

# HOUSE BILL No. 5976

October 19, 2016, Introduced by Reps. Irwin and Sarah Roberts and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11514 (MCL 324.11514), as amended by 2008 PA  
394 and by adding section 11131.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 11131. (1) A PERSON SHALL NOT DELIVER TO A LANDFILL FOR  
2 DISPOSAL AND THE OWNER OR OPERATOR OF A LANDFILL SHALL NOT PERMIT  
3 DISPOSAL IN THE LANDFILL OF TECHNOLOGICALLY ENHANCED, NATURALLY  
4 OCCURRING RADIOACTIVE MATERIAL UNLESS THE CONCENTRATION OF RADIUM-  
5 226 AND RADIUM-228 DOES NOT EXCEED 5 PICOCURIES PER GRAM, AVERAGED  
6 OVER ANY SINGLE CONTAINER.

7        (2) BEFORE DELIVERING TENORM TO A LANDFILL FOR DISPOSAL, THE  
8 GENERATOR SHALL PROVIDE THE FOLLOWING INFORMATION IN WRITING TO THE  
9 DEPARTMENT'S OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL  
10 PROTECTION, OR SUCCESSOR OFFICE:

1 (A) THE TOTAL CONCENTRATION OF RADIUM-226 AND RADIUM-228 IN  
2 THE TENORM BASED ON REPRESENTATIVE SAMPLING.

3 (B) AN ESTIMATE OF THE TOTAL VOLUME OF THE TENORM.

4 (C) AN ESTIMATE OF THE TOTAL RADIOACTIVITY CONTENT OF THE  
5 TENORM.

6 (D) THE PROPOSED DATE OF DELIVERY.

7 (E) THE NAME AND ADDRESS OF THE LANDFILL.

8 (3) THE DEPARTMENT MAY TEST TENORM PROPOSED TO BE DELIVERED TO  
9 A LANDFILL UNDER SUBSECTION (2).

10 (4) A LANDFILL OWNER OR OPERATOR SHALL TEST ALL WASTE RECEIVED  
11 BY THE LANDFILL FOR RADIUM-226 AND RADIUM-228. FOR EACH SHIPMENT OF  
12 TENORM RECEIVED BY A LANDFILL, THE LANDFILL OWNER OR OPERATOR SHALL  
13 RECORD ALL OF THE FOLLOWING:

14 (A) THE INFORMATION DESCRIBED IN SUBSECTION (2) (A) TO (C), AS  
15 DETERMINED INDEPENDENTLY BY THE LANDFILL.

16 (B) THE DATE OF DELIVERY.

17 (C) THE NAME AND ADDRESS OF THE GENERATOR.

18 (5) A LANDFILL OWNER OR OPERATOR SHALL ANNUALLY REPORT TO THE  
19 DEPARTMENT THE INFORMATION RECORDED UNDER SUBSECTION (4).

20 (6) THE OWNER OR OPERATOR OF A LANDFILL SHALL NOT PERMIT  
21 DISPOSAL IN THE LANDFILL OF MORE THAN 2,000 CUBIC METERS OF TENORM  
22 ANNUALLY. TENORM SHALL BE DEPOSITED AT LEAST 10 FEET BELOW THE  
23 BOTTOM OF THE FUTURE LANDFILL CAP AND KEPT SEPARATE FROM OTHER  
24 WASTE IN THE LANDFILL.

25 (7) IF THE OWNER OR OPERATOR OF A LANDFILL HAS PERMITTED  
26 DISPOSAL OF TENORM IN THE LANDFILL, THE OWNER OR OPERATOR SHALL  
27 TEST THE LANDFILL LEACHATE AND GROUNDWATER FOR RADIUM-226 AND

1 RADIUM-228 AND REPORT THE TEST RESULTS TO THE DEPARTMENT. THE TESTS  
2 SHALL BE CONDUCTED AND THE RESULTS REPORTED WHEN LEACHATE AND  
3 GROUNDWATER TESTING AND REPORTING ARE OTHERWISE REQUIRED UNDER THE  
4 LANDFILL'S OPERATING LICENSE OR RULES PROMULGATED UNDER THIS PART.

5 (8) AS USED IN THIS SECTION:

6 (A) "LANDFILL" MEANS THAT TERM AS DEFINED IN SECTION 11103 OR  
7 A MUNICIPAL SOLID WASTE LANDFILL REGULATED UNDER PART 115.

8 (B) "TECHNOLOGICALLY ENHANCED, NATURALLY OCCURRING RADIOACTIVE  
9 MATERIAL" OR "TENORM" MEANS NATURALLY OCCURRING RADIOACTIVE  
10 MATERIAL WITH RADIONUCLIDE CONCENTRATIONS THAT ARE INCREASED BY OR  
11 AS A RESULT OF PAST OR PRESENT HUMAN ACTIVITIES.

12 Sec. 11514. (1) Optimizing recycling opportunities, including  
13 electronics recycling opportunities, and the reuse of materials  
14 shall be a principal objective of the state's solid waste  
15 management plan. Recycling and reuse of materials, including the  
16 reuse of materials from electronic devices, are in the best  
17 interest of promoting the public health and welfare. The state  
18 shall develop policies and practices that promote recycling and  
19 reuse of materials and, to the extent practical, minimize the use  
20 of landfilling as a method for disposal of its waste. Policies and  
21 practices that promote recycling and reuse of materials, including  
22 materials from electronic devices, will conserve raw materials,  
23 conserve landfill space, and avoid the contamination of soil and  
24 groundwater from heavy metals and other pollutants.

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

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

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

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

9 (d) More than a de minimis amount of yard clippings, unless  
10 they are diseased, infested, or composed of invasive species as  
11 authorized by section 11521(1)(i).

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

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

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

17 (c) Low-level radioactive waste as defined in section 2 of the  
18 low-level radioactive waste authority act, 1987 PA 204, MCL  
19 333.26202.

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

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

24 (i) Household waste other than septage waste.

25 (ii) Leachate or gas condensate that is approved for  
26 recirculation.

27 (iii) Septage waste or other liquids approved for beneficial

1 addition under section 11511b.

2 (f) Sewage.

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

4 (h) Asbestos waste, unless the landfill complies with 40 CFR  
5 61.154.

6 (4) A person shall not knowingly deliver to a municipal solid  
7 waste incinerator for disposal, or, if the person is an owner or  
8 operator of a municipal solid waste incinerator, knowingly permit  
9 disposal in the incinerator of, more than a de minimis amount of  
10 yard clippings, unless they are diseased, infested, or composed of  
11 invasive species as authorized by section 11521(1)(i). The  
12 department shall post, and a solid waste hauler that disposes of  
13 solid waste in a municipal solid waste incinerator shall provide  
14 its customers with, notice of the prohibitions of this subsection  
15 in the same manner as provided in section 11527a.

16 **(5) THE DISPOSAL OF TECHNOLOGICALLY ENHANCED, NATURALLY**  
17 **OCCURRING RADIOACTIVE MATERIAL IN A LANDFILL IS SUBJECT TO SECTION**  
18 **11131.**

19 **(6)** ~~(5)~~—If the department determines that a safe, sanitary,  
20 and feasible alternative does not exist for the disposal in a  
21 landfill or municipal solid waste incinerator of any items  
22 described in subsection (2) or (4), respectively, the department  
23 shall submit a report setting forth that determination and the  
24 basis for the determination to the standing committees of the  
25 senate and house of representatives with primary responsibility for  
26 solid waste issues.

27 Enacting section 1. This amendatory act takes effect 90 days

**1** after the date it is enacted into law.