILITY HAS THE BURDEN TO DEMONSTRATE  
24 COMPLIANCE WITH LOCAL LAND USE LAWS OR THE MATERIALS MANAGEMENT  
25 PLAN FOR THE COUNTY IN WHICH THE SITE IS LOCATED. [MOVE]

26 (H) DECOMPOSED IN A CONTROLLED MANNER USING A CLOSED CONTAINER  
27 TO CREATE AND MAINTAIN ANAEROBIC CONDITIONS IF IN COMPLIANCE WITH





1 PART 55 AND OTHERWISE APPROVED BY THE DIRECTOR UNDER THIS PART.

2 (I) COMPOSTED AND USED AS PART OF NORMAL OPERATIONS BY A  
3 MUNICIPAL SOLID WASTE LANDFILL IF THE COMPOSTING AND USE MEET ALL  
4 THE FOLLOWING REQUIREMENTS:

5 (i) TAKE PLACE ON PROPERTY DESCRIBED IN THE LANDFILL  
6 CONSTRUCTION PERMIT.

7 (ii) ARE DESCRIBED IN AND CONSISTENT WITH THE LANDFILL  
8 OPERATION PLANS.

9 (iii) ARE OTHERWISE IN COMPLIANCE WITH THIS ACT.

10 (J) PROCESSED AT A PROCESSING AND TRANSFER FACILITY IN  
11 ACCORDANCE WITH THIS PART AND THE RULES PROMULGATED UNDER THIS  
12 PART.

13 (K) DISPOSED OF IN A LANDFILL OR AN INCINERATOR, BUT ONLY IF  
14 THE YARD WASTE MEETS ALL OF THE FOLLOWING REQUIREMENTS:

15 (i) IS DISEASED OR INFESTED, IS COMPOSED OF INVASIVE PLANTS,  
16 SUCH AS GARLIC MUSTARD, PURPLE LOOSESTRIFE, OR SPOTTED KNAPWEED,  
17 THAT WERE COLLECTED THROUGH AN ERADICATION OR CONTROL PROGRAM, OR  
18 IS A STATE OR FEDERAL CONTROLLED SUBSTANCE.

19 (ii) INCLUDES NO MORE THAN A DE MINIMIS AMOUNT OF OTHER YARD  
20 WASTE.

21 (iii) IS INAPPROPRIATE TO COMPOST.

22 (2) A PERSON MAY TEMPORARILY ACCUMULATE YARD WASTE AT A SITE  
23 NOT DESIGNED FOR COMPOSTING IF ALL OF THE FOLLOWING REQUIREMENTS  
24 ARE MET:

25 (A) THE ACCUMULATION DOES NOT CREATE A NUISANCE OR OTHERWISE  
26 RESULT IN A VIOLATION OF THIS ACT.

27 (B) THE YARD WASTE IS NOT MIXED WITH OTHER COMPOSTABLE



1 MATERIALS.

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 DIRECTOR MAY APPROVE A LONGER TIME PERIOD BASED ON A DEMONSTRATION  
8 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 10 AFTER THE YARD  
12 WASTE 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 (3) A PERSON MAY COMPOST YARD WASTE OR CLASS 1 COMPOSTABLE  
17 MATERIAL ON A FARM IF COMPOSTING DOES NOT OTHERWISE RESULT IN A  
18 VIOLATION OF THIS ACT AND IS DONE IN ACCORDANCE WITH GAAMPS UNDER  
19 THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474,  
20 AND IF 1 OR MORE OF THE FOLLOWING APPLY:

21 (A) ONLY YARD WASTE AND/OR CLASS 1 COMPOSTABLE MATERIAL  
22 GENERATED ON THE FARM IS COMPOSTED.

23 (B) THERE ARE NOT MORE THAN 5,000 CUBIC YARDS OF YARD WASTE  
24 AND/OR CLASS 1 COMPOSTABLE MATERIAL ON THE FARM AT ANY TIME.

25 ["THERE ARE NOT MORE THAN 5,000 CUBIC YARD WASTE AND NOT MORE THAN  
26 5,000 CUBIC YARDS OF CLASS I COMPOSTABLE MATERIAL ON THE FARM AT  
27 ANY TIME?" IN ANY CASE, THIS SUBDIVISION CONFLICTS WITH SUBDIVISION



1 (C) .]

2 (C) IF THERE IS MORE THAN 5,000 CUBIC YARDS OF YARD WASTE  
3 [CLASS I COMPOSTABLE MATERIAL?] ON THE FARM AT ANY TIME, ALL OF THE  
4 FOLLOWING REQUIREMENTS ARE MET:

5 (i) THE FARM OPERATION ACCEPTS YARD WASTE AND/OR CLASS 1  
6 COMPOSTABLE MATERIAL [????] GENERATED AT A LOCATION OTHER THAN THE  
7 FARM ONLY TO ASSIST IN MANAGEMENT OF WASTE MATERIAL GENERATED BY  
8 THE FARM OPERATION OR TO SUPPLY THE NUTRIENT NEEDS OF THE FARM AS  
9 DETERMINED BY A CERTIFIED CROP ADVISOR, MICHIGAN AGRICULTURE  
10 ENVIRONMENTAL ASSURANCE PROGRAM TECHNICIAN, COMPREHENSIVE NUTRIENT  
11 MANAGEMENT PLAN WRITER, PROFESSIONAL ENGINEER, OR STAFF OF THE  
12 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT WHO ADMINISTER THE  
13 MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474.

14 (ii) THE FARM OPERATION DOES NOT ACCEPT YARD WASTE GENERATED  
15 AT A LOCATION OTHER THAN THE FARM FOR MONETARY OR OTHER VALUABLE  
16 CONSIDERATION.

17 (iii) THE OWNER OR OPERATOR OF THE FARM REGISTERS WITH THE  
18 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT ON A FORM PROVIDED  
19 BY THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT AND  
20 CERTIFIES THAT THE FARM OPERATION MEETS AND WILL CONTINUE TO MEET  
21 THE REQUIREMENTS OF SUBPARAGRAPHS (i) AND (ii) .

22 (4) A SITE QUALIFIES AS AN AUTHORIZED COMPOSTING FACILITY IF  
23 ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

24 (A) THE OWNER OR OPERATOR OF THE SITE IS AUTHORIZED AS A  
25 COMPOSTING FACILITY BY THE DEPARTMENT AND REPORTS TO THE DEPARTMENT  
26 WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL YEAR THE AMOUNT  
27 OF YARD CLIPPINGS AND OTHER COMPOSTABLE MATERIAL COMPOSTED IN THE



1 PREVIOUS STATE FISCAL YEAR. THE NOTIFICATION, REGISTRATION, OR  
2 PERMIT APPLICATION AND REPORTING SHALL BE DONE ON FORMS PROVIDED BY  
3 THE DEPARTMENT.

4 (B) THE SITE IS OPERATED IN COMPLIANCE WITH THE FOLLOWING  
5 LOCATION RESTRICTIONS:

6 (i) IF THE SITE IS IN OPERATION ON DECEMBER 1, 2007, THE  
7 MANAGEMENT OR STORAGE OF YARD WASTE, COMPOST, AND RESIDUALS DOES  
8 NOT EXPAND FROM ITS LOCATION ON THAT DATE TO AN AREA THAT IS WITHIN  
9 THE FOLLOWING DISTANCES FROM ANY OF THE FOLLOWING FEATURES:

10 (A) 50 FEET FROM A PROPERTY LINE.

11 (B) 200 FEET FROM A RESIDENCE.

12 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,  
13 STREAM, OR WETLAND.

14 (ii) IF THE SITE BEGINS OPERATION AFTER DECEMBER 1, 2007, THE  
15 MANAGEMENT OR STORAGE OF YARD WASTE, COMPOST, AND RESIDUALS OCCURS  
16 IN AN AREA THAT IS NOT IN THE 100-YEAR FLOODPLAIN AND IS AT LEAST  
17 THE FOLLOWING DISTANCES FROM EACH OF THE FOLLOWING FEATURES:

18 (A) 50 FEET FROM A PROPERTY LINE.

19 (B) 200 FEET FROM A RESIDENCE.

20 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,  
21 STREAM, OR WETLAND.

22 (D) 2,000 FEET FROM A TYPE I OR TYPE IIA WATER SUPPLY WELL.

23 (E) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

24 (F) 500 FEET FROM A CHURCH OR OTHER HOUSE OF WORSHIP,  
25 HOSPITAL, NURSING HOME, LICENSED DAY CARE CENTER, OR SCHOOL, OTHER  
26 THAN A HOME SCHOOL.

27 (G) 4 FEET ABOVE GROUNDWATER.



1           (iii) A LOCAL UNIT OF GOVERNMENT MAY IMPOSE LOCATION  
2 RESTRICTIONS THAT ARE MORE RESTRICTIVE THAN THOSE IN SUBPARAGRAPHS  
3 (i) AND (ii) BUT NOT SO RESTRICTIVE THAT A FACILITY COULD NOT BE  
4 DEVELOPED ASSUMING THE SITING [DOES "SITING" REFER TO THE  
5 RESTRICTIONS OR THE FACILITY LOCATION?] IS APPROVED IN THE  
6 APPROPRIATE MATERIALS MANAGEMENT PLAN.

7           (C) COMPOSTING AND MANAGEMENT OF THE SITE OCCURS IN A MANNER  
8 THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

9           (i) DOES NOT VIOLATE THIS ACT OR CREATE A FACILITY AS DEFINED  
10 IN SECTION 20101.

11           (ii) DOES NOT RESULT IN AN ACCUMULATION OF YARD WASTE FOR A  
12 PERIOD OF OVER 3 YEARS UNLESS THE SITE HAS THE CAPACITY TO COMPOST  
13 THE YARD WASTE AND THE OWNER OR OPERATOR OF THE SITE CAN  
14 DEMONSTRATE, BEGINNING IN THE THIRD YEAR OF OPERATION AND EACH YEAR  
15 THEREAFTER, UNLESS A LONGER TIME IS APPROVED BY THE DIRECTOR, THAT  
16 THE AMOUNT OF YARD WASTE AND COMPOST THAT IS TRANSFERRED OFF-SITE  
17 IN A CALENDAR YEAR IS NOT LESS THAN 75% BY WEIGHT OR VOLUME,  
18 ACCOUNTING FOR NATURAL VOLUME REDUCTION, OF THE AMOUNT OF YARD  
19 WASTE AND COMPOST THAT WAS ON-SITE AT THE BEGINNING OF THE CALENDAR  
20 YEAR.

21           (iii) RESULTS IN FINISHED COMPOST WITH NOT MORE THAN 1%, BY  
22 WEIGHT, OF FOREIGN MATTER THAT WILL REMAIN ON A 4-MILLIMETER  
23 SCREEN.

24           (iv) IF YARD WASTE IS COLLECTED IN BAGS OTHER THAN PAPER BAGS,  
25 DEBAGS THE YARD WASTE BY THE END OF EACH BUSINESS DAY.

26           (v) PREVENTS THE POOLING OF WATER BY MAINTAINING PROPER SLOPES  
27 AND GRADES.



1 (vi) PROPERLY MANAGES COMPOST WASTE WATER AND STORM WATER  
2 RUNOFF IN ACCORDANCE WITH PART 31.

3 (vii) DOES NOT ATTRACT OR HARBOR RODENTS OR OTHER VECTORS.

4 (D) THE OWNER OR OPERATOR MAINTAINS, AND MAKES AVAILABLE TO  
5 THE DEPARTMENT, ALL OF THE FOLLOWING RECORDS:

6 (i) RECORDS IDENTIFYING THE VOLUME OF YARD WASTE AND OTHER  
7 COMPOSTABLE MATERIAL ACCEPTED BY THE FACILITY EACH MONTH, THE  
8 VOLUME OF YARD WASTE AND OTHER COMPOSTABLE MATERIAL AND OF COMPOST  
9 TRANSFERRED OFF-SITE EACH MONTH, AND THE VOLUME OF COMPOSTABLE  
10 MATERIAL ON SITE ON OCTOBER 1 EACH YEAR.

11 (ii) RECORDS DEMONSTRATING THAT THE COMPOSTING OPERATION IS  
12 BEING PERFORMED IN A MANNER THAT PREVENTS NUISANCES AND MINIMIZES  
13 ANAEROBIC CONDITIONS. UNLESS OTHER RECORDS ARE APPROVED BY THE  
14 DEPARTMENT, THESE RECORDS SHALL INCLUDE RECORDS OF CARBON-TO-  
15 NITROGEN RATIOS, THE AMOUNT OF LEAVES AND THE AMOUNT OF GRASS IN  
16 TONS OR CUBIC YARDS, TEMPERATURE READINGS, MOISTURE CONTENT  
17 READINGS, AND LAB ANALYSIS OF FINISHED PRODUCTS.

18 (5) A SITE AT WHICH YARD WASTE IS MANAGED IN COMPLIANCE WITH  
19 THIS SECTION, OTHER THAN A SITE DESCRIBED IN SUBSECTION (1) (I),  
20 (J), OR (K), IS NOT A DISPOSAL AREA, NOTWITHSTANDING SECTION  
21 11503(5).

22 (6) MANAGEMENT OF YARD WASTE IN COMPLIANCE WITH THIS SECTION,  
23 EXCEPT SUBSECTION (1) (J) AND (K), IS NOT CONSIDERED DISPOSAL FOR  
24 PURPOSES OF SECTION 11538(6). [SECTION 11538(6) IS STRICKEN.]

25 (7) THE DEPARTMENT SHALL MAINTAIN AND POST ON ITS WEBSITE A  
26 LIST OF COMPOSTING FACILITIES AUTHORIZED UNDER THIS SECTION. EXCEPT  
27 AS PROVIDED IN SECTION 11514, A HAULER SHALL NOT DELIVER YARD WASTE



1 TO A SITE THAT IS NOT ON THE LIST.

2 (8) ALL COMPOSTING FACILITIES SHALL REPORT THE VOLUME OF  
3 MATERIAL MANAGED OVER THE PREVIOUS YEAR WITHIN 30 DAYS AFTER THE  
4 END OF THE STATE'S FISCAL YEAR ON A FORM AND FORMAT APPROVED BY THE  
5 DEPARTMENT.

6 SEC. 11556. (1) COMPOSTING OF YARD WASTE SHALL BE DONE IN  
7 COMPLIANCE WITH SECTION 11555(4).

8 (2) COMPOSTING OF YARD WASTE AND CLASS 1 COMPOSTABLE MATERIAL  
9 SHALL BE DONE AT 1 OF THE FOLLOWING:

10 (A) A CLASS 1 COMPOSTING FACILITY.

11 (B) AN AUTHORIZED SMALL OR MEDIUM YARD WASTE COMPOSTING  
12 FACILITY THAT MEETS THE CONDITIONS OF SECTION 11555(4) IF THE TOTAL  
13 VOLUME OF EQUALLY DISTRIBUTED [????] CLASS 1 COMPOSTABLE MATERIAL  
14 DOES NOT EXCEED 5% OF THE TOTAL VOLUME OF YARD WASTE ON-SITE OR A  
15 GREATER PERCENTAGE IF APPROVED BY THE DEPARTMENT.

16 (C) A SOLID WASTE PROCESSING AND TRANSFER FACILITY.

17 (D) AT A SITE WHERE THE QUANTITY OF COMPOSTABLE MATERIAL,  
18 BULKING AGENTS, AND FINISHED COMPOST DOES NOT EXCEED 200 CUBIC  
19 YARDS AND DOES NOT CREATE A NUISANCE.

20 (3) CLASS 1 COMPOSTABLE MATERIAL SHALL BE CONSIDERED TO BE  
21 SOURCE SEPARATED FOR CONVERSION INTO COMPOST IF THE CLASS 1  
22 COMPOSTABLE MATERIAL IS COMPOSTED AT A SITE LISTED IN SECTION  
23 11555(4) OR SECTION 11557(2).

24 (4) COMPOSTING OF CLASS 2 COMPOSTABLE MATERIAL SHALL BE DONE  
25 AT A CLASS 2 COMPOSTING FACILITY OR A SOLID WASTE PROCESSING AND  
26 TRANSFER FACILITY. CLASS 2 COMPOSTABLE MATERIAL IS CONSIDERED TO BE  
27 SOURCE SEPARATED FOR CONVERSION INTO COMPOST IF THE CLASS 2



1 COMPOSTABLE MATERIAL IS COMPOSTED AT A CLASS 2 COMPOSTING FACILITY.

2 (5) COMPOSTING OF DEAD ANIMALS BY AN ANIMAL PRODUCTION  
3 OPERATION OR AN ANIMAL PROCESSING OPERATION USING BULKING AGENTS AS  
4 DEFINED IN SECTION 3 OF 1982 PA 239, MCL 287.653, IS SUBJECT TO  
5 THIS PART IF ANY OF THE FOLLOWING APPLY:

6 (A) THE ANIMAL PRODUCTION OPERATION MAINTAINS MORE THAN 5,000  
7 CUBIC YARDS OF BULKING AGENTS FROM A SOURCE OTHER THAN THE FARM.

8 (B) THE ANIMAL PROCESSING OPERATION, FOR COMPOSTING PURPOSES,  
9 MAINTAINS ON SITE MORE THAN 5,000 CUBIC YARDS OF BULKING AGENTS AS  
10 DEFINED IN SECTION 3 OF 1982 PA 239, MCL 287.653.

11 (C) THE FACILITY MANAGES DEAD ANIMALS FROM MORE THAN 1 ANIMAL  
12 PRODUCTION OPERATION OR ANIMAL PROCESSING OPERATION.

13 SEC. 11557. (1) THE LOCATION AT A MEDIUM, LARGE, OR VERY LARGE  
14 YARD WASTE COMPOSTING FACILITY OR A CLASS 1 OR CLASS 2 COMPOSTING  
15 FACILITY WHERE YARD WASTE AND CLASS 1 AND CLASS 2 COMPOSTABLE  
16 MATERIAL, FINISHED COMPOST, AND RESIDUALS WERE MANAGED AND STORED  
17 ON THE EFFECTIVE DATE OF THIS SECTION SHALL NOT BE EXPANDED TO AN  
18 AREA THAT IS WITHIN THE FOLLOWING DISTANCES FROM ANY OF THE  
19 FOLLOWING FEATURES:

20 (A) 100 FEET FROM A PROPERTY LINE.

21 (B) 300 FEET FROM A RESIDENCE.

22 (C) 200 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,  
23 STREAM OR WETLAND.

24 (2) IF A MEDIUM, LARGE, OR VERY LARGE YARD WASTE COMPOSTING  
25 FACILITY OR A CLASS 1 OR 2 COMPOSTING FACILITY BEGINS OPERATION  
26 AFTER THE EFFECTIVE DATE OF THIS SECTION, THE MANAGEMENT AND  
27 STORAGE OF YARD WASTE AND CLASS 1, AND CLASS 2 COMPOSTABLE





1 MATERIAL, FINISHED COMPOST, AND RESIDUALS SHALL NOT OCCUR IN A  
 2 WETLAND OR FLOODPLAIN, OR IN AN AREA THAT IS WITHIN THE FOLLOWING  
 3 DISTANCES FROM ANY OF THE FOLLOWING FEATURES:

4 (A) 100 FEET FROM A PROPERTY LINE.

5 (B) 500 FEET FROM A CHURCH OR OTHER HOUSE OF WORSHIP,  
 6 HOSPITAL, NURSING HOME, LICENSED DAY CARE CENTER, OR SCHOOL, OTHER  
 7 THAN A HOME SCHOOL.

8 (C) 200 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,  
 9 STREAM, OR WETLAND.

10 (D) 2,000 FEET FROM A TYPE I OR TYPE IIA WATER SUPPLY WELL.

11 (E) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

12 (F) 4 FEET ABOVE GROUNDWATER.

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 COMPOSTING FACILITY WHERE YARD WASTE OR CLASS  
 16 1 COMPOSTABLE MATERIAL, FINISHED COMPOST, AND RESIDUALS WERE  
 17 MANAGED AND STORED ON THE EFFECTIVE DATE OF THIS SECTION, THE OWNER  
 18 OR OPERATOR OF THE COMPOSTING FACILITY SHALL, IF THE COMPOSTING  
 19 FACILITY IS LOCATED WITHIN 5 MILES OF THE END OF AN AIRPORT RUNWAY  
 20 THAT IS USED BY TURBOJET OR PISTON TYPE AIRCRAFT, NOTIFY IN WRITING  
 21 THE AFFECTED AIRPORT AND THE FEDERAL AVIATION ADMINISTRATION.

22 SEC. 11558. (1) THE OWNER OR OPERATOR OF A FACILITY COVERED BY  
 23 [IS THIS REFERRING TO ANY "COMPOSTING FACILITY"? "COVERED BY" VS  
 24 "LISTED IN" SUBSECTIONS (1), (2), AND (5) (S). SEE ALSO REFERENCES  
 25 TO "LOCATION" AND "SITE" IN SUBSECTIONS (4) TO (9).] THIS PART  
 26 SHALL DEVELOP AND SUBMIT TO THE DEPARTMENT THE FOLLOWING ITEMS:

27 (A) A SITE MAP.



1 (B) AN OPERATIONS PLAN.

2 (C) AN ODOR MANAGEMENT PLAN.

3 (D) A MARKETING PLAN.

4 (E) A TRAINING PLAN.

5 (F) A HYDROGEOLOGICAL INVESTIGATION PLAN FOR VERY LARGE  
6 COMPOST FACILITIES THAT ARE NOT OPERATING IN A BUILDING OR ON A  
7 LINER APPROVED BY THE DEPARTMENT.

8 (2) FACILITIES LISTED IN THIS PART SHALL WITHIN 1 YEAR AFTER  
9 THE EFFECTIVE DATE OF THIS SECTION, REGISTER WITH THE DEPARTMENT OR  
10 WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, SUBMIT A  
11 COMPLETE APPLICATION FOR AN AUTHORIZATION TO OPERATE UNDER A  
12 GENERAL PERMIT BASED ON THE VOLUME OF MATERIAL MANAGED. A GENERAL  
13 PERMIT FOR A CLASS 2 COMPOSTING FACILITY IS VALID FOR 1 YEAR. ALL  
14 OTHER GENERAL PERMITS TIER 1 UNDER THIS SECTION ARE VALID FOR 3  
15 YEARS. ALL OTHER GENERAL PERMITS TIER 2 IN THIS SECTION ARE VALID  
16 FOR 2 YEARS. REGISTRATIONS ARE VALID FOR 3 YEARS.

17 (3) ANY LOCATION THAT SEPARATES ORGANIC MATTER FROM MIXTURES  
18 OF SOLID WASTE AND THAT DOES NOT MEET THE EXEMPTIONS CONTAINED IN R  
19 299.4104(Q) OF THE MICHIGAN ADMINISTRATIVE CODE SHALL BE LICENSED  
20 AS A SOLID WASTE PROCESSING AND TRANSFER FACILITY, UNLESS OTHERWISE  
21 EXCLUDED.

22 [MOVE TO DEFINITION OF SOLID WASTE PROCESSING AND TRANSFER  
23 FACILITY?]

24 (4) THE OWNER OR OPERATOR OF A COMPOSTING FACILITY SHALL  
25 ENSURE THAT ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

26 (A) ANY MATERIAL WITH A CARBON-TO-NITROGEN RATIO OF LESS THAN  
27 40 TO 1 IS INCORPORATED INTO THE COMPOST PILE WITHIN 72 HOURS AFTER



1 RECEIPT OR OTHERWISE MANAGED TO PREVENT NUISANCE ODORS.

2 (B) MATERIAL WITHIN THE COMPOSTING PROCESS IS THOROUGHLY MIXED  
3 AND AERATED AS FREQUENTLY AS NECESSARY TO ENSURE THAT ADEQUATE  
4 OXYGEN IS AVAILABLE AT ALL TIMES TO PREVENT THE PROCESS FROM  
5 BECOMING ANAEROBIC. THE PRESENCE OF INSIGNIFICANT ANAEROBIC ZONES  
6 WITHIN THE COMPOSTING MATERIAL WILL NOT CAUSE THE PROCESS TO BE  
7 CLASSIFIED AS OTHER THAN COMPOSTING. THIS REQUIREMENT DOES NOT  
8 APPLY TO ANAEROBIC DECOMPOSITION DONE IN A SEALED MECHANISM.

9 (C) STORMWATER FROM A YARD WASTE COMPOSTING FACILITY OR A  
10 CLASS 1 OR CLASS 2 COMPOSTING FACILITY THAT DOES NOT CONTACT  
11 FINISHED COMPOST OR COMPOSTABLE MATERIAL IS MANAGED IN ACCORDANCE  
12 WITH PART 31.

13 (D) STORMWATER THAT CONTACTS COMPOSTABLE MATERIALS IS MANAGED  
14 AS COMPOST WASTE WATER AND MUST BE MANAGED IN COMPLIANCE WITH 1 OF  
15 THE FOLLOWING:

16 (i) REINTRODUCED BACK INTO THE COMPOST PILE.

17 (ii) DISCHARGED TO THE MUNICIPAL SANITARY SEWER IF AUTHORIZED  
18 BY THE LOCAL SEWER AUTHORITY.

19 (iii) DISCHARGED PURSUANT TO A NATIONAL POLLUTANT DISCHARGE  
20 ELIMINATION SYSTEM (NPDES) PERMIT UNDER PART 31.

21 (iv) MARKETED AS A COMPOST TEA IF LICENSED AS A FERTILIZER  
22 UNDER PART 85.

23 (E) THE COMPOSTING FACILITY DOES NOT VIOLATE THE GROUNDWATER  
24 PROTECTION STANDARDS OF PART 31.

25 (F) FINISHED COMPOST IS TESTED IN COMPLIANCE WITH SECTION  
26 11564.

27 (G) COMPOSTABLE MATERIAL COLLECTED IN BAGS, OTHER THAN PAPER



1 BAGS, IS DEBAGGED BY THE END OF EACH WORKING DAY UNLESS OTHERWISE  
2 MANAGED TO CONTROL ODORS.

3 (H) BAGS THAT DO NOT MEET THE DEFINITION OF CLASS 1  
4 COMPOSTABLE MATERIAL ARE REMOVED FROM THE COMPOSTABLE MATERIAL.

5 (I) COMPOSTABLE MATERIAL USED TO MAKE COMPOST DOES NOT CONTAIN  
6 FOREIGN MATTER THAT MEETS ANY OF THE FOLLOWING:

7 (i) CAN BE REASONABLY REMOVED.

8 (ii) WILL INHIBIT COMPOSTING.

9 (iii) CAUSES THE COMPOST OPERATION TO OTHERWISE VIOLATE THIS  
10 PART.

11 (J) THE COMPOSTABLE MATERIAL IS SEPARATED FROM SOLID WASTE AND  
12 MAINTAINED SEPARATELY UNTIL USED TO PRODUCE COMPOST.

13 (K) THE COMPOSTABLE MATERIAL IS NOT STORED IN A MANNER  
14 CONSTITUTING SPECULATIVE ACCUMULATION. THE OWNER OR OPERATOR OF THE  
15 SOLID WASTE PROCESSING AND TRANSFER FACILITY, STAGING AREA, OR  
16 CLASS 1 OR CLASS 2 COMPOSTING FACILITY SHALL MAINTAIN RECORDS TO  
17 DEMONSTRATE COMPLIANCE WITH THIS REQUIREMENT. [SEE 11555(4)(D)(i)]

18 (l) THE OPERATION OF THE COMPOSTING FACILITY DOES NOT VIOLATE  
19 PART 31 OR PART 55 OR CREATE A FACILITY UNDER PART 201.

20 (M) FOREIGN MATTER IN THE FINISHED COMPOST INCLUDING THAT  
21 RESULTING FROM THE BAGS OR CONTAINERS USED TO COLLECT CLASS 1  
22 COMPOSTABLE MATERIAL DOES NOT EXCEED MAXIMUM 1% BY WEIGHT OF THE  
23 MATERIAL REMAINING ON A 4-MILLIMETER SCREEN.

24 (N) IF DELETERIOUS MATERIAL REMOVED FROM THE COMPOSTABLE  
25 MATERIAL OR FROM THE COMPOST IS STORED ON SITE, ALL OF THE  
26 FOLLOWING REQUIREMENTS ARE MET:

27 (i) THE MATERIAL IS STORED IN CONTAINERS OR ON A LINER IN



1 COMPLIANCE WITH R 299.4130 OF THE MICHIGAN ADMINISTRATIVE CODE.

2 (ii) THE MATERIAL DOES NOT EXCEED A VOLUME OF 1,000 CUBIC  
3 YARDS AT ANY TIME.

4 (iii) THE MATERIAL IS NOT STORED FOR MORE THAN 180 DAYS.

5 (O) COMPOSTING DOES NOT RESULT IN STANDING WATER OR THE  
6 ATTRACTION OR HARBORAGE OF RODENTS OR OTHER VECTORS.

7 (P) ANY GYPSUM DRYWALL INTRODUCED INTO THE COMPOST PILE  
8 COMPRISES LESS THAN 50% BY WEIGHT OF THE COMPOST MIXTURE.

9 (Q) THE MOISTURE CONTENT OF THE COMPOST PILE [COMPOSTABLE  
10 MATERIALS?] SHALL BE KEPT AT AN APPROPRIATE LEVEL TO MINIMIZE  
11 ANAEROBIC CONDITIONS AND PREVENT SPONTANEOUS COMBUSTION.

12 (R) THE CARBON-TO-NITROGEN RATIO OF THE COMPOST PILE IS  
13 MAINTAINED AT A RATIO THAT RESULTS IN FINISHED COMPOST AND  
14 MINIMIZES ODORS.

15 (S) UNLESS APPROVED BY THE DEPARTMENT, THE COMPOSTING DOES NOT  
16 RESULT IN MORE THAN THE FOLLOWING VOLUME PER ACRE:

17 (i) 5,000 CUBIC YARDS OF YARD WASTE AND OTHER COMPOSTABLE  
18 MATERIAL, FINISHED COMPOST, DELETERIOUS MATERIAL, AND RESIDUALS.

19 (ii) 10,000 CUBIC YARDS OF YARD WASTE AND OTHER COMPOSTABLE  
20 MATERIAL IF THE SITE IS USING FORCED AIR STATIC PILE COMPOSTING.

21 (T) THE COMPOSTING FACILITY COMPLIES WITH WELLHEAD PROTECTION  
22 PROGRAMS.

23 (U) FOR A VERY LARGE COMPOSTING FACILITY THAT IS NOT MANAGED  
24 ON A LINER THAT COMPLIES WITH R 299.4230 [CITE? RULES IN PROCESS OF  
25 BEING PROMULGATED?] OF THE MICHIGAN ADMINISTRATIVE CODE, ALL OF THE  
26 FOLLOWING:

27 (i) BORINGS ARE TAKEN FROM THE GROUND SURFACE TO 20 FEET BELOW



1 THE GROUND SURFACE. A MINIMUM OF 1 BORING PER ACRE SHALL BE TAKEN.

2 (ii) A DESCRIPTION OF THE VARIOUS SOILS FOUND IN THE BORINGS  
3 AND THE DEPTH TO GROUNDWATER, IF IT IS ENCOUNTERED, IS SUBMITTED TO  
4 THE DEPARTMENT.

5 (iii) ANY OF THE FOLLOWING IF REQUIRED BY THE DEPARTMENT BASED  
6 ON THE VARIABILITY OF THE BORING RESULTS:

7 (A) ADDITIONAL BORINGS ARE TAKEN.

8 (B) SOILS ARE TESTED FOR PERMEABILITY.

9 (C) A HYDROGEOLOGICAL INVESTIGATION IS PERFORMED.

10 (D) A GROUNDWATER DISCHARGE PERMIT UNDER PART 31 IS OBTAINED.

11 SEC. 11559. (1) A PERSON SHALL NOT ESTABLISH OR OPERATE A  
12 CLASS 2 COMPOSTING FACILITY WITHOUT AUTHORIZATION FROM THE DIRECTOR  
13 UNDER A GENERAL PERMIT TIER 2.

14 (2) THE APPLICATION FOR AUTHORIZATION UNDER SUBSECTION (1)  
15 SHALL INCLUDE THE LOCATION OF THE COMPOSTING OPERATION, THE TYPE  
16 AND THE AMOUNT OF MATERIALS TO BE COMPOSTED, AND A DEMONSTRATION OF  
17 COMPLIANCE WITH THIS PART.

18 (3) WHEN EVALUATING AN APPLICATION FOR AUTHORIZATION TO  
19 COMPOST CLASS 2 COMPOSTABLE MATERIAL AT A CLASS 2 COMPOSTING  
20 FACILITY, THE DIRECTOR SHALL CONSIDER ALL OF THE FOLLOWING:

21 (A) THE LOCATION RESTRICTIONS IN SECTION 11557.

22 (B) THE GENERAL COMPOST FACILITY REQUIREMENTS IN SECTION  
23 115558.

24 (C) THE NATURE OF THE WASTE AND FINISHED COMPOST AS  
25 ESTABLISHED UNDER R 299.412F AND R 299.412I [CITES?] OF THE  
26 MICHIGAN ADMINISTRATION CODE.

27 (4) THE DIRECTOR SHALL MAKE A FINAL DECISION ON AN APPLICATION



1 FOR A CLASS 2 COMPOSTING FACILITY WITHIN 90 DAYS AFTER RECEIVING A  
2 COMPLETE APPLICATION. AN AUTHORIZATION TO COMPOST CLASS 2  
3 COMPOSTABLE MATERIAL AT A CLASS 2 COMPOSTING FACILITY IS VALID FOR  
4 A PERIOD OF 1 YEAR AND MAY BE RENEWED UPON THE SUBMITTAL OF A  
5 TIMELY AND SUFFICIENT APPLICATION. TO BE CONSIDERED TIMELY AND  
6 SUFFICIENT FOR PURPOSES OF SECTION 91 OF THE ADMINISTRATIVE  
7 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.291, AN APPLICATION FOR  
8 RENEWAL OF AN AUTHORIZATION SHALL MEET BOTH OF THE FOLLOWING:

9 (A) CONTAIN THE INFORMATION DESCRIBED IN SUBSECTION (2).

10 (B) BE RECEIVED BY THE DEPARTMENT NOT LATER THAN 90 DAYS  
11 BEFORE THE EXPIRATION OF THE PRECEDING AUTHORIZATION.

12 (5) CLASS 2 COMPOSTABLE MATERIAL SHALL BE SEPARATED FROM OTHER  
13 SOLID WASTE AND MAINTAINED SEPARATELY UNTIL USED TO PRODUCE COMPOST  
14 UNLESS OTHERWISE APPROVED BY THE DIRECTOR.

15 (6) COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL SHALL  
16 BE CLASSIFIED AS RESTRICTED USE COMPOST UNLESS THE OWNER OR  
17 OPERATOR PETITIONS THE DEPARTMENT TO HAVE IT DECLARED A GENERAL USE  
18 COMPOST PURSUANT TO 11563.

19 SEC. 11560. THE OWNER OR OPERATOR OF A COMPOSTING FACILITY  
20 THAT IS REQUIRED TO NOTIFY OR REGISTER UNDER THIS PART OR THAT IS  
21 OPERATING UNDER A GENERAL PERMIT SHALL REPORT ON A FORM AND FORMAT  
22 APPROVED BY THE DEPARTMENT WITHIN 30 DAYS AFTER THE END OF EACH  
23 STATE FISCAL YEAR THE FOLLOWING INFORMATION:

24 (A) THE AMOUNT OF YARD WASTE AND OTHER COMPOSTABLE MATERIAL  
25 BROUGHT TO THE SITE IN THE PREVIOUS YEAR.

26 (B) THE AMOUNT OF FINISHED COMPOST REMOVED FROM THE SITE IN  
27 THE PREVIOUS FISCAL YEAR.



1 (C) THE VOLUME OF RESIDUALS REMOVED FROM THE SITE IN THE  
2 PREVIOUS FISCAL YEAR.

3 (D) THE TOTAL AMOUNT OF COMPOSTABLE MATERIAL, FINISHED  
4 COMPOST, AND RESIDUALS ON SITE AT THE END OF THE FISCAL YEAR.

5 SEC. 11561. (1) A PERSON SHALL NOT USE COMPOST PRODUCED FROM  
6 CLASS 2 COMPOSTABLE MATERIAL, UNLESS THE DIRECTOR APPROVES THE  
7 CLASS 2 COMPOSTABLE MATERIAL AS A SEPARATED MATERIAL APPROPRIATE  
8 FOR SUCH USE UNDER THIS PART.

9 (2) A PERSON WHO PROPOSES TO SEPARATE A WASTE FOR USE AS  
10 COMPOST SHALL FILE A PETITION WITH THE DIRECTOR UNDER R 299.4118A  
11 OF THE MICHIGAN ADMINISTRATIVE CODE. TO CHARACTERIZE THE COMPOST,  
12 THE PETITIONER SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION IN  
13 THE PETITION, IN ADDITION TO THE INFORMATION REQUIRED IN R  
14 299.4118A:

15 (A) THE TYPE OF WASTE AND ITS POTENTIAL FOR CREATING A  
16 NUISANCE OR ENVIRONMENTAL CONTAMINATION.

17 (B) THE TIME REQUIRED FOR COMPOST TO REACH MATURITY, AS  
18 DETERMINED BY A REDUCTION OF ORGANIC MATTER CONTENT DURING  
19 COMPOSTING. ORGANIC MATTER CONTENT SHALL BE DETERMINED BY MEASURING  
20 THE VOLATILE RESIDUES CONTENT USING EPA METHOD 160.4 OR ANOTHER  
21 METHOD THAT IS APPROVED BY THE DIRECTOR. EPA METHOD 160.4 IS  
22 CONTAINED IN THE PUBLICATION ENTITLED "METHODS FOR CHEMICAL  
23 ANALYSIS OF WATER AND WASTE," EPA-600, 1983 EDITION AND IS ADOPTED  
24 BY REFERENCE IN R 299.4138. [1979 EDITION IS ADOPTED IN R 299.4138]

25 (C) FOREIGN MATTER CONTENT. TO DETERMINE THE FOREIGN MATTER  
26 CONTENT, A WEIGHED SAMPLE OF THE FINISHED COMPOST IS SIFTED THROUGH  
27 A 4.0-MILLIMETER SCREEN. THE FOREIGN MATTER REMAINING ON THE SCREEN





1 IS SEPARATED AND WEIGHED. THE WEIGHT OF THE SEPARATED FOREIGN  
2 MATTER DIVIDED BY THE WEIGHT OF THE FINISHED COMPOST MULTIPLIED BY  
3 100 IS THE FOREIGN MATTER CONTENT.

4 (D) PARTICLE SIZE, AS DETERMINED BY SIEVE ANALYSIS.

5 (3) THE DIRECTOR SHALL APPROVE A MATERIAL FOR USE AS COMPOST  
6 IF THE PERSON WHO PROPOSES THE USE DEMONSTRATES ALL OF THE  
7 FOLLOWING:

8 (A) THE MATERIAL HAS OR WILL BE CONVERTED TO COMPOST UNDER  
9 CONTROLLED CONDITIONS AT A CLASS 2 COMPOSTING FACILITY.

10 (B) THE MATERIAL WILL NOT BE A SOURCE OF ENVIRONMENTAL  
11 CONTAMINATION OR CAUSE A NUISANCE.

12 (C) THE COMPOST MATERIAL WILL BE USED AT AGRONOMIC RATES.

13 SEC. 11562. (1) A PERSON MAY PETITION THE DIRECTOR TO CLASSIFY  
14 A SOLID WASTE AS A CLASS 1 COMPOSTABLE MATERIAL OR TO CLASSIFY  
15 COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL AS GENERAL USE  
16 COMPOST.

17 (2) A PETITION TO CLASSIFY WASTE AS A CLASS 1 COMPOSTABLE  
18 MATERIAL OR TO CLASSIFY COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE  
19 MATERIALS AS GENERAL USE COMPOST SHALL MEET THE REQUIREMENTS OF R  
20 299.4118A OF THE MICHIGAN ADMINISTRATIVE CODE.

21 (3) IN GRANTING A PETITION UNDER THIS SECTION, THE DIRECTOR  
22 SHALL SPECIFY THOSE PARAMETERS DESCRIBED IN SECTION 11565 THAT MUST  
23 BE TESTED UNDER SUBSECTION (4). THE DIRECTOR'S DECISION SHALL BE  
24 BASED ON BOTH OF THE FOLLOWING:

25 (A) THE DIFFERENCE BETWEEN THE CONCENTRATION OF A GIVEN  
26 PARAMETER IN THE COMPOST AND THE CRITERIA FOR THAT PARAMETER IN  
27 SECTION 11553(5).



1 (B) THE VARIABILITY OF THE RESULTS AMONG THE SAMPLES.

2 (4) IF A MATERIAL IS CLASSIFIED AS A CLASS 1 COMPOSTABLE  
3 MATERIAL BY THE DIRECTOR BASED ON THE PETITION UNDER THIS SECTION,  
4 THE OPERATOR SHALL TEST COMPOST PRODUCED FROM THE CLASS 1  
5 COMPOSTABLE MATERIAL WHEN THERE IS A SIGNIFICANT CHANGE IN THE  
6 PROCESS THAT GENERATED THE COMPOST. A SIGNIFICANT CHANGE IS ONE  
7 WITH THE POTENTIAL TO CHANGE THE CLASSIFICATION OF THE COMPOST AS  
8 SPECIFIED IN R 299.4121J OF THE MICHIGAN ADMINISTRATIVE CODE.

9 (5) ANY FINISHED COMPOST PRODUCED FROM THE CLASS 2 COMPOSTABLE  
10 MATERIAL THAT HAS BEEN CLASSIFIED AS A GENERAL USE COMPOST IN  
11 ACCORDANCE WITH R 299.4121J(1) [CITE?] FAILS TO MEET THE CRITERIA  
12 OF A GENERAL USE COMPOST IN R 299.4121J(1) [CITE?], BOTH OF THE  
13 FOLLOWING APPLY:

14 (A) THE FINISHED COMPOST IS RECLASSIFIED AS A RESTRICTED USE  
15 COMPOST SUBJECT TO R 299.4121J(3) [CITE?] OF THE MICHIGAN  
16 ADMINISTRATIVE CODE.

17 (B) THE OWNER OR OPERATOR OF THE COMPOST FACILITY SHALL NOTIFY  
18 THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF INFORMATION  
19 THAT THE FINISHED COMPOST NO LONGER MEETS THE CRITERIA TO BE  
20 CLASSIFIED AS GENERAL USE COMPOST, AND SHALL DO 1 OF THE FOLLOWING  
21 WITH THE FINISHED COMPOST:

22 (i) DISPOSE OF THE REMAINING FINISHED COMPOST AT A PROPERLY  
23 LICENSED LANDFILL.

24 (ii) STOCKPILE THE FINISHED COMPOST ON SITE UNTIL THE  
25 GENERATOR REPETITIONS THE DIRECTOR AND THE DIRECTOR RECLASSIFIES  
26 THE COMPOST ACCORDING TO THE CONDITIONS OF THIS SECTION.

27 (iii) USE THE FINISHED COMPOST ACCORDING TO THE REQUIREMENTS



1 CONTAINED IN R 299.412J [CITE?] OF THE MICHIGAN ADMINISTRATIVE  
2 CODE.

3 (6) IF COMPOST IS PRODUCED FROM CLASS 2 COMPOSTABLE MATERIALS,  
4 THE OWNER OR OPERATOR OF THE COMPOSTING FACILITY SHALL COMPLY WITH  
5 ALL OF THE FOLLOWING:

6 (A) RETEST THE COMPOST IN COMPLIANCE WITH THIS SECTION NOT  
7 LESS THAN ANNUALLY, UNLESS THE DIRECTOR HAS DETERMINED THAT THE  
8 TEST RESULTS DEMONSTRATE INSIGNIFICANT VARIABILITY OVER A 2-YEAR  
9 PERIOD, USING THE PROCEDURES SPECIFIED IN THIS SECTION. THE OWNER  
10 OR OPERATOR SHALL SUBMIT THE TEST RESULTS TO THE DIRECTOR. THE  
11 DIRECTOR SHALL SPECIFY A MORE FREQUENT SCHEDULE FOR TESTING IF THE  
12 CHARACTERISTICS OF THE MATERIAL VARY SIGNIFICANTLY.

13 (B) THE OWNER OR OPERATOR OF THE COMPOST FACILITY SHALL NOTIFY  
14 THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF INFORMATION  
15 THAT THE FINISHED COMPOST NO LONGER MEETS THE CRITERIA TO BE  
16 CLASSIFIED AS GENERAL USE COMPOST AND SHALL DO 1 OF THE FOLLOWING  
17 WITH THE FINISHED COMPOST:

18 (i) DISPOSE OF THE REMAINING FINISHED COMPOST AT A PROPERLY  
19 LICENSED LANDFILL.

20 (ii) STOCKPILE THE FINISHED COMPOST ON SITE UNTIL THE  
21 GENERATOR REPETITIONS THE DIRECTOR AND THE DIRECTOR RECLASSIFIES  
22 THE COMPOST ACCORDING TO THE CONDITIONS OF THIS SECTION.

23 (iii) USE THE FINISHED COMPOST ACCORDING TO THE REQUIREMENTS  
24 CONTAINED IN R 299.4121J OF THE MICHIGAN ADMINISTRATIVE CODE.

25 SEC. 11563. (1) COMPOST PRODUCED FROM CLASS 1 COMPOSTABLE  
26 MATERIAL SHALL BE CLASSIFIED AS GENERAL USE COMPOST. COMPOST  
27 PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL SHALL BE CLASSIFIED AS



1 GENERAL USE COMPOST IF THE MATERIAL MEETS THE APPLICABLE  
2 REQUIREMENTS SPECIFIED IN SECTION 11553(5).

3 (2) GENERAL USE COMPOST OFFERED FOR SALE SHALL BE ACCOMPANIED  
4 BY A LABEL, IN THE CASE OF BAGGED COMPOST, OR AN INFORMATION SHEET  
5 IN THE CASE OF BULK SALES. THE LABEL OR INFORMATION SHEET SHALL  
6 CONTAIN ALL OF THE FOLLOWING INFORMATION:

7 (A) THE NAME AND GENERATOR OF THE FINISHED COMPOST.

8 (B) THE FEEDSTOCK AND BULKING AGENTS USED TO PRODUCE THE  
9 COMPOST.

10 (C) USE INSTRUCTIONS, INCLUDING APPLICATION RATES AND ANY  
11 RESTRICTIONS ON USE.

12 (D) IF THE FINISHED COMPOST IS MARKETED AS A FERTILIZER,  
13 MICRONUTRIENT, OR SOIL CONDITIONER, THE LABEL SHALL LIST THE  
14 APPLICABLE PARAMETERS UNDER SECTION 11565 AND SHALL INCLUDE A  
15 STATEMENT INDICATING THAT THE GENERATOR OF THE COMPOST IS IN  
16 COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF PART 85. THE  
17 GENERATOR SHALL INDICATE THE LICENSE NUMBER ON THE LABEL, IF  
18 APPLICABLE.

19 (E) IF THE FINISHED COMPOST IS MARKETED AS A LIMING MATERIAL,  
20 THE LABEL SHALL LIST THE APPLICABLE PARAMETERS UNDER SECTION 11565  
21 AND SHALL INCLUDE A STATEMENT INDICATING THAT THE GENERATOR OF THE  
22 COMPOST IS IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF 1955  
23 PA 162, MCL 290.531 TO 290.538. THE GENERATOR SHALL INDICATE THE  
24 LIMING LICENSE NUMBER ON THE LABEL.

25 (F) A STATEMENT INDICATING HOW THE USER OF THE COMPOST MAY  
26 OBTAIN THE RESULTS OF ALL TESTING, INCLUDING TEST PARAMETERS AND  
27 CONCENTRATION LEVELS.



1 (3) COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL THAT  
 2 DOES NOT MEET THE CRITERIA IN SECTION 11553(5) SHALL BE CLASSIFIED  
 3 AS RESTRICTED USE COMPOST AND USED IN A MANNER APPROVED BY THE  
 4 DIRECTOR PURSUANT TO A PETITION SUBMITTED IN COMPLIANCE WITH  
 5 SECTION 11562. SECTION 11562 DOES NOT APPEAR TO APPLY TO PETITIONS  
 6 DESCRIBED IN THIS SUBSECTION. ALL OF THE FOLLOWING APPLY:

7 (A) THE APPLICATION OF [????] CLASS 2 COMPOST SHALL NOT BE  
 8 CONTAMINATED BY HAZARDOUS SUBSTANCES IN CONCENTRATIONS SUFFICIENT  
 9 TO CAUSE ENVIRONMENTAL CONTAMINATION.

10 (B) THE DIRECTOR MAY IMPOSE CONDITIONS FOR USE OF THE COMPOST  
 11 TO ENSURE THE PROTECTION OF HUMAN HEALTH, SAFETY, WELFARE, AND THE  
 12 ENVIRONMENT.

13 (C) RESTRICTED USE COMPOST OFFERED FOR SALE SHALL BE  
 14 ACCOMPANIED BY A LABEL, IN THE CASE OF BAGGED COMPOST, OR AN  
 15 INFORMATION SHEET IN THE CASE OF BULK SALES. THE LABEL OR  
 16 INFORMATION SHEET SHALL CONTAIN BOTH OF THE FOLLOWING:

17 (i) THE INFORMATION REQUIRED BY SUBSECTION (2).

18 (ii) A STATEMENT THAT THE COMPOST HAS BEEN APPROVED FOR USE BY  
 19 THIS STATE AND FURTHER INDICATING HOW THE USER OF THE COMPOST MAY  
 20 OBTAIN THE RESULTS OF ALL TESTING INCLUDING TEST PARAMETERS,  
 21 CONCENTRATION LEVELS, AND THE APPLICABLE STANDARDS.

22 SEC. 11564. TESTING OF COMPOST REQUIRED BY THIS PART SHALL BE  
 23 DONE ACCORDING TO THIS SECTION [?????], UNLESS THE DIRECTOR HAS  
 24 APPROVED AN ALTERNATE PROCEDURE. \_\_\_\_\_

25 SEC. 11565. ALL OF THE FOLLOWING ARE GENERAL USE PARAMETERS  
 26 FOR COMPOST:

27 (A) PH.



- 1 (B) CARBON-TO-NITROGEN RATIO.
- 2 (C) SOLUBLE SALTS.
- 3 (D) TOTAL AVAILABLE NITROGEN.
- 4 (E) PHOSPHORUS REPORTED AS  $P_2O_5$ .
- 5 (F) POTASSIUM REPORTED AS  $K_2O$ .
- 6 (G) CALCIUM.
- 7 (H) MAGNESIUM.
- 8 (I) CHLORIDE.
- 9 (J) SULFATE.
- 10 (K) ARSENIC.
- 11 (l) CADMIUM.
- 12 (M) COPPER.
- 13 (N) LEAD.
- 14 (O) MERCURY.
- 15 (P) MOLYBDENUM.
- 16 (Q) NICKEL.
- 17 (R) SELENIUM.
- 18 (S) ZINC.
- 19 (T) PERCENT FOREIGN MATTER CONTENT.
- 20 (U) PATHOGENS.
- 21 (V) FECAL COLIFORMS.
- 22 (W) SALMONELLA.
- 23 (X) OTHER PATHOGENS AS DETERMINED BY THE DIRECTOR.
- 24 (Y) PERCENT ORGANIC MATTER.
- 25 SEC. 11566. IF AUTHORIZED BY THE DIRECTOR, A PERSON MAY
- 26 CONDUCT A PILOT PROJECT TO COMPOST A CLASS 2 COMPOSTABLE MATERIAL
- 27 OR WASTE TO SUPPORT A PETITION TO DECLARE THE CLASS 2 COMPOSTABLE



1 MATERIAL OR WASTE A CLASS 1 COMPOSTABLE MATERIAL.

2 SEC. 11567. (1) A PERSON MAY BLEND LOW HAZARD INDUSTRIAL WASTE  
3 LISTED IN R 299.4122 OF THE MICHIGAN ADMINISTRATIVE CODE [THIS RULE  
4 HAS BEEN RESCINDED. LOW HAZARD INDUSTRIAL WASTE IS DEFINED IN  
5 SECTION 11504.] OR INERT MATERIAL WITH GENERAL USE COMPOST OR  
6 COMPOST PRODUCED FROM YARD WASTE TO CREATE A SOIL-LIKE PRODUCT  
7 UNDER THE FOLLOWING CONDITIONS:

8 (A) THE BLENDING OCCURS AT A CLASS 1 OR CLASS 2 COMPOSTING  
9 FACILITY.

10 (B) THE MIXTURE HAS A BENEFICIAL AGRICULTURAL OR SILVICULTURAL  
11 USE AS DETERMINED BY A CERTIFIED CROP ADVISOR.

12 (C) THE MIXTURE MEETS THE CRITERIA IN SECTION 11553(5).

13 (D) THE LOW HAZARD INDUSTRIAL WASTE IS BLENDED WITH THE  
14 GENERAL USE COMPOST WITHIN 30 DAYS AFTER ARRIVAL AT THE CLASS 1 OR  
15 CLASS 2 COMPOSTING FACILITY.

16 (E) STORAGE AND BLENDING OF MATERIALS IS DONE IN A MANNER THAT  
17 DOES NOT VIOLATE PART 31.

18 (2) GYPSUM DRYWALL MAY BE ADDED TO FINISHED COMPOST IF IT  
19 MAKES UP LESS THAN 50% OF THE COMPOST WEIGHT AND IS LESS THAN 1/4  
20 INCH IN DIAMETER. [SEE SECTION 11558(4)(P).]

21 SEC. 11568. (1) THE OPERATOR OF A WASTE UTILIZATION FACILITY  
22 SHALL COMPLY WITH ALL OF THE FOLLOWING:

23 (A) THE FACILITY SHALL BE OPERATED IN A MANNER THAT DOES NOT  
24 CREATE A NUISANCE OR PUBLIC HEALTH OR ENVIRONMENTAL HAZARD AND BE  
25 KEPT CLEAN AND FREE OF LITTER.

26 (B) THE FACILITY SHALL COMPLY WITH PARTS 31 AND 55, AND WHERE  
27 APPLICABLE, COMPLY WITH THE RELEVANT GENERALLY ACCEPTED



1 AGRICULTURAL AND MANAGEMENT PRACTICES.

2 (C) IF THIS PART REQUIRES THE FACILITY OWNER OR OPERATOR TO  
3 REGISTER WITH OR RECEIVE A PERMIT FROM THE DEPARTMENT BEFORE  
4 OPERATION, THE FACILITY SHALL BE CONSISTENT WITH THE APPROVED  
5 MATERIALS MANAGEMENT PLAN.

6 (D) UNLESS EXEMPTED, THE OPERATOR SHALL RECORD THE TYPES AND  
7 QUANTITIES IN TONS, OR CUBIC YARDS FOR COMPOST FACILITIES AND SOLID  
8 WASTE PROCESSING AND TRANSFER FACILITIES, OF MATERIAL COLLECTED,  
9 THE PERIOD OF STORAGE, AND WHERE THE MATERIAL IS TRANSFERRED,  
10 PROCESSED, RECYCLED, OR DISPOSED. THE OPERATOR SHALL REPORT THIS  
11 INFORMATION ON A FORM AND FORMAT PROVIDED BY THE DEPARTMENT. THE  
12 REPORT SHALL BE SUBMITTED WITHIN 30 DAYS AFTER THE END OF THE STATE  
13 FISCAL YEAR.

14 (E) THE VOLUME OF SOLID WASTE RESIDUALS SHALL BE LESS THAN 15%  
15 OF THE TOTAL VOLUME OF MATERIAL RECEIVED.

16 (F) THE FACILITY SHALL BE OPERATED BY PERSONNEL WHO ARE  
17 KNOWLEDGEABLE ABOUT THE SAFE MANAGEMENT OF THE TYPES OF MATERIAL  
18 THAT ARE ACCEPTED AND PREPARED FOR USE AS A RESOURCE.

19 (G) ACCESS TO THE FACILITY SHALL BE LIMITED TO A TIME WHEN A  
20 RESPONSIBLE INDIVIDUAL IS ON DUTY.

21 (H) THE OPERATOR SHALL NOT STORE MATERIAL OVERNIGHT AT THE  
22 FACILITY EXCEPT IN A SECURE LOCATION AND WITH ADEQUATE CONTAINMENT  
23 TO PREVENT ANY RELEASE OF MATERIAL.

24 (I) WITHIN 1 YEAR AFTER MATERIAL IS COLLECTED BY THE FACILITY,  
25 THE MATERIAL SHALL BE TRANSPORTED FROM THE FACILITY FOR ULTIMATE  
26 END USE PRODUCTS OR DISPOSAL.

27 (J) THE AREA WHERE THE MATERIAL IS ACCUMULATED SHALL BE





1 PROTECTED, AS APPROPRIATE FOR THE TYPE OF MATERIAL, FROM WEATHER,  
2 FIRE, PHYSICAL DAMAGE, AND VANDALS.

3 (K) NECESSARY OPERATIONS OF THE FACILITY SHALL BE PERFORMED IN  
4 A MANNER THAT PREVENTS THE HARBORAGE AND PRODUCTION OF INSECTS AND  
5 RODENTS. EFFECTIVE VECTOR CONTROL MEASURES SHALL BE PROVIDED BY THE  
6 OPERATOR WHEN NECESSARY.

7 (l) IF SALVAGING IS PERMITTED, SALVAGED MATERIAL IS REMOVED  
8 FROM THE SITE AT THE END OF EACH BUSINESS DAY OR IS CONFINED TO A  
9 STORAGE AREA THAT IS APPROVED BY THE SOLID WASTE CONTROL AGENCY.

10 (M) HANDLING AND PROCESSING EQUIPMENT THAT IS ADEQUATE IN SIZE  
11 AND QUANTITY AND WHICH IS IN AN OPERATIVE CONDITION SHALL BE  
12 AVAILABLE AT ALL TIMES. IF FOR ANY REASON THE FACILITY IS  
13 INOPERABLE FOR MORE THAN 24 HOURS, AN ALTERNATIVE METHOD THAT IS  
14 APPROVED BY THE SOLID WASTE CONTROL AGENCY SHALL BE USED TO MANAGE  
15 THE MATERIAL.

16 (N) THE OPERATION OF THE FACILITY SHALL BE CARRIED OUT IN A  
17 MANNER THAT MINIMIZES NOISE AND VIBRATION NUISANCE TO ADJOINING  
18 PROPERTY.

19 (O) BURNING OF ANY TYPE IS NOT ALLOWED AT THE FACILITY.

20 (P) FOR A MATERIALS RECOVERY FACILITY, INCLUDING AN ELECTRONIC  
21 WASTE PROCESSOR NOT REQUIRED TO REPORT UNDER PART 173:

22 (i) WITHIN 1 YEAR AFTER THE ENACTMENT OF THE AMENDATORY ACT  
23 THAT ADDED THIS SECTION, ["AFTER THE EFFECTIVE DATE OF THIS  
24 SECTION"? SEE ALSO SUBPARAGRAPH (ii) AND SUBDIVISIONS (Q) (ii) TO  
25 (v) AND (R) (i) TO (iii) AND SECTION 11569(1) AND (2).] THE OWNER OR  
26 OPERATOR OF THE SITE SHALL REGISTER WITH THE DEPARTMENT IF THE  
27 FACILITY SORTS, BALES, OR PROCESSES LESS THAN 100 TONS OF



1 POSTCONSUMER MATERIAL ON SITE AT ANY TIME AND GREATER THAN 100 TONS  
 2 PER YEAR. THE REGISTRATION SHALL BE ACCOMPANIED BY A FEE OF  
 3 \$150.00. THE REGISTRATION IS FOR A TERM OF 3 YEARS.

4 (ii) WITHIN 2 YEARS AFTER THE ENACTMENT OF THE AMENDATORY ACT  
 5 THAT ADDED THIS SECTION, BEFORE THE OPERATION OF THE FACILITY THE  
 6 OWNER OR OPERATOR OF THE SITE SHALL OBTAIN AUTHORIZATION UNDER A  
 7 GENERAL PERMIT TIER 1 IF THE FACILITY WILL SORT, BALE, OR PROCESS  
 8 100 TONS OR GREATER OF TOTAL POSTCONSUMER RESIDENTIAL OR COMMERCIAL  
 9 MATERIAL [SUBPARAGRAPH (i) DOES NOT SPECIFY RESIDENTIAL OR  
 10 COMMERCIAL] ON SITE AT ANY TIME. THE OWNER OR OPERATOR SHALL APPLY  
 11 FOR AUTHORIZATION UNDER GENERAL PERMIT TIER 1 AUTHORIZATION ON A  
 12 FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL BE  
 13 ACCOMPANIED BY A FEE OF \$600.00. THE GENERAL PERMIT TIER 1  
 14 AUTHORIZATION IS FOR A TERM OF 3 YEARS.

15 (iii) A MATERIALS RECOVERY FACILITY THAT SORTS, BALES, OR  
 16 SHIPS UNDER 100 TONS OF MATERIAL PER YEAR TO END-USE MARKETS IS  
 17 EXEMPT FROM AUTHORIZATION. [STRIKE?]

18 (Q) FOR COMPOST FACILITIES:

19 (i) BEGINNING 1 YEAR AFTER THE ENACTMENT DATE [THROUGHOUT THIS  
 20 SUBDIVISION, ENACTMENT VS EFFECTIVE DATE] OF THE AMENDATORY ACT  
 21 THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE A SMALL COMPOST  
 22 FACILITY UNLESS THE OWNER OR OPERATOR HAS NOTIFIED THE DEPARTMENT  
 23 ON A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT. AFTER THE  
 24 INITIAL NOTIFICATION, NOTIFICATION SHALL BE GIVEN ANNUALLY WITHIN  
 25 30 DAYS AFTER THE END OF THE STATE FISCAL YEAR. [COMPARE LANGUAGE  
 26 IN SECTION 11512A(2), SECTION 11521B(1)(K), SUBDIVISION (S)(i), AND  
 27 SECTION 11569(3)]



1           (ii) BEGINNING 1 YEAR AFTER THE ENACTMENT DATE OF THE  
2 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE  
3 A MEDIUM COMPOST FACILITY UNLESS THE OWNER OR OPERATOR HAS  
4 REGISTERED WITH THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED  
5 BY THE DEPARTMENT. THE REGISTRATION SHALL BE ACCOMPANIED BY A FEE  
6 OF \$150.00. THE TERM OF THE REGISTRATION IS 3 YEARS.

7           (iii) BEGINNING 2 YEARS AFTER THE ENACTMENT DATE OF THE  
8 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE  
9 A LARGE COMPOST FACILITY UNLESS AUTHORIZED BY THE DEPARTMENT UNDER  
10 A GENERAL PERMIT TIER 1. A PERSON SHALL APPLY FOR AUTHORIZATION  
11 UNDER A GENERAL PERMIT TIER 1 ON A FORM AND IN A FORMAT PROVIDED BY  
12 THE DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY A FEE OF  
13 \$600.00. THE TERM OF A GENERAL PERMIT TIER 1 IS 3 YEARS.

14           (iv) BEGINNING 2 YEARS AFTER THE ENACTMENT DATE OF THE  
15 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE  
16 A VERY LARGE COMPOST FACILITY UNLESS AUTHORIZED BY THE DEPARTMENT  
17 UNDER A GENERAL PERMIT TIER 2. A PERSON SHALL APPLY FOR  
18 AUTHORIZATION UNDER A GENERAL PERMIT TIER 2 ON A FORM AND IN A  
19 FORMAT PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL BE  
20 ACCOMPANIED BY A FEE OF \$400.00. THE TERM OF A GENERAL PERMIT TIER  
21 2 IS 2 YEARS.

22           (R) FOR ANAEROBIC DIGESTERS, PYROLYSIS FACILITIES, AND  
23 GASIFICATION PLANTS:

24           (i) BEGINNING 1 YEAR AFTER THE ENACTMENT DATE OF THE  
25 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE  
26 AN ANAEROBIC DIGESTER, PYROLYSIS FACILITY, OR GASIFICATION PLANT  
27 THAT MANAGES SOURCE SEPARATED MATERIAL OR MANURES, BEDDING, OR CROP



1 RESIDUALS GENERATED ON SITE AND, FOR ANAEROBIC DIGESTERS OR  
2 GASIFICATION PLANTS, UP TO 20% OTHER MATERIAL NOT GENERATED ON THE  
3 FARM ["ON SITE"? IS THE LOCATION REQUIRED TO BE A FARM?] UNLESS THE  
4 OWNER OR OPERATOR HAS NOTIFIED THE DEPARTMENT ON A FORM AND IN A  
5 FORMAT PROVIDED BY THE DEPARTMENT. AFTER THE INITIAL NOTIFICATION,  
6 NOTIFICATION SHALL BE GIVEN ANNUALLY WITHIN 30 DAYS AFTER THE END  
7 OF THE STATE FISCAL YEAR. THIS SUBPARAGRAPH DOES NOT APPLY TO AN  
8 ANAEROBIC DIGESTER THAT ONLY MANAGES MATERIAL GENERATED ON SITE.

9 (ii) BEGINNING 2 YEARS AFTER THE ENACTMENT DATE OF THE  
10 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE  
11 AN ANAEROBIC DIGESTER, PYROLYSIS FACILITY, OR GASIFICATION PLANT  
12 THAT MANAGES SOURCE SEPARATED MATERIALS GENERATED OFF SITE ["AN  
13 ANAEROBIC DIGESTER THAT MANAGES SOURCE SEPARATED MATERIALS  
14 GENERATED OFF SITE OR AN ANAEROBIC DIGESTER OF GASIFICATION PLANT  
15 THAT MANAGES MORE THAN 20% SOURCE SEPARATED MATERIALS GENERATED OFF  
16 SITE"] UNLESS AUTHORIZED BY THE DEPARTMENT UNDER A GENERAL PERMIT  
17 TIER 1. A PERSON SHALL APPLY FOR AUTHORIZATION UNDER A GENERAL  
18 PERMIT TIER 1 ON A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT.  
19 THE APPLICATION SHALL BE ACCOMPANIED BY A FEE OF \$600.00. THE TERM  
20 OF A GENERAL PERMIT TIER 1 IS 3 YEARS.

21 (iii) BEGINNING 2 YEARS AFTER THE ENACTMENT DATE OF THE  
22 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE  
23 AN INNOVATIVE TECHNOLOGY OR PRACTICE UNLESS AUTHORIZED BY THE  
24 DEPARTMENT UNDER A GENERAL PERMIT TIER 2. A PERSON SHALL APPLY FOR  
25 AUTHORIZATION UNDER A GENERAL PERMIT TIER 2 ON A FORM AND IN A  
26 FORMAT PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL BE  
27 ACCOMPANIED BY A FEE OF \$400.00. THE TERM OF A GENERAL PERMIT TIER



1 2 IS 2 YEARS.

2 (2) FEES COLLECTED BY THE DEPARTMENT UNDER THIS SECTION SHALL  
3 BE DEPOSITED IN THE PERPETUAL CARE ACCOUNT OF THE MATERIALS  
4 MANAGEMENT FUND.

5 SEC. 11569. (1) IF THE OWNER OR OPERATOR OF A WASTE  
6 UTILIZATION FACILITY THAT IS IN OPERATION ON THE EFFECTIVE DATE OF  
7 THIS SECTION IS REQUIRED TO REGISTER WITH OR NOTIFY THE DEPARTMENT  
8 UNDER SECTION 11568, THAT PERSON SHALL DO SO WITHIN 1 YEAR AFTER  
9 THE EFFECTIVE DATE OF THIS SECTION.

10 (2) IF THE OWNER OR OPERATOR OF A WASTE UTILIZATION FACILITY  
11 THAT IS IN OPERATION ON THE EFFECTIVE DATE OF THIS SECTION IS  
12 REQUIRED TO OBTAIN A GENERAL PERMIT TIER 1 OR 2 UNDER SECTION  
13 11568, THAT PERSON SHALL SUBMIT A COMPLETE APPLICATION FOR A PERMIT  
14 WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. [REVIEW  
15 SECTION 11568 FOR CONSISTENCY WITH SECTION 11569.]

16 (3) THE OWNER OR OPERATOR OF A WASTE UTILIZATION FACILITY  
17 SHALL SUBMIT OPERATION PLANS FOR THE WASTE UTILIZATION FACILITY  
18 WITH A REGISTRATION OR GENERAL PERMIT APPLICATION. PENDING  
19 REGISTRATION OR AUTHORIZATION UNDER A GENERAL PERMIT OF A WASTE  
20 UTILIZATION FACILITY IN OPERATION ON THE EFFECTIVE DATE OF THIS  
21 SECTION, THE DEPARTMENT SHALL REVIEW THE OPERATING REQUIREMENTS  
22 ["OPERATIONS" OR "OPERATING PLANS"?] FOR THE FACILITY. IF THE  
23 DEPARTMENT DETERMINES UPON REVIEW THAT THE ["OPERATING  
24 REQUIREMENTS," "OPERATIONS," OR "OPERATING PLANS"?] DO NOT COMPLY  
25 WITH THIS PART OR RULES PROMULGATED UNDER THIS PART, THE DEPARTMENT  
26 SHALL ISSUE A TIMETABLE OR SCHEDULE OF REMEDIAL MEASURES THAT WILL  
27 LEAD TO COMPLIANCE WITHIN A REASONABLE AMOUNT OF TIME AND NOT TO



1 EXCEED 1 YEAR FROM THE DETERMINATION OF NONCOMPLIANCE.

2 (4) IF THE OPERATOR OF AN EXISTING FACILITY ANTICIPATES  
3 INCREASING VOLUMES OF MATERIAL MANAGED THAT WILL REQUIRE A GENERAL  
4 PERMIT TIER 1 OR 2 INSTEAD OF A NOTIFICATION OR REGISTRATION, THE  
5 OPERATOR SHALL SUBMIT A COMPLETE APPLICATION TO THE DEPARTMENT FOR  
6 THE APPROPRIATE LEVEL OF AUTHORIZATION NEEDED BASED ON THE  
7 INCREASED VOLUME WITHIN 90 DAYS AFTER THE VOLUME INCREASE.

8 Enacting section 1. Sections 11521, 11526b, and 11539a of the  
9 natural resources and environmental protection act, 1994 PA 451,  
10 MCL 324.11521, 324.11526b, and 324.11539a, are repealed.

11 Enacting section 2. This amendatory act takes effect 90 days  
12 after the date it is enacted into law.

