

SENATE BILL No. 495

May 11, 2005, Introduced by Senators GARCIA, JOHNSON, BRATER and BISHOP and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502 and 11514 (MCL 324.11502 and 324.11514), section 11502 as amended by 2004 PA 35 and section 11514 as amended by 2004 PA 34, and by adding section 11514b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11502. (1) "Applicant" includes any person.
- 2 (2) "Ashes" means the residue from the burning of wood, coal,
- 3 coke, refuse, wastewater sludge, or other combustible materials.
- 4 (3) "Beverage container" means an airtight metal, glass,
- 5 paper, or plastic container, or a container composed of a
- 6 combination of these materials, which, at the time of sale,

1 contains 1 gallon or less of any of the following:

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

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

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

7 (4) "Bond" means a financial instrument executed on a form
8 approved by the department, including a surety bond from a surety
9 company authorized to transact business in this state, a
10 certificate of deposit, a cash bond, an irrevocable letter of
11 credit, insurance, a trust fund, an escrow account, or a
12 combination of any of these instruments in favor of the department.
13 The owner or operator of a disposal area who is required to
14 establish a bond under other state or federal statute may petition
15 the department to allow such a bond to meet the requirements of
16 this part. The department shall approve a bond established under
17 other state or federal statute if the bond provides equivalent
18 funds and access by the department as other financial instruments
19 allowed by this subsection.

20 (5) "Certificate of deposit" means a negotiable certificate of
21 deposit held by a bank or other financial institution regulated and
22 examined by a state or federal agency, the value of which is fully
23 insured by an agency of the United States government. A certificate
24 of deposit used to fulfill the requirements of this part shall be
25 in the sole name of the department with a maturity date of not less
26 than 1 year and shall be renewed not less than 60 days before the
27 maturity date. An applicant who uses a certificate of deposit as a

1 bond shall receive any accrued interest on that certificate of
2 deposit upon release of the bond by the department.

3 (6) "Certified health department" means a city, county, or
4 district department of health that is specifically delegated
5 authority by the department to perform designated activities as
6 prescribed by this part.

7 (7) "Coal or wood ash" means either or both of the following:

8 (a) The residue remaining after the ignition of coal or wood,
9 or both, and may include noncombustible materials, otherwise
10 referred to as bottom ash.

11 (b) The airborne residues from burning coal or wood, or both,
12 that are finely divided particles entrained in flue gases arising
13 from a combustion chamber, otherwise referred to as fly ash.

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

17 (9) "Consistency review" means evaluation of the
18 administrative and technical components of an application for a
19 permit, license, or for operating conditions in the course of
20 inspection, for the purpose of determining consistency with the
21 requirements of this part, rules promulgated under this part, and
22 approved plans and specifications.

23 (10) **"CONSUMER ELECTRONICS" MEANS ALL OF THE FOLLOWING:**

24 (A) **TELEVISION AND MONITORS.**

25 (B) **COMPUTERS.**

26 (C) **COMPUTER PERIPHERALS.**

27 (D) **AUDIO/STEREO EQUIPMENT.**

1 (E) VIDEOCASSETTE RECORDERS.

2 (F) DIGITAL VIDEO DISC PLAYERS.

3 (G) VIDEO CAMERAS.

4 (H) TELEPHONES.

5 (I) FAX AND COPYING MACHINES.

6 (J) CELLULAR TELEPHONES.

7 (K) WIRELESS DEVICES.

8 (L) VIDEO GAME CONSOLES.

9 (11) ~~(10)~~ "Corrective action" means the investigation,
 10 assessment, cleanup, removal, containment, isolation, treatment, or
 11 monitoring of constituents, as defined in a facility's approved
 12 hydrogeological monitoring plan, released into the environment from
 13 a disposal area, or the taking of other actions related to the
 14 release as may be necessary to prevent, minimize, or mitigate
 15 injury to the public health, safety, or welfare, the environment,
 16 or natural resources that is consistent with subtitle D of the
 17 solid waste disposal act, title II of Public Law 89-272, 42 ~~U.S.C.~~
 18 USC 6941 and 6942 to 6949a, or regulations promulgated pursuant to
 19 that act.

20 Sec. 11514. (1) ~~The legislature declares that optimizing~~
 21 **OPTIMIZING** recycling opportunities and ~~the reuse of~~ **REUSING**
 22 materials shall be a principal objective of the state's solid waste
 23 management plan. ~~and further that recycling and reuse of~~
 24 **RECYCLING AND REUSING** materials are in the best interest of
 25 promoting the public health and welfare. The state shall develop
 26 policies and practices that promote recycling and ~~reuse of~~
 27 **REUSING** materials and, to the extent practical, minimize the use of

1 landfilling as a method for disposal of its waste.

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

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

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

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

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

15 **(E) CONSUMER ELECTRONICS.**

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

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

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

21 (c) Low-level radioactive waste as defined in section 2 of the
22 low-level radioactive waste authority act, 1987 PA 204, MCL
23 333.26202.

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

26 (e) Liquid waste as prohibited by R ~~299.4432(2)(e)~~
27 **299.4430(2)(C)** of the Michigan administrative code.

1 (f) Sewage.

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

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

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

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

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

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

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

18 (5) The task force under subsection (4) shall issue its
19 recommendations by December 31, 2004.

20 (6) If the department determines that a safe, sanitary, and
21 feasible alternative does not exist for the disposal of any items
22 described in subsection (2), the department shall submit a report
23 setting forth that determination and the basis for the
24 determination to the standing committees of the senate and house of
25 representatives with primary responsibility for solid waste issues.

26 (7) As used in this section, "de minimis" means incidental
27 disposal of small amounts of these materials that are commingled

1 with other solid waste.

2 SEC. 11514B. (1) THE DEPARTMENT SHALL ESTABLISH RECYCLING
3 PROCEDURES FOR STATE-OWNED CONSUMER ELECTRONICS AND ENSURE THAT ALL
4 STATE-OWNED CONSUMER ELECTRONICS THAT ARE BEING DISPOSED OF ARE
5 RECYCLED CONSISTENT WITH THOSE PROCEDURES.

6 (2) THE DEPARTMENT SHALL STUDY THE POTENTIAL FOR ESTABLISHING
7 A STATEWIDE RECYCLING PROGRAM FOR CONSUMER ELECTRONICS. NOT LATER
8 THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
9 ADDED THIS SECTION, THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE
10 A REPORT ON THE STUDY.