HOUSE BILL NO. 5813

May 28, 2020, Introduced by Reps. Sowerby, Howell, Tate, 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 11509, 11510, 11511, 11511a, 11511b, 11512, 11513, 11514, 11514b, 11515, 11516, 11517, 11518, 11519, 11519b, and 11521b (MCL 324.11509, 324.11510, 324.11511, 324.11511a, 324.11511b, 324.11512, 324.11513, 324.11514, 324.11514b, 324.11515, 324.11516, 324.11517, 324.11518, 324.11519, 324.11519b, and 324.11521b), by designating sections 11509 to 11519b as subpart 2 and section 11521b as subpart 3, and by adding sections 11512b, 11512d, 11512f, and 11512h; and to repeal acts and parts of acts.
THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SUBPART 2 DISPOSAL AREAS

Sec. 11509. (1) Except as otherwise provided in section 11529, this section and sections 11510 to 11512 apply to disposal areas other than the following:

(a) A solid waste processing and transfer facility described in section 11513(2) or (3).

(b) An incinerator that does not comply with the construction permit and operating license requirements of this subpart, as allowed under section 11540.

(2) 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 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 shall apply submit the application for a construction permit to the department through the appropriate local health officer. If however, if the disposal area is located in a county or city that does not have a certified health department, the application shall be submitted directly to the department. An application for a construction permit shall be accompanied by engineering plans.

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

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

(i) For a municipal solid waste type II landfill, $1,500.00.
(ii) For Except as provided in subparagraph (iii), for an industrial waste landfill, $1,000.00 - $2,000.00.
(iii) For a type III landfill limited to low hazard industrial waste, $750.00 - $1,500.00.

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

(i) For a municipal solid waste type II landfill, $1,000.00 - $2,000.00.
(ii) For Except as provided in subparagraph (iii), for an industrial waste landfill, $750.00 - $1,500.00.
(iii) For a type III landfill limited to low hazard industrial waste, construction and demolition waste, or other nonindustrial waste, $500.00 - $1,000.00.

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

(i) For a municipal solid waste type II landfill, $750.00 - $1,500.00.
(ii) For Except as provided in subparagraph (iii), for an industrial waste landfill, $500.00 - $1,000.00.
(iii) For an industrial waste landfill limited to low hazard
industrial waste, construction and demolition waste, or other nonindustrial waste, $250.00–$500.00.

(d) For a new coal ash impoundment, a fee of $1,000.00.

(e) For a lateral or vertical expansion of a coal ash impoundment, a fee of $750.00.

(4) The application for a construction permit for a solid waste transfer facility, a solid waste processing plant, other disposal area, or a combination of these, that is not a landfill shall be accompanied by an application fee in the following amount:

(a) For a new facility disposal area for municipal solid waste, or a combination of municipal solid waste and waste listed in subdivision (b), $1,000.00–$2,000.00.

(b) For a new facility disposal area for industrial waste, or construction and demolition waste, $500.00–$1,000.00.

(c) For the expansion of an existing facility disposal area for any type of waste, $250.00–$500.00.

(5) If an application is returned to the applicant as administratively incomplete, the department shall refund the entire fee. The applicant may, within 1 year after the application is returned, resubmit the application, together with the additional information as needed to address the reasons for being incomplete, without paying an additional application fee. If a permit is denied or an application is withdrawn, the department shall refund 1/2 the amount specified in subsection (3) to the applicant. An applicant for a construction permit, within 12 months—1 year after the permit denial or application withdrawal, may resubmit the application, and the refunded portion of the fee, together with the additional information as needed to address the reasons for denial.
or withdrawal, without being required to pay an additional application fee.

(6) Subject to section 11510(2)(d), an application for a modification to a construction permit or for renewal of a construction permit which has expired shall be accompanied by a fee of $250.00. Increases in final elevations that do not result in an increase in design capacity or a change in the solid waste boundary shall be considered a modification and not a vertical expansion. $500.00.

(7) A person may apply for a single permit to construct more than 1 type of disposal area at the same facility. A person who applies to permit more than 1 type of disposal area at the same facility shall pay a fee equal to the sum of the applicable fees listed in this section for each type of disposal area.

(8) The department shall deposit permit application fees collected under this section in the solid waste staff account of the solid waste management fund established in section 11550.

(9) The department shall not approve an application for a construction permit for a new type II landfill that is not contiguous to an already permitted type II landfill or for a new municipal solid waste incinerator unless the approval is requested by the county board of commissioners and the department determines that the landfill or incinerator is needed for the planning area. The county board of commissioners' request shall include a demonstration that materials utilization options have been exhausted. The department's determination of need shall be based on human health, solid waste disposal capacity, and economic issues that would arise without the new site.

(10) As used in this section, "contiguous" means either of the
following:

(a) On the same property. The property may be divided by either of the following:

(i) The boundary of a local unit of government.

(ii) A public or private right-of-way if access to and from the right-of-way for each piece of the property is opposite the access for the other piece of the property so that movement between the 2 pieces of the property is by crossing the right-of-way.

(b) On 2 or more properties owned by the same person if the properties are connected by a right-of-way that the owner controls and to which the public does not have access.

Sec. 11510. (1) Before the submission of a construction permit application under section 11509 for a new disposal area, the applicant shall request a local 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.

(2) Upon receipt of a construction permit application, the 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 under part 93, each division within the department and the department of natural resources that has responsibilities in land, air, or water management, the regional planning agency, and the designated regional solid waste management planning agency for the planning area.

(b) Publish a notice in a newspaper or by electronic media
having major circulation or viewership in the vicinity of the
proposed disposal area. The required published notice shall contain
—all of the following:

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

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

(iii) The location where the complete application package may be
reviewed and where copies may be obtained.

(c) Indicate in the public, departmental, and municipality
notice notices under subdivisions (a) and (b) that the department
shall will hold a public hearing in the area of the proposed
disposal area if a written request is submitted by the applicant,
or a municipality, or a designated planning agency within 30 days
after the date of publication of the notice, or by a petition
submitted to the department containing a number of signatures equal
to not less than 10% of the number of registered voters of the
municipality where the proposed disposal area is to be located who
voted in the last gubernatorial election. The petition shall be
validated by the clerk of the municipality. 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.

(d) Conduct a consistency review of the plans of the proposed
disposal area, including the site, plans, and application, to
determine if it complies they comply with this part 115. and the
rules promulgated under this part. The review shall be made
conducted by persons qualified in hydrogeology and, sanitary if the
disposal area is a landfill, landfill engineering. The department
shall not issue a construction permit unless the persons conducting
the review submit to the department a written acknowledgment that
the application package is in compliance with the requirements of
this part 115. and rules promulgated under this part by the persons
qualified in hydrogeology and sanitary landfill engineering shall
be received before a construction permit is issued. If the
consistency review of the site and the plans and the application
meet the requirements of this part this part, the department shall issue a The construction permit
that may contain a stipulation specifically applicable to the site
and operation. Except as otherwise provided in section 11542, An
expansion of the area of a disposal area, an enlargement in
capacity of a disposal area, a change in the solid waste boundary,
or an alteration of a disposal area to a different type of disposal
area than had been specified in the previous construction permit
application constitutes a new proposal for which a new construction
permit, rather than a modification of a construction permit, is
required. The upgrading of a disposal area type required by the
department to comply with this part or the rules promulgated under
this part 115 or to comply with a consent order does not require a
new construction permit.

(e) Notify the Michigan aeronautics commission if the disposal
area is a sanitary landfill that is a new site or a lateral
expansion or vertical expansion of an existing unit proposed to be
located within 5 miles of a runway or a proposed runway extension
contained in a plan approved by the Michigan aeronautics commission
of an airport licensed and regulated by the Michigan aeronautics
commission. The department shall make a copy of the application
available to the Michigan aeronautics commission. If, after a
period of time for review and comment not to exceed not more than
60 days after receiving notification from the department, the Michigan aeronautics commission informs the department that it finds that operation of the proposed disposal area would present a potential hazard to air navigation and presents the basis for its findings, the department may either recommend appropriate changes in the location, construction, or operation of the proposed disposal area or deny the application for a construction permit. The department shall give an applicant an opportunity to rebut a finding of the Michigan aeronautics commission that the operation of a proposed disposal area would present a potential hazard to air navigation. The Michigan aeronautics commission shall notify the department and the owner or operator of a landfill if the Michigan aeronautics commission is considering approving a plan that would provide for a runway or the extension of a runway within 5 miles of 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 under section 11509 within 10 days after the final decision is made.

(2) A construction permit shall expire 1 year after the date of issuance, unless development under the construction permit is initiated within that year. A construction permit that has expired may be renewed upon payment of a permit renewal fee of $500.00 and submission of any additional relevant information the department may require.

(3) Except as otherwise provided in this subsection, the department shall not issue a construction permit for a disposal area within a planning area unless a solid waste management plan...
for that planning area has been approved pursuant to sections 11536
and 11537 and unless the disposal area complies with and is
consistent with the approved solid waste management plan. The
department may issue a construction permit for a disposal area
designed to receive ashes produced in connection with the
combustion of fossil fuels for electrical power generation in the
absence of an approved county solid waste management plan, upon
receipt of a letter of approval from whichever county or counties,
group of municipalities, or regional planning agency has prepared
or is preparing the county solid waste management plan for that
planning area under section 11533 and from the municipality in
which the disposal area is to be located.

Sec. 11511a. (1) A new coal ash landfill, a new coal ash
impoundment, or a new lateral expansion of a coal ash landfill or
impoundment shall comply with the requirements of R 299.4304, R
299.4305, and R 299.4307 to R 299.4317 of the part 115 rules,
except that the minimum design standard for a new coal ash
landfill, a new coal ash impoundment, or a new lateral expansion of
a coal ash landfill or impoundment pursuant to R 299.4307(4) of the
part 115 rules shall be solely R 299.4307(4)(b) of the part 115
rules and not R 299.4307(4)(a), (c), or (d) of the part 115 rules.

(2) A new coal ash landfill or coal ash impoundment or a new
lateral expansion of a coal ash landfill or coal ash impoundment
shall comply with the location requirements of R 299.4411 to R
299.4413 and R 299.4415 to R 299.4418 of the part 115 rules, except
that a new coal ash landfill or coal ash impoundment or a new
lateral expansion of a coal ash landfill or coal ash impoundment
shall maintain a permanent minimum clearance from the bottom of the
primary liner of not less than 5 feet to the natural groundwater
R 299.4440(3) and 299.4440(6) of the part 115 rules do not apply to coal ash impoundments or coal ash landfills. The department shall not issue a construction permit for a new coal ash landfill or new coal ash impoundment or a new lateral expansion of a coal ash landfill or coal ash impoundment unless all of the following apply:

(a) The landfill, impoundment, or expansion, respectively, complies with subsections (1) and (2), as applicable.

(b) The landfill, impoundment, or expansion, respectively, complies with R 299.4306 of the part 115 rules.

(c) The owner or operator has provided to the department a detection monitoring program in a hydrogeological monitoring plan that complies with R 299.4440 to R 299.4445 and R 299.4905 to R 299.4908 of the part 115 rules, as applicable. The waiver described in R 299.4440(2) of the part 115 rules is not available to coal ash impoundments or coal ash landfills. The constituents monitored in the detection monitoring program shall include all of the following:

(i) Boron.

(ii) Calcium.

(iii) Chloride.

(iv) Fluoride.

(v) Iron.

(vi) pH.

(vii) Sulfate.

(viii) Total dissolved solids.

(d) R 299.4440(3) and 299.4440(6) of the part 115 rules do not apply to coal ash impoundments or coal ash landfills.
(d) (e) Groundwater sampling related to coal ash impoundments or coal ash landfills shall not be field filtered.

(e) (f) The landfill, impoundment, or expansion, respectively, complies with 1 of the following:

(i) Section 11519b(2) and (4), if applicable.

(ii) A schedule, approved by the department, of remedial measures, including a sequence of actions or operations, that leads to compliance with this part within a reasonable time period but not more than 2 years after the effective date of the amendatory act that added this section—later than December 28, 2020.


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, 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 115, except as provided in this section.

(3) An extension of the processing period for an RDDP construction permit is not subject to the limitations under section 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:

(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 115. 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.
(d) A list and discussion of the types of compliance monitoring and operational monitoring that will be performed.
(e) Specific means to address potential nuisance conditions, including, but not limited to, odors and health concerns as a result of human contact.

(5) The department may authorize the addition of liquids, including, but not limited to, septage waste or other liquid waste,
to solid waste in an RDDP if the applicant has demonstrated that
the addition is necessary to accelerate or enhance the
biostabilization of the solid waste and is not merely a means of
disposal of the liquid. The department may require that the septage
waste, or any other liquid waste, added to an RDDP originate within
the county where the RDDP is located or any county contiguous to
the county where the RDDP is located. **Liquids.** If an RDDP is
intended to accelerate or enhance biostabilization of solid waste,
the construction permit application shall include, in addition to
the requirements of **information required under** subsection (4), all
of the following:

(a) An evaluation of the potential for a decreased slope
stability of the waste caused by any of the following:
   (i) Increased presence of liquids.
   (ii) Accelerated degradation of the waste.
   (iii) Increased gas pressure buildup.
   (iv) Other relevant factors.

(b) An operations management plan that incorporates all of the
following:
   (i) A description of and the proportion and expected quantity
of all components that are needed to accelerate or enhance
biostabilization of the solid waste.
   (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.
   (iii) An explanation of how the detrimental waste described in
subparagraph (ii) will be prevented from being disposed of in cells
approved for the RDDP.

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

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

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

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

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

(c) Include all of the following:

(i) A means to monitor the moisture content and temperature of
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 and control system.
The system shall be of adequate size for the anticipated methane
production rates and to control odors. The system shall be
operational before the addition of any material to accelerate or
enhance biostabilization of the solid waste.

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

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

(9) If the director determines that the overall goals of an RDDP, including, but not limited to, protection of human health or the environment, are not being achieved, the director may order immediate termination of all or part of the operations of the RDDP or may order other corrective measures.
(10) The postclosure period for a facility authorized as an RDDP begins when the department determines that the unit or portion of the unit where the RDDP was authorized has reached a condition similar to the condition that non-RDDP landfills would reach prior to postclosure. The parameters, such as moisture content, stability, gas production, and settlement, to attain this condition shall be specified in the permit. The perpetual landfill care fund required under section 11525 shall be maintained for the period after final closure of the landfill as specified under section 11523(1)(a).

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

(12) As used in this section, "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.

Sec. 11512. (1) This section applies to disposal areas as provided in section 11509(1).

(2) A person shall not dispose of solid waste at a disposal area licensed under this part unless a person is permitted unless the disposal area is licensed under this section. However, a person authorized by state law or rules promulgated by the department to do so may dispose of the solid waste at the site of generation. Waste placement in existing landfill units shall be consistent with
past operating practices or modified practices to ensure good
management.

(3) Except as otherwise provided in this section, or in
section 11529, a person shall not conduct, manage, maintain, or
operate a disposal area within this state except as authorized by
an operating license issued by the department pursuant to part 13.

In addition, a person shall not conduct, manage, maintain, or
operate a disposal area contrary to an approved solid waste
management plan, or contrary to a permit, license, or final order
issued under this part. A person who intends to conduct, manage,
maintain, or operate a disposal area shall submit a license application to the department through a
certified health department. Existing coal ash impoundments are
exempt from the licensing requirements of this part through the
date that is 2 years after the effective date of the amendatory act
that added section 11511a. December 28, 2020. 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. A person authorized by this part 115 to operate more
than 1 type of disposal area at the same facility may apply for a
single license.

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

(5) At the time of an application for a license for a disposal area, the applicant shall submit to a health officer or the department shall include a certification under the seal of a licensed professional engineer verifying that the construction of the disposal area has proceeded according to the approved plans. Any applicant for a license for an existing coal ash impoundment is exempt from the preceding requirement of this subsection but, when applying for a license, shall submit documentation in the applicant's possession or control regarding the construction of the impoundment. If construction of the disposal area or a portion of the disposal area is not complete, the department shall require the owner or operator shall submit additional construction certification of that portion of the disposal area during intermediate progression of the operation, as specified in section 11516(5). under section 11516(4).

(6) 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.

(7) 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 2500 degrees Fahrenheit may operate the incinerator without an
operating license, upon notice to the department, for a period not
to exceed 60 days.

(8) (7) The application for a type II landfill operating
license shall be accompanied by the following fee for the 5-year
term of the operating license, calculated in accordance with
subject to subsection (8) (9):

(a) Landfills receiving less than 100 tons per day,

$250.00-$500.00.

(b) Landfills receiving 100 tons per day or more, but less

than 250 tons per day, $1,000.00-$2,000.00.

(c) Landfills receiving 250 tons per day or more, but less

than 500 tons per day, $2,500.00-$5,000.00.

(d) Landfills receiving 500 tons per day or more, but less

than 1,000 tons per day, $5,000.00-$10,000.00.

(e) Landfills receiving 1,000 tons per day or more, but less

than 1,500 tons per day, $10,000.00-$20,000.00.

(f) Landfills receiving 1,500 tons per day or more, but less

than 3,000 tons per day, $20,000.00-$40,000.00.

(g) Landfills receiving greater than 3,000 tons per day,

$30,000.00-$60,000.00.

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

type II landfill that measures waste by volume rather
than weight shall pay a fee based on 3 cubic yards per ton.

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

(d) If an application is submitted to renew a license is
submitted more than 3 years before expiration of the current
license, the department shall credit the applicant an amount equal to 1/2 the application fee.

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

(10) The operating license application for a type III
landfill shall be accompanied by a fee of $2,500.00.$5,000.00.

(11) An application for an operating license by a coal
ash landfill shall be accompanied by a fee of $13,000.00. On the
anniversary of the issuance of the operating license, while the
licensing remains in effect, the coal ash landfill owner or
operator shall pay the department a fee of $13,000.00. If the
anniversary of the issuance of the operating license falls on a
legal holiday, the annual fee shall be paid on the next business
day.

(12) An application for an operating license by a coal
ash impoundment shall be accompanied by a fee of $13,000.00. On the
anniversary of the issuance of the operating license, while the
operating license remains in effect, the coal ash impoundment owner or operator shall pay the department a fee of $13,000.00. If the anniversary of the issuance of the operating license falls on a legal holiday, the annual fee shall be paid on the next business day.

(13) (12) The department shall deposit the fees collected under subsections (10) and (11) and (12) in the coal ash care fund established in section 11550.

(14) (13) Upon receipt of a license application for either a coal ash impoundment or a coal ash landfill, the department shall do all of the following:

(a) Immediately send notice to the clerk of the municipality where the disposal area is located and the designated regional solid waste management planning agency.

(b) Publish a notice in a newspaper having major circulation in the vicinity of the disposal area.

(15) (14) The notices under subsection (13) (14) shall meet all of the following requirements:

(a) Include a map indicating the location of the disposal area and a description of the disposal area.

(b) Specify the location where the complete application package may be reviewed and where copies may be obtained.

(c) Indicate that the department will accept comments for 45 days after the date of publication of the notice.

(d) Indicate that the department shall hold a public meeting in the area of the disposal area if, within 15 days after the date of publication of the notice, any of the following occur:

(i) A written request for a public meeting is submitted to the department by the applicant or a municipality.
(ii) The department determines that there is a significant public interest in or known public controversy over the application or that for any other reason a public meeting is appropriate.

(16) (15) A public meeting referred to in subsection (14)(d) (15)(d) shall be held after the department makes a preliminary review of the application and all pertinent data and before an operating license is issued or denied. During its review, the department shall consider input provided at the public meeting.

(17) (16) If an application is returned to the applicant as administratively incomplete, the department shall refund the entire fee. An applicant for a license, within 12 months after a license denial or withdrawal of a license application, may resubmit the application with the additional information as needed to address the reasons for denial, without being required to pay an additional application fee.

(18) (17) The operating license application for a solid waste processing plant, solid waste and transfer facility that manages more than 200 cubic yards at any time, or other disposal area, or combination of these entities that is not a landfill or surface impoundment shall be accompanied by a fee equal to $500.00 of $1,000.00.

(19) (18) Except as provided in subsection (12), (13), the department shall deposit operating license application fees collected under this section in the perpetual care account of the solid waste management fund established in section 11550.

(20) (19) A person who applies for an operating license for more than 1 type of disposal area at the same facility shall pay a fee equal to the sum of the applicable application fees listed in this section.
(21) The department shall not license a landfill or coal ash impoundment unless the landfill or coal ash impoundment has an approved hydrogeologic monitoring program and the owner or operator has provided the department with the monitoring results. The department shall use this information in conjunction with other information required by part 115 to determine a course of action regarding licensing of the facility consistent with section 4005 of subtitle D of the solid waste disposal act, 42 USC 6945, and with part 115. In deciding a course of action, the department shall consider, at a minimum, the health hazards, environmental degradation, and other public or private alternatives. If a landfill or coal ash impoundment violates part 115, the department may do any of the following:

(a) Revoke the landfill's or coal ash impoundment's license.
(b) If the disposal area is a coal ash impoundment that has not been previously licensed under this part, deny a license.
(c) Issue a timetable or schedule of remedial measures, including a sequence of actions or operations, that leads to compliance with part 115 within a reasonable time period but not more than 1 year.

(22) A type II landfill does not require a separate solid waste processing and transfer facility permit or license to solidify industrial waste sludges on-site in containers or tanks as specified in part 121 if that activity complies with part 55 and is approved by the department as part of the facility's operations plan.

(23) An existing industrial waste landfill may accept any of the following:

(a) Industrial waste.
(b) Solid waste that originates from an industrial site and is not a hazardous waste regulated under part 111.

(24) The owner or operator of a landfill shall annually submit a report to the department and the county and municipality in which the landfill is located that specifies the tonnage and type 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 part 115 but has not yet been constructed. The report shall be submitted within 45 days after the end of each state fiscal year. By January 31 of each year, the department shall submit to the legislature a report summarizing the information obtained under this subsection.

(25) The owner or operator of a licensed processing and transfer facility, within 45 days after the end of each state fiscal year, shall submit to the department on a form and in a medium provided by the department, a report on the amount of materials managed at the facility during that state fiscal year.

Sec. 11512b. (1) A landfill that accepts waste with the potential to generate gas must be designed to prevent the migration of explosive gases generated by the waste.

(2) A landfill that accepts municipal solid waste must be designed with an active gas collection and control system. The active gas collection and control system shall not be inoperable or unable to maintain vacuum for more than 5 consecutive days. Except as otherwise provided for in this section or approved by the
department, the active gas collection and control system shall include all of the following features:

(a) Vertical gas extraction wells that meet all of the following requirements:

(i) Are installed throughout the landfill with a maximum radius of influence of 150 feet per well and lesser radii for wells located near the perimeter of the landfill. The radii of influence of adjacent wells shall overlap. Alternate well spacings may be used for portions of a site or the entire site if approved by the department after a site-specific demonstration.

(ii) Have target depths of at least 75% of the waste depth at the well location. However, the wells should not extend closer than 10 feet above the leachate collection system.

(iii) Are constructed of pipe that meets all of the following requirements:

(A) Is at least 6 inches in diameter.

(B) Is manufactured from polyvinylchloride, high-density polyethylene, chlorinated polyvinyl chloride, or an alternate material approved by the department.

(C) Is designed to convey projected amounts of gas; withstand installation, static, and settlement forces; and withstand planned overburden and traffic loads.

(D) When constructed, is slotted or otherwise perforated and is screened in the lower 2/3 to 3/4 of its length in the borehole. The department may approve alternative perforated screened length requirements based on waste thickness or other factors.

(iv) Has boreholes that meet all of the following requirements:

(A) Are 36 inches in diameter. The department may approve alternate diameter boreholes as part of a design prepared by a
licensed professional engineer and approved by the department.

(B) Are backfilled around the perforated pipe with 3/4- to 3-inch washed stone or an alternate material if approved by the department after a site-specific demonstration.

(C) The top 10 feet are sealed in a manner approved by the department.

(b) Horizontal gas extraction wells that are properly sloped to drain accumulated liquids and designed to withstand expected overburden pressures.

(c) A flow control valve and sampling access port on each gas extraction well.

(d) A gas header system that meets all of the following requirements:

(i) The entire gas header system is designed with a loop to allow alternative flow paths for the gas as soon as practicable during both the interim and final development phases of construction.

(ii) The slope on the header pipe over the waste mass is at least 2% wherever possible. The slope outside of the waste mass shall allow efficient removal of condensate and prevents sags.

(iii) The header and lateral pipes meet both of the following requirements:

(A) Are manufactured from polyethylene or another material approved by the department.

(B) Are designed to convey projected amounts of gas and liquids; withstand installation, static, and settlement forces; and withstand planned overburden and traffic loads.

(e) A blower, header, and laterals designed so that a vacuum of at least 10 inches of water column is available at the well
located furthest from the blower. An available header vacuum of
less than 10 inches of water column at the well located furthest
from the blower complies with this subdivision if the owner or
operator of the landfill demonstrates to the department that the
available vacuum is adequate to meet performance criteria.

(f) A drip leg or equivalent installed immediately before the
blower to separate condensate from gas while preserving the suction
at the wells when under maximum operating vacuum.

(g) An approved secondary containment method for condensate
and liquid transfer piping if the piping is located outside of the
limits of the waste and installed after the effective date of the
amendatory act that added this section.

(h) The ability to collect and manage all condensate, measure
volumes of liquid removed from the gas extraction wells, and
collect samples of landfill gas.

(i) A control device to which collected landfill gas is routed
that meets all of the following requirements:

(ii) Operates at all times gas is routed to it.

(ii) Is designed and operated to meet the requirements of part
55 or the new source performance standards under 40 CFR part 60.

(iii) Operates backup blower or control equipment required under
subdivision (j).

(j) Available backup equipment to effectively control landfill
gas emissions during an equipment breakdown.

(3) A landfill that has a potential to generate gas shall have
and comply with a gas migration monitoring plan. The plan shall
include at least 1 gas monitoring probe on each side of the
landfill. The plan shall be based on all of the following factors:

(a) Soil conditions.
(b) Hydrogeologic conditions surrounding the landfill.

c) Hydraulic conditions surrounding the landfill.

d) The location of landfill structures and property boundaries.

4) A landfill that accepts industrial waste or other nonmunicipal solid waste with the potential to generate gas and that does not utilize an active gas collection and control system shall be designed with a system that allows gas venting from the entire landfill surface. The owner or operator of the landfill shall perform an analysis to determine the spacing needed between gas venting trenches for an effective system. The system shall be designed with a continuous layer, which may be utilized as part of the infiltration layer that protects the final cover liner from the waste and minimizes the effect of settlement. The continuous layer shall meet all of the following requirements:

(a) Be located below the capping layer.

(b) Allow surficial venting from the waste final surface.

(c) Consist of at least 1 foot of granular soil with hydraulic conductivity of at least $1.0 \times 10^{-3}$ cm/sec and a series of flexible, perforated pipes connected to a series of outlets or an alternative design approved by the department as providing equivalent performance.

Sec. 11512d. (1) The owner or operator of a landfill with an active gas collection and control system or a venting system shall install monitoring ports and conduct monitoring as specified by the department to determine the effectiveness of the system.

(2) The owner or operator of a landfill with an active gas collection and control system shall sample each gas extraction well for nitrogen or oxygen and for methane, pressure, temperature,
liquid level, and, if existing wellheads allow flow measurement, flow. The owner or operator shall monitor gas flow to the control device, methane content at the control device, and other parameters as specified in an approved monitoring plan.

(3) The owner or operator of a landfill shall sample each gas extraction well monthly for the parameters, other than liquid level, listed in subsection (2). Except as provided in this subsection, the liquid level in each well shall be monitored at least semi-annually. If for 2 consecutive monitoring events the liquid level in a well exceeds 50% but does not exceed 75% of the screened interval length, the owner or operator shall submit to the department for review a liquids removal evaluation and corrective action report for the well, unless the well has a functional, operated liquid pump. If the liquid level in a well exceeds 75% of the screened interval length during a monitoring event, then the liquid level monitoring frequency for that well shall be increased to quarterly. If the liquid level in a well exceeds 75% of the screened interval length for 2 consecutive monitoring events, the owner or operator of the landfill shall install a liquids pump, unless the department approves an alternative corrective action plan. If the liquid level in a well did not exceed 50% for the immediately preceding 2 consecutive monitoring events, the owner or operator may petition the department for a decreased monitoring frequency. However, decreased monitoring shall be conducted at least annually. For the purposes of the petition, the 2 consecutive monitoring events may include monitoring conducted before the effective date of the amendatory act that added this section.

(4) The owner or operator of a landfill required to have a landfill gas collection and control system shall operate the system
so that the methane concentration is 500 parts per million or less above background at the surface of the landfill.

(5) Not later than 180 days after initial waste receipt in a portion of a landfill, the owner or operator of the landfill shall commence surface monitoring for methane at all of the following locations:

(a) Where visual observations, such as of distressed vegetation or cracks or seeps in the cover, indicate elevated concentrations of landfill gas.

(b) At each penetration of daily, interim, or final landfill cover.

(c) Around the perimeter of the gas collection and control system.

(d) Along a pattern that traverses the landfill at no more than 30-meter intervals, unless the owner or operator establishes an alternative traversing pattern that is approved by the department after a site-specific demonstration.

(e) At any openings that are within an area of the landfill where waste has been placed and a gas collection and control system is required.

(6) The owner or operator of a landfill shall conduct monitoring under subsection (5) in compliance with a surface monitoring design plan approved by the department that includes a topographical map showing the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals under subsection (5)(d). The department may approve a surface monitoring design plan that excludes steep slopes or other dangerous areas from the surface monitoring.

(7) The owner or operator of a landfill shall do all of the
following:

(a) Submit gas monitoring results to the department upon request.

(b) Prepare field records of all monitoring activities under this section in sufficient detail to document whether the sampling plan has been complied with.

(c) Retain the field records required under subdivision (b) in an operating record at the landfill or in an alternative location approved by the department until the end of the long-term care period for the landfill.

(d) Make the field records available for department inspection on request.

Sec. 11512f. (1) The owner or operator of a type II landfill shall submit to the department revised engineering plans and reports required by this section in compliance with the following schedule:

(a) If, on the effective date of the amendatory act that added this section, the landfill has an active gas collection and control system and is subject to monthly wellhead monitoring pursuant to the new source performance standards under 40 CFR part 60, the owner or operator shall submit revised engineering plans that incorporate the approved new source performance standard plans within 90 days after the effective date of the amendatory act that added this section. The revised plans need not require upgrading of the initial active gas collection and control system in previously constructed areas unless it is necessary to correct surface emissions of methane at concentrations exceeding 500 parts per million above background that cannot be corrected within 1 quarterly monitoring period by following the procedures of 40 CFR
60.755(c)(4)(i) to (iv), to correct a nuisance odor violation, or to maintain vacuum requirements at the wellhead located farthest from the blower. The design requirements of section 11512b(2) apply to lateral extensions, lateral expansions, and all new units at the facility.

(b) If, on the effective date of the amendatory act that added this section, the landfill has an active gas collection and control system and is not subject to monthly wellhead monitoring pursuant to the new source performance standards under 40 CFR part 60, the owner or operator shall submit revised plans within 1 year after the effective date of the amendatory act that added this section. The revised plans need not require upgrading of the initial system in previously constructed areas unless it is necessary to correct surface emissions exceeding 500 parts per million of methane above background that cannot be corrected within 1 quarterly monitoring period by following the procedures of 40 CFR 60.755(c)(4)(i) to (iv), to correct a nuisance odor violation, or to maintain vacuum requirements at the well located furthest from the blower. The design requirements of section 11512b apply to lateral extensions and all new units at the landfill.

(c) If, on the effective date of the amendatory act that added this section, the landfill does not have an active gas collection and control system, the owner or operator shall submit revised plans for an active gas collection and control system within 1 year after detecting surface methane emissions at concentrations exceeding 500 parts per million above background that cannot be corrected within 1 quarterly monitoring period by following the procedures of 40 CFR 60.755(c)(4)(i) to (iv) or within 1 year after the department documents a nuisance odor violation. Construction of
the system shall be completed within 180 days after the department approves the revised engineering plans, unless an extension is approved by the department.

(d) If the landfill is a new unit or lateral expansion, the owner or operator must submit engineering plans and reports for an active gas collection and control system before the department issues a solid waste disposal area construction permit.

(2) The design plans and engineering reports for a type II landfill required by this part shall be sufficient to demonstrate compliance with 40 CFR 60.759. The engineering reports shall include a monitoring plan that is sufficient to demonstrate compliance with section 11512d. The department shall incorporate the design plans and engineering reports into the landfill's solid waste disposal area construction permit and solid waste disposal area operating license.

(3) Within 45 days after the end of each state fiscal year, the owner or operator of a type II landfill shall update engineering plans to show the as-built location of all active gas collection and control system components, unless no changes have been made. The update shall include plan views and details for any changes proposed but not previously approved. The plan views shall include proposed wells and collection headers to collect landfill gas from the landfill in future final stages as well as as-built locations for all components above grade and currently functioning below grade.

(4) The owner or operator of a type II landfill shall submit plans to the department before beginning an active gas collection and control system expansion project. Repairs, changes, or installations are not considered to be an expansion project if they
are minor and necessary for proper maintenance of the existing active gas collection and control system. The plans shall identify gas extraction well locations, include a schedule of extraction well depths, and identify gas well pump locations, compressed air and pump force main locations, header and lateral vacuum pipe locations, condensate drip leg and sump locations, and any other relevant infrastructure, as well as construction details for these items. If, during construction, conditions require that any of the approved extraction well locations deviate more than 50 feet from the proposed location or more than 25% from the proposed depth, the owner or operator shall submit to the department 1 of the following:

(a) A statement from a licensed professional engineer that the gas wells installed will provide adequate control of landfill gas emissions and meet the intent of the design.

(b) A schedule for installing additional gas collectors to meet the design requirements included with the approved engineering plans.

(5) Within 180 days after completion of construction of portions of the active gas collection and control system, the owner or operator shall submit to the department a certification by a construction quality assurance officer that the construction complies with part 115 and the engineering plans approved by the department. All of the following information shall accompany the certification:

(a) A daily activity log, containing all of the information required by R 299.4921(3) of the Michigan Administrative Code.

(b) Landfill gas well logs that include all of the following:

(i) Observations of the depth, composition, degree of decay,
(ii) Details of the construction of the well including borehole size and depth, pipe size and type, perforated length, aggregates utilized, soils utilized, and the location and types of seals utilized.

(c) An as-built engineering plan view of the active gas collection and control system with the location of preexisting wells and headers and the location of newly installed wells, headers, and other active gas collection and control system infrastructure.

Sec. 11512h. (1) The owner or operator of a type II landfill shall begin operating and monitoring an active gas collection and control system in compliance with the following schedule:

   (a) If the landfill is described in section 11512f(1)(a), within 90 days after the date of approval of the revised engineering plans.

   (b) If the landfill is described in section 11512f(1)(b), within 1 year after the effective date of the amendatory act that added this section.

   (2) The owner or operator of a type II landfill without an active gas collection and control system shall begin surface emission scans within 1 year after the effective date of the amendatory act that added this section.

   (3) The owner or operator of a type II landfill shall install an active gas collection and control system in compliance with the following schedule:

       (a) If the landfill is a new unit, a lateral expansion, or a lateral extension and if the approved design plan includes an active gas collection and control system, the initial active gas
collection and control system must be installed before waste is
accepted. An initial active gas collection and control system may
include horizontal collectors installed directly above the leachate
collection system or vacuum applied to the leachate collection
risers, or both. The initial active gas collection and control
system shall be operated upon detection of landfill gas pressure in
a landfill cell, as determined by any of the following:
   (i) Surface emission scans detecting methane at concentrations
   exceeding 500 parts per million above background that cannot be
corrected within 1 quarterly period by following the procedures of
40 CFR 60.755(c)(4)(i) to (iv).
   (ii) Positive pressure in leachate collection riser pipes.
   (iii) Nuisance odors.
   (iv) Visual evidence of gas emissions, such as stressed
vegetation or gas bubbling through the cover.
(b) If, on the effective date of the amendatory act that added
this section, the landfill has an active gas collection and control
system and is not subject to monthly wellhead monitoring, gas
extraction wells at locations as shown in the approved engineering
plans shall be installed as soon as practicable, but not later than
180 days after engineering plan approval, unless an extension is
approved by the department.
(c) If the landfill does not have an active gas collection and
control system, gas extraction wells at locations as shown in the
approved engineering plans shall be installed as soon as
practicable, but not later than 180 days after engineering plan
approval, unless an extension is approved by the department.
(4) After waste placement and operation of the initial
collection devices, if a location is identified to have methane
emissions at concentrations exceeding 500 parts per million above background, the owner or operator of the landfill shall comply with 40 CFR 60.755(c)(4)(i) to (iv). If a location is identified to have methane emissions at concentrations exceeding 500 parts per million above background 3 times within a quarterly monitoring period, the owner or operator shall, within 120 days, install additional extraction devices in compliance with the approved engineering plans. The department may approve an alternative remedy or deadline.

Sec. 11513. (1) A person shall not accept for disposal solid waste or municipal solid waste incinerator ash that is not generated in the county in which the disposal area is located unless the acceptance of solid waste or municipal solid waste incinerator ash that is not generated in the county is explicitly authorized in the approved county solid waste management plan.

(2) Subsection (1) does not apply to coal ash that is accepted for disposal at a captive facility that, after the effective date of the amendatory act that added this subsection, accepts only nonhazardous industrial waste generated only by the owner of the landfill or coal ash impoundment or its corporate affiliates.

(3) The department shall take action to enforce this section within 30 days of obtaining knowledge of a violation of this section. A person shall not manage solid waste at a solid waste processing and transfer facility described in subsection (2) or (3) unless the facility has complied with the applicable notification or registration requirement of subsection (2) or (3), respectively.

(2) Subject to subsection (5), unless the person has notified the department, a person shall not operate a solid waste processing
and transfer facility that does not at any time have on-site more than 50 cubic yards of solid waste and that is not designed to accept waste from vehicles with mechanical compaction devices. Notification shall be given upon initial operation and, subsequently, within 45 days after the end of each state fiscal year. The subsequent notices shall report the amount of solid waste managed at the facility during the preceding state fiscal year.

(3) Subject to subsection (5), beginning 1 year after the effective date of the amendatory act that added this subsection, unless the person has registered the facility with the department, a person shall not operate a solid waste processing and transfer facility that at any time has on-site more than 50 cubic yards and does not at any time have on-site more than 200 cubic yards of solid waste and that is not designed to accept waste from vehicles with mechanical compaction devices. The term of a registration is 5 years. The person shall submit an application to renew a registration at least 90 days before the expiration of the current registration. An application for registration under this subsection shall contain the name and mailing address of the applicant, the location of the proposed or existing solid waste processing and transfer facility, and other information required by part 115. The application shall be accompanied by a fee of $750.00. In addition, within 45 days after the end of each state fiscal year, the person shall submit to the department a report on the amount of materials managed at the facility during that state fiscal year.

(4) An application for registration submitted under subsection (3) shall be accompanied by an operations plan and site map. The department shall review operations and the operations plan for existing solid waste disposal areas to ensure compliance with
If the department determines that an existing solid waste disposal area is noncompliant, the department may issue a schedule of remedial measures that will lead to compliance within a reasonable period of time not to exceed 1 year from the determination of deficiency.

(5) For a disposal area in operation before the effective date of the amendatory act that added this subsection, both of the following apply:

(a) Except as provided in subdivision (b), the disposal areas shall follow their existing licensing renewal schedule.

(b) For a disposal area described in subsection (3) or (4), the operator of the disposal area shall submit to the department the notification or application for registration required under those subsections within 1 year after the effective date of the amendatory act that added this subsection.

Sec. 11514. (1) Optimizing recycling opportunities, including electronics recycling opportunities, and the reuse of materials shall be a principal objective of the 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 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 landfilled as a method for disposal of its waste. Policies and practices that promote recycling and reuse of materials, including materials from electronic devices, will conserve raw materials, conserve landfill space, and avoid the contamination of soil and groundwater from heavy metals and other pollutants.

(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:

(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 333.13832.

(b) 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, 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)(j).

(2) 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. Administrative Code.

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

(i) Household waste other than septage waste.

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

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

(f) Sewage.

(g) PCBs as defined in 40 CFR 761.3.

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

(3) A person shall not knowingly deliver to a municipal solid waste incinerator for disposal, or, if the person is an owner or operator of a municipal solid waste incinerator, knowingly permit disposal in the incinerator of, 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). They meet the requirements of section 11555(1)(j).

(4) The department shall post, and a solid waste hauler that disposes of solid waste in a municipal solid waste incinerator shall provide its customers with, notice of the prohibitions of this subsection (3) in the same manner as provided in section 11527a.

(5) If the department determines that a safe, sanitary, and feasible alternative does not exist for the disposal in a landfill or municipal solid waste incinerator of any items described in subsection (2)(1) or (4)(3), respectively, 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.

Sec. 11514b. (1) A person shall not deliver to a type II landfill in this state for disposal and the owner or operator of a
A type II landfill shall not permit disposal in the landfill of technologically enhanced naturally occurring radioactive material with any of the following:

(a) A concentration of radium-226 more than 50 picocuries per gram.

(b) A concentration of radium-228 more than 50 picocuries per gram.

(c) A concentration of lead-210 more than 260 picocuries per gram.

(2) The owner or operator of a type II landfill shall not permit a delivery of TENORM for disposal at the landfill unless the generator has provided the following information in writing to the owner or operator of the landfill:

(a) The concentrations of radium-226, radium-228, lead-210, and any other radionuclide identified using gamma spectroscopy, or an equivalent analytical method, in the TENORM based on techniques for representative sampling and waste characterization approved by the department.

(b) An estimate of the total mass of the TENORM.

(c) An estimate of the total radium-226 activity, the total radium-228 activity, and the total lead-210 activity of the TENORM.

(d) The proposed date of delivery.

(3) The department may test TENORM proposed to be delivered to a landfill.

(4) Within 45 days after the end of each state fiscal year, the owner or operator of a type II landfill shall submit to the department an annual report that summarizes the information obtained under subsection (2) for all TENORM disposed at the landfill during the previous state fiscal year.
(5) The owner or operator of a type II landfill that disposes of TENORM with a concentration of radium-226 more than 25 picocuries per gram, a concentration of radium-228 more than 25 picocuries per gram, or a concentration of lead-210 more than 25 picocuries per gram shall do all of the following:

(a) Ensure that all TENORM is deposited at least 10 feet below the bottom of the future landfill cap.

(b) Maintain records of the location and elevation of TENORM disposed of at the landfill.

(c) Conduct a monitoring program that complies with all of the following:

(i) Radiological monitoring of site workers and at the landfill property boundary are conducted as specified in the license.

(ii) Radium-226, radium-228, and lead-210 are included among the parameters analyzed in leachate and groundwater at the frequency specified in the license.

(iii) Results of all monitoring required under this subsection are included in the environmental monitoring reports required under rules promulgated under this part and the facility operating license.

(6) As used in this section, "technologically enhanced naturally occurring radioactive material" or "TENORM" means naturally occurring radioactive material whose radionuclide concentrations have been increased as a result of human practices. TENORM does not include any of the following:

(a) Source material, as defined in section 11 of the atomic energy act of 1954, 42 USC 2014, and its progeny in equilibrium.

(b) Material with concentrations of radium-226, radium-228, and lead-210 each less than 5 picocuries per gram.
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.

(2) The department shall not license a landfill facility or coal ash impoundment operating without an approved hydrogeologic monitoring program until the department receives a hydrogeologic monitoring program and the results of the program. The department shall use this information in conjunction with other information required by this part or the rules promulgated under this part to determine a course of action regarding licensing of the facility consistent with section 4005 of subtitle D of the solid waste disposal act, title II of Public Law 89-272, 42 USC 6945, and with this part and the rules promulgated pursuant to this part. In deciding a course of action, the department shall consider, at a minimum, the health hazards, environmental degradation, and other public or private alternatives. The department may do any of the following:

(a) Revoke a license.

(b) Deny a license to a coal ash impoundment that has not been previously licensed under this part.

(c) Issue a timetable or schedule to provide for compliance for the landfill or coal ash impoundment, specifying a schedule of remedial measures, including a sequence of actions or operations, which leads to compliance with this part within a reasonable time period but not more than 1 year. The department or an authorized representative of the department may inspect and investigate conditions relating to the generation, storage, processing,
transportation, management, or disposal of solid waste or any
material regulated under part 115. In conducting an inspection or
investigation, the department or its authorized representative may,
at reasonable times and after presenting credentials and stating
its authority and purpose, do any of the following:
   (a) Enter any property.
   (b) Have access to and copy, at reasonable times, any
information or records that are required to be maintained pursuant
to part 115 or an order issued under part 115.
   (c) Inspect, at reasonable times, any facility, equipment,
including monitoring and pollution control equipment, practices, or
operations regulated or required under part 115 or an order issued
under part 115.
   (d) Sample, test, or monitor, at reasonable times, substances
or parameters for the purpose of determining compliance with part
115 or an order issued under part 115.
(2) Upon receipt of an application for a permit, license,
approval under a general permit, or registration under part 115,
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.
(3) If the department or an authorized representative of the
department is refused entry or access under subsection (1) or (2),
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.

(b) Commence a civil action to compel compliance with a request for entry or access to property, information or records, or to sample, test, or monitor pursuant to this section.

(4) The department or an authorized representative may receive and initiate complaints of an alleged violation of part 115 and take action with respect to the complaint as provided in part 115.

(5) As used in this section, "authorized representative" means any of the following:

(a) A full- or part-time employee of another state department or agency acting pursuant to law or to which the department delegates certain duties under part 115.

(b) A local health officer.

(c) For the purpose of sampling, testing, or monitoring under subsection (1)(d), a contractor retained by the state or a local health officer.

Sec. 11516. (1) The department shall conduct a consistency review before making a final decision on a license application. Before making a final decision on a license application, the department shall review the application for consistency with the requirements of part 115. 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.

(2) An operating license expires 5 years after the date of issuance. An operating license may be renewed before expiration upon payment of a renewal application fee specified in section 11512(8) if the licensee is in compliance with this part and the rules promulgated under this part 115.
(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.

(4) Except as otherwise provided in this subsection, the department shall not issue an operating license for a new disposal area within a planning area unless a solid waste management plan for that planning area has been approved pursuant to sections 11536 and 11537 and unless the disposal area complies with and is consistent with the approved solid waste management plan. This subsection does not prohibit the issuance of a license for a captive facility that is a coal ash impoundment or a coal ash landfill in the absence of an approved county solid waste management plan, upon receipt of a letter of approval from whichever county or counties, group of municipalities, or regional planning agency has prepared or is preparing the county solid waste management plan for that planning area under section 11533 and from the municipality in which the disposal area is to be located.

(3) Before a materials management plan is approved for a county pursuant to section 11575, a solid waste management plan may be amended pursuant to the procedures that applied under section 11533 and former sections 11534 to 11537a immediately before the effective date of the amendatory act that added this subsection.

(4) Issuance of an operating license by the department authorizes the licensee to accept waste for disposal in certified portions of the disposal area for which a bond was established.
under section 11523 and, for type II landfills, for which financial assurance was demonstrated under section 11523a. If the construction of a portion of a landfill licensed under this section is not complete at the time of license application, the owner or operator of the landfill shall submit a certification under the seal of a licensed professional engineer verifying that the construction of that portion of the landfill has proceeded according to the approved plans at least 60 days prior to the anticipated date of waste disposal in that portion of the landfill. If the department does not deny the certification within 60 days of receipt, the owner or operator may accept waste for disposal in the certified portion. In the case of a denial, the department shall issue a written statement stating the reasons why the construction or certification is not consistent with the part or rules promulgated under this part 115 or the approved plans.

(5) The final exterior landfill slopes approved by the department, including the slope of the top of waste beneath the final cover, shall not be steeper than 25%. However, the department may approve a slope of not more than 33% to vertically transition the side slope back to permitted final waste grades upslope from an area that has received final cover and has settled below permitted grades. The department may approve the transition slope if the owner or operator demonstrates, through revised engineering plans and analyses, that the steeper slope will not result in increased erosion or reduced stability in either the interim or final cover conditions. The landfill owner or operator shall provide enhanced soil erosion protection to the top surface of the transition slope to ensure interim and long-term erosion control and stability.
equivalent to a 25% side slope.

Sec. 11517. (1) Within 9 months after the completion of construction of a municipal solid waste incinerator, the owner or operator of a municipal solid waste incinerator shall submit a plan to the department for a program that, to the extent practicable, reduces the incineration of noncombustible materials and dangerous combustible materials and their hazardous by-products at the incinerator. The department shall approve or disapprove the plan submitted under this subsection within 30 days after receiving it. In reviewing the plan, the department shall consider the current county solid waste management plan, available markets for separated materials, disposal alternatives for the separated materials, and collection practices for handling such separated materials. If the department disapproves a plan, the department shall notify the owner or operator submitting the plan of this fact, and shall provide modifications that, if included, would result in the plan's approval. If the department disapproves a plan, the owner or operator of a municipal solid waste incinerator shall within 30 days after receipt of the department's disapproval submit a revised plan that addresses all of the modifications provided by the department. The department shall approve or disapprove the revised plan within 30 days after receiving it, and 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
provided by this part. After the department approves the closure certification for a landfill unit under section 11523a, the owner or operator shall conduct postclosure care of that unit in compliance with a postclosure plan approved by the department and shall maintain financial assurance in compliance with part 115 including any additional financial assurance required based on an extension of the postclosure care period under subsection (3). The postclosure plan may include monitoring and maintenance provisions not otherwise required by part 115, if designed to achieve and demonstrate functional stability, such as monitoring settlement.

Postclosure care shall be conducted for 30 years, except as provided under subsection (2) or (3), and consist of at least all of the following conducted as required by part 115:

(a) Maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover.

(b) Maintaining and operating the leachate collection system, if any. The department may waive the requirements of this subdivision if the owner or operator demonstrates that leachate no longer poses a threat to human health and the environment.

(c) Monitoring the groundwater and maintaining the groundwater monitoring system, if any.

(d) Maintaining and operating the gas monitoring and collection system, if any.

(2) The department, by written notification to the landfill owner or operator, shall shorten the postclosure care period specified under subsection (1) if the landfill owner or operator
submits to the department a petition certified by a licensed professional engineer and a qualified groundwater scientist that demonstrates all of the following:

(a) The landfill's closure certification was approved by the department under section 11523a.

(b) The owner or operator has complied with postclosure care maintenance and monitoring requirements for at least 15 years.

(c) The landfill has achieved functional stability, including, but not limited to, meeting all of the following requirements:

   (i) There has been no release from the landfill into groundwater or surface water requiring ongoing corrective action.

   (ii) There is no ongoing subsidence or significant past subsidence of waste in the unit that may result in ponding or erosion that would significantly increase infiltration through or cause damage to the final cover.

   (iii) The landfill does not produce more than minimal amounts of combustible gases.

   (iv) Combustible gases from the landfill have not been detected at or beyond the landfill's property boundary or in facility structures.

   (v) The landfill does not produce nuisance odors requiring control.

   (vi) Leachate and gas collection and control system condensate generation has ceased, leachate and condensate quality meets criteria for acceptable surface water or groundwater discharge, or leachate and condensate can be discharged through existing leachate and condensate handling facilities, such as sewers connected to a publicly owned treatment works.

   (vii) The final exterior landfill slopes are as approved by the
department under section 11516(5).

(d) Any other conditions necessary, as determined by the
department, to protect human health or the environment are met.

(3) The department shall extend the postclosure care period
specified in subsection (1) for a landfill unit if any of the
following apply:

(a) The owner or operator did not close the landfill unit as
required by part 115.

(b) The final cover of the landfill unit has not been
maintained, and has significant ponding, erosion, or detrimental
vegetation present.

(c) Groundwater monitoring has not been conducted in
compliance with the approved monitoring plan or groundwater
affected by the landfill unit exceeds criteria established under
part 201.

(d) There is ongoing differential settlement of waste, as
evidenced by significant ponding of water on the landfill cover.

(e) Gas monitoring has detected combustible landfill gases at
or beyond the landfill boundary or in a facility structure above
applicable criteria or gas from the unit continues to be generated
at a rate that produces nuisance odors.

(f) Leachate or gas collection and control system condensate
continues to be generated by the landfill unit in quantities or
quality that may threaten groundwater or surface water.

(4) The owner or operator of a landfill unit that has been
released from postclosure care of the unit shall do all of the
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 unauthorized 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 landfill unit.

Sec. 11518. (1) At the time a disposal area that is a sanitary
When a landfill is licensed, an instrument that imposes a
restrictive covenant upon the land involved shall be executed by
all of the owners of the tract of land upon which the landfill is
to be located and the department. If the land involved is state
owned, owned by this state, the state administrative board shall
execute the covenant on behalf of the this state. The department or
a local health officer shall file the instrument imposing the
restrictive covenant shall be filed for record by the department or
a health officer in the office of the register of deeds of the
county, or counties, in which the landfill is located. The
covenant shall state that the land described in the covenant has
been or will be used as a landfill and that neither the property
owners, their servants, agents, or employees, nor any of their
heirs, successors, lessees, or assigns shall, without authorization
from the department, engage in filling, grading, excavating,
drilling, or mining on the property during the first 50 years
following completion of the landfill without authorization of the
department—approval by the department of the landfill's closure
certification under section 11523a. In giving authorization, the
department shall consider the original design, type of operation,
material deposited, and the stage of decomposition of the fill.

Special—The department may grant an exemption from this section may
be granted by the department if the lands involved are federal
lands or if contracts—*if the land involved is federally owned or if
agreements* existing between the landowner and the licensee on
January 11, 1979 are not renegotiable.

(2) This part—**Part 115** does not prohibit the department from
conveying, 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.

(3) When a disposal area that is a coal ash impoundment is
licensed under this part, an instrument that imposes a restrictive
covenant upon the land involved shall be executed by all of the
owners of the tract of land upon which the impoundment is located
or is to be located and the department. If the land involved is
owned by this state, the state administrative board shall execute
the covenant on behalf of this state. The **department or a local
health officer** shall file the instrument imposing the restrictive
covenant shall be filed for record by the department or a health
officer in the office of the register of deeds of the county, or
counties, in which the disposal area is located. The covenant shall
state that the land described in the covenant has been or will be
used as a coal ash impoundment and that neither the property
owners, their servants, agents, or employees, nor any of their
heirs, successors, lessees, or assigns shall, **without authorization
from the department**, engage in filling, grading, excavating,
drilling, or mining on the property during the first 50 years
following completion of the impoundment. **without authorization of
the department.** In giving authorization, the department shall
consider the original design, type of operation, material
deposited, and any removal of the materials as part of the closure
(4) An industrial waste landfill may accept industrial waste of different types and from different generators, but shall not accept hazardous waste generated by conditionally exempt small quantity generators.

Sec. 11519. (1) The department shall specify, in writing, the reasons for denial of an application for a construction permit, or an operating license, further specifying those particular an approval under a general permit, or a registration, including the sections of this part or rules promulgated under this part 115 that may be violated by granting the application and the manner in which the violation may occur.

(2) If a materials management facility is established, constructed, or operated in violation of the conditions of a permit, license, approval under a general permit, or registration, in violation of part 115 or an order issued under part 115, or in a manner not consistent with an MMP, all of the following apply:

(a) A local health officer or the department may issue a cease and desist order specifying a schedule of closure or remedial action in accordance compliance with this part and rules promulgated under this part 115 or may establish enter a consent agreement specifying a schedule of closure or remedial action in accordance with this part and rules promulgated under this part to a person who establishes, constructs, conducts, manages, maintains, or operates a disposal area without a permit or license or to a person who holds a permit or license but establishes, constructs, conducts, manages, maintains, or operates a disposal area contrary to an approved solid waste management plan or contrary to the permit or license issued under this part under part 115.
(b) (3) The department may issue a final order revoking, suspending, or restricting a permit, or license, approval under a general permit, or registration or a notification after a contested case hearing as provided in the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, if the department finds that the disposal area is not being constructed or operated in accordance with the approved plans, the conditions of a permit or license, this part, or the rules promulgated under this part. A final order issued pursuant to this section is subject to judicial review as provided in Act No. 306 of the Public Acts of 1969. The department or a health officer shall inspect and file a written report not less than 4 times per year for each licensed disposal area. The department or the health officer shall provide the municipality in which the licensed disposal area is located with a copy of each written inspection report if the municipality arranges with the department or the health officer to bear the expense of duplicating and mailing the reports. 1969 PA 306, MCL 24.201 to 24.328.

(c) (4) The department may issue an order summarily suspending a permit, or license, approval under a general permit, or registration or a notification, if the department determines that a violation of this part or rules promulgated under this part has occurred which, in the department's opinion, the violation or inconsistency constitutes an emergency or poses an imminent risk of injury to the public health or the environment. A determination that a violation poses an imminent risk of injury to the public health shall be made by the department. Summary suspension may be ordered effective on the date specified in the order or upon
service of a certified copy of the order on the licensee, owner or operator, whichever is later, and shall remain effective during the proceedings. The proceedings shall be commenced within 7 days of after the issuance of the order and shall be promptly determined.

(3) A final order issued pursuant to this section is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department or a health officer shall inspect and file a written report not less than 4 times per year for each licensed disposal area. The department or the health officer shall provide the municipality in which the licensed disposal area or materials management facility is located with a copy of each written inspection report if the municipality arranges with the department or the health officer to pay the cost of duplicating and mailing the reports.

Sec. 11519b. (1) Placement of coal ash and associated liquids into an existing coal ash impoundment or coal ash impoundment licensed under this part is permitted and shall be conducted consistent with good management practices as defined in section 11519a and this section.

(2) If the detection monitoring required in sections 11511a(3), 11512a(1), and 11519a(1)(h) confirms a statistically significant increase over background for 1 or more of the constituents listed in section 11511a(3), the owner and operator of a coal ash landfill or coal ash impoundment shall comply with R 299.4440 and 299.4441 of the part 115 rules, including, as applicable, conducting assessment monitoring and preparation of a response action plan in compliance with R 299.4442 of the part 115 rules. The constituents to be monitored in the assessment...
monitoring program shall include those listed in section 11511a(3)
and all of the following:

(a) Antimony.
(b) Arsenic.
(c) Barium.
(d) Beryllium.
(e) Cadmium.
(f) Chromium.
(g) Cobalt.
(h) Copper.
(i) Lead.
(j) Lithium.
(k) Nickel.
(l) Mercury.
(m) Molybdenum.
(n) Selenium.
(o) Silver.
(p) Thallium.
(q) Vanadium.
(r) Zinc.
(s) Radium 226 and 228 combined.

IIIB (2005), IV (2008), and V (2015) or by other methods approved
by the director or his or her designee.

(4) If the owner or operator of a coal ash landfill or coal
ash impoundment is obligated to prepare a response action plan, the
owner or operator shall comply with R 299.4442 to R 299.4445 of the
part 115 rules, as applicable.

(5) The owner or operator of a coal ash landfill shall place
landfill cover materials that are described in R 299.4304 of the
part 115 rules over the entire surface of each portion of the final
lift not more than 6 months after the final placement of coal ash
within the landfill or landfill unit.

(6) The owner or operator of a coal ash impoundment shall
begin to implement closure as described in R 299.4309(7) of the
part 115 rules not more than 6 months after the final placement of
coal ash within the impoundment and shall diligently pursue the
closure. The closure shall be completed in compliance with 40 CFR
257.102(f)(1) and (2).

(7) Coal ash impoundments or coal ash landfills may be closed
as a type III landfill pursuant to the applicable rules or by
removal of coal ash from the impoundment as described in this part.

(8) If a coal ash impoundment is closed by the date that is 2
years after the effective date of the amendatory act that added
this section December 28, 2020, and the department accepts the
certification of the closure, the owner is not required to provide
financial assurance under section 11523 or pay into a perpetual
care fund under section 11525.

(9) Closure by removal of coal ash under subsection (7) is
complete when either of the following requirements are met:
(a) The owner or operator certifies compliance with the
requirements of 40 CFR 257.102(c).

(b) The owner or operator certifies that testing confirms that
constituent concentrations remaining in the coal ash impoundment or
landfill unit and any concentrations of soil or groundwater
affected by releases therefrom do not exceed the lesser of the
applicable standards adopted by the department pursuant to section
20120a or the groundwater protection standards established pursuant
to 40 CFR 257.95(h) and the department accepts the certification,
or, if the constituent concentrations do exceed those standards,
the department has approved a remedy consistent with R 299.4444 and
R 299.4445 of the part 115 rules.

(10) Upon completion of the closure by removal under
subsection (9), the financial assurance under section 11523 and
perpetual care fund under section 11525 shall be terminated, the
owner or operator is not required to provide financial assurance or
contribute to a perpetual care fund, and any claim to the assurance
or fund by the department is terminated and released. The
termination and release do not impair the department's authority to
require, whether upon completion of closure under subsection (9)(b)
or subsequently, financial assurance for corrective action as
provided under this act.

SUBPART 3 WASTE DIVERSION CENTERS

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

(a) At least 90%, by volume, of the material collected at the
waste diversion center shall consist of diverted waste to be
managed at the waste diversion center. On an annual basis, not
receive an amount of solid waste equal to or greater than 15%, by
weight, of the diverted waste received by the facility.

(b) The Ensure that personnel operating 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.

(c) The operator shall manage the diverted waste in a manner that prevents the release of any diverted waste or component of 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 that is adequate to prevent any release of diverted waste.

(e) Within 1 year after diverted waste is collected by the waste diversion center, transfer that diverted waste shall be transported from the waste diversion center to another waste diversion center, a recycling facility, or a disposal facility that is in compliance with this act, meets the requirement of section 11508(1)(a), for processing, recycling, or disposal.

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

(g) The operator shall record the types and quantities of diverted waste collected, the period of storage, and where the diverted waste was 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 a time only when a responsible individual is on duty.
(i) The area where the diverted waste is accumulated shall be protected, as appropriate for the type of waste, from weather, fire, physical damage, and vandals.

(j) The waste diversion center shall be kept clean and free of litter and operate in a manner that does not create a nuisance or public health or environmental hazard.

(k) If the primary function of an entity is to serve as a waste diversion center, notify the department of the waste diversion center. Notification shall be given upon initial operation and subsequently within 45 days after the end of each state fiscal year. The subsequent notices shall report the amount of solid waste diverted at the facility during the preceding state fiscal year. The notification requirement applies to both of the following:

   (i) For the initial notification, entities that anticipate collecting more than 50 tons of diverted or recyclable materials in the state fiscal year in which the notification is given.

   (ii) For subsequent notifications, entities that collected more than 50 tons of diverted or recyclable materials in the preceding state fiscal year.

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

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

Enacting section 1. Sections 11521 and 11522 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11521 and 324.11522 are repealed.

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

Enacting section 3. 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. 5812 (request no. 06084'20 *).

(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 *).