



# HOUSE BILL No. 4318

February 7, 1995, Introduced by Reps. Kukuk, Gnodtke, London, McNutt, Dalman, Randall, Green, Horton, Weeks, Kaza, Bullard, Voorhees and LeTarte and referred to the Committee on Agriculture and Forestry.

A bill to amend section 7 of Act No. 641 of the Public Acts of 1978, entitled as amended "Solid waste management act," as amended by Act No. 225 of the Public Acts of 1994, being section 299.407 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 7 of Act No. 641 of the Public Acts of  
2 1978, as amended by Act No. 225 of the Public Acts of 1994, being  
3 section 299.407 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 7. (1) "Solid waste" means garbage, rubbish, ashes,  
6 incinerator ash, incinerator residue, street cleanings, municipal  
7 and industrial sludges, solid commercial and solid industrial  
8 waste, and animal waste other than organic waste generated in the

1 production of livestock and poultry. Solid waste does not  
2 include the following:

3 (a) Human body waste.

4 (b) Medical waste as it is defined in part 138 of the public  
5 health code, Act No. 368 of the Public Acts of 1978, being sec-  
6 tions 333.13801 to 333.13831 of the Michigan Compiled Laws, and  
7 regulated under part 138 of Act No. 368 of the Public Acts of  
8 1978 and section 5a of the air pollution act, Act No. 348 of the  
9 Public Acts of 1965, being section 336.15a of the Michigan  
10 Compiled Laws.

11 (c) Organic waste generated in the production of livestock  
12 and poultry.

13 (d) Liquid waste.

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

16 (f) Slag or slag products directed to a slag processor or to  
17 a reuser of slag or slag products.

18 (g) Sludges and ashes managed as recycled, or nondetrimental  
19 materials appropriate for agricultural or silvicultural use pur-  
20 suant to a plan approved by the department. A by-product from  
21 the processing of fruits, vegetables, sugar beets, OR field  
22 crops; ~~or~~ lime from kraft pulping processes generated prior  
23 to bleaching; OR AQUATIC PLANTS, may be applied on farmland, or  
24 used as animal feed, as appropriate, and such an application or  
25 use does not require a plan described in this subdivision or a  
26 permit or license under this act. In addition, source separated  
27 materials approved by the department for land application for

1 agricultural and silvicultural purposes and compost produced from  
2 those materials may be applied to the land for agricultural and  
3 silvicultural purposes and such an application does not require a  
4 plan described in this subdivision or permit or license under  
5 this act. The application of a by-product, source separated  
6 material, or compost to land for an agricultural or silvicultural  
7 purpose, or use as animal feed as provided for in this subdivi-  
8 sion shall occur in a manner that prevents losses from runoff and  
9 leaching, and if applied to land, the land application shall be  
10 at an agronomic rate consistent with generally accepted agricul-  
11 tural and management practices under the right to farm act, Act  
12 No. 93 of the Public Acts of 1981, being sections 286.471 to  
13 286.474 of the Michigan Compiled Laws.

14 (h) Materials approved for emergency disposal by the  
15 director.

16 (i) Source separated materials.

17 (j) Site separated material.

18 (k) Fly ash or any other ash produced from the combustion of  
19 coal, when used in the following instances:

20 (i) With a maximum of 6% of unburned carbon as a component  
21 of concrete, grout, mortar, or casting molds.

22 (ii) With a maximum of 12% unburned carbon passing  
23 M.D.O.T. test method MTM 101 when used as a raw material in  
24 asphalt for road construction.

25 (iii) As aggregate, road, or building material which in  
26 ultimate use will be stabilized or bonded by cement, limes, or  
27 asphalt.

1 (iv) As a road base or construction fill which is covered  
2 with asphalt, concrete, or other material approved by the direc-  
3 tor and which is placed at least 4 feet above the seasonal  
4 groundwater table.

5 (v) As the sole material in a depository designed to  
6 reclaim, develop, or otherwise enhance land, subject to the  
7 approval of the director. In evaluating the site, the director  
8 shall consider the physical and chemical properties of the ash  
9 including leachability, and the engineering of the depository,  
10 including, but not limited to, the compaction, control of surface  
11 water and groundwater that may threaten to infiltrate the site,  
12 and evidence that the depository is designed to prevent water  
13 percolation through the material.

14 (4) Other wastes regulated by statute.

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

17 (3) "Solid waste processing plant" means a tract of land,  
18 building, unit, or appurtenance of a building or unit or a combi-  
19 nation of land, buildings, and units that is used or intended for  
20 use for the processing of solid waste or the separation of mate-  
21 rial for salvage or disposal, or both, but does not include a  
22 plant engaged primarily in the acquisition, processing, and ship-  
23 ment of ferrous or nonferrous metal scrap, or a plant engaged  
24 primarily in the acquisition, processing, and shipment of slag or  
25 slag products.

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

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

10 (6) "Source separated material" means glass, metal, wood,  
11 paper products, plastics, rubber, textiles, garbage, yard clip-  
12 pings, or any other material approved by the director that is  
13 separated at the source of generation for the purpose of conver-  
14 sion into raw materials or new products.

15 (7) "Yard clippings" means leaves, grass clippings, vegeta-  
16 ble or other garden debris, shrubbery, or brush or tree trimmings  
17 less than 4 feet in length and 2 inches in diameter, that can be  
18 converted to compost humus. This term does not include stumps,  
19 agricultural wastes, animal waste, roots, sewage sludge, or  
20 garbage.