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, 324.11527, 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:

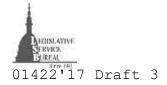
Sec. 11502. (1) "ACT 239" MEANS THE BODIES OF DEAD ANIMALS
 ACT, 1982 PA 239, MCL 287.651 TO 287.683.

3

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

4

(3) (1)-"Agronomic rate" means a rate that meets both of the



1 following requirements:

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

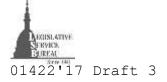
15 (5) "ANIMAL BEDDING" MEANS A MIXTURE OF MANURE AND WOOD CHIPS,
16 SAWDUST, SHREDDED PAPER OR CARDBOARD, HAY, STRAW, OR OTHER SIMILAR
17 FIBROUS MATERIALS NORMALLY USED FOR BEDDING ANIMALS.

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.

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

(8) (3) "Beneficial use 1" means use as aggregate, road
material, or building material that in ultimate use is or will be
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 groundwater3 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.

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

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

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



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

3 (b) The use, placement, or storage at the location of use does4 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 quality10 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.

(b) To treat wastewater, wastewater treatment sludge, or wastewater sludge in compliance with part 31 or the federal water pollution control act, 33 USC 1251 to 1387 at a private or publicly owned wastewater treatment plant.

(c) To stabilize, neutralize, solidify, cap, or otherwise remediate hazardous substances or contaminants as part of a response activity in compliance with part 201, part 213, or the comprehensive environmental response, compensation and liability act of 1980, 42 USC 9601 to 9657, 9675, or a corrective action in compliance with part 111 or the solid waste disposal act, 42 USC 6901 to 6992k.

26 (d) As construction material at a landfill licensed under this27 part.



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(12) (7)—"Beneficial use 5" means blended with inert materials
 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 or14 for beneficial use 1, 2, 3, or 4.

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

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

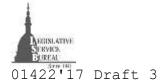
18 (g) Foundry sand from ferrous or aluminum foundries used for19 beneficial use 1, 2, 3, 4, or 5.

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

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

24 (*ii*) Scrap paper.

(i) Spent media from sandblasting, with uncontaminated sand,
newly manufactured, unpainted steel used for beneficial use 1 or 2.
(j) Dewatered concrete grinding slurry from public



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transportation agency road projects used for beneficial use 1, 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 is7 used for beneficial use 3.

8 (m) Segregated flue gas desulfurization material used for9 beneficial use 1 or 3.

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

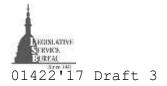
14 (14) (9)—"Beverage container" means an airtight metal, glass, 15 paper, or plastic container, or a container composed of a 16 combination of these materials, which, at the time of sale, 17 contains 1 gallon or less of any of the following:

18 (a) A soft drink, soda water, carbonated natural or mineral19 water, or other nonalcoholic carbonated drink.

20 (b) A beer, ale, or other malt drink of whatever alcoholic21 content.

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

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

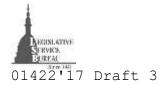


1 combination of any of these instruments in favor of the department. 2 The owner or operator of a disposal area MATERIALS MANAGEMENT FACILITY who is required to establish a bond under another state 3 4 statute or a federal statute may petition the department to allow 5 such a bond to meet the requirements of this part. The department 6 shall approve a bond established under another state statute or a federal statute if the bond provides equivalent funds and access by 7 the department as other financial instruments allowed by this 8 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. (B) FOOD WASTE. 8 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. (I) OTHER MATERIALS APPROVED BY THE DEPARTMENT UNDER SECTION 16 17 11563. [CHECK CITE.] (21) CLASS 1 COMPOSTABLE MATERIALS INCLUDE: 18 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

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

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

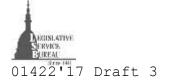
7 (23) "CLASS 2 COMPOSTABLE MATERIAL" MEANS ANY COMPOSTABLE 8 MATERIAL, EXCEPT YARD WASTE, MANURE, OR ANIMAL BEDDING GENERATED IN 9 THE PRODUCTION OF LIVESTOCK AND POULTRY, DEAD ANIMALS MANAGED UNDER 10 ACT 239, AND MATERIAL THAT IS NOT LISTED OR APPROVED AS A CLASS 1 11 COMPOSTABLE MATERIAL. CLASS 2 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 C618-12A.C618.

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



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



11

(30) "COMPOST WASTEWATER" MEANS LIQUIDS THAT HAVE BEEN IN
 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.

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

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

(35) (18) "Consistency review" means evaluation of the
administrative and technical components of an application for a
permit or license or evaluation of operating conditions in the



course of inspection, for the purpose of determining consistency
 with the requirements of this part, rules promulgated under this
 part, and approved plans and specifications.

(36) (19) "Corrective action" means the investigation, 4 5 assessment, cleanup, removal, containment, isolation, treatment, or monitoring of constituents, as defined in a facility's approved 6 7 hydrogeological monitoring plan, released into the environment from a disposal area, MATERIALS MANAGEMENT FACILITY, or the taking of 8 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.

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

(2) "Department", subject to section 11554, means thedepartment of environmental quality.

27

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



13

(4) "Discharge" includes, but is not limited to, any spilling,
 leaking, pumping, pouring, emitting, emptying, discharging,
 injecting, escaping, leaching, dumping, or disposing of a substance
 into the environment that is or may become injurious to the public
 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 the21 following requirements:

(a) Is generated by households, businesses, or governmentalentities.

(b) Can lawfully be disposed of at a licensed sanitarylandfill 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 devices9 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.

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

24 (9) "Farm" means that term as defined in section 2 of the25 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.



15

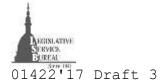
(11) "Financial assurance" means the mechanisms used to
 demonstrate that the funds necessary to meet the cost of closure,
 postclosure maintenance and monitoring, and corrective action will
 be available TO THE DEPARTMENT whenever they are needed.

5 (12) "Financial test" means a corporate or local government 6 financial test or quarantee approved for type II landfills under 42 USC 6941 to 6949a OR FOR TYPE III LANDFILLS OR OTHER MATERIALS 7 MANAGEMENT FACILITIES APPROVED UNDER THIS PART and regulations 8 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 financial test under state or federal law. 17

(13) "FINISHED COMPOST" MEANS ORGANIC MATTER THAT HAS 18 19 UNDERGONE BIOLOGICAL DECOMPOSITION AND HAS BEEN STABILIZED TO A DEGREE THAT IS BENEFICIAL TO PLANT GROWTH WITHOUT CREATING A 20 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. FINISHED COMPOST MAY CONTAIN MATERIAL OTHER THAN ORGANIC MATTER 24 THAT AIDS IN PRODUCING A QUALITY END PRODUCT FOR SUCH USES BUT DOES 25 NOT CONTAIN VISIBLE AMOUNTS OF SOLID WASTE. 26

27

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



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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:

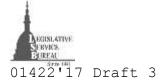
10 (a) Residuals of fruits, vegetables, aquatic plants, or field11 crops.

12 (b) Otherwise unusable parts of fruits, vegetables, aquatic13 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.

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

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



(18) (15) "Foundry sand" means silica sand used in the metal
 casting process, including binding material or carbonaceous
 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).]

(22) "GENERAL PERMIT TIER 1" AND "GENERAL PERMIT TIER 2" MEAN 20 21 A PERMIT FOR A CATEGORY OF ACTIVITIES THAT THE DEPARTMENT DETERMINES WILL NOT NEGATIVELY IMPACT HUMAN HEALTH AND WILL HAVE NO 22 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 GENERAL PERMIT CONDITIONS. [DISTINGUISH TIER 1 FROM TIER 2. MOVE 26 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).

Sec. 11504. (1) "Health officer" means a full-time
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.

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

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

23 (i) The debris is buried on the site of origin or another24 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 the27 groundwater table as observed at the time of placement.



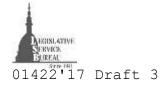
(*iv*) The placement of the debris does not violate federal,
 state, or local law or create a nuisance.

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 substance as a result of human activity. Soil or sediment that 8 naturally contains elevated levels of hazardous substances above 9 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 believe that the soil or sediment is contaminated. 14

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



of any surface water quality standard established under part 31 at
 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 of24 the following requirements:

25

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

26 (ii) Has been stockpiled or crushed for reuse as aggregate27 material.



21

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 by17 the department.

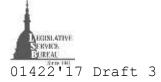
18 (b) A certified true and complete copy of the insurance19 policy.

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

(8) "LARGE COMPOSTING FACILITY" MEANS A SITE THAT MEETS ALL OF
 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.



22

(C) NOT MORE THAN 5% OF THE COMPOSTABLE MATERIAL ON THE SITE 1 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 PERIOD, THE MOST RECENT PAST PERIOD, OR ANY PAST PERIOD? SAME ISSUE 6 7 ARISES WITH RESPECT TO THE OTHER COMPOSTING FACILITY DEFINITIONS AND SECTIONS 11512A(2) AND (3), 11513A(2), AND 11513B.] 8 (9) (5)—"Letter of credit" means an irrevocable letter of 9 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. (11) (7)-"Low-hazard industrial waste" means industrial 13 14 material that has a low potential for groundwater contamination 15 when managed in accordance with this part. The following materials are low-hazard industrial wastes: 16 17 (a) Coal ash or wood ash. (b) Cement kiln dust. 18 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. (k) Asphalt shingles. 3 (1) New construction or production scrap drywall. 4 5 (m) Chipped or shredded tires. 6 (n) Copper slaq. 7 (o) Copper stamp sands. (p) Dredge material from nonremedial activities. 8 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 11553(7) to be a low-hazard industrial waste. 13 (12) "MAEAP" MEANS THE MICHIGAN AGRICULTURE ENVIRONMENTAL 14 ASSURANCE PROGRAM AS PROVIDED FOR IN SECTIONS 3109D AND 8701 TO 15 16 8710. [WHY CITE TO SECTION 8807 AS IN DEQ DRAFT?] 17 (13) "MANAGED MATERIAL" MEANS A SOLID WASTE, DIVERTED WASTE OR RECYCLABLE MATERIAL, AND OTHER MATERIALS AS DETERMINED BY THE 18 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

FACILITY THAT MANAGES MATERIALS OR PRODUCTS THAT CONTAIN IRON,

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24

STEEL, OR NONFERROUS METALS AND THAT ARE DIRECTED TO OR RECEIVED BY
 A PERSON SUBJECT TO THE SCRAP METAL REGULATORY ACT, 2008 PA 429,
 MCL 445.421 TO 445.443, OR BY A REUSER OF THESE METALS IS NOT A
 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:

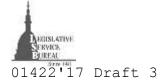
16 (A) PRIMARILY RECEIVES SOURCE SEPARATED MATERIAL OR RECYCLABLE17 MATERIAL, OR BOTH.

(B) PREPARES THE MATERIAL FOR USE AS A RESOURCE, WHERE [????]
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:

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



25

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.

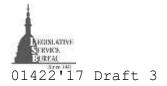
(22) (9) "Mixed wood ash" means the material recovered from air pollution control systems for, or the noncombusted residue remaining after, the combustion of any combination of wood, scrap wood, railroad ties, or tires, if railroad ties composed less than 35% by weight of the total combusted material and tires composed 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:

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

27

(b) The incinerator has established contractual requirements



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

4 (c) The incinerator meets the requirements of this part and5 the rules promulgated under this part.

6 (d) The incinerator is not an industrial furnace as defined in7 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.

(d) A nursing home.

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

(28) (14) "Perpetual care fund bond" means a surety bond, an
irrevocable letter of credit, or a combination of these instruments
in favor of and on a form approved by the department by which a
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.

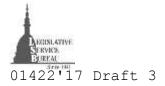
13 (32) "PLANNING ENTITY" MEANS THE PLANNING ENTITY DESIGNATED BY
14 THE COUNTY BOARD OF COMMISSIONERS UNDER SECTION 11533.

(33) (15) "Pulp and paper mill ash" means the material 15 16 recovered from air pollution control systems for, or the noncombusted residue remaining after, the combustion of any 17 18 combination of coal, wood, pulp and paper mill material, wood or 19 biomass fuel pellets, scrap wood, railroad ties, or tires, from a boiler, power plant, or furnace at a pulp and paper mill, if 20 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,



28

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 and6 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).

(35) "PYROLYSIS" MEANS A PROCESS THROUGH WHICH MATERIALS ARE 10 11 HEATED IN THE ABSENCE OF OXYGEN UNTIL MELTED AND THERMALLY 12 DECOMPOSED, AND ARE THEN COOLED, CONDENSED, AND CONVERTED INTO OTHER INTERMEDIATE OR FINAL PRODUCTS. THE PROCESS OCCURS WITHOUT 13 14 COMBUSTION. [COMPARE MCL 460.1009(F) AND GASIFICATION DEFINITION.] Sec. 11505. (1) "RDDP" MEANS A RESEARCH, DEVELOPMENT, AND 15 DEMONSTRATION PROJECT FOR A NEW OR EXISTING TYPE II LANDFILL UNIT 16 17 OR FOR A LATERAL EXPANSION OF A TYPE II LANDFILL UNIT.

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

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



29

(4) (2) "Regional solid waste management planning agency"
 means the regional solid waste planning agency designated by the
 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).

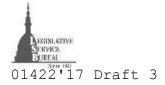
18 (B) APPROVED BY THE DIRECTOR PURSUANT TO SECTION 11563.

19 (8) "REUSE" MEANS TO USE AGAIN, ESPECIALLY IN A DIFFERENT20 MANNER OR AFTER RECLAMATION OR REPROCESSING.

(9) (5) "Rubbish" means nonputrescible solid waste, excluding
ashes, consisting of both combustible and noncombustible waste,
including paper, cardboard, metal containers, yard clippings,
WASTE, wood, glass, bedding, crockery, demolished building
materials, or litter of any kind that may be a detriment to the
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 or10 pentachlorophenol.

(c) Any wood or wood product designated as scrap wood in rulespromulgated 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

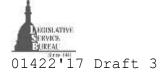
16 waste for the purpose of recycling or conversion into raw materials
17 or new products.

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



31

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 <u>DEFINITION</u>].

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 the14 production of livestock and poultry.

15 (d) Liquid waste.

16 (e) Ferrous or nonferrous scrap directed to a scrap metal17 processor or to a reuser of ferrous or nonferrous products.

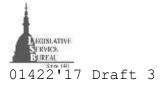
18 (f) Slag or slag products directed to a slag processor or to a19 reuser of slag or slag products.

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

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

27

(i) Food processing residuals and garbage.FOOD WASTE.



(ii) Precipitated calcium carbonate from sugar beet
 processing.

3 (iii) Wood ashes resulting solely from a source that burns4 only wood that is untreated and inert.

5 (*iv*) Lime from kraft pulping processes generated prior to6 bleaching.

7 (v) Aquatic plants.

8 (i) Materials approved for emergency disposal by the9 department.

10 (j) Source separated materials.

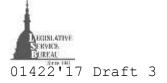
11 (k) Site separated material.

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

(i) As a component of concrete, grout, mortar, or casting
molds, if the coal ash does not have more than 6% unburned carbon.
(ii) As a raw material in asphalt for road construction, if
the coal ash does not have more than 12% unburned carbon and passes
Michigan test method for water asphalt preferential test, MTM 101,
as set forth in the state transportation department's manual for
the Michigan test methods (MTM).

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



33

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

2

(1) (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 public17 road agency.

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

(T) (u) Any secondary material that, as specified in or
 determined pursuant to 40 CFR part 241, is not a solid waste when
 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 intended for use for IN the HANDLING, STORAGE, TRANSFER, OR 3 4 processing of solid waste, or the separation of material for salvage or disposal, or both, but AND IS NOT LOCATED AT THE SITE OF 5 GENERATION OR THE SITE OF DISPOSAL OF THE SOLID WASTE. SOLID WASTE 6 PROCESSING AND TRANSFER FACILITY INCLUDES A PYROLYSIS FACILITY OR 7 GASIFICATION PLANT THAT USES SOLID WASTE AS A FEED STOCK. SOLID 8 WASTE PROCESSING AND TRANSFER FACILITY does not include a plant 9 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. (5) "Solid waste transfer facility" means a tract of land, a 16 17 building and any appurtenances, or a container, or any combination 18 of land, buildings, or containers that is used or intended for use

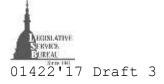
19 in the rehandling or storage of solid waste incidental to the

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.

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



35

1 accumulated:

2 (a) Glass, metal, wood, paper products, plastics, rubber, 3 textiles, garbage, FOOD WASTE, or any other material approved by the department that is used for conversion into raw materials or 4 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 or pyrolysis, or other fuel. This subdivision does not prevent 8 9 **PROHIBIT** material from being classified as a renewable energy 10 resource as defined in section 11 of the clean τ -AND renewable τ 11 ENERGY and officient energy WASTE REDUCTION act, 2008 PA 295, MCL 12 460.1011.

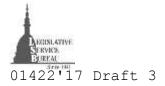
(b) Scrap wood and railroad ties used to fuel an industrial
boiler, kiln, power plant, or furnace, subject to part 55, for
production of new wood products, or for other uses approved by the
department.

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

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

27

(e) Gypsum drywall generated from the production of wallboard



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

3 (f) Flue gas desulfurization gypsum used for production of4 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, or13 similar uses approved by the department in writing.

14 (j) Railroad ties reused in landscaping, embankments, or15 similar uses approved by the department in writing.

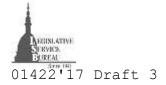
16 (k) Any materials and uses approved by the department under17 section 11553(8).

(*l*) LEAVES THAT ARE GROUND AND SOLD AS MULCH OR MIXED WITH
GROUND WOOD AND SOLD AS MULCH IF THE VOLUMES SO MANAGED ARE
REPORTED TO THE DEPARTMENT IN COMPLIANCE WITH SECTION

21 11521 (A) (2) (I). [CHECK CITE.]

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

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



37

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.

(10) (8) "Treated wood" means wood or wood product that has
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 the21 department.

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

(12) (10) "Type I public water supply", "type IIa public water
supply", "type IIb public water supply", and "type III public water
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.

(15) (11) "Waste diversion center" means property or a building, or a portion of property or a building, designated for the purpose of receiving or collecting diverted wastes and not used 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 FACILITY18 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

AUTHORIZED BY THE DIRECTOR THAT IS UTILIZED IN THE CONVERSION OF
SOLID WASTE INTO ENERGY OR A USEABLE PRODUCT WHERE SOURCE SEPARATED



39

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

4 OF WASTE UTILIZATION.]

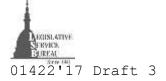
5 (18) "WASTE UTILIZATION [<u>DIVERSION</u>?] GOAL" IS A MEASURABLE,
6 OBJECTIVE, AND SPECIFIC GOAL FOR THE PLANNING AREA FOR SOLID WASTE
7 DIVERSION FROM DISPOSAL AREAS [OR "FOR WASTE UTILIZATION"?].

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.

(20) (13) "Wood ash" means any type of ash or slag resulting
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 other garden debris, shrubbery, or brush or tree trimmings, less 17 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.

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



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

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

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

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

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



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(6) (3) The department may exempt from regulation under this
 part solid waste that is determined by the department to be inert
 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 municipality in which the landfill is located that contains 6 information on the amount SPECIFIES THE TONNAGE AND TYPE of solid 7 waste received by the landfill during the year itemized, to the 8 9 extent possible, by county, state, or country of origin and the amount of remaining disposal capacity at the landfill. Remaining 10 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 constructed. The report shall be submitted on a form provided by 15 the department within 45 days following the end of each state 16 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).

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



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shall apply for a construction permit to the department through the
 health officer. If the disposal area is located in a county or city
 that does not have a certified health department, the application
 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 proposed disposal area, the design capacity of the disposal area, 7 and other information specified by rule. A person may apply to 8 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 following16 amount:

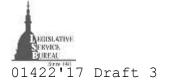
17 (i) For a municipal solid waste landfill, \$1,500.00.\$____.
 18 (ii) For an industrial waste landfill, \$1,000.00.\$____.

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

(b) For a lateral expansion of a sanitary landfill, a feeequal to the following amount:

23 (i) For a municipal solid waste landfill, \$1,000.00.\$____.
 24 (ii) For an industrial waste landfill, \$750.00.\$____.

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



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(c) For a vertical expansion of an existing sanitary landfill,
 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.\$____.

(c) For the expansion of an existing facility for any type of
waste, \$250.00.\$____.

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

CHINISLATIVE SFEWER 01422'17 Draft 3 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.

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

(a) Immediately notify the clerk of the municipality in which
the disposal area is located or proposed to be located, the local
soil erosion and sedimentation control agency, each division within
the department and the department of natural resources that has
responsibilities in land, air, or water management, and the
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. The petition shall be validated by the clerk of the municipality. 26 27 The public hearing shall be held after the department makes a



preliminary review of the application and all pertinent data and
 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 is in compliance with the requirements of this part and rules 8 9 promulgated under this part by the persons qualified in hydrogeology and sanitary landfill engineering shall MUST be 10 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 **CONSTRUCTION PERMIT** may contain a stipulation specifically 15 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 enlargement in capacity of a disposal area, or an alteration of a 18 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 disposal27 area is a sanitary landfill that is a new site or a lateral



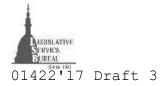
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1 extension or vertical expansion of an existing unit proposed to be 2 located within 5 miles of a runway or a proposed runway extension contained in a plan approved by the Michigan aeronautics commission 3 4 of an airport licensed and regulated by the Michigan aeronautics 5 commission. The department shall make a copy of the application available to the Michigan aeronautics commission. [PROVIDE A COPY?] 6 If, after a period of time for review and comment not to exceed 60 7 days [COMMENCING WHEN?], the Michigan aeronautics commission 8 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 opportunity to rebut a finding of the Michigan aeronautics 15 commission that the operation of a proposed disposal area would 16 17 present a potential hazard to air navigation. The Michigan aeronautics commission shall notify the department and the owner or 18 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.

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

27

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



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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.

(3) Except as otherwise provided in this subsection, the 6 7 department shall not issue a construction permit for a disposal area within a planning area unless a solid waste MATERIALS 8 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 a disposal area designed to receive ashes produced in connection 13 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.

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



1 authorizing the person to establish the RDDP.

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

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

15

(a) A description of the RDDP goals.

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

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

25 (d) A list and discussion of the types of compliance26 monitoring and operational monitoring that will be performed.

27

(e) Specific means to address potential nuisance conditions,



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

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

16 (a) An evaluation of the potential for a decreased slope17 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.

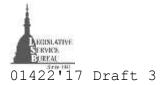
21 (*iv*) Other relevant factors.

(b) An operations management plan that incorporates all of thefollowing:

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



detrimental to the biostabilization of the solid waste intended to
 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 subsection11 (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 of20 the waste.

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

(iii) A means to monitor the depth of leachate on the liner.
(iv) An integrated active gas collection system. The system
shall be of adequate size for the anticipated methane production



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rates and to control odors. The system shall MUST be operational
 before the addition of any material to accelerate or enhance
 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.

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

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

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

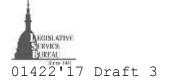


(d) An individual extension shall not exceed 3 years, and the
 total term of the permit with all extensions shall not exceed 21
 years.

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.

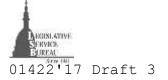
9 (10) The postclosure period for a facility authorized as an 10 RDDP begins when the department determines that the unit or portion of the unit where the RDDP was authorized has reached a condition 11 12 similar to the condition that non-RDDP landfills would reach prior 13 to postclosure. The parameters, 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 under section 11525 shall be maintained for the period after final 16 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 the RDDP have been met and the authorization does not constitute a 21 22 less stringent permitting requirement than is required under 23 subtitle D of the solid waste disposal act, 42 USC 6941 to 6949a. (12) As used in this section, "RDDP" means a research, 24 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 person is permitted by state law or rules promulgated by the 3 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 11509(1), THIS SUBSECTION, 11512A(1), AND 11529. PROVIDE A ROADMAP 10 11 HERE? APPARENT INCONSISTENCIES IN USE OF TERMS "LICENSED" AND 12 "AUTHORIZED" IN SUBSECTIONS (1) AND (2). IS "AUTHORIZED" INTENDED TO EMBRACE LICENSING, REGISTRATION, AND NOTIFICATION?] In addition, 13 a person shall not conduct, manage, maintain, or operate a disposal 14 15 area contrary to an approved solid waste management plan, or contrary to a permit, license, AN AUTHORIZATION ISSUED BY THE 16 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 or27 existing disposal area, the type or types of disposal area



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proposed, evidence of bonding, and other information required by 1 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 documentation on the amount of waste received at the disposal area 6 during the previous license period or expected to be received, 7 whichever is greater. The application shall be accompanied by a fee 8 9 as specified in subsections (7), (9), and (10).

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

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

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



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2500 degrees Fahrenheit may operate the incinerator without an
 operating license, upon notice to the department, for a period not
 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 <u>\$250.00</u>.\$____

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.\$____

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



(a) If a landfill accepts more waste than projected, a
 supplemental fee equal to the difference shall be submitted with
 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 (c) 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

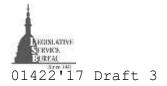
17 department shall credit the applicant an amount equal to 1/4 the

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.\$____.

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

26 (11) The department shall deposit operating license27 application fees collected under this section in the perpetual care



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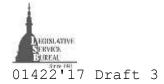
account of the solid waste MATERIALS management fund. established
 in section 11550.

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 STATE EXCEPT AS AUTHORIZED THROUGH A NOTIFICATION OR REGISTRATION 15 SUBMITTED TO THE DEPARTMENT. IN ADDITION, A PERSON SHALL NOT 16 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 FACILITY THAT DOES NOT AT ANY TIME MANAGE 50 CUBIC YARDS OF SOLID 22 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



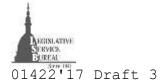
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<u>CONDUCT, MANAGEMENT, MAINTENANCE, OR OPERATION OCCUR IN RELATION TO</u>
 THE GIVING OF THE NOTICE? IS THE NOTIFICATION GIVEN FOR THE

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?]

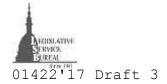
6 (3) SUBJECT TO SUBSECTION (4), BEGINNING 1 YEAR AFTER THE 7 EFFECTIVE DATE OF THIS SECTION, A PERSON SHALL NOT CONDUCT, MANAGE, MAINTAIN, OR OPERATE A SOLID WASTE PROCESSING AND TRANSFER FACILITY 8 9 THAT AT ANY TIME MANAGES MORE THAN 50 CUBIC YARDS AND DOES NOT AT 10 ANY TIME MANAGE MORE THAN 200 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 THE END OF THE STATE FISCAL YEAR. THE TERM OF A REGISTRATION IS 3 14 15 YEARS. IN ADDITION, THE PERSON SHALL ANNUALLY REPORT TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL YEAR 16 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 PERPETUAL CARE ACCOUNT OF THE MATERIALS MANAGEMENT FUND. 22

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



[<u>CLARIFY</u>] HAS OCCURRED, THE FACILITY MAY FOLLOW ITS NORMAL
 AUTHORIZATION RENEWAL SCHEDULE.

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



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FACILITY CONTRARY TO AN APPROVED MATERIALS MANAGEMENT PLAN, OR
 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 [<u>RULE?</u>]. 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.

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

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

(D) FOR AN ANAEROBIC DIGESTER, PYROLYSIS FACILITY, OR
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.

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

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



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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.



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

(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.

SEC. 11513B. FOR THE FOLLOWING FACILITIES, A PERSON SHALL NOT
CONDUCT, MANAGE, MAINTAIN, OR OPERATE A FACILITY WITHIN THIS STATE
EXCEPT AS AUTHORIZED THROUGH THE NOTIFICATION PROCESS [SECTION
<u>11512A(2)</u> PROVIDES A NOTIFICATION PROCESS, BUT ONLY FOR FACILITIES

10 DESCRIBED IN SUBDIVISION (B) OF THIS SECTION.]:

11 (A) WASTE DIVERSION CENTER.

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

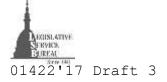
16 (C) A YARD WASTE COMPOST SITE THAT DOES NOT AT ANY TIME MANAGE 17 MORE THAN 1,000 CUBIC YARDS OF MATERIAL OR 2,000 CUBIC YARDS OF 18 LEAVES ON SITE AT ANY TIME. [ALTERNATIVE: "A SMALL COMPOSTING

19 FACILITY." "MANAGE" VERSUS "CONTAIN"?]

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

(E) AN ANAEROBIC DIGESTER OR GASIFICATION PLANT THAT MANAGES
ORGANIC WASTE FOR ON-FARM ENERGY PRODUCTION. [MUST THE WASTE BE
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 interest of promoting the public health and welfare. The state 3 4 shall develop policies and practices that promote recycling and reuse of materials and, to the extent practical, minimize the use 5 of landfilling as a method for disposal of its waste. Policies and 6 practices that promote recycling and reuse of materials, including 7 materials from electronic devices, will conserve raw materials, 8 9 conserve landfill space, and avoid the contamination of soil and groundwater from heavy metals and other pollutants. 10

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

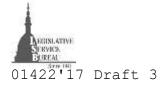
14 (a) Medical waste, unless that medical waste has been
15 decontaminated or is not required to be decontaminated but is
16 packaged in the manner required under part 138 of the public health
17 code, 1978 PA 368, MCL 333.13801 to 333.13831.333.13832.

18 (b) More than a de minimis amount of open, empty, or otherwise19 used beverage containers.

20 (c) More than a de minimis number of whole motor vehicle21 tires.

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



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

(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 that10 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 for13 recirculation.

14 (*iii*) Septage waste or other liquids approved for beneficial15 addition under section 11511b.

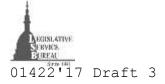
16 (f) Sewage.

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

18 (h) Asbestos waste, unless the landfill complies with 40 CFR19 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 11521(1)(i). IT MEETS THE REQUIREMENTS OF SECTION 11555(1)(K). 26 27 (4) The department shall post, and a solid waste hauler that

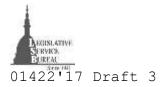


1 disposes of solid waste in a municipal solid waste incinerator
2 shall provide its customers with, notice of the prohibitions of
3 this subsection (3) in the same manner as provided in section
4 11527a.

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

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

18 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 II of Public Law 89-272, 42 U.S.C. 42 USC 6945, and with this part 26 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 a timetable or schedule to provide for compliance for the facility 4 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 December 2, 1987. 8

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

(B) INSPECT, AT REASONABLE TIMES, ANY FACILITY, EQUIPMENT,
INCLUDING MONITORING AND POLLUTION CONTROL EQUIPMENT, PRACTICES, OR
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



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1 115.

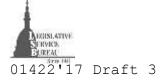
2 (2) THE DEPARTMENT, OR AN AUTHORIZED REPRESENTATIVE OF THE
3 DEPARTMENT, MAY RECEIVE AND INITIATE COMPLAINTS OF AN ALLEGED
4 VIOLATION OF PART 115 AND TAKE ACTION AS THE DEPARTMENT CONSIDERS
5 NECESSARY, PROPER, OR DESIRABLE WITH RESPECT TO THE COMPLAINT AS
6 PROVIDED IN THIS PART.

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

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

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

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



TMV

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.

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

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

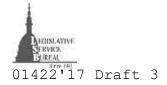
26 (2) An operating license shall expire EXPIRES 5 years after
27 the date of issuance. An operating license may be renewed before



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

(3) The issuance of the operating license under this part
empowers the department or a health officer or an authorized
representative of a health officer to enter at any reasonable time,
pursuant to law, in or upon private or public property licensed
under this part for the purpose of inspecting or investigating
conditions relating to the storage, processing, or disposal of any
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 to sections 11536 and 11537 and unless the disposal area complies 15 with and is consistent with the approved solid waste MATERIALS 16 17 management plan. The department may issue an operating license for a disposal area designed to receive ashes produced in connection 18 with the combustion of fossil fuels for electrical power generation 19 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 is to be located. [PER DEQ: WE NEED LANGUAGE TO BRIDGE THE TIME 26 27 BETWEEN WHEN THE STATUTORY CHANGES OCCUR AND WHEN COUNTIES HAVE



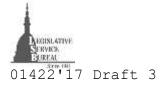
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1 THEIR NEW MATERIALS MANAGEMENT PLANS TO ALLOW SITING OF

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 under section 11523 and, for type II landfills, for which financial 6 assurance was demonstrated under section 11523a. If the 7 construction of a portion of a landfill licensed under this section 8 9 is not complete at the time of license application, the owner or operator of the landfill shall submit a certification under the 10 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 landfill. If the department does not deny the certification within 15 60 days of receipt, the owner or operator may accept waste for 16 17 disposal in the certified portion. In the case of a denial, the 18 department shall issue a written statement stating the reasons why the construction or certification is not consistent with this part 19 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



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

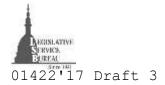
7 (A) MAINTAINING THE INTEGRITY AND EFFECTIVENESS OF ANY FINAL 8 COVER, INCLUDING MAKING REPAIRS TO THE COVER AS NECESSARY TO 9 CORRECT THE EFFECTS OF SETTLEMENT, SUBSIDENCE, EROSION, OR OTHER 10 EVENTS, AND PREVENTING RUN-ON AND RUN-OFF FROM ERODING OR OTHERWISE 11 DAMAGING THE FINAL COVER.

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

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

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



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(A) THE LANDFILL'S CLOSURE CERTIFICATION WAS APPROVED BY THE
 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.

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

(3) THE DEPARTMENT SHALL INCREASE THE POSTCLOSURE CARE PERIOD
SPECIFIED IN SUBSECTION (1) FOR A LANDFILL UNIT IF ANY OF THE
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.



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

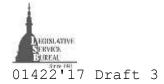
16 (4) THE OWNER OR OPERATOR OF A LANDFILL UNIT WHO HAS BEEN
17 RELEASED FROM POSTCLOSURE CARE OF THE UNIT SHALL DO ALL OF THE
18 FOLLOWING WITH RESPECT TO THE LANDFILL UNIT:

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

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

27

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



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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 submitted under this subsection within 30 days after receiving it. 7 In reviewing the plan, the department shall consider the current 8 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 plan, the owner or operator of a municipal solid waste incinerator 16 17 shall within 30 days after receipt of the department's disapproval submit a revised plan that addresses all of the modifications 18 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.

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



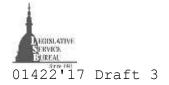
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1 provided by this part.

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 behalf of the state. The instrument imposing the restrictive 8 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, lessees, or assigns shall, WITHOUT AUTHORIZATION FROM THE 15 DEPARTMENT, engage in filling, grading, excavating, drilling, or 16 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 lands involved are federal lands or if contracts existing between 24 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,



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

Sec. 11519. (1) The department shall specify, in writing, the
reasons for denial of a construction permit, or an operating
license, OR A REGISTRATION, further specifying those particular
sections of this part or rules promulgated under this part that may
be violated by granting the application and the manner in which the
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 rules promulgated under this part to a person who establishes, 15 constructs, conducts, manages, maintains, or operates a disposal 16 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, CONSTRUCTS, CONDUCTS, MANAGES, MAINTAINS, OR OPERATES A MATERIALS 25 MANAGEMENT FACILITY CONTRARY TO AN ORDER ISSUED UNDER THIS PART AND 26 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 NOTIFICATION FOR A MATERIALS MANAGEMENT FACILITY UNDER THIS PART 3 4 after a contested case hearing as provided in the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, 5 being sections 1969 PA 306, MCL 24.201 to 24.328, of the Michigan 6 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, or license, OR REGISTRATION, this part, or the rules promulgated 10 11 under this part. A final order issued pursuant to this section is 12 subject to judicial review as provided in **THE ADMINISTRATIVE** PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of 1969 PA 13 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 for each licensed disposal area. The department or the health 16 17 officer shall provide the municipality in which the licensed disposal area OR MATERIALS MANAGEMENT FACILITY is located with a 18 19 copy of each written inspection report if the municipality arranges with the department or the health officer to bear the expense of 20 21 duplicating and mailing the reports.

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



poses an imminent risk of injury to the public health or the 1 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 order on the PERMITTEE, licensee, REGISTRANT, OR NOTIFIER, 6 whichever is later, and shall remain effective during the 7 proceedings. The proceedings shall be commenced within 7 days of 8 9 the issuance of the order and shall be promptly determined.

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

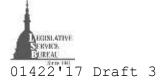
(a) At least 90%, 85%, by volume, of the material collected at
the waste diversion center shall consist of diverted waste to be
managed at the waste diversion center.

(b) The waste diversion center shall be operated by personnel
who are knowledgeable about the safe management of the types of
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.

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

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



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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.

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

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

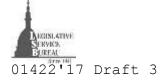
13 (i) The area where the diverted waste is accumulated shall be
14 protected, as appropriate for the type of waste, from weather,
15 fire, physical damage, and vandals.

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 [<u>MEANING?</u>] SUCH AS HOUSEHOLD HAZARDOUS
27 WASTE DAYS. PUBLIC AND NONPUBLIC ENTITIES SUCH AS PHARMACIES,



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RETAIL ESTABLISHMENTS, AND OFFICES AS WELL AS POLICE STATIONS AND
 SCHOOLS THE PRIMARY FUNCTION OF WHICH IS NOT TO COLLECT DIVERTED
 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).

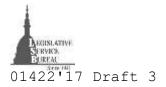
8 (3) The operator of a waste diversion center may reject any9 diverted waste.

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

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



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

5 (a) For a first offense within a 3-year period, a warning by6 the judge or magistrate.

7 (b) For a second offense within a 3-year period, a civil fine8 of not more than \$75.00.

9 (c) For a third offense within a 3-year period, a civil fine10 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:

(i) Within a priority I area as listed in table 33 or a
priority II area as listed in table 34 of R 336.1310 of the
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



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1 village.

2 (7) Subsections (5) and (6) do not authorize open burning that3 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:

(a) Financial assurance established for a type III landfill 13 14 CLOSED BEFORE [PER DEQ: DATE IS TIED TO ENACTMENT OF THE CHANGES - RECOMMEND 2 YEARS BUT NOT MORE THAN 5 YEARS AFTER 15 ENACTMENT] or a preexisting unit at a type II landfill and until OR 16 17 A TYPE II LANDFILL CLOSED BEFORE April 9, 1997, existing and new type II landfills shall, SUBJECT TO SECTION 11523B, be in the form 18 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 under section 11525. [IS PRECEDING SENTENCE ALSO NEEDED IN 26 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 assurance in accordance COMPLIANCE with section 11523a. TYPE III 7 LANDFILLS SHALL PROVIDE FINANCIAL ASSURANCE IN COMPLIANCE WITH 8 9 SECTION 11523A AS PART OF THE APPLICATION FOR A LICENSE SUBMITTED AFTER [DATE], AND COMPLY WITH THE REQUIREMENTS OF 10 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

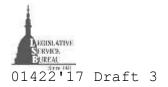
- 22 be in the form of a bond in an amount equal to 1/4 of 1% of the
- 23 construction cost of the facility, but shall not be less than

\$4,000.00, and THE AMOUNT OF \$20,000.00. SUBJECT TO SUBSECTION (4),
THE FINANCIAL ASSURANCE shall be continued in effect for a period

26 of 2 years after the disposal area is closed.

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



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TIER 2 FOR A WASTE UTILIZATION FACILITY UNLESS THE APPLICANT HAS
 FILED, AS A PART OF THE APPLICATION FOR THE GENERAL PERMIT,
 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.

(B) FINANCIAL ASSURANCE ESTABLISHED FOR A COMPOST FACILITY
THAT REQUIRES A GENERAL PERMIT TIER 1 SHALL BE MAINTAINED IN EFFECT
FOR 2 YEARS AFTER THE FACILITY HAS CEASED ACCEPTING COMPOSTABLE
MATERIALS, HAS REMOVED ANY FINISHED OR PARTIALLY FINISHED COMPOST
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.

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

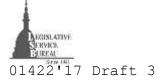


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COST FOR THE OWNER OR OPERATOR TO HIRE A THIRD PARTY TO CLOSE THE 1 2 FACILITY, INCLUDING THE COST TO DISPOSE OF ANY REMAINING WASTE MATERIAL, OR OTHERWISE CONTAIN AND CONTROL ANY REMAINING WASTE 3 4 RESIDUES. THE DIRECTOR SHALL APPROVE THE CLOSURE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

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 cash as a bond shall accrue interest on that bond at the annual 14 rate of 6%, to be accrued quarterly, except that the interest rate 15 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 department to be used by the department for **THE** administration of 22 23 this part.

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

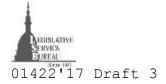


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1 bond during the 2-year period after closure. At the end of the 2-2 year period, the owner or operator may, NOT LESS THAN 2 YEARS AFTER CLOSURE OF THE DISPOSAL AREA, request that the department terminate 3 4 the bond. The department shall approve 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 HAS BEEN certified BY A LICENSED PROFESSIONAL ENGINEER AND APPROVED 7 BY THE DEPARTMENT. 8

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 violation or other order that alleges violation of this part or 16 17 rules promulgated under this part and **SHALL** provide an opportunity for a hearing. This subsection does not apply to a perpetual care 18 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 assurance within 90 days after receipt of an expiration or 26 27 cancellation notice from the issuing institution, all of the



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1 following apply:

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(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 bond, the department shall require a bond in an amount such that 22 for type III landfills, and type II landfills that are preexisting 23 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

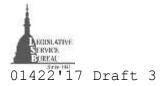
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1 section if the amount of the perpetual care fund exceeds the amount 2 of the financial assurance required under subsection (1).

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 other institution that issued or holds the bond becomes the subject 12 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 ESCROW AGENT OR TRUSTEE MEANT TO SUBJECT TRUST FUNDS AND ESCROW 15 ACCOUNTS UNDER SECTION 11523B TO THIS SUBSECTION?] suspended or 16 17 revoked, the owner or operator shall, within 60 days after receiving notice of that event, establish alternate financial 18 19 assurance under this part.

Sec. 11523a. (1) Effective April 9, 1997, AS OF THE DATE 20 21 SPECIFIED IN 11523(1)(B), the department shall not issue a license to operate a type II OR TYPE III landfill unless the applicant 22 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 applicant as evidenced by a financial test, provides financial 26 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 action cost estimate. FOR APPLICATIONS FOR A LICENSE TO OPERATE 3 4 SUBMITTED AFTER 2 YEARS AFTER THE EFFECTIVE DATE OF THE 2018 ACT THAT AMENDED THIS SECTION, AN APPLICANT MAY UTILIZE A FINANCIAL 5 TEST FOR AN AMOUNT GREATER THAN 70% OF THE CLOSURE, POSTCLOSURE, 6 AND CORRECTIVE ACTION COST ESTIMATE IF THE OWNER OR OPERATOR 7 DEMONSTRATES THAT THE OWNER OR OPERATOR PASSES A FINANCIAL TEST AS 8 SPECIFIED IN R 299.9709 OF THE MICHIGAN ADMINISTRATIVE CODE. THE 9 OWNER OR OPERATOR MAY NOT USE A FINANCIAL TEST TO MEET THE 10 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:

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

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

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

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



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low permeability soil must be transported from off-site to
 construct the final cover or if a bentonite geocomposite liner is
 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 <u>2016 DOLLARS"? SEE SUBDIVISION (A).</u>], 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 ON26 SITE SPECIFIC COSTS. THE FACILITY SHALL UTILIZE THE MOST RECENT 5
27 YEARS OF DATA TO GENERATE A ROLLING AVERAGE OF LEACHATE GENERATION

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RATES AS A BASIS FOR DETERMINING THE PER ACRE COST. THE COST
 ESTIMATE FOR TRANSPORTATION AND DISPOSAL SHALL BE BASED ON THE COST
 ["IN CURRENT DOLLARS, PER ACRE PER YEAR,"?] FOR HIRING A THIRD
 PARTY TO TRANSPORT AND DISPOSE OF LEACHATE GENERATED AT EACH SITE.
 (*iv*) AN ACTIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF
 \$500.00 PER ACRE PER YEAR FOR LANDFILLS NOT SUBJECT TO THE
 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



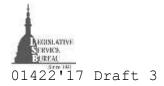
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1 following:

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, equipment, or other assets associated with the facility at the time 8 of final closure. 9

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

15 (4) The owner or operator of a landfill subject to this section shall, during the active life of the landfill and during 16 17 the postclosure care period, annually adjust the financial assurance cost estimates and corresponding amount of financial 18 19 assurance for inflation. Cost estimates THE STANDARD CLOSURE COST ESTIMATE AND CORRECTIVE ACTION COST ESTIMATE shall be adjusted for 20 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



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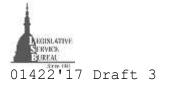
appropriate by the department. The owner or operator shall document
 the adjustment on a form consistent with this part as prepared by
 the department and shall place the documentation in the operating
 record of the facility.

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 of the unit does not exceed 25%. The percentage of the cost 15 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:

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

26 (ii) The maximum slope of waste in the active portion of the27 landfill unit at the time of partial closure.



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

9 (i) Approve the certification and notify the owner or operator10 that he or she may reduce the closure cost estimate to zero.

(*ii*) Disapprove the certification and provide the owner or operator with a detailed written statement of the reasons why the department has determined that closure certification has not been conducted in accordance COMPLIANCE with this part, the rules 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 estimate to reflect the number of years remaining in the 26 27 postclosure period unless the department denies the request and the



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written denial states that the owner or operator has not performed
 the specific tasks consistent with this part, rules promulgated
 under this part, and an approved plan. [SUBDIVISION (A) DOES NOT

4 PROVIDE FOR DEPARTMENT APPROVAL OR DENIAL OF THE REQUEST.

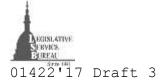
5 SUBDIVISIONS (B) AND (C) DO NOT USE CONSISTENT LANGUAGE WITH

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.

Sec. 11523b. (1) The owner or operator of a landfill may establish a trust fund or escrow account to fulfill the requirements of sections 11523 and 11523a. The trust fund or escrow account shall be executed on a form provided by the department. (2) Payments into a trust fund or escrow account shall be made annually over the term of the first operating license issued after the effective date of this section. The first payment into a trust



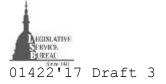
fund or escrow account shall be made prior to licensure and shall
 be at least equal to the portion of the financial assurance
 requirement to be covered by the trust fund or escrow account
 divided by the term of the operating license. Subsequent payments
 shall be equal to the remaining financial assurance requirement
 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-1 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) [????].

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

(4) (5) The custodian shall annually, 30 days preceding the
anniversary date of establishment of the fund, furnish to the owner
or operator and to the department a statement confirming the value
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



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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.

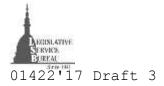
5 (6) (7) The owner or operator shall receive all interest or
6 earnings from a trust fund or escrow account upon its termination.

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 this section, EXCEPT AS PROVIDED FOR IN SECTION 11516A(2). A 13 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 demonstrate financial assurance for type II AND TYPE III landfills 16 17 under section 11523 and section 11523a.

(2) Except as otherwise provided in this section, the owner or
operator of a landfill shall increase the amount of his or her THE
perpetual care fund 75 cents for each ton or portion of a ton or 25
cents for each cubic yard or portion of a cubic yard of solid waste
that is disposed of in the landfill after June 17, 1990 until the
fund reaches the maximum required fund amount. As of July 1, 1996,
2017, the maximum required fund amount is \$1,156,000.00.

\$2,173,000.00. This amount shall be annually adjusted for inflation
and rounded to the nearest thousand DOLLARS. The department shall
adjust the maximum required fund amount for inflation annually by



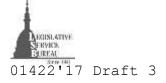
multiplying the amount by an inflation factor derived from the most 1 2 recent bureau of reclamation composite index BUREAU OF RECLAMATION COMPOSITE INDEX published by the United States department of 3 4 commerce DEPARTMENT OF COMMERCE or another index more representative of the costs of closure and postclosure monitoring 5 6 and maintenance as determined appropriate by the department. Increases to the amount of a perpetual care fund required under 7 this subsection shall be calculated based on solid waste disposed 8 of in the landfill as of the end of the state fiscal year and shall 9 10 be made within 30 days after the end of each state fiscal year.

(3) The owner or operator of a landfill that is used for the disposal of the following materials shall increase the amount of the perpetual care fund 7.5 cents for each ton or cubic yard or portion of a ton or cubic yard of the following materials that are 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.

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

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



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

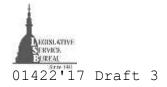
3 (4) The owner or operator of a landfill that is used only for
4 the disposal of a mixture of 2 or more of the materials described
5 in subsection (3)(a) to (c) or in which a mixture of 2 or more of
6 these materials are permanently segregated shall increase the
7 amount of the perpetual care fund 7.5 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.

(7) The custodian of a perpetual care fund trust or escrow 16 17 account shall be a bank or other financial institution that has the authority to act as a custodian and whose account operations are 18 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 interest and earnings shall be distributed as directed by the owner 26 27 or operator. The agreement governing the operation of the perpetual



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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) The custodian of a perpetual care fund shall not disburse 8 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 owner or operator of the landfill shall provide notice of requests 15 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 maintained meets the requirements of sections 11523 and 11523a. As 24 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



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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 disbursement of money from a perpetual care fund when necessary to 8 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 perpetual care fund for administrative costs associated with 15 actions taken under this subsection. 16

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

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



(12) This section does not relieve an owner or operator of a
 landfill of any liability that he or she may have under this part
 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 or13 escrow account.

14 (b) A standby trust or escrow account for a perpetual care15 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.

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



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

8 (a) Payments into the standby trust or escrow account as9 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 waste or municipal solid waste incinerator ash that is disposed of 16 17 in the landfill before October 1, 2019. . [PER DEQ: NEED TO COORDINATE THIS DATE WITH THE FEE CHANGE LEGISLATION IF A SUNSET IS 18 19 INCLUDED.]

20 (b) For type III landfills that are captive facilities, the

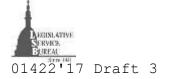
21 following annual amounts:

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 vards of waste, \$1,000.00.

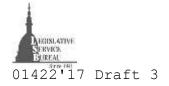
3 (v) For a captive facility that receives less than 25,000
4 cubic vards of waste, \$500.00.

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.

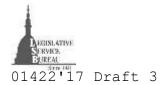
(5) As used in this section, "captive facility" means a
landfill that accepts for disposal only nonhazardous industrial
waste generated only by the owner of the landfill or a nonhazardous
industrial waste landfill that is described in section 11525(3).
Sec. 11525b. (1) The owner or operator of A WASTE UTILIZATION
FACILITY FOR WHICH FINANCIAL ASSURANCE IS REQUIRED UNDER SECTION
OR OF a disposal area shall provide continuous financial



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

(2) UPON TRANSFER OF A WASTE UTILIZATION FACILITY FOR WHICH 3 4 FINANCIAL ASSURANCE IS REQUIRED UNDER SECTION OR OF A DISPOSAL AREA OR WASTE UTILIZATION FACILITY THAT REQUIRES FINANCIAL 5 ASSURANCE, THE FORMER OWNER OR OPERATOR SHALL CONTINUE TO MAINTAIN 6 FINANCIAL ASSURANCE UNTIL THE FINANCIAL ASSURANCE IS REPLACED BY 7 THE NEW OWNER OR OPERATOR OR UNTIL THE FACILITY IS RELEASED FROM 8 THE FINANCIAL ASSURANCE OBLIGATION AT THE END OF THE POSTCLOSURE 9 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 required by sections 11523 and 11523a be terminated. A person 15 requesting termination of bonding and financial assurance FOR A 16 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 corrective action under section 11515. FOR OTHER FACILITY TYPES 22 23 WITH FINANCIAL ASSURANCE, THE OWNER OR OPERATOR OF THE FACILITY SHALL SUBMIT TO THE DEPARTMENT A STATEMENT THAT THE FACILITY HAS 24 BEEN MAINTAINED IN ACCORDANCE WITH THIS PART, ANY RULES PROMULGATED 25 UNDER THIS PART AND HAS REMOVED ALL WASTE AND MANAGED MATERIALS 26 27 FROM THE FACILITY. Within 60 days of receiving a statement under



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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.

Sec. 11526. (1) The department, a health officer, or a law 15 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 waste transporting unit is performing in compliance with this part 21 22 and the rules promulgated under this part.

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



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(a) Ensure that all disposal areas MATERIALS MANAGEMENT
 FACILITIES are in full compliance with this part and the rules
 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) (c) 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.

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

Sec. 11526a. (1) Beginning October 1, 2004, in order to
protect the public health, safety, and welfare and the environment
of this state from the improper disposal of waste that is
prohibited from disposal in a landfill, and in recognition that the
nature of solid waste collection and transport limits the ability
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.

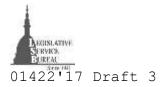
18 (2) Notwithstanding section 11538 or any other provision of 19 this part, if there is sufficient disposal capacity for a county's 20 disposal needs in or within 150 miles of the county, all of the 21 following apply:

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

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

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



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1 permit for a new landfill in the county.

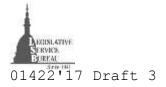
Sec. 11527. (1) A solid waste hauler transporting solid waste
over a public road in this state shall deliver all waste to a
disposal area or solid waste PROCESSING AND transfer facility
licensed under this part and shall use only a vehicle or container
that does not contribute to littering and that conforms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

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

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

(2) (3) The department, a health officer, or a law enforcement
officer may order a solid waste transporting unit out of service if
the unit does not satisfy the requirements of this part or the
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 eircumstances 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.

(b) The solid waste PROCESSING AND transfer facility accepts
 [<u>HAS ON SITE?</u>] less than 200 uncompacted cubic yards per day.NOT
 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.

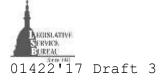
18 (3) Except as provided in subsection (5), a disposal area that 19 is an incinerator may, but is not required to, comply with the 20 construction permit and operating license requirements of this part 21 if both of the following conditions are met:

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

24

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

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



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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 that all solid waste is MANAGED MATERIALS ARE removed from the site 9 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 **PROMULGATED UNDER THIS PART**, except waste that is permitted by 13 14 state law or rules promulgated by the department to be disposed of at the site of generation. 15

(2) An ordinance enacted ADOPTED before February 8, 1988 by a 16 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 ON OR after February 8, 1988 as an acceptable means of compliance 26 27 with subsection (1).

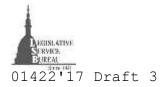


1 Sec. 11532. (1) Except as provided in subsection (3), a 2 municipality may impose an impact fee of not more than 10-30 cents per cubic yard TON on solid waste that is disposed of in a landfill 3 4 located within the municipality that is utilized by the public and 5 utilized to dispose of solid waste 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 township **ONLY** in agreement with the village. The impact fee shall 8 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 in this subsection shall be imposed by the township **ONLY** in 16 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).

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



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

(5) Unless a trust fund is established by a municipality 3 4 pursuant to subsection (6), the revenue collected by a municipality 5 under subsections (1) and (2) shall be deposited in its general fund to be AND, SUBJECT TO SUBSECTION (9), used for any purpose 6 7 that promotes the public health, safety, or welfare of the citizens of the municipality. However, revenue collected pursuant to this 8 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. creating19 the trust fund.

20 (b) An individual from the municipality appointed by the21 governing board of the municipality.

(c) An individual approved by the owners or operators of the
landfills within the municipality and appointed by the governing
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



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majority vote of the board of trustees, for any purpose that
 promotes the public health, safety, or welfare of the citizens of
 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 disposal area.EACH COUNTY IN THIS STATE SHALL HAVE A MATERIALS 20 21 MANAGEMENT PLAN.

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



every 5 years. An updated solid waste management plan and an 1 2 amendment to a solid waste management plan shall be prepared and approved as provided in this section and sections 11534, 11535, 3 11536, 11537, and 11537a. The solid waste management plan shall 4 encompass all municipalities within the county. The solid waste 5 management plan shall at a minimum comply with the requirements of 6 sections 11537a and 11538. The solid waste management plan shall 7 take into consideration solid waste management plans in contiguous 8 counties and existing local approved solid waste management plans 9 as they relate to the county's needs. At a minimum, a county 10 11 preparing a solid waste management plan shall consult with the 12 regional planning agency from the beginning to the completion of the plan. . SECTIONS 11538 TO 11538F AND RULES 13 PROMULGATED THEREUNDER REGULATE THE CONTENT OF THE PLAN. 14 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 form provided by the department, a notice of intent, indicating the 17 18 county's intent to prepare a solid waste management plan or to 19 upgrade an existing solid waste management plan. The notice shall identify the designated agency which shall be responsible for 20 21 preparing the solid waste management plan. (4) If the county fails to file a notice of intent with the 22 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 the county and shall convene a meeting to discuss the plan 26 27 preparation. Within 4 months following notification by the

SERVICE SERVICE 01422'17 Draft 3

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

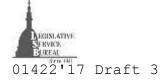
18 plan shall be final.

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.

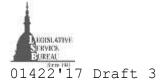
(3) SUBJECT TO SUBSECTION (4), ALL OF THE TERRITORY OF A
COUNTY SHALL BE INCLUDED IN THE PLANNING AREA OF A SINGLE MATERIALS
MANAGEMENT PLAN. THE PLANNING AREA OF A SINGLE MATERIALS MANAGEMENT
PLAN MAY INCLUDE 2 OR MORE COUNTIES IF THE PLANNING ENTITIES FOR
THOSE COUNTIES AGREE TO THE JOINT EXERCISE OF THEIR POWERS AND
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.

(4) A MUNICIPALITY LOCATED IN 2 COUNTIES THAT ARE NOT IN THE 8 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 MANAGEMENT PLAN FOR THE COUNTY IN WHICH THE OTHER MUNICIPALITY IS 16 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



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COUNTY BOARD OF COMMISSIONERS, WITHIN 180 DAYS, SUBMITS TO THE
 DEPARTMENT A NOTICE OF INTENT TO PREPARE A MATERIALS MANAGEMENT
 PLAN, THE DEPARTMENT WILL PREPARE A MATERIALS MANAGEMENT PLAN FOR
 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.

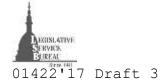
14 (*iii*) THE REGIONAL PLANNING AGENCY WHOSE TERRITORY INCLUDES
15 THE COUNTY.

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

(E) BE ACCOMPANIED BY DOCUMENTATION EVIDENCING THAT THE COUNTY
CONSULTED WITH CONTIGUOUS COUNTIES REGARDING THE FEASIBILITY OF
PREPARING A MULTICOUNTY MATERIALS MANAGEMENT PLAN PURSUANT TO THE
URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 125.501 TO
126.512, AND DOCUMENTATION OF THE OUTCOME OF THE CONSULTATIONS,
INCLUDING A COPY OF ANY INTERLOCAL AGREEMENT. [THIS ELABORATES ON
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 GENERAL6 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.

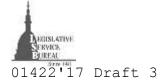
(10) ALL SUBMITTALS AND NOTICES UNDER THIS SECTION AND
SECTIONS 11533 TO 11537 SHALL BE IN WRITING. A WRITTEN NOTICE MAY
BE GIVEN BY ELECTRONIC MAIL IF THE RECIPIENT HAS INDICATED BY
ELECTRONIC MAIL THAT THE RECIPIENT WILL RECEIVE NOTICE BY
ELECTRONIC MAIL AT THE ELECTRONIC MAIL ADDRESS TO WHICH THE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



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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 municipalities preparing an initial solid waste management plan 4 under section 11533(4), shall appoint a planning committee to 5 assist the agency designated to prepare the plan under section 6 11533. If the county charter provides procedures for approval by 7 the county board of commissioners of appointments by the county 8 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 initial plan. Reappointed members of a planning committee shall 15 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 shall consist of 14 members. Of the members appointed, 4 shall 21 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



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county, city, or township government shall be an elected official 1 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 for conducting the committee's activities and for reviewing the 7 matters to be considered by the committee. 8

9 (1) THE PLANNING ENTITY SHALL APPOINT A PLANNING COMMITTEE. INITIAL PLANNING COMMITTEE MEMBERS SHALL BE APPOINTED FOR 5-YEAR 10 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 ARE APPOINTED FOR EACH TERM LENGTH. SUBSEQUENTLY, MEMBERS SHALL BE 13 APPOINTED FOR TERMS OF 5 YEARS. AFTER THE MATERIALS MANAGEMENT PLAN 14 15 IS APPROVED, THE PLANNING ENTITY SHALL APPOINT MEMBERS OF THE PLANNING COMMITTEE ON THE SAME SCHEDULE AS THE INITIAL COMMITTEE 16 17 APPOINTMENTS. [FROM 11534(14) OF DEQ DRAFT. CLARIFY.] A MEMBER MAY 18 BE REAPPOINTED.

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

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



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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 [CITE?]. A PLANNING COMMITTEE SHALL ADOPT PROCEDURES FOR THE 8 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.

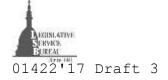
22 (J) AN INDIVIDUAL WHO GENERATES A MANAGED MATERIAL.

23 (K) A REGIONAL PLANNING AGENCY REPRESENTATIVE.

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

27

(6) COUNTIES PREPARING A MULTICOUNTY MATERIALS MANAGEMENT PLAN



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UNDER SECTION 11533(3) SHALL APPOINT A SINGLE PLANNING COMMITTEE.
 FOR EACH SUCH COUNTY, THE FOLLOWING ADDITIONAL MEMBERS
 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 SOLID7 WASTE.

(7) IF A PROPOSED OR EXISTING MATERIALS MANAGEMENT FACILITY IN 8 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.

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

(A) TWO REPRESENTATIVES OF THE MATERIALS MANAGEMENT INDUSTRY.
(B) TWO REPRESENTATIVES OF ENVIRONMENTAL GROUPS OR THE
REGIONAL PLANNING AGENCY.

- 25 (C) AN ELECTED COUNTY OFFICIAL.
- 26 (D) AN ELECTED TOWNSHIP OFFICIAL.
- 27 (E) AN ELECTED CITY OR VILLAGE OFFICIAL.

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SEC. 11534B. IN ADDITION TO ITS OTHER RESPONSIBILITIES UNDER
 THIS PART, THE PLANNING COMMITTEE SHALL DO ALL OF THE FOLLOWING:
 (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 [<u>"WORK PROGRAM"? SEE 11533(8).</u> "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 MATERIALS11 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 REQUIREMENTS OF THIS PART AND RULES PROMULGATED UNDER THIS PART AS 16 17 TO BOTH THE CONTENT OF THE PLAN AND THE PUBLIC PARTICIPATION 18 REOUIREMENT. 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.



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Sec. 11535. (1) A county or regional solid waste management
 planning agency preparing a solid waste management plan IN ADDITION
 TO ITS OTHER RESPONSIBILITIES UNDER THIS PART, A PLANNING AGENCY
 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.

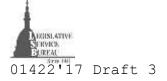
15 (b) If a planning committee has been appointed under section

16 11534, prepare the plan with the advice, consultation, and

17 assistance of the planning committee.

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

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



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 shall be allowed an opportunity of not less than 3 months to review 5 6 and comment on the plan before adoption of the plan by the county or a designated regional solid waste management planning agency. 7 The comments of a reviewing agency shall be submitted with the plan 8 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 THE PLANNING AREA FOR INFORMATION ABOUT THE PLAN AND THE PLAN 15 DEVELOPMENT PROCESS. 16

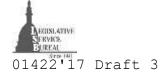
17 (2) NOT MORE THAN 120 DAYS AFTER THE COUNTY BOARD OF
18 COMMISSIONERS SUBMITS A NOTICE OF INTENT TO THE DEPARTMENT UNDER
19 SECTION 11533, THE PLANNING AGENCY SHALL DO ALL OF THE FOLLOWING:
20 (A) UNDER THE DIRECTION OF THE PLANNING COMMITTEE, PREPARE A
21 PROPOSED MATERIALS MANAGEMENT PLAN.

(B) OBTAIN WRITTEN APPROVAL OF THE PROPOSED PLAN FROM THEPLANNING COMMITTEE.

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

27 (*i*) THE DEPARTMENT.

1



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and municipalities that may be affected by the plan or that have

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.

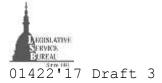
5 (*iv*) THE REGIONAL PLANNING AGENCY FOR EACH COUNTY INCLUDED IN
6 THE PLANNING AREA.

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.

(4) THE SAME NOTICE MAY BE USED TO SATISFY THE REQUIREMENTS OF
SUBSECTIONS (2) (D) AND (3). THE PLANNING COMMITTEE SHALL SUBMIT TO
THE DEPARTMENT PROOF OF NOTICE PUBLICATION UNDER SUBSECTIONS (2) (D)
AND (3).

26 (5) THE PLANNING AGENCY SHALL RECEIVE PUBLIC COMMENTS ON THE
 27 PROPOSED MATERIALS MANAGEMENT PLAN FOR 60 DAYS AFTER MEETING THE



REQUIREMENTS OF SUBSECTION (2) (C) AND (D). THE PLANNING AGENCY
 SHALL CONSIDER COMMENTS RECEIVED AND MAY REVISE THE PROPOSED PLAN.
 NOT MORE THAN 30 DAYS AFTER THE END OF THE PUBLIC COMMENT PERIOD,
 THE PLANNING AGENCY SHALL SUBMIT THE PROPOSED PLAN, AS REVISED, IF
 APPLICABLE, ALONG WITH A SUMMARY OF PUBLIC COMMENTS RECEIVED TO THE
 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.

(6) NOT MORE THAN 30 DAYS AFTER THE PLAN IS SUBMITTED TO THE
PLANNING COMMITTEE AND, IF APPLICABLE, THE PLANNING ENTITY UNDER
SUBSECTION (5), THE PLANNING COMMITTEE AND, IF APPLICABLE, THE
PLANNING ENTITY SHALL APPROVE THE PLAN AND THE PLANNING AGENCY
SHALL SUBMIT THE APPROVED PLAN TO THE COUNTY BOARD OF

16 COMMISSIONERS.

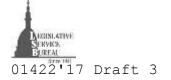
17 (7) IF THE REQUIREMENTS OF SUBSECTIONS (2) TO (6) ARE NOT
18 TIMELY MET, SECTION 11536(8) APPLIES.

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 the county boards of commissioners of the counties involved. A 23 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.



(2) Except as provided in subsection (3), the county board of
 commissioners shall formally act on the plan following the public
 hearing required by section 11535(f).

4 (3) If a planning committee has been appointed by the county board of commissioners under section 11534(1), the county board of 5 6 commissioners, or if a plan is prepared under section 11533(4), the municipalities in the county who voted in favor of filing a notice 7 of intent to prepare a county solid waste management plan, shall 8 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 the governing bodies of not less than 67% of the municipalities 21 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 bodies of not less than 67% of the municipalities within each 25 respective county before the plan may take effect. 26 27 (6) If, after the plan has been adopted, the governing bodies



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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 TO THE COUNTY BOARD OF COMMISSIONERS. NOT MORE THAN DAYS AFTER 14 15 THE REVISED PROPOSED MATERIALS MANAGEMENT PLAN IS SUBMITTED TO IT UNDER THIS SUBSECTION, THE COUNTY BOARD SHALL APPROVE OR REJECT THE 16 PLAN AND NOTIFY THE PLANNING COMMITTEE. IF THE COUNTY BOARD REJECTS 17 18 THE REVISED PLAN, THE COUNTY BOARD SHALL PREPARE AND APPROVE A PLAN 19 WITHIN DAYS.

(3) NOT MORE THAN 10 DAYS AFTER THE COUNTY BOARD OF
COMMISSIONERS APPROVES A PLAN UNDER SUBSECTION (1) OR (2), THE
PLANNING AGENCY SHALL SUBMIT A COPY OF THE APPROVED PLAN TO THE
LEGISLATIVE BODY OF EACH MUNICIPALITY LOCATED WITHIN THE COUNTY.
(4) NOT MORE THAN 120 DAYS AFTER THE PLAN IS SUBMITTED TO THE
LEGISLATIVE BODY OF A MUNICIPALITY, THE LEGISLATIVE BODY MAY
APPROVE OR REJECT THE PLAN AND SHALL NOTIFY THE PLANNING AGENCY OF

THE APPROVAL OR REJECTION. WITHIN ____ DAYS AFTER THE DEADLINE FOR

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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.

(B) IF THE PLAN IS NOT APPROVED BY AT LEAST 2/3 OF THE
MUNICIPALITIES THAT TIMELY NOTIFY THE PLANNING AGENCY OF THEIR
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



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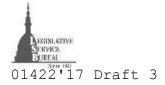
THE PLANNING AGENCY WITH A WRITTEN REQUEST FOR MODIFICATIONS TO 1 2 BRING THE PLAN INTO COMPLIANCE WITH THIS PART AND THE RULES 3 PROMULGATED UNDER THIS PART OR TO CLARIFY THE PLAN. IF THE 4 DEPARTMENT RETURNS THE PLAN FOR MODIFICATIONS, THE 180-DAY DEADLINE 5 MAY BE EXTENDED FOR UP TO AN ADDITIONAL 3 MONTHS UPON REQUEST OF THE DEPARTMENT OR THE PLANNING ENTITY. IF THE PLANNING ENTITY DOES 6 7 NOT APPROVE THE MODIFICATIONS REQUESTED BY THE DEPARTMENT, THE DEPARTMENT SHALL PREPARE THE MATERIALS MANAGEMENT PLAN. THE PLAN 8 9 PREPARED BY THE DEPARTMENT IS FINAL.

(8) IF DURING THE PROCESS OF DEVELOPING A MATERIALS MANAGEMENT 10 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 PLAN IS FINAL. [ALTERNATIVE: "WHEN, AS PROVIDED UNDER SECTIONS 17 11533 TO 11536, THIS SUBSECTION APPLIES, THE DEPARTMENT SHALL 18 19 PREPARE THE MATERIALS MANAGEMENT PLAN AND THAT PLAN IS FINAL."] 20 Sec. 11537. (1) The department shall, within 6 months after a plan has been submitted for approval, approve or disapprove the 21 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

CENTRAL ATTIVE SERVICE. DIREAL 01422'17 Draft 3 134

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 LENAWEE 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.

(3) THE PLANNING ENTITY MAY INITIATE AMENDMENTS BY FILING A 13 NOTICE OF INTENT WITH THE DEPARTMENT. THE PROCEDURE FOR ADOPTING 14 THE AMENDMENTS IS THE SAME AS THE PROCEDURE FOR ADOPTION OF AN 15 INITIAL MATERIALS MANAGEMENT PLAN UNDER SECTIONS 11533(7) TO 16 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



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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 administrative procedures act of 1969, Act No. 306 of the Public 15 Acts of 1969, being sections 24.201 to 24.328 of the Michigan 16 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.

Sec. 11537a. Beginning on June 9, 1994 a county that has a solid waste management plan that provides for siting of disposal areas to fulfill a 20-year capacity need through use of a siting mechanism, is only required to use its siting mechanisms to site capacity to meet a 10-year capacity need. If any county is able to demonstrate to the department that it has at least 66 months of available SOLID WASTE DISPOSAL capacity, that county may refuse to



utilize its siting mechanism AND DEVELOPMENT PROCESS until the
 county is no longer able to demonstrate 66 months of capacity. or
 until the county amends its plan in accordance with this part to
 provide for the annual certification process described in section
 11538.

6 Sec. 11538. (1) Not later than September 11, 1979, the director shall promulgate rules for the development, form, and 7 submission of initial solid waste management plans. The rules shall 8 require all of the following: THE GOAL OF A MATERIALS MANAGEMENT 9 PLAN IS TO PREVENT ADVERSE EFFECTS ON THE PUBLIC HEALTH AND ON THE 10 11 ENVIRONMENT RESULTING FROM IMPROPER MATERIALS MANAGEMENT 12 COLLECTION, PROCESSING, RECOVERY, OR DISPOSAL, INCLUDING PROTECTION OF SURFACE WATER AND GROUNDWATER QUALITY, AIR QUALITY AND THE LAND, 13 AND TO SUSTAINABLY MANAGE MATERIALS IN A WAY THAT BENEFITS THE 14 ECONOMY, COMMUNITIES, AND THE ENVIRONMENT. 15

16 (2) A MATERIALS MANAGEMENT PLAN SHALL MEET ALL OF THE
 17 FOLLOWING REQUIREMENTS:

(A) TAKE INTO CONSIDERATION THE MATERIALS MANAGEMENT PLANS OF
COUNTIES ADJACENT TO THE PLANNING AREA AND EXISTING LOCAL APPROVED
MATERIALS MANAGEMENT PLANS [???] AS THEY RELATE TO THE PLANNING
AREA'S NEEDS.

(B) (a) The establishment of goals and objectives for
prevention of adverse effects on the public health and on the
environment resulting from improper solid waste collection,
processing, or disposal including protection of surface and
groundwater quality, air quality, and the land.IDENTIFY ALL MANAGED
MATERIAL GENERATED IN THE PLANNING AREA AND PROVIDE CURRENT



AVAILABLE MANAGEMENT OPTIONS, TO THE EXTENT PRACTICABLE, TO ENSURE
 THAT ALL MANAGED MATERIALS GENERATED IN THE PLANNING AREA ARE
 COLLECTED AND RECOVERED, PROCESSED, OR DISPOSED AT FACILITIES THAT
 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 GOALS AND BENCHMARK RECYCLING STANDARD BY THE TIME OF THE REQUIRED 15 5-YEAR MATERIALS MANAGEMENT PLAN UPDATE. THE IMPLEMENTATION 16 STRATEGY SHALL INCLUDE, BUT NOT BE LIMITED TO: 17

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.

(E) (d) An INCLUDE AN inventory and description of all
 existing MATERIALS MANAGEMENT facilities where solid waste MATERIAL
 is being treated, processed, RECOVERED, or disposed, of, including
 a summary of the deficiencies, if any, of the facilities in meeting
 current solid waste MATERIALS management needs. THE DESCRIPTION
 SHALL AT A MINIMUM INCLUDE THE FOLLOWING INFORMATION:



1 (*i*) FACILITY NAME.

3

2 (*ii*) FACILITY ADDRESS, INCLUDING LATITUDE AND LONGITUDE.

(*iii*) ESTIMATED FACILITY ACREAGE.

4 (*iv*) MATERIALS MANAGED.

5 (v) MATERIAL HANDLING PROCESSES AT THE FACILITY.

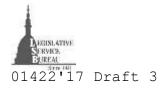
6 (*vi*) TOTAL AUTHORIZED CAPACITY.

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 solid waste management plan, INCLUDE DOCUMENTATION of all opportunities for participation and involvement of the public, all 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



providing solid waste MATERIALS management services consistent with
 the solid waste MATERIALS management plan for the county.PLANNING
 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.

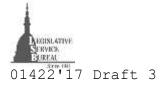
10 (J) (h) That ENSURE THAT the solid waste MATERIALS management 11 plan PLANNING area has, and will have during the plan PLANNING 12 period, access to a sufficient amount of available and suitable 13 land, accessible to transportation media, to accommodate the 14 development and operation of solid waste 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.



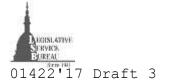
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(2) Each solid waste management plan shall identify specific 1 sites for solid waste disposal areas for a 5-year period after 2 3 approval of a plan or plan update. In calculating disposal need 4 requirements to measure compliance with this section, only those existing waste stream volume reduction levels achieved through 5 6 source reduction, reuse, composting, recycling, or incineration, or any combination of these reduction devices, that can currently be 7 demonstrated or that can be reasonably expected to be achieved 8 through currently active implementation efforts for proposed volume 9 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 approval of a plan or plan update, the solid waste management plan 14 shall include an interim siting mechanism and an annual 15 certification process as described in subsections (3) and (4). In 16 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 reduction goals may be assumed by the planning entity if the plan 20 21 identifies a detailed programmatic approach to achieving these goals. If a siting mechanism is not included, and disposal capacity 22 falls to less than 5 years of capacity, a county shall amend the 23 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

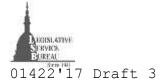


to interpretation or discretionary acts by the planning entity, and 1 2 which if met by an applicant submitting a disposal area proposal, will quarantee a finding of consistency with the plan. The interim 3 4 siting mechanism shall be operative upon the call of the board of commissioners or shall automatically be operative whenever the 5 annual certification process shows that available disposal capacity 6 will provide for less than 66 months of disposal needs. In the 7 latter event, applications for a finding of consistency from the 8 proposers of disposal area capacity will be received by the 9 planning agency commencing on January 1 following completion of the 10 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 a new annual certification process which concludes that more than 15 66 months of disposal capacity is available. 16 17 (4) An annual certification process shall be concluded by June 30 of each year, commencing on the first June 30 which is more than 18 19 12 months after the department's approval of the solid waste management plan or plan update. The certification process will 20 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



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1 be achieved through currently active implementation efforts for 2 proposed volume reduction projects, may be assumed. The annual certification of disposal capacity shall be approved by the board 3 4 of commissioners. Failure to approve an annual certification by June 30 is equivalent to a finding that less than a sufficient 5 amount of capacity is available and the interim siting mechanism 6 will then be operative on the first day of the following January. 7 As part of the department's responsibility to act on construction 8 permit applications, the department has final decision authority to 9 approve or disapprove capacity certifications and to determine 10 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 capacity shall supersede all previous certifications, and become 15 effective 30 days after adoption by the board of commissioners and 16 17 remain in effect until subsequent certifications are adopted. (6) In order for a disposal area to serve the disposal needs 18 19 of another county, state, or country, the service, including the disposal of municipal solid waste incinerator ash, must be 20 21 explicitly authorized in the approved solid waste management plan of the receiving county. With regard to intercounty service within 22 Michigan, the service must also be explicitly authorized in the 23 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.



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(8) An ordinance, law, rule, regulation, policy, or practice
 of a municipality, county, or governmental authority created by
 statute, which prohibits or regulates the location or development
 of a solid waste disposal area, and which is not part of or not
 consistent with the approved solid waste management plan for the
 county, shall be considered in conflict with this part and shall
 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 [<u>"MUNICIPALITIES" VS "PARTY" IN</u>
 13 <u>SUBSECTIONS (1) AND (2)</u>] RESPONSIBLE FOR IMPLEMENTING THE BENCHMARK
 14 RECYCLING STANDARDS ACCESS FUNCTIONS.

(B) THE PARTY RESPONSIBLE FOR IDENTIFYING THE WASTE
UTILIZATION FRAMEWORK AND THE ACHIEVEMENT OF THE WASTE UTILIZATION
GOALS IDENTIFIED IN THE PLAN. [<u>THERE DOESN'T SEEM TO BE ANY EXPRESS</u>
REQUIREMENT THAT THE PLAN INCLUDE WASTE UTILIZATION GOALS.]

19 (C) THE PARTY RESPONSIBLE FOR THE EDUCATION AND OUTREACH20 EFFORTS FOR THE PLANNING AREA.

(D) THE PARTIES OTHERWISE RESPONSIBLE FOR MONITORING,
 IMPLEMENTING, AND ENFORCING THE MATERIALS MANAGEMENT PLAN AND
 PROVIDING ANY REQUIRED REPORTS TO THE DEPARTMENT.

(2) THIS STATE MAY SERVE AS A RESPONSIBLE PARTY UNDER
SUBSECTION (1) ON BEHALF OF A MUNICIPALITY IF THE MUNICIPALITY IS
UNDER A FINANCIAL CONSENT ORDER OR IN RECEIVERSHIP.

27

(3) EACH MATERIALS MANAGEMENT PLAN SHALL INCLUDE AN



ENFORCEABLE PROGRAM AND PROCESS TO ENSURE THAT ALL MANAGED
 MATERIALS GENERATED OR TO BE GENERATED IN THE PLANNING AREA ARE
 COLLECTED AND RECOVERED, PROCESSED, OR DISPOSED AT MATERIALS
 MANAGEMENT FACILITIES THAT COMPLY WITH STATE LAW AND RULES
 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 AND WASTE UTILIZATION FACILITIES CAN BE DEVELOPED ["ARE AUTHORIZED 8 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 <u>CONSISTENTLY IN SUBSECTIONS (4) AND (5). SEE ALSO SECTION 11539</u>]
 15 FOR PROPER MANAGEMENT OF THE PLANNING AREA'S MATERIALS.

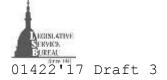
(B) AUTHORIZE A GREENFIELD [<u>????</u>] TYPE II LANDFILL OR A NEW
MUNICIPAL SOLID WASTE INCINERATOR FOR DEVELOPMENT ONLY IF THE
DIRECTOR DETERMINES THAT CAPACITY IS NEEDED FOR THE PLANNING AREA
AND WASTE UTILIZATION OPTIONS HAVE BEEN EXHAUSTED.

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.

(D) NOT INCLUDE SITING CRITERIA MORE RESTRICTIVE THAN STATE
LAW IF A FACILITY COULD NOT BE DEVELOPED IN THE PLANNING AREA UNDER
THOSE CRITERIA.



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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.

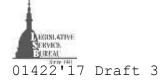
16 (*ii*) AN OPPORTUNITY FOR THE MUNICIPALITY TO COMMENT ON THE
17 DEVELOPMENT OR EXPANSION OF THE LANDFILL, PROCESSING AND TRANSFER
18 FACILITY, OR WASTE UTILIZATION FACILITY.

(*iii*) THE FACILITY DEVELOPER TO ADDRESS, TO THE EXTENT
 PRACTICABLE, EACH CONCERN IDENTIFIED BY THE MUNICIPALITY.

THE SITING AND DEVELOPMENT RECORD FOR THE FACILITY [<u>IS THIS A DEQ</u>
<u>RECORD</u>?] SHALL INCLUDE DOCUMENTATION OF COMPLIANCE WITH THE PROCESS
REQUIRED UNDER THIS SUBDIVISION, IF APPLICABLE.

(D) PROVIDE DOCUMENTATION OF ALL OF THE OPPORTUNITIES PROVIDED
FOR PARTICIPATION OF THE PUBLIC, AFFECTED AGENCIES AND PARTIES, AND
THE PRIVATE SECTOR IN THE DEVELOPMENT OF THE PLAN.

27 (E) ALLOW THE COUNTY OR A MUNICIPALITY WITHIN THE PLANNING



TMV

AREA, AT ITS DISCRETION, TO REQUIRE HAULERS OPERATING IN ITS
 JURISDICTION TO PROVIDE A MINIMUM LEVEL OF RECYCLING SERVICE.

3 (F) REQUIRE THAT A PROPOSED FACILITY [<u>VAGUE</u>] 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 [<u>"PROGRAM"? THE STANDARDS ARE SET</u>
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.

SEC. 11538D. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS
PART, A MATERIALS MANAGEMENT PLAN PREPARED BY THE DEPARTMENT SHALL
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 BE19 APPROVED.

20 (C) ALL HAULERS SERVING THE PLANNING AREA ARE REQUIRED TO
 21 PROVIDE RECYCLING ACCESS CONSISTENT WITH THE BENCHMARK RECYCLING
 22 STANDARDS.

(2) A MATERIALS MANAGEMENT PLAN PREPARED BY THE DEPARTMENT
NEED NOT CONTAIN A REQUIREMENT TO MEET HEIGHTENED SITING CRITERIA
OR OBTAIN HOST COMMUNITY APPROVAL UNDER SECTION 11539(4)(C) TO
DEVELOP ANY MATERIALS MANAGEMENT FACILITY.

27

SEC. 11538F. THE DEPARTMENT AND A PLANNING AGENCY SHALL USE A



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STANDARD FORMAT IN PREPARING THE MATERIALS MANAGEMENT PLAN. THE
 DEPARTMENT SHALL PREPARE THE STANDARD FORMAT AND PROVIDE A COPY OF
 THE STANDARD FORMAT TO EACH DESIGNATED PLANNING AGENCY THAT THE
 DEPARTMENT KNOWS WILL PREPARE A MATERIALS MANAGEMENT PLAN. THE
 DEPARTMENT SHALL PROVIDE THE STANDARD FORMAT TO ANY OTHER PERSON
 UPON REQUEST.

SEC. 11538H. (1) ALL OF THE FOLLOWING CONSTITUTE THE BENCHMARK
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.

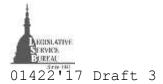
17 (*ii*) IF NOT COLLECTED SEPARATELY, RECYCLED MATERIALS ARE LATER
18 SEPARATED FROM MATERIAL TO BE SENT TO A SOLID WASTE DISPOSAL AREA.

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.

(B) BY JANUARY 1, 2028, THE FOLLOWING ADDITIONAL CRITERIA:
(i) IN COUNTIES WITH A POPULATION OF LESS THAN 100,000, THERE
IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 10,000 RESIDENTS WITHOUT
ACCESS TO CURBSIDE RECYCLING OPTIONS OR RECYCLING AT THEIR
MULTIFAMILY DWELLING.

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(ii) IN COUNTIES WITH A POPULATION GREATER THAN OR EQUAL TO



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100,000, THERE IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 50,000
 RESIDENTS WITHOUT ACCESS TO CURBSIDE RECYCLING OPTIONS OR RECYCLING
 AT THEIR MULTIFAMILY DWELLING.

4 (*iii*) MUNICIPALITIES WITHIN THE PLANNING AREA RESPONSIBLE FOR
5 ENSURING ACCESS [<u>AS PROVIDED FOR IN SUBPARAGRAPHS (*i*) AND (*ii*)?
6 <u>SUBDIVISION (A)?</u>] 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.
</u>

10 (C) FOR PURPOSES OF EDUCATION AND OUTREACH, ALL OF THE
11 FOLLOWING CRITERIA:

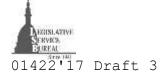
12 (*i*) IDENTIFY THE RESPONSIBLE PARTY FOR EDUCATING THE RESIDENTS
13 AND BUSINESSES IN THE PLANNING AREA.

14 (*ii*) IDENTIFY THE BUDGET AND MEANS OF FUNDING EDUCATION AND
15 OUTREACH EFFORTS.

(*iii*) IF THE RESPONSIBILITY FOR THIS SUBPART [<u>????</u>] IS
PRIMARILY PLACED ON THE PRIVATE SECTOR SERVICE PROVIDERS, AN
AGREEMENT WITH THE SERVICE PROVIDER OR AN ORDINANCE OR OTHER
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.

(2) A WASTE UTILIZATION GOALS FRAMEWORK ["GOALS FRAMEWORK" IS
NOT REQUIRED OR MENTIONED ELSEWHERE IN THE BILL] SHALL INCLUDE:
(A) A PROCESS WHEREBY EACH OF A PLANNING AREA'S WASTE
UTILIZATION FACILITIES IS EVALUATED BASED ON THE TYPE, ORIGIN, AND



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QUANTITIES OF MANAGED MATERIAL IN TONS ON AN ANNUAL BASIS AS
 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.

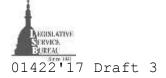
23 (J) A LANDFILL SURCHARGE.

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?]

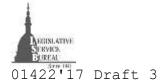
7 SEC. 115381. (1) THE COUNTY BOARD OF COMMISSIONERS SHALL CERTIFY TO THE DEPARTMENT THE PLANNING ENTITY'S PROGRESS TOWARDS 8 9 MEETING ITS WASTE UTILIZATION GOALS AND BENCHMARK RECYCLING 10 STANDARDS WITHIN THE PLANNING AREA. THE FIRST CERTIFICATION SHALL 11 BE SUBMITTED BY THE FIRST JUNE 30 THAT IS 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.

(2) IF A COUNTY THAT DOES NOT COMPLY WITH SUBSECTION (1) OR
DOES NOT CERTIFY PROGRESS [DOES ANY PROGRESS SUFFICE?] TOWARDS
MEETING THE BENCHMARK RECYCLING STANDARDS, THE COUNTY IS INELIGIBLE
FOR ASSISTANCE FROM THE GROWING RECYCLING ACCESS AND VOLUNTARY
PARTICIPATION FUND UNTIL BOTH OF THE FOLLOWING REQUIREMENTS ARE
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]



TMV

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 MATERIALS MANAGEMENT FACILITY AND IS NOT PART OF OR NOT CONSISTENT 5 6 WITH THE APPROVED MATERIALS MANAGEMENT PLAN FOR THE COUNTY UNLESS 7 THE PURPOSE OF THE MEASURE IS TO INCREASE THE RECOVERY OF MANAGED MATERIAL AND WASTE UTILIZATION IN THE PLANNING AREA. [SUBJECTIVE 8 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]

(2) A PLANNING ENTITY MAY ESTABLISH MATERIALS MANAGEMENT
AUTHORIZATIONS OR FEES OR ANY OTHER REGULATORY ORDINANCES,
AGREEMENTS, OR CONTRACTS NEEDED TO ENSURE THAT EACH COUNTY OR
PLANNING AREA HAS A SUFFICIENT MECHANISM TO REACH ITS ESTABLISHED

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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	115381, 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	(<i>ii</i>) 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 the feasibility of excluding site separated material and source 5 separated material from other processing or disposal methods. 6 (v) Identification and quantification of environmental, 7 economic, and other benefits that could result from the 8 implementation of a recycling and composting program. 9 (vi) The feasibility of source separation of materials that 10 11 contain potentially hazardous components at disposal areas. This 12 subparagraph applies only to plan updates that are due after January 31, 1989. 13 (b) The plan either provides for recycling and composting 14 recyclable materials from the plan area's waste stream or 15 establishes that recycling and composting are not necessary or 16 17 feasible or is only necessary or feasible to a limited extent. 18 (c) A plan that proposes a recycling or compositing program, or 19 both, details the major features of that program, including all of 20 the following: (i) The kinds and volumes of recyclable materials that will be 21 22 recycled or composted. (*ii*) Collection methods. 23 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

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- 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 [????] OPERATING LICENSE FOR A DISPOSAL AREA OR WASTE UTILIZATION FACILITY 16 17 AND A NEW DISPOSAL AREA OR WASTE UTILIZATION FACILITY THAT DOES NOT REQUIRE A PERMIT OR OPERATING LICENSE SHALL NOT BEGIN TO OPERATE IN 18 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).
- (2) IF A DISPOSAL AREA THAT DOES NOT REQUIRE A LICENSE OR
 PERMIT UNDER THIS PART OR A WASTE UTILIZATION FACILITY IS PROPOSED
 TO BE LOCATED IN A LOCAL UNIT OF GOVERNMENT THAT HAS A ZONING
 ORDINANCE, THE DISPOSAL AREA OR WASTE UTILIZATION FACILITY IS
 CONSISTENT WITH THE MATERIALS MANAGEMENT PLAN IF IT COMPLIES WITH



THE ZONING ORDINANCE AND THE OWNER OR OPERATOR OF THE PROPOSED
 DISPOSAL AREA OR WASTE UTILIZATION FACILITY PRESENTS DOCUMENTATION
 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:

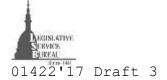
7 (A) THE SPECIFIC FACILITY OR TYPE OF FACILITY IS IDENTIFIED IN
8 THE PLAN AS BEING CONSISTENT WITH THE PLAN WITHOUT FOLLOWING THE
9 SITING PROCEDURE.

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)?

(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 MEETS27 EITHER OF THE FOLLOWING REQUIREMENTS:



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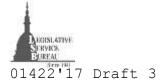
(*i*) HAS HOST COMMUNITY APPROVAL.

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.

(E) THE DEPARTMENT NOTIFIES THE OWNER OR OPERATOR OF THE 10 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), AS APPLICABLE. WITHIN DAYS AFTER THE DEPARTMENT IS NOTIFIED BY 14 THE COUNTY ENTITY UNDER SUBDIVISION (D), THE DEPARTMENT SHALL 15 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



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1 and air pollution; and the use of floodplains and wetlands.

Sec. 11541. (1) The state solid waste management plan shall
consist CONSISTS of the state solid waste plan and all county
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.

Sec. 11546. (1) The department or a health officer may request that the attorney general bring an action in the name of the people of the THIS state, or a municipality or county may bring an action based on facts arising within its boundaries, for any appropriate relief, including injunctive relief, for a violation of this part or rules promulgated under this part.

(2) In addition to any other relief provided by this section,
the court may impose on any person who violates any provision of
this part or rules promulgated under this part or who fails to
comply with any permit, license, REGISTRATION, NOTIFICATION, or
final order issued pursuant to this part a civil fine as follows:
(a) Except as provided in subdivision (b), a civil fine of not
more than \$10,000.00 for each day of violation.

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(b) For a second or subsequent violation, a civil fine of not



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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 this state affected by the violation to their original condition 6 7 before the violation, and to pay to the THIS state the costs of surveillance and enforcement incurred by the-THIS state as a result 8 of the violation. 9

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 financial assistance to county or regional solid waste MATERIALS 21 management planning agencies. Municipalities joined together with 22 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 annually by the legislature from the general fund of the state and 3 4 20% shall be appropriated by the applicant. Grant funds appropriated for local planning may be used by the department if 5 the department finds it necessary to invoke the department's 6 authority to develop a local plan. under section 11533(6). The 7 department shall MAY promulgate rules for the distribution of the 8 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 certified health department. A certified health department is 14 15 eligible to receive 100% of reasonable personnel costs as determined by the department based on criteria established by rule. 16 17 The department shall promulgate rules for the distribution of the appropriated funds.GRANTS SHALL BE USED FOR ADMINISTRATIVE COSTS 18 19 FOR PREPARING AND MAINTAINING A MATERIALS MANAGEMENT PLAN. COSTS INCLUDE BUT ARE NOT LIMITED TO: 20

21 (A) DEVELOPMENT OF A WORK PROGRAM, INCLUDING A PRIOR WORK22 PROGRAM.

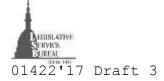
23 (B) INITIAL PLAN DEVELOPMENT AND PLAN AMENDMENTS.

24 (C) ENSURING PUBLIC PARTICIPATION.

25 (D) CONSISTENCY DETERMINATIONS FOR SITING AND DEVELOPMENT OF26 NEW FACILITIES.

27

(E) ACCESS TO THE DATABASE SYSTEM UTILIZED BY THE DEPARTMENT



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FOR MATERIALS MANAGEMENT FACILITY REPORTING PURPOSES AND EVALUATION
 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

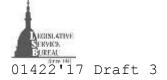
7 SUBSEQUENT ROUNDS OF GRANTS?]

8 (3) GRANTS UNDER THIS SECTION SHALL COVER NOT MORE THAN 80% OF
9 THE COSTS FOR WHICH THE GRANTS ARE AWARDED.

(4) THE INITIAL ROUND OF GRANTS SHALL BE 1-TIME GRANTS FOR 3 10 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:

(A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA. [CONSIDER
SECTION 11533(4) AS IT RELATES TO THIS SUBDIVISION, SUBDIVISION
(C), AND SUBSECTION (7).]



(B) \$0.50 FOR EACH RESIDENT OF THE PLANNING AREA, UP TO
 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 [<u>WHEN DOES YEAR 2 BEGIN? COULD INITIAL</u> 6 <u>ROUND GRANTS STILL BE FIRST AWARDED TO LATECOMERS AFTER YEAR 1?</u>] 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:

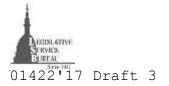
13 (A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA.

14 (B) \$10,000.00 FOR EACH COUNTY IN THE PLANNING AREA THAT15 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.

Sec. 11548. (1) This part is not intended to prohibit the continuation of the private sector from doing business in solid waste disposal and transportation. This part is intended to encourage the continuation of the private sector in the solid waste disposal, MANAGED MATERIALS HANDLING, and transportation business when in compliance with the minimum requirements of this part. (2) This part is not intended to prohibit salvaging.

26 Sec. 11549. (1) A person who violates this part, a rule27 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 section10 occurs is a separate offense.

Sec. 11550. (1) The solid waste management fund is created within the state treasury IS RENAMED THE MATERIALS MANAGEMENT FUND. The state treasurer may receive money from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. THE DEPARTMENT SHALL BE THE 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.

(3) The state treasurer shall establish, within the solid
waste MATERIALS management fund, a solid waste staff account, and a
perpetual care account, AND A GRANT ACCOUNT.

(4) Money shall be expended from the solid waste staff
account, upon appropriation, only for the following purposes:ONLY
FOR ADMINISTRATIVE COSTS TO THE DEPARTMENT ASSOCIATED WITH THIS
PART, INCLUDING, BUT NOT LIMITED TO:



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(a) Preparing generally applicable guidance regarding the
 solid waste permit and license MATERIALS MANAGEMENT AUTHORIZATION
 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).

(d) General administrative costs of running the permit and
license, REGISTRATION, AND NOTIFICATION program, including permit
and license, REGISTRATION, AND NOTIFICATION tracking and data
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.

(g) Groundwater monitoring audits at disposal areas which are
 or have been licensed under this part OR AT ANY OTHER MATERIALS
 MANAGEMENT FACILITY THAT REQUIRED GROUNDWATER MONITORING BECAUSE OF
 A RELEASE OR SUSPECTED RELEASE.

(h) Reviewing and acting upon corrective action plans for
 disposal areas which are or have been licensed MATERIALS MANAGEMENT
 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 (1) 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.

(P) UP TO 1 FULL-TIME EQUIVALENT EMPLOYEE FOR THE MICHIGAN
 ECONOMIC DEVELOPMENT CORPORATION TO ADDRESS RECYCLED MATERIALS
 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.

(b) To conduct closure, or postclosure maintenance and
monitoring and corrective action if necessary, at a disposal area
where MATERIALS MANAGEMENT FACILITY IF the owner or operator has
failed to do so. Money shall be expended from the account only
after funds from any perpetual care fund or other financial



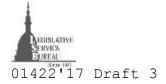
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assurance mechanisms held by the owner or operator have been
 expended and the department has used reasonable efforts to obtain
 funding from other sources.

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, RESEARCH AND DEVELOPMENT, OR ASSOCIATED ACTIVITIES TO PROVIDE FOR 8 NEW OR INCREASED USE OF RECYCLED MATERIALS OR TO SUPPORT THE 9 DEVELOPMENT OF RECYCLING MARKETS. LOCAL UNITS OF GOVERNMENT AND 10 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.

(B) THE LOCAL RECYCLING INNOVATION PROGRAM. THE PROGRAM SHALL 14 15 PROVIDE GRANTS OR LOANS FOR DEVELOPING LOCAL RECYCLING INFRASTRUCTURE, FOR RECYCLING EDUCATION CAMPAIGNS FOR RESIDENTS AND 16 17 BUSINESSES, FOR OTHER ACTIVITIES THAT RESULT IN INCREASING RECYCLING ACCESS AND PARTICIPATION, FOR REDUCING WASTE, AND FOR 18 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?]



PRACTICES AND IDENTIFYING WAYS TO INNOVATE AND TO COLLABORATE WITH
 OTHER LOCAL UNITS AND THE PRIVATE SECTOR. TO BE ELIGIBLE FOR A
 GRANT, A LOCAL UNIT OF GOVERNMENT MUST BE A COUNTY THAT MEETS, OR A
 MUNICIPALITY LOCATED WITHIN A COUNTY THAT MEETS, BOTH OF THE
 FOLLOWING REQUIREMENTS:

6

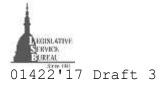
(*i*) HAS AN APPROVED MATERIALS MANAGEMENT PLAN.

7 (*ii*) IS MAKING PROGRESS TOWARDS MEETING [<u>OR HAS MET?</u>] ITS
8 WASTE UTILIZATION GOALS UNDER SECTION 11538B [<u>SEE COMMENT IN</u>
9 SECTION 11538D(1)(B)] AND BENCHMARK RECYCLING STANDARDS.

(D) COSTS INCURRED BY THE DEPARTMENT IN ADMINISTERING THE
 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



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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 the6 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.

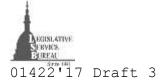
(*ii*) The number of applications determined to be administratively complete for which a final action was taken by the department. The number of final actions shall be reported as the number of applications approved, the number of applications denied, and the number of applications withdrawn by the applicant.

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 operating20 license applications received under section 11512:

(i) The number of applications received by the department, reported as the number of applications determined to be administratively incomplete and the number determined to be administratively complete.

(ii) The number of applications determined to be
administratively complete for which a final action was taken by the
department. The number of final actions shall be reported as the



number of applications approved, the number of applications denied,
 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 disposal7 areas as required by section 11519.

8 (e) The number of letters of warning sent to licensed disposal9 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.

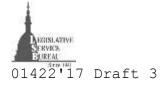
14 (g) For each enforcement action that includes a penalty, a
15 description of what THE corrective actions THAT were required by
16 the enforcement action.

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.

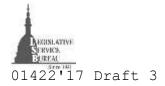
Sec. 11553. (1) Consistent with the requirements of this part, the department shall apply this section so as to promote and foster the use of wastes and by-products for recycling or beneficial purposes.

(2) Any person may request the department, consistent with the
definitions and other terms of this part, to approve a material, a
use, or a material and use as a source separated material; a



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beneficial use by-product for beneficial use 1, 2, 4, or 5; an 1 2 inert material; a low-hazard industrial waste; or another material, use, or material and use that can be approved under this part. 3 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) because the material exceeds 4 feet in thickness. A request under 8 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 proposed use. THE REQUEST SHALL BE ACCOMPANIED BY A FEE OF \$. 15 FEES COLLECTED UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE 16 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 waste, physical/chemical methods, ""TEST METHODS FOR THE EVALUATION 21 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

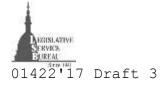


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1 extension. If the department determines that the request does not 2 include sufficient information, the department shall, not more than 60 days after receipt of the request, notify the requester. The 3 4 notice shall specify the additional information that is required. 5 The 150-day period is tolled until the requestor submits the information specified in the notice. If the department approves a 6 7 request under this subsection, the approval shall include the following statement: "This approval does not require any use of any 8 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 specifically state the conditions or other requirements. If the 15 request is denied, the department's denial shall, to the extent 16 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 judicature act of 1961, 1961 PA 236, MCL 600.631. 22

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 that27 is or has the potential to be generated in high volumes.



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(b) The proposed use serves a legitimate beneficial purpose
 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 consumer7 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 direct10 contact health hazard to humans.

(ii) The material does not leach, decompose, or dissolve in a way that forms an unacceptably contaminated leachate. An unacceptably contaminated leachate is one that exceeds either part 201 generic residential groundwater drinking water criteria or surface water quality standards established under part 31.

16 (iii) The material does not produce emissions that violate17 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.

(4) The department may approve a material for a specified use as a beneficial use by-product if the material meets the requirements of subsection (3)(a), (b), (c), and (d) but fails to meet the requirements of subsection (3)(e) and if the department determines that the material and use are protective of the public health and environment. In making the determination, the department shall consider the potential for exposure and risk to human health



and the environment given the nature of the material, its proposed
 use, and the environmental fate and transport of any hazardous
 substances in the material in soil, groundwater, or other relevant
 media.

5 (5) The department shall approve a material as inert if all of6 the following requirements are met:

7 (a) The material is proposed to be used for a legitimate8 purpose other than a means to dispose of the material.

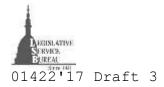
9 (b) Hazardous substances in the material do not pose a direct10 contact health hazard to humans.

(c) The material does not leach, decompose, or dissolve in a way that forms an unacceptably contaminated leachate upon contact with water or other liquids likely to be found at the area of placement, disposal, or use. An unacceptably contaminated leachate is leachate that exceeds part 201 generic residential groundwater drinking water criteria or surface water quality standards established under part 31.

18 (d) The material does not produce emissions that violate part19 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.

(6) The department may approve a material as inert if the material meets the requirements of subsection (5)(a) but fails to meet the requirements of subsection (5)(b), (c), or (d) and if the department determines that the material is protective of the public health and environment. In making the determination, the department



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shall consider the potential for exposure and risk to human health
 and the environment given the nature of the material, its proposed
 use, and the environmental fate and transport of any hazardous
 substances in the material in soil, groundwater, or other relevant
 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 characteristic13 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 reuse as an effective substitute for a commercial product. To 26 27 qualify as a source separated material, the material, product, or



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reuse must meet all federal and state consumer protection and product safety laws and regulations and must not create a nuisance. If a material will be applied to or placed on the land, or will be used to produce products that are applied to or placed on the land, the material must qualify as an inert material or beneficial use by-product.

7 (9) Any written determination by the department made prior to the effective date of the amendatory act that added this section 8 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 effect according to its terms or until forfeited in writing by the 15 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.

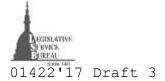
SEC. 11555. (1) YARD WASTE SHALL BE MANAGED BY 1 OF THE
 FOLLOWING MEANS:

24 (A) COMPOSTED ON THE PROPERTY WHERE THE YARD WASTE IS25 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]

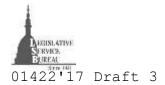
(*iii*) THE OWNER OR OPERATOR OF A SITE REPORTS THE AMOUNT OF
COMPOSTABLE MATERIAL ON SITE WITHIN 30 DAYS AFTER THE END OF THE
STATE FISCAL YEAR AS PART OF THE NOTIFICATION UNDER SUBPARAGRAPH
(*ii*).

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

TO CREATE AND MAINTAIN ANAEROBIC CONDITIONS IF IN COMPLIANCE WITH



27

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.

(J) PROCESSED AT A PROCESSING AND TRANSFER FACILITY IN
 ACCORDANCE WITH THIS PART AND THE RULES PROMULGATED UNDER THIS
 PART.

13 (K) DISPOSED OF IN A LANDFILL OR AN INCINERATOR, BUT ONLY IF
14 THE YARD WASTE MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(i) IS DISEASED OR INFESTED, IS COMPOSED OF INVASIVE PLANTS,
SUCH AS GARLIC MUSTARD, PURPLE LOOSESTRIFE, OR SPOTTED KNAPWEED,
THAT WERE COLLECTED THROUGH AN ERADICATION OR CONTROL PROGRAM, OR
IS A STATE OR FEDERAL CONTROLLED SUBSTANCE.

19 (*ii*) INCLUDES NO MORE THAN A DE MINIMIS AMOUNT OF OTHER YARD
20 WASTE.

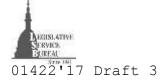
21 (*iii*) IS INAPPROPRIATE TO COMPOST.

(2) A PERSON MAY TEMPORARILY ACCUMULATE YARD WASTE AT A SITE
 NOT DESIGNED FOR COMPOSTING IF ALL OF THE FOLLOWING REQUIREMENTS
 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.

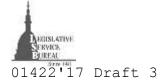
9 (E) YARD WASTE PLACED ON SITE ON OR AFTER DECEMBER 1 BUT 10 BEFORE THE NEXT APRIL 1 IS MOVED TO ANOTHER LOCATION AND MANAGED AS 11 PROVIDED IN SUBSECTION (1) BY THE NEXT APRIL 10 AFTER THE YARD 12 WASTE IS PLACED ON SITE.

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.

(B) THERE ARE NOT MORE THAN 5,000 CUBIC YARDS OF YARD WASTE
AND/OR CLASS 1 COMPOSTABLE MATERIAL ON THE FARM AT ANY TIME.
["THERE ARE NOT MORE THAN 5,000 CUBIC YARD WASTE AND NOT MORE THAN
5,000 CUBIC YARDS OF CLASS I COMPOSTABLE MATERIAL ON THE FARM AT
ANY TIME?" IN ANY CASE, THIS SUBDIVISION CONFLICTS WITH SUBDIVISION



1 <u>(C).</u>]

16

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 THE FARM OPERATION OR TO SUPPLY THE NUTRIENT NEEDS OF THE FARM AS 8 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

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 REOUIREMENTS OF SUBPARAGRAPHS (*i*) AND (*ii*).

(4) A SITE QUALIFIES AS AN AUTHORIZED COMPOSTING FACILITY IFALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(A) THE OWNER OR OPERATOR OF THE SITE IS AUTHORIZED AS A
COMPOSTING FACILITY BY THE DEPARTMENT AND REPORTS TO THE DEPARTMENT
WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL YEAR THE AMOUNT
OF YARD CLIPPINGS AND OTHER COMPOSTABLE MATERIAL COMPOSTED IN THE



CONSIDERATION.

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PREVIOUS STATE FISCAL YEAR. THE NOTIFICATION, REGISTRATION, OR
 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, OTHER26 THAN A HOME SCHOOL.

27 (G) 4 FEET ABOVE GROUNDWATER.



(*iii*) A LOCAL UNIT OF GOVERNMENT MAY IMPOSE LOCATION
 RESTRICTIONS THAT ARE MORE RESTRICTIVE THAN THOSE IN SUBPARAGRAPHS
 (*i*) AND (*ii*) BUT NOT SO RESTRICTIVE THAT A FACILITY COULD NOT BE
 DEVELOPED ASSUMING THE SITING [DOES "SITING" REFER TO THE
 RESTRICTIONS OR THE FACILITY LOCATION?] IS APPROVED IN THE
 APPROPRIATE MATERIALS MANAGEMENT PLAN.

7 (C) COMPOSTING AND MANAGEMENT OF THE SITE OCCURS IN A MANNER
8 THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

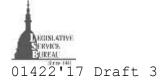
9 (*i*) DOES NOT VIOLATE THIS ACT OR CREATE A FACILITY AS DEFINED 10 IN SECTION 20101.

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 THE AMOUNT OF YARD WASTE AND COMPOST THAT IS TRANSFERRED OFF-SITE 16 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 SLOPES27 AND GRADES.



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(vi) PROPERLY MANAGES COMPOST WASTE WATER AND STORM WATER
 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

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.

(*ii*) RECORDS DEMONSTRATING THAT THE COMPOSTING OPERATION IS
BEING PERFORMED IN A MANNER THAT PREVENTS NUISANCES AND MINIMIZES
ANAEROBIC CONDITIONS. UNLESS OTHER RECORDS ARE APPROVED BY THE
DEPARTMENT, THESE RECORDS SHALL INCLUDE RECORDS OF CARBON-TONITROGEN RATIOS, THE AMOUNT OF LEAVES AND THE AMOUNT OF GRASS IN
TONS OR CUBIC YARDS, TEMPERATURE READINGS, MOISTURE CONTENT
READINGS, AND LAB ANALYSIS OF FINISHED PRODUCTS.

(5) A SITE AT WHICH YARD WASTE IS MANAGED IN COMPLIANCE WITH
THIS SECTION, OTHER THAN A SITE DESCRIBED IN SUBSECTION (1)(I),
(J), OR (K), IS NOT A DISPOSAL AREA, NOTWITHSTANDING SECTION
11503(5).

(6) MANAGEMENT OF YARD WASTE IN COMPLIANCE WITH THIS SECTION,
EXCEPT SUBSECTION (1) (J) AND (K), IS NOT CONSIDERED DISPOSAL FOR
PURPOSES OF SECTION 11538(6). [SECTION 11538(6) IS STRICKEN.]
(7) THE DEPARTMENT SHALL MAINTAIN AND POST ON ITS WEBSITE A
LIST OF COMPOSTING FACILITIES AUTHORIZED UNDER THIS SECTION. EXCEPT

AS PROVIDED IN SECTION 11514, A HAULER SHALL NOT DELIVER YARD WASTE



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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.

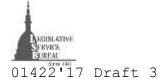
(B) AN AUTHORIZED SMALL OR MEDIUM YARD WASTE COMPOSTING
FACILITY THAT MEETS THE CONDITIONS OF SECTION 11555(4) IF THE TOTAL
VOLUME OF EQUALLY DISTRIBUTED [????] CLASS 1 COMPOSTABLE MATERIAL
DOES NOT EXCEED 5% OF THE TOTAL VOLUME OF YARD WASTE ON-SITE OR A
GREATER PERCENTAGE IF APPROVED BY THE DEPARTMENT.

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).

(4) COMPOSTING OF CLASS 2 COMPOSTABLE MATERIAL SHALL BE DONE
AT A CLASS 2 COMPOSTING FACILITY OR A SOLID WASTE PROCESSING AND
TRANSFER FACILITY. CLASS 2 COMPOSTABLE MATERIAL IS CONSIDERED TO BE
SOURCE SEPARATED FOR CONVERSION INTO COMPOST IF THE CLASS 2



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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.

(2) IF A MEDIUM, LARGE, OR VERY LARGE YARD WASTE COMPOSTING
FACILITY OR A CLASS 1 OR 2 COMPOSTING FACILITY BEGINS OPERATION
AFTER THE EFFECTIVE DATE OF THIS SECTION, THE MANAGEMENT AND
STORAGE OF YARD WASTE AND CLASS 1, AND CLASS 2 COMPOSTABLE

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MATERIAL, FINISHED COMPOST, AND RESIDUALS SHALL NOT OCCUR IN A
 WETLAND OR FLOODPLAIN, OR IN AN AREA THAT IS WITHIN THE FOLLOWING
 DISTANCES FROM ANY OF THE FOLLOWING FEATURES:

4

(A) 100 FEET FROM A PROPERTY LINE.

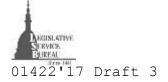
5 (B) 500 FEET FROM A CHURCH OR OTHER HOUSE OF WORSHIP,
6 HOSPITAL, NURSING HOME, LICENSED DAY CARE CENTER, OR SCHOOL, OTHER
7 THAN A HOME SCHOOL.

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

[IS THIS REFERRING TO ANY "COMPOSTING FACILITY"? "COVERED BY" VS
"LISTED IN" SUBSECTIONS (1), (2), AND (5) (S). SEE ALSO REFERENCES
TO "LOCATION" AND "SITE" IN SUBSECTIONS (4) TO (9).] THIS PART
SHALL DEVELOP AND SUBMIT TO THE DEPARTMENT THE FOLLOWING ITEMS:
(A) A SITE MAP.



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(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.

(2) FACILITIES LISTED IN THIS PART SHALL WITHIN 1 YEAR AFTER 8 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.

(3) ANY LOCATION THAT SEPARATES ORGANIC MATTER FROM MIXTURES
OF SOLID WASTE AND THAT DOES NOT MEET THE EXEMPTIONS CONTAINED IN R
299.4104(Q) OF THE MICHIGAN ADMINISTRATIVE CODE SHALL BE LICENSED
AS A SOLID WASTE PROCESSING AND TRANSFER FACILITY, UNLESS OTHERWISE
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

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1 RECEIPT OR OTHERWISE MANAGED TO PREVENT NUISANCE ODORS.

(B) MATERIAL WITHIN THE COMPOSTING PROCESS IS THOROUGHLY MIXED
AND AERATED AS FREQUENTLY AS NECESSARY TO ENSURE THAT ADEQUATE
OXYGEN IS AVAILABLE AT ALL TIMES TO PREVENT THE PROCESS FROM
BECOMING ANAEROBIC. THE PRESENCE OF INSIGNIFICANT ANAEROBIC ZONES
WITHIN THE COMPOSTING MATERIAL WILL NOT CAUSE THE PROCESS TO BE
CLASSIFIED AS OTHER THAN COMPOSTING. THIS REQUIREMENT DOES NOT
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.

(D) STORMWATER THAT CONTACTS COMPOSTABLE MATERIALS IS MANAGED
AS COMPOST WASTE WATER AND MUST BE MANAGED IN COMPLIANCE WITH 1 OF
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.

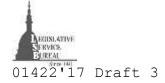
19 (*iii*) DISCHARGED PURSUANT TO A NATIONAL POLLUTANT DISCHARGE
20 ELIMINATION SYSTEM (NPDES) PERMIT UNDER PART 31.

21 (*iv*) MARKETED AS A COMPOST TEA IF LICENSED AS A FERTILIZER
22 UNDER PART 85.

(E) THE COMPOSTING FACILITY DOES NOT VIOLATE THE GROUNDWATER
PROTECTION STANDARDS OF PART 31.

25 (F) FINISHED COMPOST IS TESTED IN COMPLIANCE WITH SECTION26 11564.

27 (G) COMPOSTABLE MATERIAL COLLECTED IN BAGS, OTHER THAN PAPER



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BAGS, IS DEBAGGED BY THE END OF EACH WORKING DAY UNLESS OTHERWISE
 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.

(J) THE COMPOSTABLE MATERIAL IS SEPARATED FROM SOLID WASTE AND
 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.

(N) IF DELETERIOUS MATERIAL REMOVED FROM THE COMPOSTABLE
 MATERIAL OR FROM THE COMPOST IS STORED ON SITE, ALL OF THE
 FOLLOWING REQUIREMENTS ARE MET:

27

(i) THE MATERIAL IS STORED IN CONTAINERS OR ON A LINER IN



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COMPLIANCE WITH R 299.4130 OF THE MICHIGAN ADMINISTRATIVE CODE. 1

2 (*ii*) THE MATERIAL DOES NOT EXCEED A VOLUME OF 1,000 CUBIC 3 YARDS AT ANY TIME.

(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 COMPRISES LESS THAN 50% BY WEIGHT OF THE COMPOST MIXTURE. 8

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.

(S) UNLESS APPROVED BY THE DEPARTMENT, THE COMPOSTING DOES NOT 15 RESULT IN MORE THAN THE FOLLOWING VOLUME PER ACRE: 16

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.

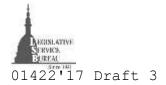
21 (T) THE COMPOSTING FACILITY COMPLIES WITH WELLHEAD PROTECTION 22 PROGRAMS.

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 FOLLOWING: 26

27

4

(i) BORINGS ARE TAKEN FROM THE GROUND SURFACE TO 20 FEET BELOW



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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.

(3) WHEN EVALUATING AN APPLICATION FOR AUTHORIZATION TO
COMPOST CLASS 2 COMPOSTABLE MATERIAL AT A CLASS 2 COMPOSTING
FACILITY, THE DIRECTOR SHALL CONSIDER ALL OF THE FOLLOWING:

21 (A) THE LOCATION RESTRICTIONS IN SECTION 11557.

(B) THE GENERAL COMPOST FACILITY REQUIREMENTS IN SECTION115558.

(C) THE NATURE OF THE WASTE AND FINISHED COMPOST AS
ESTABLISHED UNDER R 299.412F AND R 299.412I [<u>CITES?</u>] OF THE
MICHIGAN ADMINISTRATION CODE.

27

(4) THE DIRECTOR SHALL MAKE A FINAL DECISION ON AN APPLICATION



FOR A CLASS 2 COMPOSTING FACILITY WITHIN 90 DAYS AFTER RECEIVING A 1 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 RENEWAL OF AN AUTHORIZATION SHALL MEET BOTH OF THE FOLLOWING: 8

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.

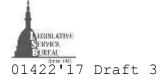
12 (5) CLASS 2 COMPOSTABLE MATERIAL SHALL BE SEPARATED FROM OTHER
13 SOLID WASTE AND MAINTAINED SEPARATELY UNTIL USED TO PRODUCE COMPOST
14 UNLESS OTHERWISE APPROVED BY THE DIRECTOR.

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.



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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



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IS SEPARATED AND WEIGHED. THE WEIGHT OF THE SEPARATED FOREIGN
 MATTER DIVIDED BY THE WEIGHT OF THE FINISHED COMPOST MULTIPLIED BY
 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 ENVIRONMENTAL11 CONTAMINATION OR CAUSE A NUISANCE.

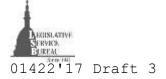
12 (C) THE COMPOST MATERIAL WILL BE USED AT AGRONOMIC RATES.

SEC. 11562. (1) A PERSON MAY PETITION THE DIRECTOR TO CLASSIFY
A SOLID WASTE AS A CLASS 1 COMPOSTABLE MATERIAL OR TO CLASSIFY
COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL AS GENERAL USE
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.

(3) IN GRANTING A PETITION UNDER THIS SECTION, THE DIRECTOR
SHALL SPECIFY THOSE PARAMETERS DESCRIBED IN SECTION 11565 THAT MUST
BE TESTED UNDER SUBSECTION (4). THE DIRECTOR'S DECISION SHALL BE
BASED ON BOTH OF THE FOLLOWING:

(A) THE DIFFERENCE BETWEEN THE CONCENTRATION OF A GIVEN
PARAMETER IN THE COMPOST AND THE CRITERIA FOR THAT PARAMETER IN
SECTION 11553(5).



(B) THE VARIABILITY OF THE RESULTS AMONG THE SAMPLES.

(4) IF A MATERIAL IS CLASSIFIED AS A CLASS 1 COMPOSTABLE
MATERIAL BY THE DIRECTOR BASED ON THE PETITION UNDER THIS SECTION,
THE OPERATOR SHALL TEST COMPOST PRODUCED FROM THE CLASS 1
COMPOSTABLE MATERIAL WHEN THERE IS A SIGNIFICANT CHANGE IN THE
PROCESS THAT GENERATED THE COMPOST. A SIGNIFICANT CHANGE IS ONE
WITH THE POTENTIAL TO CHANGE THE CLASSIFICATION OF THE COMPOST AS
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:

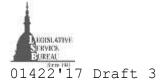
14 (A) THE FINISHED COMPOST IS RECLASSIFIED AS A RESTRICTED USE
15 COMPOST SUBJECT TO R 299.4121J(3) [CITE?] OF THE MICHIGAN
16 ADMINISTRATIVE CODE.

(B) THE OWNER OR OPERATOR OF THE COMPOST FACILITY SHALL NOTIFY
THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF INFORMATION
THAT THE FINISHED COMPOST NO LONGER MEETS THE CRITERIA TO BE
CLASSIFIED AS GENERAL USE COMPOST, AND SHALL DO 1 OF THE FOLLOWING
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



CONTAINED IN R 299.412J [<u>CITE?</u>] OF THE MICHIGAN ADMINISTRATIVE
 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.

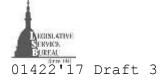
(B) THE OWNER OR OPERATOR OF THE COMPOST FACILITY SHALL NOTIFY
THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF INFORMATION
THAT THE FINISHED COMPOST NO LONGER MEETS THE CRITERIA TO BE
CLASSIFIED AS GENERAL USE COMPOST AND SHALL DO 1 OF THE FOLLOWING
WITH THE FINISHED COMPOST:

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.

(*iii*) USE THE FINISHED COMPOST ACCORDING TO THE REQUIREMENTS
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



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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.

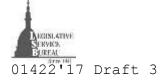
8 (B) THE FEEDSTOCK AND BULKING AGENTS USED TO PRODUCE THE9 COMPOST.

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.

(E) IF THE FINISHED COMPOST IS MARKETED AS A LIMING MATERIAL,
THE LABEL SHALL LIST THE APPLICABLE PARAMETERS UNDER SECTION 11565
AND SHALL INCLUDE A STATEMENT INDICATING THAT THE GENERATOR OF THE
COMPOST IS IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF 1955
PA 162, MCL 290.531 TO 290.538. THE GENERATOR SHALL INDICATE THE
LIMING LICENSE NUMBER ON THE LABEL.

(F) A STATEMENT INDICATING HOW THE USER OF THE COMPOST MAY
OBTAIN THE RESULTS OF ALL TESTING, INCLUDING TEST PARAMETERS AND
CONCENTRATION LEVELS.



(3) COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL THAT
 DOES NOT MEET THE CRITERIA IN SECTION 11553(5) SHALL BE CLASSIFIED
 AS RESTRICTED USE COMPOST AND USED IN A MANNER APPROVED BY THE
 DIRECTOR PURSUANT TO A PETITION SUBMITTED IN COMPLIANCE WITH
 SECTION 11562. [SECTION 11562 DOES NOT APPEAR TO APPLY TO PETITIONS
 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).

(*ii*) A STATEMENT THAT THE COMPOST HAS BEEN APPROVED FOR USE BY
THIS STATE AND FURTHER INDICATING HOW THE USER OF THE COMPOST MAY
OBTAIN THE RESULTS OF ALL TESTING INCLUDING TEST PARAMETERS,

21 CONCENTRATION LEVELS, AND THE APPLICABLE STANDARDS.

SEC. 11564. TESTING OF COMPOST REQUIRED BY THIS PART SHALL BE
DONE ACCORDING TO THIS SECTION [?????], UNLESS THE DIRECTOR HAS
APPROVED AN ALTERNATE PROCEDURE.

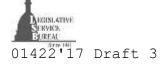
25 SEC. 11565. ALL OF THE FOLLOWING ARE GENERAL USE PARAMETERS
 26 FOR COMPOST:

27 (A) PH.



1 (B) CARBON-TO-NITROGEN RATIO. 2 (C) SOLUBLE SALTS. 3 (D) TOTAL AVAILABLE NITROGEN. (E) PHOSPHORUS REPORTED AS P2O5. 4 5 (F) POTASSIUM REPORTED AS K20. 6 (G) CALCIUM. 7 (H) MAGNESIUM. (I) CHLORIDE. 8 9 (J) SULFATE. 10 (K) ARSENIC. 11 (l) CADMIUM. 12 (M) COPPER. 13 (N) LEAD. (O) MERCURY. 14 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. (X) OTHER PATHOGENS AS DETERMINED BY THE DIRECTOR. 23 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.

SEC. 11567. (1) A PERSON MAY BLEND LOW HAZARD INDUSTRIAL WASTE
LISTED IN R 299.4122 OF THE MICHIGAN ADMINISTRATIVE CODE [<u>THIS RULE</u>
<u>HAS BEEN RESCINDED. LOW HAZARD INDUSTRIAL WASTE IS DEFINED IN</u>
<u>SECTION 11504.</u>] OR INERT MATERIAL WITH GENERAL USE COMPOST OR
COMPOST PRODUCED FROM YARD WASTE TO CREATE A SOIL-LIKE PRODUCT
UNDER THE FOLLOWING CONDITIONS:

8 (A) THE BLENDING OCCURS AT A CLASS 1 OR CLASS 2 COMPOSTING9 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).

(D) THE LOW HAZARD INDUSTRIAL WASTE IS BLENDED WITH THE
GENERAL USE COMPOST WITHIN 30 DAYS AFTER ARRIVAL AT THE CLASS 1 OR
CLASS 2 COMPOSTING FACILITY.

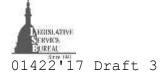
16 (E) STORAGE AND BLENDING OF MATERIALS IS DONE IN A MANNER THAT
17 DOES NOT VIOLATE PART 31.

(2) GYPSUM DRYWALL MAY BE ADDED TO FINISHED COMPOST IF IT
MAKES UP LESS THAN 50% OF THE COMPOST WEIGHT AND IS LESS THAN 1/4
INCH IN DIAMETER. [SEE SECTION 11558(4)(P).]

SEC. 11568. (1) THE OPERATOR OF A WASTE UTILIZATION FACILITY
SHALL COMPLY WITH ALL OF THE FOLLOWING:

(A) THE FACILITY SHALL BE OPERATED IN A MANNER THAT DOES NOT
CREATE A NUISANCE OR PUBLIC HEALTH OR ENVIRONMENTAL HAZARD AND BE
KEPT CLEAN AND FREE OF LITTER.

(B) THE FACILITY SHALL COMPLY WITH PARTS 31 AND 55, AND WHERE
 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.

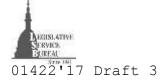
19 (G) ACCESS TO THE FACILITY SHALL BE LIMITED TO A TIME WHEN A20 RESPONSIBLE INDIVIDUAL IS ON DUTY.

(H) THE OPERATOR SHALL NOT STORE MATERIAL OVERNIGHT AT THE
FACILITY EXCEPT IN A SECURE LOCATION AND WITH ADEQUATE CONTAINMENT
TO PREVENT ANY RELEASE OF MATERIAL.

(I) WITHIN 1 YEAR AFTER MATERIAL IS COLLECTED BY THE FACILITY,
THE MATERIAL SHALL BE TRANSPORTED FROM THE FACILITY FOR ULTIMATE
END USE PRODUCTS OR DISPOSAL.

27

(J) THE AREA WHERE THE MATERIAL IS ACCUMULATED SHALL BE



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PROTECTED, AS APPROPRIATE FOR THE TYPE OF MATERIAL, FROM WEATHER,
 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, [<u>"AFTER THE EFFECTIVE DATE OF THIS</u> 24 <u>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</u>



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POSTCONSUMER MATERIAL ON SITE AT ANY TIME AND GREATER THAN 100 TONS
 PER YEAR. THE REGISTRATION SHALL BE ACCOMPANIED BY A FEE OF
 \$150.00. THE REGISTRATION IS FOR A TERM OF 3 YEARS.

4 (ii) WITHIN 2 YEARS AFTER THE ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS SECTION, BEFORE THE OPERATION OF THE FACILITY THE 5 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 100 TONS OR GREATER OF TOTAL POSTCONSUMER RESIDENTIAL OR COMMERCIAL 8 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

FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL BE
ACCOMPANIED BY A FEE OF \$600.00. THE GENERAL PERMIT TIER 1
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)]



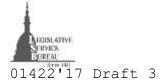
(*ii*) BEGINNING 1 YEAR AFTER THE ENACTMENT DATE OF THE
 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
 A MEDIUM COMPOST FACILITY UNLESS THE OWNER OR OPERATOR HAS
 REGISTERED WITH THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED
 BY THE DEPARTMENT. THE REGISTRATION SHALL BE ACCOMPANIED BY A FEE
 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 A VERY LARGE COMPOST FACILITY UNLESS AUTHORIZED BY THE DEPARTMENT 16 UNDER A GENERAL PERMIT TIER 2. A PERSON SHALL APPLY FOR 17 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.

(R) FOR ANAEROBIC DIGESTERS, PYROLYSIS FACILITIES, ANDGASIFICATION PLANTS:

(i) BEGINNING 1 YEAR AFTER THE ENACTMENT DATE OF THE
AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
AN ANAEROBIC DIGESTER, PYROLYSIS FACILITY, OR GASIFICATION PLANT
THAT MANAGES SOURCE SEPARATED MATERIAL OR MANURES, BEDDING, OR CROP



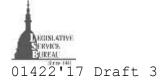
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1 RESIDUALS GENERATED ON SITE AND, FOR ANAEROBIC DIGESTERS OR 2 GASIFICATION PLANTS, UP TO 20% OTHER MATERIAL NOT GENERATED ON THE 3 FARM ["ON SITE"? IS THE LOCATION REQUIRED TO BE A FARM?] UNLESS THE 4 OWNER OR OPERATOR HAS NOTIFIED THE DEPARTMENT 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 ANAEROBIC DIGESTER THAT ONLY MANAGES MATERIAL GENERATED ON SITE. 8

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 [<u>"AN</u> 13 <u>ANAEROBIC DIGESTER THAT MANAGES SOURCE SEPARATED MATERIALS</u> 14 <u>GENERATED OFF SITE OR AN ANAEROBIC DIGESTER OF GASIFICATION PLANT</u> 15 THAT MANAGES MORE THAN 20% SOURCE SEPARATED MATERIALS GENERATED OFF

16 <u>SITE"</u>] 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.

(*iii*) BEGINNING 2 YEARS AFTER THE ENACTMENT DATE OF THE
AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
AN INNOVATIVE TECHNOLOGY OR PRACTICE UNLESS AUTHORIZED BY THE
DEPARTMENT UNDER A GENERAL PERMIT TIER 2. A PERSON SHALL APPLY FOR
AUTHORIZATION UNDER A GENERAL PERMIT TIER 2 ON A FORM AND IN A
FORMAT PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL BE
ACCOMPANIED BY A FEE OF \$400.00. THE TERM OF A GENERAL PERMIT TIER



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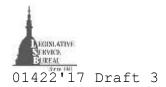
1 2 IS 2 YEARS.

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.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

