May 28, 2020, Introduced by Reps. Howell, Tate, Sowerby, O'Malley, VanSingel and Rabhi and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11503, 11504, 11505, 11506, 11507, 11507a, and 11508 (MCL 324.11502, 324.11503, 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a, and 324.11508), and by designating sections 11502 to 11508 as subpart 1.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SUBPART 1 GENERAL AND DEFINITIONS

Sec. 11502. (1) "Agreement" means a written contract.

(2) (1) "Agronomic rate" means a rate that meets both of the
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.

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

(3) "Anaerobic digester" means a facility that uses microorganisms to break down biodegradable material in the absence of oxygen, producing methane and an organic product.

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

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

(6) "Benchmark recycling standards" means all of the following requirements:

(a) By January 1, 2022, at least 90% of single-family dwellings in urban areas as identified by the most recent federal decennial census and, by January 1, 2025, at least 90% of single-family dwellings in municipalities with more than 5,000 residents have access to curbside recycling that meets all of the following criteria:

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

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

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

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

(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 at their dwelling, and the drop-off location is available at least 24 hours per month.

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

(7) "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.

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

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

(i) Is placed at least 4 feet above the seasonal groundwater
(ii) Does not come into contact with a surface water body.
(iii) Is covered by concrete, asphalt pavement, or other material approved by the department.
(iv) Does not exceed 4 feet in thickness, except for areas where exceedances are incidental to variations in the existing topography. This subparagraph does not apply to construction fill 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.

(9) "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.
(b) The use, placement, or storage at the location of use does not do any of the following:
(i) Violate part 55 or create a nuisance.

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

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

(10) "Beneficial use 4" means any of the following uses:

(a) To stabilize, neutralize, solidify, or otherwise treat waste for ultimate disposal at a facility licensed under this part 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 1388, 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, or a corrective action in compliance with part 111 or the solid waste disposal act, 42 USC 6901 to 6992k.

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

(e) As alternate daily cover at a licensed landfill in compliance with an operational plan approved pursuant to R 299.4429 of the Michigan Administrative Code.

(11) "Beneficial use 5" means blended with inert materials or with compost and used to manufacture soil.

(12) "Beneficial use by-product" means the following
materials if the materials are stored for beneficial use or are used beneficially as specified and the requirements of section 11551(1) are met:

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

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

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

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

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

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

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

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

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

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

(k) Lime softening residuals from the treatment and conditioning of water for domestic use or from a community water supply used for beneficial use 3 or 4.
(l) Soil washed or otherwise removed from sugar beets that is used for beneficial use.

(m) Segregated flue gas desulfurization material used for 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.

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

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

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

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

(14) "Biosolids" means a solid, semisolid, or liquid that has been treated to meet the requirements of R 323.2414 of the Michigan Administrative Code. Biosolids includes, but is not limited to, scum or solids removed in a primary, secondary, or advanced wastewater treatment process and a derivative of the removed scum or solids.

(15) "Bond" means a financial instrument guaranteeing performance, 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, an insurance policy, a trust fund, an escrow account, or a combination of any of these.
instruments in favor of the department. The owner or operator of a
disposal area who is required to establish a bond under another
state statute or a federal statute may petition the department to
allow such a bond to meet the requirements of this part. The
department shall approve a bond established under another state
statute or a federal statute if the bond provides equivalent funds
and access by the department as other financial instruments allowed
by this subsection.

(16) "Captive facility" means a landfill or coal ash
impoundment that accepts for disposal, and accepted for disposal
during the previous calendar year, only nonhazardous industrial
waste generated only by the owner of the landfill or coal ash
impoundment.

(17) "Captive type III landfill" means a type III landfill
that meets either of the following requirements:
   (a) Accepts for disposal only nonhazardous industrial waste
generated only by the owner of the landfill.
   (b) Is a nonhazardous industrial waste landfill described in
section 11525(4)(a), (b), or (c).

(18) "Cement kiln dust" means particulate matter
collected in air emission control devices serving Portland cement
kilns.

(19) "Certificate of deposit" means a negotiable
certificate of deposit that meets all of the following
requirements:
   (a) Is negotiable.
   (b) Is held by a bank or other financial institution regulated
and examined by a state or federal agency, the value of which is
   (c) Is fully insured by an agency of the United States
government. A certificate of deposit used to fulfill the
requirements of this part shall be
(d) Is in the sole name of the department. with
(e) Has a maturity date of not less than 1 year. and shall be
(f) Is renewed not less later than 60 days before the maturity
date. An applicant who uses a certificate of deposit as a bond
shall receive any accrued interest on that certificate of deposit
upon release of the bond by the department.
(20) (14) "Certified health department" means a city, county,
or district department of health that is specifically delegated
authority by the department to perform designated activities as
prescribed by this part. certified under section 11507a.
(21) "Class 1 compostable material" means any of the
following:
(a) Yard waste.
(b) Wood.
(c) Food waste.
(d) Paper products.
(e) Manure or animal bedding.
(f) Anaerobic digester digestate that does not contain free
liquids.
(g) Compostable products.
(h) Dead animals unless infectious or managed under 1982 PA
239, MCL 287.651 to 287.683.
(i) Spent grain from breweries.
(j) Paunch.
(k) Food processing residuals.
(l) Aquatic plants.
(m) Any other material, including, but not limited to, fat,
oil, or grease, that the department classifies as class 1 compostable material under section 11562.

(n) A mixture of any of these materials.

(22) "Class 1 composting facility" means a composting facility where only class 1 compostable material is composted.

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

(24) "Class 2 composting facility" means a composting facility where class 2 compostable material or a combination of class 2 compostable material and class 1 compostable material is composted.

(25) (15) "Coal ash", subject to subsection (16), (27), means any of the following:

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

(b) Residuals removed from coal ash impoundments.

(26) (16) For beneficial use 2, coal ash does not include coal fly ash except for the following if used at nonresidential property:


(b) Class F fly ash under ASTM standard C618-12A, "Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use in Concrete", by ASTM International if that fly ash forms a
pozzolanic-stabilized mixture by being blended with lime, Portland cement, or cement kiln dust.

(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.

(27) (17) "Coal ash impoundment" means a natural topographic depression, man-made excavation, or diked area that is not a landfill and that is designed to hold and, after October 14, 2015, accepted an accumulation of coal ash and liquids or other materials approved by the department for treatment, storage, or disposal and did not receive department approval of its closure. A coal ash impoundment in existence before October 14, 2015 that receives waste after the effective date of the amendatory act that added this subsection, December 28, 2018, and that does not have a permit pursuant to part 31, is considered an open dump beginning 2 years after the effective date of the amendatory act that added this subsection, December 28, 2020 unless the owner or operator has completed closure of the coal ash impoundment under section 11519b or obtained an operating license for the coal ash impoundment.

(28) (18) "Coal ash landfill" means a landfill that is used for the disposal of coal ash and may also be used for the disposal of inert materials and construction material used for purposes of meeting the definition of beneficial use 4, or other materials approved by the department.

(29) (19) "Coal bottom ash" means ash particles from the combustion of coal that are too large to be carried in flue gases
and that collect on furnace walls or at the bottom of the furnace.

(30) "Collection center" means a tract of land, building, unit, or appurtenance or combination thereof that is used to collect junk motor vehicles and farm implements under section 11530.

(31) "Commercial waste", subject to subsection (32), means solid waste generated by nonmanufacturing activities, including, but not limited to, solid waste from any of the following:

(a) Stores.
(b) Offices.
(c) Restaurants.
(d) Warehouses.
(e) Multifamily dwellings.
(f) Hotels and motels.
(g) Bunkhouses.
(h) Ranger stations.
(i) Crew quarters.
(j) Campgrounds.
(k) Picnic grounds.
(l) Day use recreation areas.
(m) Hospitals.
(n) Schools.

(32) Commercial waste does not include household waste from single-family dwellings, hazardous waste, or industrial waste.

(33) "Compost additive" means any of the following materials if added to finished compost to improve the quality of the finished compost:

(a) Products designed to enhance finished compost.
(b) Sugar beet limes.
(c) Wood ash.
(d) Drywall.
(e) Synthetic gypsum.
(f) Other materials approved by the department.

(34) "Compostable material" means organic material that can be converted to finished compost. Compostable material comprises class 1 compostable material and class 2 compostable material.

(35) "Compostable products" means utensils, food service containers, and other packaging and products that are biodegradable and satisfy any of the following requirements:
(a) Are certified by the Biodegradable Products Institute.
(c) Meet ASTM D6868-19, "Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to Be Aerobically Composted in Municipal or Industrial Facilities", by ASTM International.
(d) Are made from wood, fabric, or paper and without coatings or polymeric additives unless compliant with ASTM D6868-19 or approved by the department.

(36) "Composting" means a process of biological decomposition of class 1 compostable material or class 2 compostable material that meets the following requirements:
(a) Is carried out as provided in either of the following:
   (i) In a system using vermiculture.
   (ii) Under controlled aerobic conditions using mechanical handling techniques such as physical turning, windrowing, or
aeration or using other management techniques approved by the department. For the purposes of this subparagraph, aerobic conditions may include the presence of insignificant anaerobic zones within the composting material.

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

(37) "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. However, composting facility does not include a site where only composting described in section 11555(1)(a), (b), or (e) occurs.

(38) "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.

(39) "Contaminant of emerging concern" means a chemical that has not previously been detected in the environment or has previously been detected only at very low concentrations, that is determined to pose a risk to human health or the environment, and the impacts of which are not yet fully understood. If the EPA, the department, or the department of agriculture and rural development identify a contaminant of emerging concern, the department may add that contaminant to the list of constituents required to be monitored at facilities regulated under this part.
"Corrective action" means the investigation, assessment, cleanup, removal, containment, isolation, treatment, or monitoring of constituents, as defined in a materials management facility's approved hydrogeological monitoring plan, released into the environment from a disposal area, materials management facility, or the taking of other actions related to the release as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, the environment, or natural resources that is consistent with subtitle D of the solid waste disposal act, 42 USC 6941 to 6949a and regulations promulgated thereunder.

"County approval agency" or "CAA" means the county board of commissioners, the municipalities in the county, or the regional planning agency, whichever submits a notice of intent to prepare a materials management plan under section 11571.

"County board of commissioners" means the county board of commissioners or the elected county executive, as appropriate.

"Custodial care" includes all of the following:
(a) Preventing deep-rooted vegetation from establishing on the final cover.
(b) Repairing erosion damage on the final cover.
(c) Maintaining stormwater controls.
(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—or with source separated material or incidentally disposed of with other solid waste.

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

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

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

(5) "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) "Disposal area", subject to section 11555(5), means one or more of the following that accepts solid waste at a location as defined by the boundary identified in its construction permit, or in engineering plans approved by the department, or in a notification or registration:

   (a) A solid waste processing and transfer facility.
   (b) An incinerator.
   (c) A sanitary landfill.
   (d) A processing plant.
   (d) A coal ash impoundment.
   (e) Any other solid waste handling or disposal facility utilized in the disposal of solid waste, as determined by the department. However, a waste diversion center is not a disposal area.

(7) "Diverted waste" means waste that meets all of the following requirements:

   (a) Is generated by households, businesses, or governmental
(b) Can lawfully be disposed of at a licensed sanitary landfill or municipal solid waste incinerator.
(c) Is separated from other waste.
(d) Is 1 or more of the following:
(i) Hazardous material.
(ii) Liquid waste.
(iii) Pharmaceuticals.
(iv) Electronics.
(v) Batteries.
(vi) Light bulbs.
(vii) Pesticides.
(viii) Thermostats, switches, thermometers, or other devices that contain elemental mercury.
(ix) Sharps.
(x) Other waste material approved by the department that can be readily separated from solid waste for diversion to preferred methods of management and disposal.

(8) "Enforceable mechanism" means a legal method whereby that authorizes this state, a county, a municipality, or another person is authorized to take action to guarantee compliance with an approved county solid waste materials management plan. Enforceable mechanisms include contracts, intergovernmental agreements, laws, ordinances, rules, and regulations.

(9) "EPA" means the United States Environmental Protection Agency.

(10) "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.

(11) "Existing coal ash impoundment" means a coal ash impoundment that received coal ash before the effective date of the amendatory act that added this subsection, December 28, 2018, and that, as of that date, has not initiated elements of closure that include dewatering, stabilizing residuals, or placement of an engineered cover or otherwise closed pursuant to its part 31 permit or pursuant to R 299.4309 of the part 115 rules and, therefore, is capable of receiving coal ash in the future. A coal ash impoundment that has initiated closure is considered an open dump unless the owner or operator has completed closure of the coal ash impoundment under section 11519b or obtained an operating license for the coal ash impoundment within 2 years after the effective date of the amendatory act that added this subsection by December 28, 2020.

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

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

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

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

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

(13) "Existing disposal area" means any of the following:
(a) A disposal area that has in effect a construction permit under this part.

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

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

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

(e) An existing coal ash impoundment.

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

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

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

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

(a) Contain multiple carbon chain triglyceride molecules.

(b) Are derived from animal or plant sources.

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

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

(18) "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 for those
purposes.

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

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

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

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

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

(21) "Flue gas desulfurization material" means the material recovered from air pollution control systems that capture sulfur dioxide from the combustion of wood, coal, or fossil fuels, or other combustible materials.
constitute less than 50% by weight of the total material combusted and the department determines in writing that the other combustible materials do not materially affect the character of the residue. Flue gas desulfurization material includes synthetic gypsum.

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

(a) Residuals of fruits, vegetables, aquatic plants, or field crops, including those generated by a brewery or distillery.
(b) Otherwise unusable parts of fruits, vegetables, aquatic plants, or field crops from the processing thereof, including those generated by a brewery or distillery.
(c) Otherwise unusable food products that do not meet size, quality, or other product specifications and that were intended for human or animal consumption.

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

(24) "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 compost, including glass, textiles, rubber, metal, ceramics, noncompostable plastic, and painted, laminated, or treated wood.

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

(26) "Functional stability" means the stage at which a
landfill does not pose a significant risk to human health and the environment at a point of exposure, in the absence of active control systems.

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

(28) "Gasification" means a process through which materials are heated, without combustion, in an oxygen-deficient atmosphere and converted to synthesis gas, which can be further converted into chemicals, chemical feedstocks, or fuels, such as ethanol. If source separated material is the feedstock, gasification is not considered to be incineration, disposal, or processing of solid waste.

(29) "General permit" means a permit that does both of the following:
   (a) Covers a category of activities that the department determines will not negatively impact human health and will not have more than minimal short-term adverse impacts on the natural resources and environment.
   (b) Includes requirements for a site plan, an operations plan, a facility final closure plan, and financial assurance.

(30) "General use compost" means finished compost that is produced from 1 of the following:
   (a) Class 1 compostable material.
(b) Class 2 compostable material, including any combination of class 1 compostable material and class 2 compostable material, that meets the requirements listed in section 11553(5).

Sec. 11504. (1) "Health officer" means a full-time administrative officer of a certified health department. "Host community approval" means an agreement, resolution, letter, or other document indicating that the governing body of the municipality where the materials management facility is proposed to be located has reviewed and approved the development of that specific facility.

(2) "Household waste" means solid waste that is generated by single-family households. Household waste does not include commercial waste, industrial waste, hazardous waste, or construction and demolition waste.

(3) "Industrial waste" means solid waste that is generated by manufacturing or industrial processes at an industrial site and that is not a hazardous waste regulated under part 111.

(4) "Industrial waste landfill" means a landfill that is used for the disposal of any of the following, as applicable:
   (a) Industrial waste that has been characterized for hazard and that has been determined to be nonhazardous under part 111.
   (b) If the landfill is an existing disposal area, nonhazardous solid waste that originates from an industrial site.

(5) "Inert material" means any of the following:
   (a) Rock.
   (b) Trees, stumps, and other similar land-clearing debris, if all of the following conditions are met:
      (i) The debris is buried on the site of origin or another site, with the approval of the owner of the site.
(ii) The debris is not buried in a wetland or floodplain.

(iii) The debris is placed at least 3 feet above the 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.

(c) Uncontaminated excavated soil or dredged sediment.

Excavated soil or dredged sediment is considered uncontaminated if it does not contain more than de minimis amounts of solid waste and any of the following apply:

(i) The soil or sediment is not contaminated by a hazardous substance as a result of human activity. Soil or sediment that naturally contains elevated levels of hazardous substances above unrestricted residential or any other part 201 generic soil cleanup criteria is not considered contaminated for purposes of this subdivision. A soil or sediment analysis is not required under this subparagraph if, based on past land use, there is no reason to believe that the soil or sediment is contaminated.

(ii) For any hazardous substance that could reasonably be expected to be present as a result of past land use and human activity, the soil or sediment does not exceed the background concentration, as that term is defined in part 201 section 20101.

(iii) For any hazardous substance that could reasonably be expected to be present as a result of past land use and human activity, the soil or sediment falls below part 201 generic residential soil direct contact cleanup criteria and hazardous substances in leachate from the soil or sediment, using, at the option of the generator, EPA method 1311, 1312, or any other leaching protocol approved by the department, fall below part 201 generic residential health based groundwater drinking water values.
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.

(d) Excavated soil from a site of environmental contamination, corrective action, or response activity if the soil is not a listed hazardous waste under part 111 and if hazardous substances in the soil do not exceed generic soil cleanup criteria for unrestricted residential use as defined in part 201 section 20101 or background concentration as defined in part 201, section 20101, as applicable.

(e) Construction brick, masonry, pavement, or broken concrete that is reused for fill, rip rap, slope stabilization, or other construction, if all of the following conditions are met:

(i) The use of the material does not violate section 3108, part 301, or part 303.

(ii) The material is not materially contaminated. Typical surface oil staining on pavement and concrete from driveways, roadways, and parking lots is not material contamination. Material covered in whole or in part with lead-based paint that contains more than 0.5% lead is materially contaminated.

(iii) The material does not include exposed reinforcing bars.

(f) Portland cement clinker produced by a cement kiln using wood, fossil fuels, or solid waste as a fuel or feedstock, but not including cement kiln dust generated in the process.

(g) Asphalt pavement or concrete pavement that meets all of the following requirements:

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

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

(iii) Does not include exposed reinforcement bars.
(h) Cuttings, drilling materials, and fluids used to drill or complete a well installed pursuant to part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of the well is not a facility under part 201.

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

(6) "Innovative technology facility" means a materials management facility that converts solid waste into energy or a usable product and that is not a materials recovery facility, a composting facility, or an anaerobic digester.

(7) "Insurance" means insurance that conforms to the requirements of 40 CFR 258.74(d) and is provided by an insurer that has a certificate of authority from the director of insurance and financial services to sell this line of coverage. An applicant for an operating license or general permit shall submit evidence of the required coverage by submitting both of the following to the department:

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

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

(8) "Landfill" means a disposal area that is a sanitary landfill type of disposal area consisting of 1 or more landfill units and the active work areas associated with those units. Landfills are classified as 1 of the following:

(a) A type II landfill, which is a municipal solid waste landfill and includes a municipal solid waste incinerator ash landfill.
(b) A type III landfill, which is any landfill that is not a municipal solid waste landfill or hazardous waste landfill and includes all of the following:

(i) A construction and demolition waste landfill.

(ii) An industrial waste landfill.

(iii) A landfill that accepts waste other than household waste, municipal solid waste incinerator ash, or hazardous waste from conditionally exempt small quantity generators.

(iv) A coal ash landfill.

(v) An existing coal ash impoundment that is closed or is actively being closed as a landfill pursuant to R 299.4309 of the part 115 rules.

(9) "Landfill care fund" means a trust or escrow account or landfill care fund bond required by section 11525d.

(10) "Landfill care fund bond" means a surety bond, an irrevocable letter of credit, or a combination of these instruments in favor of the department by which a landfill care fund is established.

(11) "Large", in reference to a composting facility, means a composting facility to which both of the following apply:

(a) The site at any time contains more than 500 cubic yards of compostable material.

(b) The site does not qualify as a small or medium composting facility.

(12) "Lateral expansion" means a horizontal expansion of the solid waste boundary of any of the following:

(a) A landfill, other than a coal ash landfill, if the expansion is beyond the limit established in a construction permit or engineering plans approved by the solid waste control agency

(b) A coal ash landfill, if the expansion is beyond either of the following applies:

(i) The expansion is beyond the limit established in a construction permit issued after the effective date of the amendatory act that added this subsection or the horizontal limits of coal ash in place on or before October 14, 2015. December 28, 2018.

(ii) The expansion is made after October 19, 2015, and is a horizontal expansion of the outermost boundary, as defined by a construction certification or operating license, of an existing coal ash landfill.

(c) A coal ash impoundment, if the expansion is beyond the limit established in a construction permit or the horizontal limits of coal ash in place on or before October 14, 2015.

(13) (8) "Letter of credit" means an irrevocable letter of credit that complies with 40 CFR 258.74(c).

(14) "License" means an operating license.

(15) (9) "Lime kiln dust" means particulate matter collected in air emission control devices serving lime kilns.

(16) "Local health officer" means a local health officer as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105, to which the department delegates certain duties under part 115.

(17) (10) "Low-hazard industrial waste" means industrial material that has a low potential for groundwater contamination when managed in accordance with this part 115. The following materials are low-hazard industrial wastes:

(a) Coal ash and wood ash.
(b) Cement kiln dust.
(c) Pulp and paper mill material.
(d) Scrap wood.
(e) Sludge from the treatment and conditioning of water for domestic use.
(f) Residue from the thermal treatment of petroleum contaminated soil, media, or debris.
(g) Sludge from the treatment and conditioning of water from a community water supply.
(h) Foundry sand.
(i) Mixed wood ash, scrap wood ash, and pulp and paper mill ash.
(j) Street cleanings.
(k) Asphalt shingles.
(l) New construction or production scrap drywall.
(m) Chipped or shredded tires.
(n) Copper slag.
(o) Copper stamp sands.
(p) Dredge material from nonremedial activities.
(q) Flue gas desulfurization material.
(r) Dewatered grinding slurry generated from public transportation agency road projects.
(s) Any material determined by the department under section 11553(7) to be a low-hazard industrial waste.

(18) "Low-hazard-potential coal ash impoundment" means a coal ash impoundment that is a diked surface impoundment, the failure or misoperation of which is expected to result in no loss of human life and low economic or environmental losses principally limited to the impoundment owner's property.
(19) "Managed material" means solid waste, diverted waste, or recyclable material. Managed material does not include a material or product that contains iron, steel, or nonferrous metals and that is 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.

(20) "Materials management facility" or, unless the context implies a different meaning, "facility" means any of the following, subject to subsection (21):

(a) A disposal area.

(b) A materials utilization facility.

(c) A waste diversion center.

(21) Materials management facility or facility does not include a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, or nonferrous metals into prepared grades of products suitable for consumption, reuse, or additional processing.

(22) "Materials management plan" or "MMP" means a plan required under section 11571.

(23) "Materials recovery facility", subject to subsection (24), means a facility that meets both of the following requirements:

(a) Receives primarily source separated material and sorts, bales, or processes the source separated material for reuse, recycling, or utilization as a raw material or new product.

(b) On an annual basis, does not receive an amount of solid waste equal to or more than 15% of the total weight of material received by the facility unless the materials recovery facility is
making reasonable effort and has an education program to reduce the amount of solid waste. Material disposed as a result of recycling market fluctuations is not included in the 15% calculation.

(24) Materials recovery facility does not include any of the following:

(a) A retail, commercial, or industrial establishment that bales for off-site shipment managed material that it generates.

(b) A retail establishment that collects returnable beverage containers under 1976 IL 1, MCL 445.571 to 445.576.

(c) A beverage distributor, or its agent, that manages returnable beverage containers under 1976 IL 1, MCL 445.571 to 445.576.

(d) A facility or area used for reuse, recycling, or storage of recyclable materials solely generated by an industrial facility.

(e) A facility that is an end user or secondary processor and that uses, processes, stores, or uses as fuel material generated by industrial facilities.

(f) A facility that manages material that was previously sorted or processed.

(25) "Materials utilization" means recycling, composting, or converting material into energy rather than disposing the material.

(26) "Materials utilization facility" means a facility that is any of the following:

(a) A materials recovery facility.

(b) A composting facility.

(c) An anaerobic digester, except at a manufacturing facility that generates its own feedstock.

(d) An innovative technology facility.

(27) "Materials management goals" means goals identified in
the MMP pursuant to section 11578(a).

(28) (12) "Medical waste" means that term as it is defined in section 13805 of the public health code, 1978 PA 368, MCL 333.13805.

(29) "Medium", in reference to a composting facility, means a composting facility to which all of the following apply:

(a) The site at any time contains more than 500 cubic yards of compostable material.

(b) The site does not qualify as a small composting facility.

(c) The site does not at any time contain more than 10,000 cubic yards of compostable material.

(d) The site does not at any time contain more than 10% by volume of class 1 compostable material other than yard waste.

(e) Unless approved by the department, the site does not at any time on any acre contain more than 5,000 cubic yards of compostable material, finished product, compost additives, or screening rejects.

(30) (13) "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.

(31) "Municipal solid waste" means household waste, commercial waste, waste generated by other nonindustrial locations, waste that has characteristics similar to that generated at a household or commercial business, or any combination thereof. Municipal solid waste does not include municipal wastewater treatment sludges, industrial process wastes, automobile bodies, combustion ash, or
construction and demolition debris.

(32) "Municipal solid waste incinerator" means an incinerator that is owned or operated by any person, and that meets all of the following requirements:

(a) The incinerator receives solid waste from off site and burns only household waste from single family and multiple multifamily dwellings, hotels, motels, and other residential sources, or this such 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.

(b) The incinerator has established contractual requirements or other notification or inspection procedures sufficient to ensure that the incinerator receives and burns only waste referred to in subdivision (a).

(c) The incinerator meets the requirements of this part and the rules promulgated under this part 115.

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

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

(33) "Municipal solid waste incinerator ash" means the substances remaining after combustion in a municipal solid waste incinerator.

(34) "Municipal solid waste recycling rate" means the amount of municipal solid waste recycled or composted, divided by the amount of municipal solid waste recycled, composted, landfilled, or incinerated.
(35) "New coal ash impoundment" means a coal ash impoundment that first receives coal ash after the effective date of the amendatory act that added this subsection: December 28, 2018.

(36) "New disposal area" means a disposal area that requires a construction permit under this part and includes all of the following:

(a) A disposal area, other than an existing disposal area, that is proposed for construction.

(b) For a landfill, a lateral expansion, vertical expansion, or other expansion that results in an increase in the landfill's design capacity.

(c) A new coal ash impoundment, or a lateral expansion of a coal ash impoundment beyond the placement of waste as of October 14, 2015.

(d) For a disposal area other than landfills or coal ash impoundments, an enlargement in capacity beyond that indicated in the construction permit or in engineering plans approved before January 11, 1979.

(e) For any existing disposal area, an alteration of the disposal area to a different disposal area type than had been specified in the previous construction permit application or in engineering plans that were approved by the director or his or her designee before January 11, 1979.

(37) "Nonresidential property" means property not used or intended to be used for any of the following:

(a) A child day care center.

(b) An elementary school.

(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.

(38) "Operate" includes, but is not limited to, conducting, managing, and maintaining.

(39) "Part 115" means this part and rules promulgated under this part.

(40) "Part 115 rules" means R 299.4101 to R 299.4922 of the Michigan Administrative Code including any amendments to or replacements of those rules.

(41) "Perpetual care fund" means a trust or escrow account or perpetual care fund bond provided for in section 11525.

(42) "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.

(43) "Planning area" means the geographic area to which a materials management plan applies.

(44) "Planning committee" means a committee appointed under section 11572.

(45) "Preexisting unit" means a landfill unit that is or was licensed under part 115 but has not received waste after October 9, 1993.

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

(47) "Pulp and paper mill material" means all of the following materials if generated at a facility that produces pulp or paper:

(a) Wastewater treatment sludge, including wood fibers, minerals, and microbial biomass.
(b) Rejects from screens, cleaners, and mills.
(c) Bark, wood fiber, and chips.
(d) Scrap paper.
(e) Causticizing residues, including lime mud and grit and green liquor dregs.
(f) Any material that the department determines has characteristics that are similar to any of the materials listed in subdivisions (a) to (e).

(48) "Pyrolysis" means a process that does not involve combustion and through which materials are heated in the absence of oxygen until melted and thermally decomposed, and then are cooled, condensed, and converted into other intermediate or final products. If source separated materials are used as the feedstock, pyrolysis is not considered to be incineration, disposal, or processing of solid waste.

Sec. 11505. (1) "RDDP" means a research, development, and demonstration project for a new or existing type II landfill unit 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 plastics, paper products, wood, rubber, textiles, food waste, yard clippings, and other materials that may be recycled or composted.

(3) "Recycling" means any process applied to materials that are no longer being used and that would have otherwise been disposed as waste, for the purpose of converting the materials into raw materials or intermediate or new products.

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

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

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

(7) "Restricted use compost" means compost that is produced from class 2 compostable material, including any combination of class 1 compostable material and class 2 compostable material, that is not approved as inert under section 11553(5).

(8) "Reuse" means to remanufacture, use again, use in a different manner, or use after reclamation.

(9) "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.

(10) "Salvaging" means the lawful and controlled removal of reusable materials from solid waste.

(7) "Sanitary landfill" means a type of disposal area consisting of 1 or more landfill units and the active work areas associated with those units. Sanitary landfills are classified as 1 of the following types of landfills:

(a) A type II landfill, which is a municipal solid waste landfill and includes a municipal solid waste incinerator ash landfill.

(b) A type III landfill, which is any landfill that is not a municipal solid waste landfill or hazardous waste landfill and includes all of the following:

(i) A construction and demolition waste landfill.

(ii) An industrial waste landfill.

(iii) A landfill that accepts waste other than household waste, municipal solid waste incinerator ash, or hazardous waste from conditionally exempt small quantity generators.

(iv) A coal ash landfill.

(v) An existing coal ash impoundment that is closed or is actively being closed as a landfill pursuant to R 299.4309 of the part 115 rules.

(11) "Scrap wood" means wood or wood product that is 1 or more of the following:

(a) Plywood, particle board, pressed board, oriented strand board, fiberboard, resonated wood, or any other wood or wood product mixed with glue, resins, or filler.
(b) Wood or wood product treated with creosote or pentachlorophenol.

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

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

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

(13) "Slag" means the nonmetallic product resulting from melting or smelting operations for iron or steel.

(14) "Small", in reference to a composting facility, means a composting facility to which both of the following apply:

(a) The site at any time contains more than 500 cubic yards of compostable material but does not at any time contain 1,000 or more cubic yards of compostable material.

(b) The site does not at any time contain 5% or more by volume of class 1 compostable material other than yard waste.
the appropriate GAAMPS.

(d) Liquid waste.

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

(f) Slag or slag products directed to a slag processor or to a 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:

(i) Food processing residuals and garbage

(ii) Precipitated calcium carbonate from sugar beet processing.

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

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

(v) Aquatic plants.

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

(j) Source separated materials.

(k) Site separated material.

(k) Coal ash, when used under any of the following 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.

(iv) As a road base or construction fill that is placed at least 4 feet above the seasonal groundwater table and covered with asphalt, concrete, or other material approved by the department.

(l) Inert material.

(m) Soil that is washed or otherwise removed from sugar beets, has not more than 55% moisture content, and is registered as a soil conditioner under part 85. Any testing required to become registered under part 85 is the responsibility of the generator.

(n) Soil that is relocated under section 20120c.

(o) Diverted waste that is managed through a waste diversion center.

(p) Beneficial use by-products.

(q) Coal bottom ash, if substantially free of fly ash or economizer ash, when used as cold weather road abrasive.

(r) Stamp sands when used as cold weather road abrasive in the Upper Peninsula by any of the following:

(i) A public road agency.

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

(s) Any material that is reclaimed or reused in the
(t) Any secondary material that, as specified in or determined pursuant to 40 CFR part 241, is not a solid waste when combusted.

(u) Other wastes regulated by statute.

(2) "Solid waste hauler" means a person who owns or operates a solid waste transporting unit.

(3) "Solid waste management fund" means the solid waste management fund created in section 11550.

(4) "Solid waste processing plant" and transfer facility" means a tract of land, a building, or unit, or appurtenance and any appurtenances of a building or unit, a container, or any combination of land, buildings, and units that is used or intended for use for in the handling, storage, transfer, or processing of solid waste, or the separation of material for salvage or disposal, or both, but does not include a plant engaged primarily in the acquisition, processing, and shipment of ferrous or nonferrous metal scrap, or a plant engaged primarily in the acquisition, processing, and shipment of slag or slag products, and is not located at the site of generation or the site of disposal of the solid waste. Solid waste processing and transfer facility includes a pyrolysis facility or gasification plant that uses solid waste as a feedstock.

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

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

(6) "Source reduction" means any practice that reduces or
eliminates the generation of waste at the source.

(7) "Source separated material" means any of the following
materials if separated at the source of generation or at a
materials management facility that complies with part 115 and if
not speculatively accumulated:

(a) Glass, metal, wood, paper products, plastics, rubber,
textiles, garbage, food waste, electronics, latex paint, yard
waste, or any other material approved by the department that is
used for conversion into raw materials or intermediate or new
products. For the purposes of this subdivision, raw materials or
intermediate or new products include, but are not limited to,
compost, biogas from anaerobic digestion, synthesis gas from
gasification or pyrolysis, or other fuel. This subdivision does not
prohibit material from being classified as a renewable energy
resource as defined in section 11 of the clean and renewable energy
and energy waste reduction act, 2008 PA 295, MCL 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 prohibit
material from being classified as a renewable energy resource as
defined in section 11 of the clean and renewable energy and energy
waste reduction act, 2008 PA 295, MCL 460.1011.

(d) Recovered paint solids if used to fuel an industrial boiler, kiln, power plant, gasification facility, or furnace, subject to part 55; if bonded with cement or asphalt; or if used for other uses approved by the department.

(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.

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

(g) Asphalt shingles that meet both of the following requirements:

(i) Do not contain asbestos, rolled roofing, wood, nails, or tar paper.

(ii) Are used as described in any of the following:

(A) As a component in hot mix asphalt, warm mix asphalt, or used to cold patch asphalt.

(B) To fuel an industrial boiler, kiln, power plant, or furnace, subject to part 55, or for other

(C) Mixed with recycled asphalt pavement at a maximum of 1 to 1 ratio by volume to produce a base that is covered by concrete or asphalt paving.

(D) Other uses approved by the department.

(h) Municipal solid waste incinerator ash that meets criteria specified by the department and that is used as daily cover at a disposal facility licensed pursuant to this part 115.

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

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

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

(l) Leaves that are ground or mixed with ground wood and sold as mulch for landscaping purposes if the volumes so managed are reported to the department in the manner provided in section 11560.

(m) Any material determined by the department in writing before September 16, 2014 to be a source separated material.

(n) Yard waste that is land applied on a farm in a manner consistent with GAAMPS.

(o) Yard waste, class 1 compostable material, and class 2 compostable material that are delivered to an anaerobic digester authorized under part 115 by the department to receive the material.

(p) Recyclable materials.

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

(9) "Treated wood" means wood or wood product that has been treated with 1 or more of the following:
   (a) Chromated copper arsenate (CCA).
   (b) Ammoniacal copper quat (ACQ).
   (c) Ammoniacal copper zinc arsenate (ACZA).
   (d) Any other chemical designated in rules promulgated by the department.

(10) "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.
(11) "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 of the Michigan Administrative Code.

(12) "Type II landfill" means a landfill that receives household waste or municipal solid waste incinerator ash, or both, and that may also receive other types of solid waste, such as any of the following:

(a) Construction and demolition waste.

(b) Sewage sludge.

(c) Commercial waste.

(d) Nonhazardous sludge.

(e) Hazardous waste from conditionally exempt small quantity generators.

(f) Industrial waste.

(13) "Type III landfill" means a landfill that is not a type II landfill or hazardous waste landfill and includes all of the following:

(a) A construction and demolition waste landfill.

(b) An industrial waste landfill.

(c) A low hazard industrial waste landfill.

(d) A surface impoundment authorized as an industrial waste landfill.

(e) A landfill that accepts only waste other than household waste, municipal solid waste incinerator ash, or hazardous waste from conditionally exempt small quantity generators.

(14) "Vermiculture" means the controlled and managed process by which live worms degrade organic materials into worm castings or worm humus.
(15) "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.

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

(17) "Wood ash" means any type of ash or slag resulting from the burning of wood.

(18) "Yard clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage. Christmas trees or wreaths, food waste, or screened finished compost made from yard waste.

Sec. 11507. (1) Optimizing recycling opportunities, including electronics recycling opportunities, and the reuse of materials are a principal objective of this state's solid waste management plan. Recycling and reuse of materials, including the reuse of materials from electronic devices, are in the best interest of the public health and welfare. This state should develop policies, practices, and goals that promote recycling and reuse of materials, waste reduction, and pollution prevention and that, to the extent practical, minimize the use of landfilling and municipal solid waste incineration as methods for disposal of waste. Policies and practices that promote recycling and reuse of materials, including
materials from electronic devices, result in conservation of raw
materials and landfill space and avoid the contamination of soil
and groundwater from heavy metals and other pollutants.

(2) It is the goal of this state to achieve a 45% municipal
solid waste recycling rate, and, as an interim step, a 30%
municipal solid waste recycling rate by 2025, through the benchmark
recycling standards.

(3) The department and a local 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) This part Part 115 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-to
remove materials from the waste stream.

(5) A person shall not dispose, store, or transport solid
waste in this state unless the person complies with part 115.

(6) 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. Part
115 is intended to encourage the continuation of the private sector
in materials management, disposal, and transportation in compliance
with part 115. Part 115 is not intended to prohibit salvaging.

Sec. 11507a. (1) The owner or operator of a landfill shall
annually submit a report to the state and the county and
municipality in which the landfill is located that contains
information on the amount of solid waste received by the landfill during the year itemized, to the extent possible, by county, state, or country of origin and the amount of remaining disposal capacity at the landfill. Remaining disposal capacity shall be calculated as the permitted capacity less waste in place for any area that has been constructed and is not yet closed plus the permitted capacity for each area that has a permit for construction under this part but has not yet been constructed. The report shall be submitted on a form provided by the department within 45 days following the end of each state fiscal year.

(2) By January 31 of each year, the department shall submit to the legislature a report summarizing the information obtained under subsection (1). Under rules promulgated by the department, the department may certify a city, county, or district health department to perform a solid waste management program or designated activities as prescribed in part 115. The department may rescind certification under either of the following circumstances:

(a) Upon request of the certified health department.

(b) After reasonable notice and an opportunity for a hearing if the department finds that the certified health department is not performing the program or designated activities as required.

Sec. 11508. (1) A city, county, or district health department may be certified by the department to perform a solid waste management program. Certification procedures shall be established by the department by rule. The department may rescind certification upon request of the certified health department or after reasonable notice and hearing if the department finds that a certified health department is not performing the program as required. A person shall not operate a materials management facility unless all of the
following requirements are met:

(a) The owner or operator has complied with any applicable requirement of part 115 to notify the department, register with the department, obtain an approval from the department under a general permit, or obtain a construction permit and operating license from the department.

(b) The operation is in compliance with the terms of any registration, general permit, construction permit, or operating license issued for the materials management facility under part 115.

(c) The facility is consistent with the MMP. This subdivision does not apply to a disposal area described in section 11509(1)(b) or 11513(2).

(2) The department shall deny an application for a registration, for approval under a general permit, or for a construction permit or operating license for a materials management facility unless the department has, under section 11575(9), approved an MMP for the planning area where the facility is located or proposed to be located and the facility is consistent with the MMP, as determined under section 11585. However, all of the following apply:

(a) Before an MMP is initially approved by the department under section 11575(9), the department may issue a construction permit for a solid waste processing and transfer facility or an approval under a general permit or a registration for a materials utilization facility if the county approval agency and the legislative body of the municipality in which the facility is or is proposed to be located have each notified the department in writing that they approve the issuance.
(b) Proposed landfill expansions shall follow the siting process of the existing solid waste management plan until an MMP for the planning area is approved by the department.

(c) Before an MMP for the planning area has been approved by the department, materials utilization facilities that are required to provide a notification or registration to the department under part 115 may be sited under local zoning ordinances.

(3) A notification or application under part 115 for a construction permit, operating license, approval under a general permit, or registration required to operate a materials management facility; a notice of intent to prepare a materials management plan; a bond; a risk pooling financial mechanism; evidence of financial assurance; a request for the reduction of the amount of a financial assurance mechanism; an agreement governing the operation of a perpetual care fund trust or escrow account; an application for a grant or loan; or a report or other information required to be submitted to the department under part 115 shall meet all of the following requirements:

(a) Be on a form and in a medium provided or approved by the department.

(b) Contain relevant information required by the department.

(c) If an application, be accompanied by any applicable application fee provided for by this part.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) Senate Bill No.____ or House Bill No.5813 (request no.
(b) Senate Bill No.____ or House Bill No.5814 (request no. 06086'20 *).
(c) Senate Bill No.____ or House Bill No.5815 (request no. 06087'20 *).
(d) Senate Bill No.____ or House Bill No.5816 (request no. 06088'20 *).
(e) Senate Bill No.____ or House Bill No.5817 (request no. 06127'20 *).