

Act No. 34  
Public Acts of 2004  
Approved by the Governor  
March 26, 2004  
Filed with the Secretary of State  
March 29, 2004  
EFFECTIVE DATE: March 29, 2004

**STATE OF MICHIGAN  
92ND LEGISLATURE  
REGULAR SESSION OF 2004**

Introduced by Senator Birkholz

# **ENROLLED SENATE BILL No. 498**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 11514 (MCL 324.11514); and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 11514. (1) The legislature declares that optimizing recycling opportunities and the reuse of materials shall be a principal objective of the state's solid waste management plan and further that recycling and reuse of materials are in the best interest of promoting the public health and welfare. The state shall develop policies and practices that promote recycling and reuse of materials and, to the extent practical, minimize the use of landfilling as a method for disposal of its waste.

(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:

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

(b) Subject to subsection (4), more than a de minimis amount of open, empty, or otherwise used beverage containers.

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

(d) More than a de minimis amount of yard clippings, unless they are diseased or infested.

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

(a) Used oil as defined in section 16701.

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

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

(d) Regulated hazardous waste as defined in R 299.4104 of the Michigan administrative code.

(e) Liquid waste as prohibited by R 299.4432(2)(c) of the Michigan administrative code.

- (f) Sewage.
- (g) PCBs as defined in 40 CFR section 761.3.
- (h) Asbestos waste, unless the landfill complies with 40 CFR section 61.154.

(4) Subsection (2)(b) does not apply to green glass beverage containers before June 1, 2007. The department shall convene a task force to make recommendations to the legislature on the special recycling problems posed by green glass beverage containers, including, but not limited to, whether the June 1, 2007 date for applicability of subsection (2)(b) to green glass beverage containers should be changed. The task force shall include, but need not be limited to, all of the following:

- (a) A representative of the landfill industry.
- (b) A representative of a company that manufactures or uses green glass beverage containers.
- (c) A representative of a recycling company.
- (d) A representative of an environmental organization.
- (5) The task force under subsection (4) shall issue its recommendations by December 31, 2004.

(6) If the department determines that a safe, sanitary, and feasible alternative does not exist for the disposal of any items described in subsection (2), the department shall submit a report setting forth that determination and the basis for the determination to the standing committees of the senate and house of representatives with primary responsibility for solid waste issues.

(7) As used in this section, "de minimis" means incidental disposal of small amounts of these materials that are commingled with other solid waste.

Enacting section 1. Section 11521 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11521, is repealed.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 5234.
- (b) House Bill No. 5235.
- (c) Senate Bill No. 497.
- (d) Senate Bill No. 500.
- (e) Senate Bill No. 502.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

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Governor