

SUBSTITUTE FOR
SENATE BILL NO. 747

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11514 (MCL 324.11514), as amended by 2004 PA
34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11514. (1) ~~The legislature declares that optimizing~~
2 **OPTIMIZING** recycling opportunities and the reuse of materials shall
3 be a principal objective of the state's solid waste management
4 plan. ~~and further that recycling~~ **RECYCLING** and reuse of materials
5 are in the best interest of promoting the public health and
6 welfare. The state shall develop policies and practices that
7 promote recycling and reuse of materials and, to the extent
8 practical, minimize the use of landfilling as a method for disposal
9 of its waste.

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

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

8 (b) ~~Subject to subsection (4), more~~ **MORE** than a de minimis
9 amount of open, empty, or otherwise used beverage containers.

10 (c) More than a de minimis number of whole motor vehicle
11 tires.

12 (d) More than a de minimis amount of yard clippings, unless
13 they are diseased or infested.

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

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

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

19 (c) Low-level radioactive waste as defined in section 2 of the
20 low-level radioactive waste authority act, 1987 PA 204, MCL
21 333.26202.

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

24 (e) ~~Liquid waste as prohibited by R 299.4432(2)(c) of the~~
25 ~~Michigan administrative code.~~ **BULK OR NONCONTAINERIZED LIQUID**
26 **WASTE OR WASTE THAT CONTAINS FREE LIQUIDS, UNLESS THE WASTE IS 1 OF**
27 **THE FOLLOWING:**

1 (i) HOUSEHOLD WASTE OTHER THAN SEPTAGE WASTE.

2 (ii) LEACHATE OR GAS CONDENSATE THAT IS APPROVED FOR
3 RECIRCULATION.

4 (iii) SEPTAGE WASTE OR OTHER LIQUIDS APPROVED FOR BENEFICIAL
5 ADDITION UNDER SECTION 11511B.

6 (f) Sewage.

7 (g) PCBs as defined in 40 CFR ~~section~~ 761.3.

8 (h) Asbestos waste, unless the landfill complies with 40 CFR
9 ~~section~~ 61.154.

10 ~~—— (4) Subsection (2)(b) does not apply to green glass beverage~~
11 ~~containers before June 1, 2007. The department shall convene a task~~
12 ~~force to make recommendations to the legislature on the special~~
13 ~~recycling problems posed by green glass beverage containers,~~
14 ~~including, but not limited to, whether the June 1, 2007 date for~~
15 ~~applicability of subsection (2)(b) to green glass beverage~~
16 ~~containers should be changed. The task force shall include, but~~
17 ~~need not be limited to, all of the following:~~

18 ~~—— (a) A representative of the landfill industry.~~

19 ~~—— (b) A representative of a company that manufactures or uses~~
20 ~~green glass beverage containers.~~

21 ~~—— (c) A representative of a recycling company.~~

22 ~~—— (d) A representative of an environmental organization.~~

23 ~~—— (5) The task force under subsection (4) shall issue its~~
24 ~~recommendations by December 31, 2004.~~

25 (4) A PERSON SHALL NOT KNOWINGLY DELIVER TO A MUNICIPAL SOLID
26 WASTE INCINERATOR FOR DISPOSAL, OR, IF THE PERSON IS AN OWNER OR
27 OPERATOR OF A MUNICIPAL SOLID WASTE INCINERATOR, KNOWINGLY PERMIT

1 DISPOSAL IN THE INCINERATOR OF, MORE THAN A DE MINIMIS AMOUNT OF
2 YARD CLIPPINGS, UNLESS THEY ARE DISEASED OR INFESTED. THE
3 DEPARTMENT SHALL POST, AND A SOLID WASTE HAULER THAT DISPOSES OF
4 SOLID WASTE IN A MUNICIPAL SOLID WASTE INCINERATOR SHALL PROVIDE
5 ITS CUSTOMERS WITH, NOTICE OF THE PROHIBITIONS OF THIS SUBSECTION
6 IN THE SAME MANNER AS PROVIDED IN SECTION 11527A.

7 (5) ~~(6)~~ If the department determines that a safe, sanitary,
8 and feasible alternative does not exist for the disposal **IN A**
9 **LANDFILL OR MUNICIPAL SOLID WASTE INCINERATOR** of any items
10 described in subsection (2) **OR (4), RESPECTIVELY**, the department
11 shall submit a report setting forth that determination and the
12 basis for the determination to the standing committees of the
13 senate and house of representatives with primary responsibility for
14 solid waste issues.

15 (6) ~~(7)~~ As used in this section, "de minimis" means
16 incidental disposal of small amounts of these materials that are
17 commingled with other solid waste.

18 Enacting section 1. This amendatory act does not take effect
19 unless all of the following bills of the 93rd Legislature are
20 enacted into law:

21 (a) House Bill No. 5148.

22 (b) House Bill No. 5149.