



HOUSE BILL No. 5404

November 9, 1995, Introduced by Reps. Anthony, Goschka, Green, Gnodtke, Pitoniak, Wetters, Harder, Gernaat and Geiger and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 11506 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as amended by Act No. 65 of the Public Acts of 1995, being section 324.11506 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 11506 of Act No. 451 of the Public Acts
2 of 1994, as amended by Act No. 65 of the Public Acts of 1995,
3 being section 324.11506 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 11506. (1) "Solid waste" means garbage, rubbish,
6 ashes, incinerator ash, incinerator residue, street cleanings,
7 municipal and industrial sludges, solid commercial and solid
8 industrial waste, and animal waste other than organic waste

1 generated in the production of livestock and poultry. Solid
2 waste does not 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 part 55.

9 (c) Organic waste generated in the production of livestock
10 and poultry.

11 (d) Liquid waste.

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

14 (f) Slag or slag products directed to a slag processor or to
15 a reuser of slag or slag products.

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

1 silvicultural purposes and compost produced from those materials
2 may be applied to the land for agricultural and silvicultural
3 purposes and such an application does not require a plan
4 described in this subdivision or permit or license under this
5 part. ~~The LAND application of a by product or a residual,~~
6 ~~source separated material, aquatic plants, lime from kraft pulp~~
7 ~~ing processes generated prior to bleaching, or compost to land~~
8 AUTHORIZED UNDER THIS SUBDIVISION for an agricultural or silvi-
9 cultural purpose, or use as animal feed, as provided for in this
10 subdivision shall occur in a manner that prevents losses from
11 runoff and leaching, and if applied to land, the land application
12 shall be at an agronomic rate consistent with generally accepted
13 agricultural and management practices under the right to farm
14 act, Act No. 93 of the Public Acts of 1981, being sections
15 286.471 to 286.474 of the Michigan Compiled Laws.

16 (h) Materials approved for emergency disposal by the
17 department.

18 (i) Source separated materials.

19 (j) Site separated material.

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

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

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

1 (iii) As aggregate, road, or building material which in
2 ultimate use will be stabilized or bonded by cement, limes, or
3 asphalt.

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

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

17 (l) Other wastes regulated by statute.

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

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

1 primarily in the acquisition, processing, and shipment of slag or
2 slag products.

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

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

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

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